

**DELANCO TOWNSHIP PLANNING BOARD  
REGULAR MEETING  
JULY 1, 2008**

Ms. vanGenderen called the meeting to order and led the flag salute.

**Sunshine Statement:**

Please be advised that proper notice of this meeting has been given in compliance with the Sunshine Law in the following manner. Written notice has been mailed to the Burlington County Times and Courier-Post newspapers and published in the January 7, 2008 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

**Present:** Mr. Denlinger, Ms. Jass, Mr. Lord, Ms. Mader, Mr. Martin, Mr. Matulewicz, Ms. Moore, Mr. Taraschi, Ms. vanGenderen  
**Absent:** Mr. Corcoran, Mr. Ouellette, Mr. Templeton

**Continued Applications:**

**Robert T. Winzinger, Inc.  
Block 1900, Lot 7  
900 Coopertown Rd.  
I-2 General Industrial Zone  
Site Plan Waiver Resolution Review**

Mr. Germano had not heard from the applicant. Mr. Taylor had received a revised plan and had been having numerous discussions with Hunter Taylor, Mrs. Winzinger and their engineer to try to resolve the plantings and the berms. Mr. Taylor has a plan that meets that objective and had sent an e-mail to David Serlin and Hunter Taylor. Mr. Serlin did not have a chance to prepare a final resolution. Mr. Taylor reported that Mr. Serlin said he would have the resolution available next month. Ms. vanGenderen asked Mr. Taylor if the plan was acceptable to him. Mr. Taylor stated that it was. The plan is consistent with what was discussed with the Board. Mr. Taylor was asked if the problem with the NVR easement had been worked out. Mr. Taylor said that it was his understanding that NVR has granted Winzinger the ability to use that easement. Ms. Jass asked about continuances and the need for Winzinger to re-notice. Ms. Lamieras stated that Mr. Serlin had advised the Board that notice was not required. Mr. Taylor suggested that it may be appropriate for the applicant to summarize what they have done when they come in for next month's meeting.

Ms. vanGenderen advised the Board and the public that the application would be continued until the August 5, 2008 meeting.

**New Applications:**

**Greyhound Friends of NJ, Inc.  
Block 2100 Lot 11.02  
307 Creek Rd.  
I-1 Light Industrial Zone  
Use & Bulk Variances**

Janet Zoltanski Smith stated that she was the attorney for Greyhound Friends. Ms. vanGenderen asked Mr. Dougherty to go through his completeness determination before Ms. Smith proceeded. Mr. Dougherty referenced his letter of May 27, 2008 in which the application was declared incomplete. Mr. Dougherty received a plan on June 11, 2008 that was last revised on May 30, 2008. The plan satisfactorily addressed his outstanding completeness issues. Those issues included indicating the surrounding uses and where the residential, the commercial and the industrial units are located. The revised plan also shows wooded areas which were not shown on the previous plan. Based on those changes Mr. Dougherty felt that the application could be declared complete as of this meeting. Ms. vanGenderen asked for a motion for completeness.

Motion by Ms. Moore, seconded by Mr. Matulewicz

Roll call: Mr. Lord, yes; Ms. Mader, yes; Mr. Martin, yes; Mr. Matulewicz, yes; Ms. Moore, yes; Ms. vanGenderen, yes; Mr. Denlinger, yes.

Mr. Dougherty suggested that the Board move on to the use portion of the application and he referred to Taylor Design Group's letter dated June 30. Pending the disposition of the use portion of the application, Mr. Dougherty would then request that a site plan be submitted and that the applicant come back in for site plan approval of the proposed addition.

Ms. vanGenderen asked Mr. Taylor to take the Board through his letter of June 30. Mr. Taylor did so. He described the parcel. He stated that the applicant proposed to use the site that is currently operated as a dog kennel as a rescue dog kennel with caretaker living quarters. Mr. Taylor described the changes the applicant planned to make to the existing structures on the property. He stated that the applicant should provide testimony with respect to the current use of the kennel as well as the proposed use. The report identified the nature of the zoning in that kennels, pet daycare centers, and dog breeding are not permitted in any zoning district in the municipality. The report also identified the adjacent parcels and their uses. The application requires a D-1 use variance.

