

SPECIAL MEETING
MINUTES

APRIL 13, 2005

BOARD OF ADJUSTMENT

TOWNSHIP OF CHATHAM

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Dalziel, called the meeting to order at 7:32 P.M.

He then read the following statement:

Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Morris County Daily Record and Chatham Courier and by filing a copy with the Municipal Clerk, all in January 2005.

OATH OF OFFICE

Mr. Wilson administered the Oath of Office to Deborah Nelson as newly appointed Second Alternate.

ROLL CALL

On a call of the roll the following were present:

Lawrence Dalziel, Chairman
James Matthews, Vice Chairman
Therese Hough, Member
Joseph Cooney, Member
Parker Godwin, Member
Peter Pizzi, Member
Jesse Benton, Member

Timothy Walters, 1st Alternate
Deborah Nelson, 2nd Alternate

Lewis Wilson, Board Attorney
Cynthia Phillips, Recording Secretary

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APPROVAL OF MINUTES

Mr. Pizzi made a motion to accept the January 12, 2005 Board of Adjustment meeting minutes, as amended, and the January 20, 2005, February 17, 2005, March 9, 2005 and March 17, 2005, as written, which was seconded by Mr. Godwin. All were in favor.

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Mrs. Nelson and Mr. Matthews stated that they had listened to the recordings of the meetings they had missed so they would be eligible to vote on the upcoming applications.

Ms. Hough questioned the location of the sewer easement which had been a point of discussion during the recent Dematos hearing.

Mr. Godwin read a letter from Hatch McDonald dated 3/28/05, which indicated a conflict between the location of the sewer easement and the applicant's proposed construction plans for the property.

Mr. Wilson stated that the Township Engineer had sent the Board a letter indicating that there was no conflicting sewer easement.

Ms. Hough noted that the applicant's plans may not comply with the sewer easement restrictions.

Mr. Wilson stated that the Board must know the details of the sewer easement before proceeding with a Resolution of memorialization.

Mr. Godwin stated that he believed that the applicant had received a copy of the Hatch McDonald letter.

Mr. Dalziel questioned why the letter had been received after the Board had already acted on the application.

Ms. Hough noted that the Board approval was conditional upon the applicant defining the parameters of the sewer easement.

Mr. Wilson stated that the applicant could not legally build on an easement and the exact location must be known. He added that a surveyor must recheck the easement.

A discussion followed concerning the Board's responsibility regarding the MLUL mandate that a decision must be memorialized within 45 days. It was determined that the Board would wait until the issue was resolved and a final answer on the matter of the sewer easement was determined, at which time the applicants could amend their plans to meet the conditions of approval. The matter would be rescheduled for the 5/11/05 work session and the applicants would be asked to consent to an extension of time for memorialization.

Mr. Dalziel noted that the Mogelvang application would be moved to the 5/19/05 hearing since the applicants are not ready with their plans.

Mr. Wilson noted that the objector's attorney for that application had also been notified of the change. He then questioned if any Board members would have a conflict of interest with the upcoming application for the Presbyterian Church of Chatham Township/Corpus Christi, as he would then need to supplement with members of the Planning Board.

Ms. Hough, Mr. Cooney, Mr. Matthews and Mr. Pizzi stated that they would have a conflict of interest.

Mr. Wilson stated that he would need to bring over two members from the Planning Board so there would be seven members eligible to vote on the application. He explained that the applicant would be seeking a "d" variance because the side yard setbacks do not comply and because the church is an institutional conditional use and must satisfy certain criteria.

Mr. Dalziel explained that the upcoming first hearing of the Coviello application was an unusual case. He stated that the applicant had received a building permit in error to start work on an accessory structure and a stop work order had subsequently been issued although the foundation was already in place.

In response to Mr. Dalziel, Mr. Wilson stated that Mr. DeMarzo, the attorney for the Coviello application, was the prosecutor in Madison Borough during the time he presented a case, which should not present any conflict in the upcoming application.

