

REGULAR MEETING (IF DEEMED COMPLETE):

Diversified Acquisitions	No. 22-01	Block 273.01, Lot 2.062 Block 273.02, Lots 1 & 2 Route 15 & Heller's Lane Amended Site Plan
	No. 22-12	Block 273.01, Lots 2.061, 2.062, & 12 10 Heller's Lane, Route 15 & Bowling Green Parkway Preliminary & Final Site Plan Approval

Mr. Steve Schepis, the applicant's Attorney, was present. He brought up the sewer treatment plant.

Mr. Kienz stated the sewage treatment plant is not an issue because of the properties being in a Redevelopment Area, and it is considered an accessory use on the property.

Mr. Ken Dykstra, the applicant's Engineer, was present and sworn in. He presented Exhibit A-1, a colorized version of the Site Plan for the combined sites, dated August 22, 2022. He explained the previously approved 27-unit, 2-story apartment building with warehouse use is now being proposed as a 32-unit, 3-story apartment building with no warehouse use. There will be 24, one-bedroom units and 8 two-bedroom units. The sewage treatment plant currently being utilized by the Quick Chek will be upgraded and shared by both the Quick Chek and the 32-unit apartment building, with a maintenance agreement between the two parties. The applicant already has NJPDES and TWA permits/approvals from the state for this upgrade. The Fifteen South Realty site was approved for a 40-unit, three story apartment building with an 11-unit garage building. This site will have its own sewage treatment plant, and there are no changes to this site. This site is in front of the Board for reaffirmation purposes only. The 32-unit apartment building application will also include a sign attached to the existing Quick Chek sign on Route 15 South in order to identify the apartment building location. The applicant will be constructing this project in phases; first phase being the 32-unit building, followed by the 40-unit building. During construction of the 32-unit building, any excess soil will be moved to the 40-unit building site, and when both sites are completed, they predict that approximately 2,000 yards of soil will be removed. The 32-unit apartment building will have 24 parking spaces on the first floor, and the garage building for this site has been removed. He agrees to comply with all items in both the Board Engineer's and Board Planner's reports. He then presented Exhibit A-2, a color rendering of the front of the 32-unit apartment building's exterior as seen from Heller's Lane.

Mr. Kienz asked if a materials list could be provided if the Board acts favorably.

Mr. Dykstra agreed to provide a materials list. Both apartment buildings will look similar.

Mr. Kienz asked if there were any additional variances requested on the 32-unit site.

Mr. Dykstra stated there is an additional off-site sign that requires a variance.

Mr. Kienz does not believe it would be considered off-site since all of the properties are a part of the Heller's Lane Redevelopment Plan.

Ms. Caldwell agreed.

Mr. Dykstra also feels the need for a site disturbance variance.

Ms. Caldwell agreed.

Mr. Kienz asked if the sign for the apartment buildings will be a digital sign.

Mr. Dykstra stated it will not be a digital sign.

Councilwoman Senatore voiced her concerns regarding the transporting of soil from one site to the other. She asked that the roadway be kept clean, and that proper precautions be taken to protect the church, rescue squad, and any homes from runoff.

Mr. Dykstra agreed.

Mr. DiFrisco asked for clarification on the removal of the warehouse use, and who would be responsible for the maintenance of the sewage treatment plant.

Mr. Dykstra explained that the applicant is limited by the sewage capacity, and would not be able to construct a warehouse. With regard to who is responsible for the maintenance of the treatment plant, the two parties are currently working on an agreement for same.

Mr. Kienz asked if the applicant could supply an operating agreement and manual for maintenance of the sewage treatment plant.

Mr. Schepis agreed to provide these documents as a condition of the resolution with signed plans.

Vice-Chairman Palko voiced his concerns about traffic flow and a break-away gate during emergency situations. He is also concerned about the site only having one exit/entry point.

Mr. Dykstra stated that for a project of this size, only one entry/exit point is required.

Mr. Ruschke sees no problem with having a break-away gate. Fire trucks will be able to get through the gate very easily.

Mr. Galfo asked who would be responsible for snow removal by the gate. The responsible party would need to make sure that snow is not piled up on either side of the gate in case of an emergency; it must always be kept clear on both sides of the gate.

Mr. Dykstra will ensure the area is maintained on both sides.

Mr. Galfo asked if the garage spaces on the first level of the 32-unit building would be rented separately from each apartment unit, and if so, will the parking spot in front of the garage space be assigned to the same person in order to avoid be blocked in any given garage spot.

Mr. Dykstra stated the garage spaces will be leased separately from the apartments, and the parking space in front of each garage space would be assigned to the same person leasing the garage space.