Ms. vanGenderen asked Ms. Smith to present her case. Witnesses present were Linda Lyman, President of Greyhound Friends; William Brouillard, Greyhound Friends Board member with construction experience; Robin Mohrmann, current owner of the property; Glenn Wallace, the engineer who prepared plans. Mr. Germano swore in the witnesses.

Ms. Smith asked Ms. Lyman to describe her professional background which she did. Ms. Smith asked Ms. Lyman to tell the Board about Greyhound Friends. Ms. Lyman stated that Greyhound Friends of NJ is a non-profit organization founded over 21 years ago. The organization places retired racing greyhounds into adoptive homes. They also do various community activities as well. The organization places approximately 260 greyhounds a year in New Jersey, southern New York, eastern Pennsylvania and Delaware. Ms. Lyman testified that they only adopt dogs out to pre-approved applicants and described the approval process. The organization does keep tabs on their greyhounds and takes dogs back if the adoption is not a success. She stated that the organization has a history, they know what they are doing, they are responsible, and they care for the dogs as they care for the community.

Ms. Smith asked Ms. Lyman to describe where the dogs come from. Ms. Lyman replied that the dogs come from racetracks in various states. Ms. Smith asked Ms. Lyman how the dogs were currently housed. Ms. Lyman stated that they currently rent space at a boarding kennel in Somerset County. Ms. Smith asked if they had foster homes. Ms. Lyman stated that they do

have a foster home coordinator and they place dogs in foster homes when they can or if they feel it is needed. She described various situations when a dog would be placed in a foster home. Ms. Smith asked Ms. Lyman if the organization currently owns the property in Delanco. Ms. Lyman answered no. The organization is under contract to purchase the property.

Ms. Smith asked Mr. Brouillard to describe his professional experience to the Board which he did. Ms. Smith asked Mr. Brouillard how long he had been a member of Greyhound Friends. He replied 10 years. Ms. Smith asked him to describe the proposed changes that were to be made to the property. Mr. Brouillard stated that they would be adding one large room to the front of the existing structure. They would like to add 13 more runs to the right side of the property. During his testimony Mr. Brouillard showed the Board where the addition, dog runs, and kennels were located on the plan which Mr. Germano marked as Exhibit A-1. Mr. Brouillard also described various details about the construction and location of the kennels and the outside dog runs. Ms. Smith asked how the kennels would be kept clean. Mr. Brouillard described the process. Ms. Smith asked about the plans for the existing kennels. Mr. Brouillard stated that they would need some repair. The older runs would not be used unless the new runs were filled. Mr. Brouillard described the structures that would be removed. He stated that the existing fence would remain or be improved.

Ms. vanGenderen asked for a further description of the exercise area. Mr. Brouillard stated that it would be an open area where they could take the dogs out. They train the dogs to walk on leashes. The dogs are only out for short periods of time.

Ms. Smith asked Mr. Brouillard to describe the interior of the existing building, what was planned for the building and how it would be utilized. Mr. Brouillard did so.

Ms. Smith asked if the dogs would ever be let out in the exercise area unsupervised. Mr. Brouillard stated that they would never be let out without supervision.

Ms. Smith asked if the caretaker would be a member of the organization or if they would be hiring someone. Mr. Brouillard stated that they may hire someone with greyhound experience.

Ms. Smith asked if Mr. Brouillard could give information about the number of cars that may be accessing the property. Mr. Brouillard stated that the maximum number would be approximately six but usually there would only be one or two vehicles.

Ms. Smith asked Mr. Brouillard if he was involved with the delivery of the dogs. Mr. Brouillard replied that he was. She asked him how they came into possession of the dogs. Mr. Brouillard described the process.

Ms. Smith asked Mr. Brouillard how the kennel plans to dispose of the dog waste. Mr. Brouillard described the process.

