

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING**

October 19, 2023

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on October 19, 2023, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:00 PM. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and the Star-Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairperson Neuer asked everyone to please rise for the Pledge of Allegiance.

Christopher Sobieski, Esq., Board Attorney read the opening statement.

ROLL CALL

Present:

Michael Dannemiller, Jerome Eben,
Philip D. Neuer, Peter Ricci,
Peter Scalora, Brent D. Scott,
Mark Sussman

Absent:

William Michael Barbee, Irv Schwarzbaum,
Alice Weiss,
John Hess, Consulting Engineer for the Township

Also Present:

Paul Grygiel, Consulting Planner for the Township
Christopher Sobieski, Esq., Board Attorney (Proxy for Steven Warner)
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

Future Meetings:

October 26, 2023 (Whispering Woods Settlement Meeting)
November 16, 2023 (Regular Meeting)
December 21, 2023 (Regular Meeting)

Chairperson Neuer announced that application **ZB-22-13 / MPB Realty LLC (470 Eagle Rock Avenue)** at the request of the applicant is carried to the December 21, 2023, Regular Meeting.

MINUTES

Adopt:

August 17, 2023 Meeting Minutes

Motion: Chairperson Neuer

Second: P. Scalora

Barbee:	-	Scott:	Y
Dannemiller (Alt. 1)	-	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	-		

September 21, 2023 Meeting Minutes

Motion: Chairperson Neuer

Second: P. Scalora

Barbee:	-	Scott:	-
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	-		

September 28, 2023 Meeting Minutes

Motion: Chairperson Neuer

Second: P. Scalora

Barbee:	-	Scott:	Y
Dannemiller (Alt. 1)	-	Sussman (Alt. 3):	Y
Eben:	-	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	-		

SWEARING IN

- Township Professional Mr. Paul Grygiel (Consulting Planner) was sworn under oath.

RESOLUTIONS

1) ZB-22-12 / Seton Hall Preparatory School
Block: 82.01; Lot: 1; Zone: R-1
700 Prospect Avenue

(Approved 9/28/2023)

Application seeking amended site plan and "d" variance approvals for the expansion of a non-conforming use was approved with conditions at the September 28, 2023, Special Meeting.

Motion: Chairperson Neuer

Second: M. Dannemiller

Barbee:	-	Scott:	Y
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	-
Eben:	-	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	-		

APPLICATIONS

1.) ZB-23-05/Red Barn Dog OPS NJ LLC

(Carried from 8/17/2023)

Block: 152.01; Lots: 1445 and 1445.05; Zone: P-C and R-5/IHO-1
235 Prospect Avenue

Seeking use variances and minor site plan approval for dog daycare facility.

PRESENTATION

- Mr. Stephen Hehl, Esq. entered on record on behalf of the applicant.
- Ms. Kayley Seely, Executive Vice President & Ms. Jim Riley, Chief Development Officer, entered on record, were sworn under oath and a description of their duties was provided.
- Mr. Riley, in providing background information about the Applicant and proposal, testified that they operate a number of Dogtopia canine daycare franchises across the United States, including four (4) existing locations and one (1) location currently under construction in New Jersey. The applicant proposes to operate an additional Dogtopia canine daycare franchise in the West Orange Plaza.
- Mr. Riley, stated that the proposed renovations and internal improvements associated with the application were: the Facility would feature a floor area of approximately 5,000 square feet; the Facility would feature three (3) playrooms for canines staying there; the three (3) playrooms within the Facility will feature their own unique specialty HVAC system with biomechanisms, as well as specialty wall coatings and rubber floors. It would also have a partition system to mitigate noise and odor for the adjacent tenants. The first playroom

would be dedicated exclusively to small breeds, the next would be dedicated to medium to large breeds with higher energy, and the third would be dedicated to medium to large breeds with lower energy.