Mr. Dalziel stated that the Callen application was also rescheduled for the 5/19/05 meeting.

Mr. Wilson provided an overview of the litigation surrounding the Susan Drive properties, of which the upcoming Parisi application would be the fourth application seeking a height variance. He suggested that the Board members be cognizant of the litigation, which could be resolved before the Parisi application begins.

Mr. Dalziel stated that the 5/19/05 meeting was becoming crowded. He added that the upcoming Numan application concerns a use variance to run a child care center for 10-15 children out of a home on Fairmount Avenue. He further added that the applicant would be using a circular driveway as a pick-up/drop-off area. He explained that the applicant currently operates a day care center at the subject property and she wants to increase the number of children and the number of employees.

In response to Mrs. Nelson, Mr. Dalziel stated that there are developable lots behind the St. Hubert's/Giralda Farms site.

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The Board returned to public session at 8:30 P.M.

ST. HUBERT'S/GIRALDA FARMS

37 Mitchell Avenue
Block 142, Lot 4.01

**#04-142-4.01
Prelim. Site Plan
Conditional Use**

Present: Glen Geiger, attorney of the applicant
Richard Schommer, licensed professional engineer
Meg Struble, representative of the applicant

This is a continued hearing.

Proof of service was previously submitted.

Mr. Richard Schommer, licensed professional engineer, and Ms. Meg Struble, representative of the applicant, were previously sworn.

Mr. Cooney read the Board site visit report dated 4/12/05 which was marked into evidence as **EXHIBIT A-36**.

In response to Mr. Glen Geiger, attorney of the applicant, Mr. Wilson stated that the following exhibits had been marked into evidence since the previous hearing:

A-33 Memo from Marshall Frost, dated 4/7/05, regarding general site comments

A-34 Memo from Marshall Frost, dated 4/7/05, regarding parking and traffic

A-35 Township Engineer's report dated 3/30/05

Mr. Geiger then presented and described a portfolio containing St. Hubert's information and the operational report/testimony of Meg Struble, vice president of operations, which was marked into evidence as **EXHIBIT A-37**.

Ms. Struble stated that she handles financial management, building operations and maintenance and human resources at the facility and that she has been employed by St. Hubert's for 20 years. She explained that she is familiar with the facility operations and has been working on the expansion plan since its inception. She further explained that the purpose of the facility is to address the needs of neglected animals and that the facility originally began as a storefront operation in Madison with four employees. She added that the facility relocated to the current facility on Woodland Road in 1962 and that the auditorium was added in the 1970s. She further added that, in the 1980's, several of the garages were converted to the cattery and, in the 1990s the organization leased property in Madison for dog training. She explained that, at that time, three garages were converted into examination, grooming and isolation rooms. She further explained that the facility originally serviced 500 animals/year and currently the facility services 5,000 animals/year. She stated that the facility has expanded its services to encompass humane education with a wider range of topics that focus on animal welfare issues, fostering a better relationship between people and animals, the education of children, and the training of animals. She added that specific services offered at the facility include animal control 24/7 for 14 municipalities, pet adoption for approximately 1,500 animals per year, including spaying, neutering, shots and grooming, a shelter partnering program, workshops, and a statewide pet food drive which collects 50-60 tons per year in donations for 70 facilities. She added that the facility is also a regional host for the Humane Society, offers canine coaching and cat socialization, provides services for the canine corps for independence, and provides humane education to approximately 5,000 children a year. She further added that the facility also provides a Paws for People program whereby 150 volunteers and their pets visit long term care facilities on a daily basis as well as a pet loss support group. She explained that the facility also offers Critter Care temporary housing in emergency situations for approximately 20 animals per year, dog training from puppy to competition level, homeland defense dog training, sports agility training and "Dance with Your Dog."

Mr. Geiger questioned how the growth of the services has impacted the facility.