Ms. Smith asked what condition the dogs are in when they arrive. Mr. Brouillard stated that they are usually in very good condition. The group will take dogs with problems, sometimes dogs with broken legs. Because of health issues there may be movement of dogs in the middle of the night. Mr. Brouillard testified about various health conditions involving the dogs.

Ms. Smith asked Ms. Lyman to describe more about greyhounds and their dispositions, who tended to adopt the dogs, and the process for adoption. Ms. Lyman did so.

Ms. Smith asked Ms. Lyman how many dogs were currently at the kennel where Greyhound Friends was renting space. Ms. Lyman stated that currently there were none. On Saturday they will be getting six greyhounds from Florida. Ms. Smith asked in general how many dogs they would have in the kennel. Ms. Lyman stated that they would usually average six to ten with six being the average number of dogs.

Ms. Smith asked Ms. Lyman to describe the process they go through when they match a family at the kennel. Ms. Lyman went through the process. Ms. Smith asked if there were plans to have any other commercial kennel operations going on besides the greyhounds. Ms. Lyman stated no.

Ms. Smith asked Ms. Lyman to talk about the hours of operation. Ms. Lyman stated that during the week adoptive families would be on site by appointment. There may be more activity on Saturdays, but there would not be an open door policy. Ms. Moore asked Ms. Lyman for a time range as to when the dogs would be in the outside kennel. Ms. Lyman said that has not been established. The times could vary. The dogs would be let out between 8 and 8:30 AM so that the indoor runs could be cleaned. The dogs would be in for most of the day unless out for exercise. Mr. Taylor asked if generally the dogs would only be outside during the hours of 8 AM to 5 to 6 PM. Ms. Lyman stated that the dogs would not be out all day. Last turn out for a brief period would probably be no later than 9 PM.

Ms. Smith called on Ms. Mohrmann, the current property owner. Ms. Smith asked Ms. Mohrmann if she was the current property owner of 307 Creek Road. Ms. Mohrmann said yes. Ms. Smith asked if she was the current operator of a kennel. Ms. Mohrmann said yes. Ms. Smith asked if Ms. Mohrmann recalled when she had signed the contract to sell the property. Ms. Mohrmann said yes. It was last November or December. Ms. Smith asked if Ms. Mohrmann had since operated the property as a kennel. Ms. Mohrmann stated that she had operated the kennel for 11 years. She had taken the last dog out probably in March. Ms. Smith asked the reason why Ms. Mohrmann had taken out the last dog. Ms. Mohrmann stated that she thought they would be done by now. Mr. Germano interrupted the testimony to say that there was no need to prove continuous operation. Ms. Smith asked Ms. Mohrmann if she was planning on continuing to operate the kennel if the sale did not proceed. Ms. Mohrmann said yes she would continue operations.

Ms. Jass asked Ms. Mohrmann the size of the outdoor runs that are currently on the property. Ms. Mohrmann stated that the runs that back up to the property are probably 6 x 4. The runs that are in the rear of the property are probably 20 x 12.

Mr. Taraschi referenced a Planning Board resolution from 1997. He said that he thought Ms. Mohrmann was approved for 24 dogs. Ms. Mohrmann said 25 dogs. Mr. Taraschi said that the applicant was talking about six existing runs and 13 new runs. He asked if the operation was going down in size. Ms. Mohrmann said that she was approved for 25 but never had 25. She had the site approved for that number in case she wanted to expand. The property is approved for double air conditioning, double heat and double sewer. The property is already set up for it. Mr. Taylor clarified that Resolution 1997-6 actually approved Ms. Mohrmann for 24 dogs and permitted smaller animals.

Mr. Germano asked Ms. Mohrmann if she currently lived at the kennel. Ms. Mohrmann said she did not live at the kennel because she owns the property next door. Mr. Germano asked if the two properties were separate tax map blocks. Ms. Mohrmann stated yes.

Ms. Smith asked Ms. Mohrmann if she bred dogs. Ms. Mohrmann stated that she bred dogs and boarded everything.

Ms. Smith asked Mr. Wallace to describe the plan he had prepared. Mr. Wallace did so and discussed the zoning history of the area.