Mr. Matthew Flynn, the applicant's Planner, came forward and was sworn in. He presented Exhibit A-3, consisting of four (4) sheets of photographs of the site. The positive criteria include Purposes A, G, I, and M, and he does not believe there is any substantial detriment to the health, safety or well-being of the community.

Mr. Schepis does not see any need for testimony from the applicant's Architect unless the Board Members have any questions. The Architect would, however, like to share an exhibit and brief explanation with the Board.

Mr. Thomas Brennan, the applicant's Architect, was present and sworn in. He presented Exhibit A-4, three pages of revised architectural drawings. They redesigned the community center and the location of the elevators, making the structure more attractive on the exterior.

Mr. Kienz suggested the developer provide Mr. Jim Lutz and Ms. Jessica Caldwell with a final materials list for approval prior to the project starting.

Both board professionals were satisfied that all items in their reports were addressed.

Chairman Williams opened the meeting to the public.

Mr. Jay Dunham, a resident, asked if there was enough room for fire equipment to get around the building in case of a fire.

Mr. Dykstra stated that the Fire Official reviewed and provided comments on the site, and determined it was satisfactory for any type of emergency situation.

Mr. Dunham then asked if the agreement for the maintenance of the sewage treatment plant would show the responsibility in percentages of who is responsible, how the maintenance will be funded, and if a performance bond for this agreement will be required.

Mr. Dykstra stated that Route 15 Properties and Quick Chek are working together on the agreement.

Mr. Dunham stated that the Township has run into problems before with failing treatment plants, whereby the Township has had to take on the responsibility and expense of these failing treatment plants.

Mr. Dykstra stated he is not involved with the agreement, and he does not feel that a private utility needs to be bonded. The attorneys for both parties are working on the agreement, and assume it will be forwarded to the Township for review.

Mr. Dunham then asked for clarification on whether or not the Township has a ladder truck tall enough for the building and about signage. He then agreed with the increase in demand for apartments in the Township, and encouraged the Board's approval.

The public portion was closed.

Mr. Kienz felt it would be appropriate to vote on both Diversified Acquisition applications together, but he will draft two separate resolutions.

Chairman Williams made a motion to grant revised approval for all Blocks and Lots listed in addition to any conditions of the resolution. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: Mayor Wilsusen, Councilwoman Senatore, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Deutsch, and Chairman Williams.

Blissful Wags, LLC

No. 22-05

Block 457.01, Lot 8
5621 Berkshire Valley Rd.
Use Variance

Mr. Steve Schepis, the applicant's Attorney, was present. He explained his client was previously in front of the Board on July 25, 2022, and they returned to answer some of the Board's unanswered questions and provide documentation.

Ms. Laurie Lisowski, the applicant, was present. She addressed the Board's concerns regarding fire safety, waste disposal, and an operations manual/business plan. She then presented Exhibit A-3, the Blissful Wags Operations Manual, and highlighted its contents. With regard to fire safety, the facility will have a central station monitoring alarm system, with SD/CO detectors and fire extinguishers in each room. The layout has been revised to accommodate more efficient egress in case of an emergency. No dogs will be allowed on the second story, with a self-closing gate at the bottom of the stairs. One room on the second floor will be an office, and the other room will be used for storage. She will have an evacuation plan, and she has been working with the Fire Official to ensure fire safety requirements are met. With regard to waste disposal concerns, she contacted three waste disposal companies (Blue Diamond, Pinto, and GDL). Each company can provide the container and pick-up twice a week. One person will be assigned to immediate cleanup of waste which will be triple-bagged and disposed of in cans located in each pen. These bags will then be stored in a locked shed until the night before a scheduled pick-up. She based her maximum number of dogs on the State guidelines and what other facilities are doing. Facilities with half the property are handling up to 75 dogs, and the majority of her business is the daycare where the dogs go home by 6:00 p.m. She is keeping her maximum boarding at 30 dogs. She will be offering an enrichment-type daycare, whereby the dogs will be exposed to different types of sensory stimulation throughout the day. She also plans on having sound-proofing on the inside of the fences. She then presented Exhibit A-4, three pages of specs on bear-proof waste containers that she would like to utilize in the pen areas. They will be conducting assessments on each dog prior to admission, and appointments for drop-off and pick-up will be made online in 10-minute intervals. The ratio will be 15 dogs to one (1) supervisor. Each area of the property will be double-gated. She then compared her proposed facility with other local facilities and services. She then presented Exhibit A-6, Blissful Works, Inc. Business Plan, and provided a summary of the plan. She plans on providing retail and grooming during Phase 3. She is also planning on becoming very involved in the community through workshops and events.