Ms. Struble stated that, in its 65 years of existence, the facility has grown from a small organization serving 4 municipalities and 500 animals to a comprehensive facility serving 14 municipalities and 5,000 animals, all while still working in the same space the facility has occupied

since 1962. She explained that, currently, many offices are used as storage and that the facility is overcrowded. She added that they had converted all the garages on the property to address these issues, but the space is still not adequate, especially in terms of disease control since the buildings use the same ventilation system. She further added that they are proposing to upgrade the site to a state-of-the-art facility which would be stress-free for the animals and user friendly for customers and staff. She then referred to **EXHIBIT A-24** and described the layout of the proposed facility. She explained that the stray and adoptable populations would be segregated and each area would have its own air flow system so there would be no cross-contamination. She added that the facility would contain 30 two-tiered cat condos, 30 dog runs measuring 40 feet by 50 feet and training rings with trainers on site. She further added that, currently, animals are transported for spaying and neutering and that the proposed plan would allow these operations to be performed at an onsite clinic. She explained that the existing facility has limited visitor space and the proposed facility would contain a comfort room for surrendering animals for potential adoption as well as visiting rooms for prospective owners. She further explained that the existing parking area contains 41 spaces for staff and visitors and that the proposed 220 parking spaces would adequately address the facility's needs.

Mr. Geiger questioned how the size and layout of the facility was determined.

Ms. Struble stated that the building was designed to be long so as to afford visitors ease while moving through the adoption process. She added that the proposed design would triple the facility's capacity and that the larger facility would enable St. Hubert's to provide more assistance to the community.

In response to Mr. Dalziel, Ms. Struble stated that the number of kennels requested in the application was based on her years of operating experience at the facility.

In response to Mr. Dalziel, Mr. Geiger stated that the architect for the site would be best able to answer his concerns about how the size of the facility was determined.

Ms. Struble noted that the size of the facility was based on the staff's experience regarding the average length of stay for the animals at the site. She added that, currently, the three training rings are used mornings, evenings and weekends and that adding a fourth ring would address the waitlist.

In response to Mr. Matthews, Ms. Struble stated that all the training rings would be fully utilized.

Mr. Dalziel noted that there was no plan for future growth of the facility.

Ms. Struble stated that additional growth would require hiring additional staff for maintenance and cleaning and that they must set budgetary limits.

In response to Mr. Pizzi, Ms. Struble stated that they can't keep enough adoptable animals in the facility, and that dogs are usually put down only if there is a health or aggression problem and that cats are occasionally put down because of overpopulation.

In response to Mr. Geiger, Ms. Struble that, currently, there are 24 full-time and 8 part-time staff members at the Woodland Road facility and that there are 5 full-time and 17 part-time staff members at the training facility in Madison. She stated that, with the proposed application, 6 part-time and 2 full-time staff members would be added to the Woodland Road facility. She further stated that the Woodland Road offices are open 9:00 A.M. to 5:00 P.M. Monday to Friday and that the adoption area is open 12:00 P.M. to 4:00 P.M. Tuesday to Saturday and would stay open until 8:00 P.M. two nights a week after the proposed construction is completed.

Ms. Struble then addressed the parking requirements and the analysis in Mr. Frost's report. She explained that there would be a maximum of 27 staff members, 8 volunteers and 9 dog school trainers and volunteers at the site at any given time. She further explained that, after the proposed addition is constructed, there would be a maximum of 36 staff members, 13 volunteers, and 4 animal control vehicles on the site at any given time. She added that the maximum demand for parking occurs on Saturday, at which time there would be a maximum of 12 staff members and volunteers at the site.

In response to Mr. Dalziel, Mr. Geiger stated that the parking calculations were based on peak demand.

Ms. Struble stated that she physically counted cars in the parking lot and along Woodland Road to determine the number of vehicles at the site during the highest peak, which is Monday to Friday after 3:00 P.M. She explained that, at that time, soccer games, education classes and day camp pick-up are taking place, which would generate approximately 60 vehicles utilizing the parking areas.