Ms. Smith asked if the Board had any questions for Mr. Wallace. Mr. Taraschi asked if there was any location on the plan for the storage of dog waste. Mr. Wallace stated no. The plan was put together solely for the purpose of presenting to the Board for discussion on the proposed variances. The applicant is aware that if the variances are approved they will be back for some type of site plan approval and those types of issues would be addressed at that time.

Mr. Taylor commented that if the Board had specific recommendations that they feel are appropriate to be discussed as part of the use variance they can be listed as conditions of the use variance. That way when the site plan is viewed those specific details can be addressed.

Ms. Jass asked how far away the corner of the existing building was from lots 31 and 32. Mr. Wallace stated that the northwesterly corner of the existing building is a little over 93 feet from the rear property line. The proposed building would be approximately 61 feet from the rear property line.

Ms. Jass asked Ms. Lyman what length of time the dogs were generally in foster homes before they were adopted. Ms. Lyman said that the length of time could vary from a few days to a few months. Ms. Jass asked how many dogs were processed through the current kennel. Ms. Lyman stated that approximately 200 go through the kennel. Ms. Jass asked how many dogs Ms. Lyman anticipated being processed through the Delanco kennel. Ms. Lyman stated that the organization adopts out an average of 260 dogs a year. Not all of them go through the kennel but most do.

Mr. Taylor asked if Ms. Lyman was looking at a maximum of 19 dogs on site based on the number of kennels. Ms. Lyman said that there may be times when they may need to use all 19 of the runs. There may be days when there are only two dogs there.

Ms. Jass asked for the dimensions of the dog runs. Ms. Lyman deferred to Mr. Brouillard. Mr. Brouillard stated that the inside runs are 4 x 5 and the outside runs are 5 x 8. Ms. Jass asked if each run would have water. Mr. Brouillard said yes.

Mr. Matulewicz asked how much an adult greyhound weighed. Mr. Brouillard stated that the average was 55 pounds for a small female up to 90 pounds for a large male.

Mr. Denlinger asked what the average age was for a retired dog. Mr. Brouillard stated that the organization usually received them between two and four years old.

Ms. Jass asked if there would be shifts of volunteers. Mr. Brouillard answered that volunteers would be relieved approximately every four hours. There would be a full time employee. Mr. Taylor asked if there would generally not be more than three to four people on site. Mr. Brouillard stated that even if the kennel was full one person could take care of things very easily.

Ms. Smith said that the Board needs some maximum numbers. She asked Mr. Brouillard how many people would be on the property. Mr. Brouillard said that the busiest day of the week

would be Saturday. There would be the full time employee, two to three volunteers and if there was an adoption, the family would be there. They would not be generating noise or traffic.

Ms. Mader asked if they would be selling dog food. Mr. Brouillard replied no.

Ms. Jass asked to be shown which area would be cleared for an exercise area. Mr. Brouillard used the plan to show her what would be cleared and described what was involved in letting the dogs out for exercise.

Mr. Taylor stated that it seemed like the majority of the outdoor activity was focused toward the rear of the property. He asked if there was any opportunity to shift either the building addition forward or the dog runs forward so that they are more centrally located within the site so as not to have such a dramatic impact on any of the surrounding residences. Ms. Mohrmann stated that there should not be any disturbance to neighbors with one or two dogs in the exercise area. Ms. Smith stated that they would want the caretaker to be aware of what the dogs were doing. If the proposed new kennel area was separated from the building, you are separating them from the caretaker. Ms. Mohrmann said that the hook ups for air conditioning and heating equipment were not at the front of the property. Mr. Germano asked if it was the applicant's testimony that there would only be two dogs out for exercise at one time. Ms. Lyman did not want to testify to that. Mr. Germano asked Ms. Lyman if she could give an idea of how many dogs would be outside at any one time. Ms. Lyman said certainly no more than six and four was probably a better number. They do not want to run the dogs in big groups.

Mr. Taylor asked Ms. Lyman if it would be possible to move some of the exercise area away from the rear property line and have it shorter in the rear but wrap around the side and even partially in the front to be more centrally located within the site. Ms. Lyman said it would be something they could look at. She described what the organization would be doing with the space at the back of the property in terms of exercise areas.