- Mr. Riley stated that they are also proposing a façade sign above the front entrance and an additional compliant sign that would be situated on the West Orange Plaza's monument sign.
- Ms. Seely, in explaining the operations of the Proposed Facility, testified that the Facility would offer canine daycare, grooming and overnight stay services, with the bulk of anticipated business being generated from daycare services. He also stated that the canines that stay at the Application Site would be fed, exercised, and socialized.
- Mr. Seely stated that prospective employees would undergo extensive background checks and training processes.
- Ms. Seely said, in order to protect all enrolled canines, the pets would be required to be up-to-date on vaccinations, undergo a health evaluation and attend a preliminary screening meeting on-site to ensure they would behave well with other attending canines
- Mr. Seely stated that the facility would utilize extensive cleaning protocols on a daily basis and quarterly deep cleanings. He also said that the site would be equipped with webcams to allow the owners of canine attendees to monitor their pets in real-time during daycare and overnight hours
- Mr. Seely stated that the Proposed Facility would have a relatively minimal parking demand, with the average customer visit for daycare services lasting between two (2) and five (5) minutes for both the drop-off and pick-up of pets. He said that several of the other Dogtopia locations associated with the Applicant are located within shopping centers similar to West Orange Plaza.
- Ms. Seely testified further stating that the Proposed facility would generate, on-average, twenty (20) bags of solid canine waste per day; He said that the Facility's dedicated dumpster would be situated within an enclosure, located to the west of the existing shopping center's northern parking field; Mr. Seely stated that the Facility's dumpster would be emptied by a waste management company, one (1) to two (2) times per week; and liquid canine waste would be cleaned up using a mop and bucket.

BOARD QUESTIONS

- Chairperson Neuer Ms. Seely if the proposal in the application was prepared by her. She said yes.
- Chairperson asked if there would be a Behaviorist and Vet on site. Ms. Seely answered that there are resources that can be used through the support office. Chairperson followed up with asking where the support offices are located. Ms. Seely said that they are in Connecticut and Arizona.
- Chairperson asked if there is somewhere local where they will be utilizing Behaviorist and Veterinary services. Ms. Seely said that they partner with Emergency and Preventable Veterinary centers.
- Chairperson asked what the total capacity is. Ms. Seely answered 120 animals. Chairperson asked if vaccinations would be administered on-site. Ms. Seely said no. Chairperson asked how the applicant would dispose of animal waste. Ms. Seely said that it will be double bagged and in its own container with its own dumpster.

- Mr. Dannemiller asked about the outdoor dynamics of the application site. Ms. Seely said that there are no exterior facilities.
- Mr. Ricci asked if the client above the application site is Retro Fitness. Ms. Seely and Mr. Riley said that they are not sure what is open or not in the complex.
- Mr. Scalora asked for an elaboration on overnight stays for the animals. Ms. Seely said that there is a team on site from 10:00 PM-5:30 AM and in the time span there will be a monitored motion detector where if it were to go off, all parties would know.
- Mr. Eben asked if the garbage will be secured because they are currently unscreened. The chairperson stated that this question is better suited for when the application for West Orange Plaza is heard by the Planning Board.

PROFESSIONALS QUESTIONS

- Mr. Grygiel asked for confirmation that the franchise sites are located in shopping centers. Ms. Seely answered in the affirmative and confirmed that they all have overnight capabilities.

PUBLIC QUESTIONS

- Mr. Kevin Malanga (Ridge Road) asked with a max capacity of 120 dogs, how many employees will be on site. Ms. Seely said that there will be approximately 9-10 employees. Mr. Malanga asked if the dogs will be allowed to run without leashes. Ms. Seely answered in the affirmative. Mr. Malanga asked what kind of background checks are done on the potential staff. Mr. Riley answered that they perform criminal, educational and other screenings of that nature. Mr. Malanga asked how many crates are used for overnight stays. Ms. Seely said that t crates are used at naptime so the same number of crates at night would be available. Mr. Malanga asked if the West Orange Fire Department responded to an emergency overnight would they be in charge of removing the 120 pets. Ms. Seely said
- Mr. Frank Quah (170 Dreiser Loop, Bronx, NY 10475) asked how far the shop is from where the people in charge of the location live. The chairperson said that it is impossible to answer as their staff has not been hired yet.