In response to Mr. Pizzi, Ms. Struble stated that the data is based on physical counts and her personal experience with the site.

Mr. Godwin noted that the Ms. Struble's parking needs assessment is a snapshot of the "perfect storm" scenario.

Ms. Struble stated that many of the events at the facility require pre-registration, which provides a more accurate count of parking needs for a specific day.

In response to Mr. Dalziel, Ms. Struble stated that she believed the proposed 220 parking spaces would eliminate the need for visitors to park on Woodland Road, although parking on the shoulder on that road has been accomplished safely to date. She added that, with the proposed plan, she believed it would not be necessary to utilize the soccer field for overflow parking.

In response to Mr. Geiger, Ms. Struble stated that the peak traffic hours at the site are weekdays 3:30 P.M. to 5:00 P.M. for soccer and 7:00 A.M. to 9:00 A.M. for dog day camp drop off. She added that she did not foresee a change in the peak morning traffic time at the site, although the evening peak hours could extend to 6:00 P.M. She explained that the biggest change in activity would be at the proposed dog training school when there could be a maximum of 40 people at one time in the training facility.

In response to Mr. Dalziel, Ms. Struble stated that the abandoned oil tank in the basement is located above ground.

In response to Mr. Dalziel, Ms. Struble stated that solid animal waste from the cattery and kennel is placed into plastic bags and then into two receptacles on the site. She added that the facility has private trash pick-up and that the waste is not discharged into the septic system and any residual waste would be hosed into the system. She explained that any cadavers are placed in body bags and are then taken away for mass cremation.

In response to Mr. Dalziel, Ms. Struble stated that the columbarium contains six sections with a mixture of large and small units, for a total of 330 units. She explained that they anticipate approximately 25 interments per year, so the number of units would be sufficient with no need for expansion. She added that the proposed fencing in the employee parking area is primarily for security and safety. She further added that the fencing would also contain the animals for exercise and also prevent escape. She stated that she would consider removing the employee parking area fence.

In response to Mr. Walters, Ms. Struble stated that the fencing would be maintained just alongside the kennel runs and walkway

In response to Mr. Dalziel, Ms. Struble stated that currently there are 4 animal control vehicles on the site which are parked in the garages at the end of the employee parking area. She explained that 3 vehicles remain on the property in the evening and that 1 vehicle goes home with a staff member.

In response to Mr. Dalziel, Ms. Struble stated that the items collected for the annual food drive would be stored in the all purpose building from mid-March to early May and that, currently, the

items are stored in the parking lot and auditorium. She added that food and supplies for the facility are stored near the garages.

In response to Mr. Dalziel, Ms. Struble stated that the site receives truck deliveries weekly, and that occasionally there are semis on the site during the food drive. She added that school buses normally take up several spaces in the parking area; however, there is usually only one bus on the site at a time between 10:00 A.M. and 1:00 P.M. Monday to Friday. She further added that, if there is a need to accommodate more students, a representative from the facility usually goes directly to the school for the presentation. She added that the all-purpose room would be used for events as well as indoor agility training. She explained that the agility fields at the front of the property would be relocated to the rear of the property and that the field used for the day camp would remain the same. She stated that, at peak times, such as during dog training matches or an ice cream social, there would be approximately 63 staff members and 97 visitors on site and that they would be willing to coordinate events and even close the facility during those events so as not to create a parking problem.

In response to Mr. Dalziel, Mr. Geiger stated that his client would revisit the issues of methodology and alternate designs with the site architect and would provide that information at the next hearing.

Mr. Matthews stated that he believed that there would be approximately 20-24 cars at the facility during the morning and evening pick-up/drop-off times for the day camp. He then questioned why the Board should grant the setback variance for the proposed dog training area since it is a profitable venture and St. Hubert's is a non-profit organization. He added that the animal control, adoption, training and day care services are all profitable ventures.