Ms. Mader asked Mr. Germano if the Board had to keep in mind that while this was the proposed organization that was going to run the kennel that at some point it could be a different operator with a different breed of dog. Mr. Germano responded that if the Board was to grant this variance it might be in reliance on the testimony about the nature of this particular breed. The Board could, in Mr. Germano's opinion, base granting the variance on the characteristics of this breed. Ms. Mader asked if that would be zoning the property out of utility. Mr. Germano stated that it could always be used for a conforming use.

Ms. Smith pointed out that the variance is currently allowing 24 dogs. Ms. Mader commented that she was confused as to why the applicant was even appearing before the Board. Mr. Germano replied that because there is a building addition and caretaker quarters it is enough of an enlargement of that variance that a new variance is required. The Taylor Design Group review letter it states that this is a D-1 use variance. This is not a request to expand a prior non-conforming use.

**Public Comments:**

Francis Dolan – 33 Pennington Court – Mr. Dolan felt that the current variance request represented a significantly larger expansion of the existing facilities and placed the facilities much closer to his living area. Mr. Dolan asked various questions regarding the resolution that was adopted in 1997 regarding the kennel. Mr. Taylor commented that the application currently before the Board was a new use variance. Mr. Taraschi asked Mr. Dolan if he was concerned

about adequate buffering. Mr. Dolan said he was. Mr. Dolan asked if the Newton's Landing Homeowners Association was provided notice of the application. Mr. Germano said that they were not but that proper notice was given by the applicant. Mr. Dolan stated that the proposed changes could have a direct impact on his outdoor lifestyle. He was also concerned about the impact on the value of his property. Mr. Dolan explained that a neighbor had been trying to sell his house for some time. The most common reason given by prospective buyers for rejection was the proximity to the kennel. The neighbor extended the height of the stockade fence at his expense in order to sell the property. Mr. Dolan asked if the proposed expansion would affect the current tree line buffer between the properties. Mr. Taylor stated that the testimony was the expansion would not affect the tree line. Mr. Dolan asked if the Board had a timeline for making a decision on the proposed variance. Mr. Germano answered that the Board has 120 days from the meeting to make a decision. Mr. Germano and Mr. Dolan briefly discussed whether the proposed plan for the property would be worse than the existing use.

Eugene Levenson – 47 Pennington Court – Mr. Levenson raised concerns about noise. He asked whether the septic system would be able to handle increased use. Mr. Dougherty replied that this was an issue to be addressed with the site plan. Mr. Levenson was concerned about landscaping to help with noise prevention. He stated that there is more noise in the winter. Ms. vanGenderen asked him to describe the noise level which he did. Mr. Taylor asked if Mr. Levenson could see the kennel from his property. Mr. Levenson said he could not. Mr. Levenson said he was concerned about nighttime illumination.

Dennis Wargo – 43 Pennington Court – Mr. Wargo commended the organization for the work they do. He is concerned about noise, property values, the location of the existing building, the adequacy of the utilities, and the number of dogs to be housed.

Peter Silverberg – 30 Wolverton Place – Mr. Silverberg asked if Greyhound Friends would have to pay taxes. Ms. Smith did not know the answer. Mr. Germano stated that the fact that they do or do not pay taxes is irrelevant to the Board's decision.

Diane Lane – 35 Pennington Court – Ms. Lane expressed concern about noise from the dogs at night and movement in the middle of the night. Ms. Lyman provided information in response to her concerns. Mr. Taylor and Ms. Jass asked for details regarding the inside runs where the dogs would be located at night. Mr. Brouillard provided that information.

Theresa Dolan – 33 Pennington Court – Ms. Dolan expressed concern about noise from the dogs at night and light coming into her home. Ms. Lyman provided information in response to her concerns. Mr. Taylor commented that specifics regarding the site would be addressed during the site plan approval phase.

Florence Levenson – 47 Pennington Court – Ms. Levenson expressed concern about the septic system and about noise when the dogs are outside.