Mr. DiFrisco asked if she has any experience running this type of business.

Ms. Lisowski stated that she was laid off from her corporate job, and decided to follow her passion. It started out as a home-based business, and it grew very quickly.

Mr. DiFrisco voiced his concerns about the application being approved, and what would happen to the business when she decides to retire.

Ms. Lisowski stated when the time comes to retire, she would not sell to someone unless it was to someone who worked their way up at Blissful Wags.

Mr. Ruschke stated he has experience dealing with this type of application, and typically more detailed information is provided with respect to cleaning of the facility.

Ms. Lisowski responded by referring to her Operations Manual.

Mr. Ruschke asked if there would be floor drains, heat in the pole barn, and if the pole barn would be finished for easy cleaning.

Ms. Lisowski stated they will not have floor drains. The basement floor will be cement with an epoxy finish, and the upstairs will have commercial vinyl on the walls. She does not plan on having heat in the pole barn, but it will be properly finished for easy cleaning. With regard to urine, they will be utilizing tablets in a container that can be attached to a hose. This will be done twice a day in each pen. This process has been proven safe for surrounding well water and animals.

Mr. Ruschke has questions for the applicant's Engineer regarding soundproofing of the fences, but asked how the applicant would handle challenging dogs.

Ms. Lisowski stated that when a dog becomes challenging, her staff will follow the procedures and protocol in her Operations Manual. The point is to re-direct the dog to a different area, focusing on a different sensory enrichment. If the dog continues to have the same issues repeatedly, they will be asked not to return to the facility. Each dog will have a file, and their behavior will be documented.

Ms. Caldwell asked if the applicant has contacted the Township Health Department regarding obtaining a Kennel License, and if she is familiar with the requirements.

Ms. Lisowski stated that the Health Department requires Land Use Board approval prior to acquiring a Kennel License.

Ms. Caldwell asked for clarification on the maximum number of dogs the facility will hold, and if the applicant is unable to have the required ratio of handler to dogs, would the number of dogs allowed at the facility decrease.

Ms. Lisowski stated the facility will hold a maximum of 100 dogs; 70 daycare dogs, and 30 dogs for boarding. She will only accept a certain number of dogs based on the number of employees she will have at any given time.

Ms. Caldwell asked if the residential component would only be utilized by staff when dogs were being boarded.

Ms. Lisowski replied that is correct. When dogs are being boarded, they will be kept in an open, home-type setting with couches, televisions, etc.

Chairman Williams stated that he would like to focus on questions from the public at this time, and the application will have to be carried to our next meeting.

Mr. Kienz stated that the public should only be asking questions related to the testimony provided at this meeting. There will be other opportunities for additional comments and questions at a later time.

Chairman Williams opened the meeting to the public.

Ms. Amy Gould, a resident at 2 Brett Court, came forward. She asked for clarification on the maximum number of dogs and the staff-to-dog ratio. She also asked who would enforce the staff-to-dog ratio, and if she ever received a noise complaint from any neighbors while running the business out of her home.

Ms. Lisowski stated that she had a neighbor complain about the barking, and she was unable to continue her business out of her home.

Ms. Gould asked if there could be a reverter attached to the approval based on Mr. DiFrisco's comment.

Mr. Kienz stated that it could be done, should the Board deem it necessary.

Ms. Gould asked how the enzyme usage would be enforced.

Ms. Lisowski stated it would be a combination of adhering to her Operations Manual and regular inspections by the Health Department.

Ms. Gould stated that there is a daycare center close to the facility that have children napping throughout the day, and asked how the applicant would keep the dogs from waking the children.

Ms. Lisowski stated that the daycare center's nap times between 12 p.m. and 2 p.m. are the same times that she will be rotating her dogs inside for nap time while the staff has their lunch.

Mr. Paul Johnson, a resident at 5 Ruskin Road, came forward. He voiced his concerns about the excessive urine and how that will affect the wells of the neighboring property owners.

Ms. Lisowski feels that the enzyme treatments and property drainage will alleviate any potential issues.

Father Ben Williams, Pastor at St. Thomas Church, came forward. He stated that the Church is extremely active, seven days a week, all hours of the day. With the Church's cemetery located right behind the property in question, he feels the excavating and the installation of vaults for a burial will irritate the dogs, making them bark. In addition, he is concerned about dogs barking during other events such as weddings, baptisms, services, etc. How will the applicant keep the dogs from barking?

Ms. Lisowski stated that she has created a wooded buffer between the cemetery and her property, and does not feel the excavating will irritate the dogs. If the noise creates

excessive barking, the dogs will be redirected. We wouldn't allow the dogs to bark longer than one minute.