In response to Mr. Geiger, Ms. Struble stated that approximately 75% of the income for the organization is generated from the puppy and basic training classes.

Mr. Matthews questioned why it would be necessary to relocate the training facility to the Woodland Road site.

Ms. Struble stated that having all the staff members on-site would foster communication within the organization and enforce the importance of training behavior issues. She added that they would also save the cost of the lease.

Mr. Pizzi stated that he believed that the fees charged for adoption were modest.

Ms. Struble stated that the adoption fees cover the costs of caring for the animal prior to adoption.

Mr. Pizzi noted that the revenue earned from the training classes offsets the deficit areas of the facility.

In response to Mr. Pizzi, Ms. Struble stated that the agility training would take place in the evening and that St. Hubert's has a national reputation and has won awards for excellence. She added that indoor agility training, workshops, events and the staging area for the pet food drive would be held in the proposed all-purpose building. She further added that she did not know if the size of the all-purpose building could be reduced because agility training requires a large space.

In response to Mr. Pizzi, Ms. Struble stated that the societal benefits of pet ownership include less stress and living longer.

In response to Mr. Dalziel, Ms. Struble stated that St. Hubert's does not deal directly with The Seeing Eye, other than to place dogs that have been rejected for the program.

Mr. Cooney questioned if the facility would offer its services to other towns in addition to the 14 municipalities already contracted.

Ms. Struble stated that the facility receives several requests annually from other towns, but the offers are turned down because additional staff and equipment would be required.

In response to Mr. Dalziel, Ms. Struble stated that she developed a preliminary budget projection for the next 10-12 years.

In response to Mr. Chuck McGroaty, Township Planner, Ms. Struble stated that the competitive area is designed for training, that the facility would employ 63 staff members and that the 21,355 square feet of future office space would not be used for storage since there is adequate room over the training rings for storage.

In response to Mr. McGroaty, Mr. Geiger stated that he would be willing to stipulate that the future office space would not be converted to storage as a condition of approval.

In response to Mr. McGroaty, Ms. Struble stated that the agility fields would be illuminated until 10:00 P.M. and that there would be less visibility of the facility to the neighboring properties.

In response to Mr. Godwin, Ms. Struble stated that the agility training is currently conducted during the warm weather, but, with the addition of the all-purpose building, it could take place year round.

In response to Ms. Hough, Ms. Struble stated that she would investigate the possibility of transferring the agility training to the main building, although that type of training requires a certain height level.

In response to Mr. Godwin, Ms. Struble stated that the equipment for agility training is currently located in the front yard of the facility.

Mr. McGroaty clarified that 10% of the main building is dedicated to animal use and that the primary use of the all-purpose building would be for agility training.

Mr. Schommer confirmed that only 10% of the main building is occupied by animals.

The meeting was opened to the public for questions.

In response to Ms. Julia Somers, Executive Director, Great Swamp Watershed, Ms. Struble that the one agility training session takes place outside 3 times a week in the evenings. She further stated that, with the addition of the all-purpose building, agility training would be offered both day and evening and would be increased to two sessions. She added that it would be possible to offer two indoor and two outdoor sessions and those participants would bring their own dogs. She explained that approximately 6-8 vehicles per class would be parked at the site. She added that the organization would not increase the number of municipalities it serves and that the facility receives animals for adoption from the municipalities and area residents. She further added that 85% of their animals come from animal control efforts and about 8% of the animals come from shelters.

There being no further questions, the meeting was closed to the public.

Mr. Dalziel announced that the application of St. Hubert's/Giralda Farms, No. 04-142-4.01, was carried to a Special Meeting on 5/11/05 at 8:00 P.M. with no further notice.

Mr. Godwin made a motion to adjourn the meeting which was seconded by Ms. Hough.

The meeting was adjourned at 11:03 P.M.

Cynthia L. Phillips
Board of Adjustment Recording Secretary