Dennis Wargo – 43 Pennington Court – Mr. Wargo asked about site plan approval. Mr. Dougherty and Mr. Taylor provided information regarding the site plan approval process.

Florence Levenson – 47 Pennington Court – Ms. Levenson commented that if she were a non-profit organization she would minimize whatever she was building to save money, she would not maximize it with the intention of not utilizing all the space.

Patrick McIlroy – 41 Pennington Court – Mr. McIlroy asked questions regarding the kennel license, inspections, and dog runs. Ms. Mohrmann responded to his questions. Mr. McIlroy asked questions regarding the number of dogs in the kennel when it is run by Greyhound Friends. Ms. Lyman responded to his questions. Mr. McIlroy asked questions regarding the Delanco Township code regarding the housing of animals. Mr. Germano and Mr. Taylor responded to his questions. Mr. McIlroy said he was concerned about the buffer, potential noise, refuse, runoff, and the potential decrease in property values.

Kathy McIlroy – 41 Pennington Court – Ms. McIlroy commented that she would like to see evergreen trees as a buffer because in the winter there is no screening.

Carol Lapp & Robert Lapp – 45 Pennington Court - Mrs. Lapp commented about the current noise from the dogs. She expressed concerns about the disposal of waste and where it would be stored until collected. She also expressed concerns about the septic system and possible health effects from chemicals used on the dogs or from cleaning supplies. Ms. Lyman responded to Mrs. Lapp's concerns regarding the use of chemicals. Mrs. Lapp asked about a possible sound barrier at the back of the property. Mr. Brouillard responded. Mrs. Lapp suggested that a wall be constructed at the back of the property. Mrs. Lapp expressed concern about property values and also about the animals. She does not feel that this property is the right place for the single kennel that will be owned by Greyhound Friends. People are living near the kennel now unlike in the past. Mr. Lapp agreed with everything Mrs. Lapp had said.

Robin Mohrmann testified that the septic system along with the heating and air conditioning systems were designed to accommodate 24 dogs.

Patrick McIlroy – 41 Pennington Court – Mr. McIlroy asked how the dogs reacted to squirrels and other animals. Ms. Lyman responded to his question.

Peter Silverberg – 30 Wolverton Place – Mr. Silverberg commented that the Newton's Landing development may be hazardous to the dogs because of insecticides used on their lawns.

Ms. vanGenderen closed the hearing to the public.

Mr. Martin asked if the caretaker would be a resident of Delanco. Ms. Smith responded that the plan was to have the person live on site. Mr. Martin asked Mr. Taylor about the COAH impact. Mr. Taylor provided information and said the Board would have to confer with the town's COAH consultant on this. Mr. Martin asked if there would be any minor veterinarian care performed at the facility. Ms. Lyman stated that the dogs were usually transported to a veterinarian. Mr. Martin asked how much water would be used each day. Mr. Brouillard was not aware of any specifications.

Mr. Taraschi asked if there were standards as to how many times the kennels should be cleaned, dogs fed, etc. Mr. Brouillard described how conditions would be at the kennel. Mr. Taraschi asked if Greyhound Friends belonged to a nationwide association. Ms. Lyman replied that there was no umbrella organization. Mr. Taraschi asked if a donation fee was charged for adoption and if that was their primary source of funding. Ms. Lyman said yes, they collect a fee. They also do fundraising and receive grants. Mr. Taraschi asked if there was any plan in place for the animals if the organization had to close down because of a lack of funding. Ms. Lyman stated that they are dedicated to the dogs and would never leave dogs at the kennel if they closed.

Ms. Jass asked Ms. Mohrmann for information regarding a stockade fence that had been altered by the owner of 35 Pennington Court. The fence height had been increased from 6 feet to 9 feet. Ms. Mohrmann responded to her questions.