Father Ben asked what would happen when a new employee is being trained; would there be less control of barking during the training period or would you take on less dogs until the new employee is fully trained?

Ms. Lisowski stated she would only take on the number of dogs they could handle with the adequate number of fully trained employees.

Father Ben also voiced his concerns about urine contamination of the Church's well water, and if the Church fails a water test, how will the applicant remediate the problem.

Ms. Lisowski stated she is also very concerned about potable water, and is doing everything in her power to provide eco-friendly solutions so there are no issues.

Mr. Schepis stated that was an unfair question.

Ms. Karen Stickel, a resident at 31 Milton Road, came forward. She asked questions about parasite control.

Ms. Lisowski stated the dogs are required to have clearance from a vet, including proof of vaccinations, flea and tick medications, etc., prior to entry into the facility.

Ms. Stickel stated that dogs don't just bark when they're anxious, they also exhibit happy barking. She believes it is unrealistic to think that dogs will not be barking. In addition, there are a lot of COVID puppies who are not accustomed to being social. She has been dealing with dogs for 40 years, and these COVID puppies have a lot of issues. Who will be evaluating these dogs and how?

Ms. Lisowski stated she would be evaluating the dogs in addition to a certified trainer with 25 – 30 years of experience.

Ms. Stickel asked if the applicant had violations in West Milford, and is that's the reason she wants her business in Jefferson.

Ms. Lisowski stated she had a violation in West Milford for running a business in a residential zone. She quickly realized the business could not be run out of her home, and starting looking for commercial properties.

Ms. Stickel asked what the applicant is putting in the large detached building.

Ms. Lisowski stated the large detached building will be used for training and a play area.

Ms. Stickel asked what the applicant will do when there is a dog fight.

Ms. Lisowski stated her staff will be equipped with soaker guns, air horns, towels to throw on top of them, and sticks used to separate them.

Ms. Stickel stated that the only official way to stop a dog fight is to pull out the hind legs of the dog.

Ms. Lisowski stated each employee will be carrying a walkie-talkie in case of an emergency. They also have an emergency vet lined up and extra staff will be on call for any possible overnight emergencies.

Ms. Stickel asked where the dogs will go when there is inclement weather, and what will you do to keep them dry?

Ms. Lisowski stated she will have covered areas outside to keep the dogs dry, in addition to a covered patio and the detached building for playing.

Ms. Stickel asked how feedings are going to work, and will it take three hours to feed four dogs at a time as per your operations manual.

Ms. Lisowski stated she will have several people doing prep/serving/rotating of dogs at any given time.

Ms. Stickel asked for clarification on the number of dogs being boarded in the basement. She does not feel the area is large enough to support the number of dogs she is proposing in that area.

Ms. Lisowski stated she has planned separation areas throughout the house, and does not feel space will be an issue.

The public portion was closed.

Chairman Williams stated the public portion will continue at the next meeting scheduled for Monday, September 26, 2022.

Vice-Chairwoman Galfo requested that this application be the only application on the agenda to be heard at the next meeting.

Mr. Schepis requested that no further notice be required.

Mr. Kienz agreed.

RESOLUTIONS:

Feiner

No. 22-08

Block 432, Lot 39
18 Hopi Trail
Bulk Area Variance

Vice-Chairwoman Galfo made a motion to approve. **Chairman Williams** seconded the motion.

In Favor: Mayor Wilsusen, Councilwoman Senatore, Vice-Chairwoman Galfo, Vice-Chairman Palko, Mr. Hine, Mr. DiFrisco, Mr. Small, Ms. Steelman, and Chairman Williams.

Gorbacz

No. 22-03

Block 462, Lot 31
5642 Berkshire Valley Rd.
Minor Site Plan & Use
Variance

Mr. Small made a motion to approve the resolution. **Vice-Chairman Palko** seconded the motion.

In Favor: **Vice-Chairwoman Galfo, Vice-Chairman Palko, Mr. Hine, Mr. DiFrisco, Mr. Small, Ms. Steelman, and Chairman Williams.**

APPROVAL OF THE MINUTES DATED JUNE 27, 2022 & JULY 25, 2022:

Vice-Chairwoman Galfo made a motion to approve both sets of minutes. **Chairman Williams** seconded the motion.

In Favor: **Mayor Wilsusen, Vice-Chairwoman Galfo, Vice-Chairman Palko, Mr. DiFrisco, and Chairman Williams.**

ADJOURNMENT:

Vice-Chairman Palko moved to adjourn at **9:55 PM**.
Mr. Deutsch seconded.

In Favor: **All.**

Respectfully Submitted by:

Stephanie McCormack
Secretary to the Planning Board