Mr. Martin asked Ms. Smith to talk about the negatives and positives. Ms. Smith responded. Approval of the application would serve the public good. The proposed site is particularly suitable for use because it is already a kennel. A use variance has already been granted in the past. The property will be upgraded and improved and there will be a full time caretaker. The kennel is a better use than the approved manufacturing uses. Using the site as a kennel is less intense than what is allowed in the zone plus the lot size is not good for the permitted uses. The previous variance approval, current use, and the fact that the applicant will improve the site are reasons to grant the variance.

Mr. Taraschi asked if the driveway configuration and the irregular shape of the lot would limit possible uses of the property. Mr. Taylor agreed that they would. Mr. Germano stated that the Board could find that the application meets the positive criteria on the basis of hardship. There is a hardship in terms of not being able to use the property for a permitted use. The applicant does not have to prove that the site is peculiarly well suited to the proposed use because they are saying is that it is not adaptable to a conforming use.

Ms. Mader has recently adopted her third greyhound. She attested that greyhounds bark rarely and do not need a lot of exercise. She expressed concern about the changes that would move kennel operations closer to the new houses that were not there at the time the variance was initially approved. She would not see a problem if everything new was built in the area of the parking lot. Ms. Mader felt that greyhounds would be one of the best dog breeds to have in a kennel near houses. Mr. Matulewicz asked Ms. Mader what the facilities were like where she adopted her dogs. Ms. Mader described the adoption process and the facilities where the dogs were housed.

Mr. Martin asked Ms. Mohrmann about the fact that the kennel was planned to be expanded. He stated that she had 24 kennels allowed by the variances and asked how many kennels were there now. Ms. Mohrmann responded that there were six kennels. Mr. Martin asked and Ms. Mohrmann confirmed that she could add another 18 kennels if she chose to.

Ms. vanGenderen felt that something could be done about the orientation of the structure and the open areas toward the rear of property. She suggested that Mr. Brouillard sit down with Mr. Taylor to see if there are any other solutions. Mr. Brouillard said that would be fine. Ms. vanGenderen said that if there was anything that could be done to alleviate some of the open areas in the back that would be a vast improvement and would really help with the concerns.

Mr. Germano said that the application is really about how the use affects the neighborhood. The proofs that have to be met either have been met already or do not have to be met because of the hardship, so can this variance be granted without being detrimental to the neighborhood.

Ms. vanGenderen asked if there would be merit to possibly continuing this application to the next meeting to allow the applicant to sit down with the planner and see if they can't come up with a plan that is superior. Mr. Germano said the Board could get more specifics regarding the building materials used. Mr. Lord said that all that has been presented on the plan is a square. He would like to see a sketch with more detail. Mr. Brouillard said they have a sketch. Ms. vanGenderen said that more information regarding the buffering and landscaping would be

helpful. Mr. Taylor felt that it would be appropriate to look at increasing the setback of the exercise area from all of the surrounding residential areas, trying to initiate some evergreen buffering and then see if the new kennels can be reconfigured to minimize or eliminate openings facing adjoining residences. Mr. Taylor will confer with Ms. Lonergan regarding the COAH issue relative to the residential unit.

Ms. Smith commented that reorienting the kennels would change the most efficient construction. Ms. vanGenderen asked the applicant to explore it. If the applicant feels that they have the best construction plan then they should tell the Board why and what makes the most sense. Mr. Taylor said they could look at a combination of ideas to direct the majority of the sound waves away from the residences. Ms. vanGenderen asked if the applicant would be amenable to continuing the application until the next meeting and meeting with the Board's planner and looking at some options. The applicant agreed.

Ms. vanGenderen announced that the hearing would be continued until the Board's next regularly scheduled meeting which is Tuesday, August 5. Anyone provided with notice on this application will not be re-noticed. The application will be carried until the next regular meeting at 7:30 PM.

### Master Plan

The Board continued the discussion of the Master Plan that began in the work session. Representatives from Abundant Life were present during the work session to answer questions concerning their desire to have their property zoned for residential use. Their property has frontage on Route 130 and is currently zoned C-3 Highway Commercial. Ms. vanGenderen asked if the representatives from Abundant Life left. Mr. Taylor stated that their attorney did not feel comfortable having a discussion during the public comment session. If the Board wants to continue the discussion that began in the work session concerning the Abundant Life property the Board can do so now and if there are some specific questions the Board can contact them.

Ms. vanGenderen stated that she could not comment on the matter due to a conflict and left it up to the Board members that were able comment to continue the discussion. Ms. Mader stated that the Board did not reach a consensus. Mr. Lord asked Mr. Taylor how the Board should proceed. Mr. Taylor stated that it was an awkward situation and that the Board was close to finishing the discussion when they had to begin the regular meeting. We can invite them back. Ms. Mader asked what they were looking for. Mr. Taylor stated that no one was anticipating that everything would be resolved. They were here so that they could have interaction with the Board if the Board was going to discuss it. The Board needs to decide if they wish to continue the discussion with the Abundant Life representatives and decide what issues need to be addressed.

Mr. Matulewicz stated that COAH is an issue and the fact that it would be a satellite community is an issue. Ms. Moore stated that there may be an issue under federal law or COAH legislation that would permit marketing some of the age restricted units to non-age restricted. Mr. Taylor stated that there is a provision in the Federal Fair Housing Act that allows for up to 20% of the units to be marketed to non-age restricted. We can control it if we are doing a special overlay zoning district or a conditional use. Their intent for the property is to have everything age restricted. They are looking for some market rate units but they are not looking for family units. It is going to be 100% senior units.

Mr. Germano stated that if you don't put this in the master plan after hearing them twice you have made a conscious decision that what they want to do is contrary to your master plan. If in

the context of this master plan you will have decided that you don't like this it will be difficult to give them a use variance. If you feel that you should allow this under certain circumstances it needs to be in the master plan. If it isn't it would be very hard to justify granting a variance to let it be there.

Mr. Taylor stated that the Board can defer the issue and say that they don't think that it is appropriate to address it at this time. We are trying to define something that has not been defined by the applicant. If they come forward with a formal use variance we would have testimony and would have a full set of facts to deal with. Mr. Germano is correct that the Board has to decide if the property should be used for residential purposes.

Mr. Taraschi stated that he takes a common sense approach to overall zoning and stated that the Board should look at the overall plan and determine what use makes sense for the property. Mr. Matulewicz stated that you also need to look at what impact there will be on the town at large. Ms. Mader stated that the vision for the property was that it was going to be commercial because that is what Route 130 is. She wanted to know if it has to be decided right now and if the zoning has to be changed now. Mr. Taraschi stated that you can always zone an existing use into disuse. Mr. Taylor stated that they should decide how they want to proceed with the master plan and handle the issue with this property.

Mr. Matulewicz asked if they are prepared to answer the concerns of the Board. Mr. Taylor stated that they may be prepared by the next meeting and that he can ask them to address the issues concerning COAH and municipal services. Ms. Mader stated that geographic isolation and living on Route 130 are also issues. Mr. Taylor stated that about four or five years ago they had a commercial plan that they were trying to market and were unsuccessful. They do have some market data that can address the isolation issue and the economic infeasibility of the permitted uses. He also advised the Board that if they have a specific concern about anything in the master plan draft they should e-mail the concern to him or to vice-chairman Lord so that we can have a very informed and conclusive discussion in August. Ms. vanGenderen requested that it be first on the agenda for the regular meeting. She also suggested that it be concluded.

#### Greyhound Friends of NJ, Inc.

Mr. Taraschi stated that Mr. McIlroy gave him a copy of the New Jersey Administrative Code specifically 8:23A that deals with standards for kennels and suggested that copies be given to the Board and its professionals. He stated that compliance with the code should be specifically included in any resolution for a kennel.

#### **Meeting opened to the Public:**

Ms. vanGenderen opened the meeting to the public. Since there were no public comments, Ms. vanGenderen closed the public portion of the meeting.

#### **Correspondence**

There was no additional correspondence

#### **Comments from the Board:**

There were no comments from the Board.

## **Adjournment**

A motion to adjourn the meeting was made by Mr. Matulewicz and seconded by Mr. Denlinger. The voice vote by the Board was unanimous in favor.

Kitty Martin

Approved: October 7, 2008