No redirect from Mr. Hehl.

Break 9:30-9:47 PM. Upon return from break, Chairperson Neuer confirmed quorum of the Board returned to the meeting.

PRESENTATION

- Mr. Alexander Dougherty, Planner, was sworn under oath and was accepted as an expert in the field of Professional Planning.
- Mr. Dougherty confirmed that he took the photographs comprising Exhibits A-1 through A-9, and that they are accurate depictions of the Property as it presently exists.
- Mr. Dougherty opined that the Property is particularly suited for the proposed use because the Property is situated in the P-C Zone which permits a variety of commercial uses and is consistent with the use of the proposed canine daycare
- Mr. Dougherty said that the space utilized by the proposed canine daycare would be physically segmented in a particular fashion to support the proposed use.

- Mr. Dougherty opined that the proposal would not pose a substantial detriment to the public good because the application site has a healthy amount of parking and it would have a minimal demand for parking with most pet parents being present on average, between two (2) and five (5) minutes at a time.
- Mr. Dougherty said that the Applicant would install/utilize substantial odor, noise, sound, waste, and sanitation control measures to effectively mitigate the negative impacts on surrounding tenants/property owners. He said that with the exception of compliant signage that would be associated with the proposal, there would not be any significant physical alterations to the exterior portions of the Property.
- Mr. Dougherty opined that the proposal poses no substantial impairment to the intent and purpose of the Master Plan and the applicable provisions of the Ordinance because there are uses similar to the proposed canine daycare, including pet shops, kennels, and animal shelters that are defined by the Ordinance, though not expressly permitted in any zone and would be consistent with the Master Plan's goals for the P-C Zone.

NO BOARD QUESTIONS

PROFESSIONALS QUESTIONS

- Mr. P. Grygiel asked if this is an impulse decision site. Mr. Dougherty said that it is for members only. Mr. Grygiel asked about the visibility of the site. Mr. Dougherty said the size of the pending shopping center will make it visible for the business to be viable.

NO PUBLIC QUESTIONS

No Redirect from Mr. Hehl.

NO PUBLIC COMMENTS

EXHIBITS

- **Exhibit A-1** – A colorized zoning map exhibit denoting the zoning classifications of the Property and surrounding sites, dated August 16, 2023;
- **Exhibit A-2** – A colorized New Jersey Department of Environmental Protection GeoWeb Map of the Property and surrounding lots, dated August 26, 2023;
- **Exhibit A-3** – A colorized aerial drone photograph of the Property, dated August 16, 2023;
- **Exhibit A-4** – A colorized aerial drone photograph of the Property, dated August 16, 2023;
- **Exhibit A-5** – A colorized aerial drone photograph of the Property, dated August 16, 2023;
- **Exhibit A-6** – A colorized aerial drone photograph of the Property, dated August 16, 2023;
- **Exhibit A-7** – A colorized aerial drone photograph of the Property, dated August 16, 2023;
- **Exhibit A-8** – A colorized aerial drone photograph of the Property, dated August 16, 2023; and
- **Exhibit A-9** – A colorized aerial drone photograph of the Property, dated August 16, 2023.

CONDITIONS

- Except for the transportation of animals to and from customers' cars, no activities associated with the Proposed Facility shall be permitted outdoors;
- The dumpster collection schedule associated with the application site shall, after six (6) months following the issuance of a certificate of occupancy, be reviewed by the Township/Board Planner. If the Township/Board Consulting Planner determines that a higher frequency of dumpster collection is required to maintain the health and safety, the Applicant shall arrange for a higher frequency of collection in accordance with the Township/Board Planner's recommendations;
- The Applicant shall ensure that no patrons of the application site park, stand, or otherwise utilize the existing fire lane and handicap-accessible parking stalls nearest to the Proposed Facility for the pick-up or drop-off of pets, or for any other reason;
- The Applicant shall designate exclusive pet pick-up and drop-off parking spaces within the parking area in front of the Proposed Facility and there shall be no car queuing for drop off/pick up in the fire lane or the handicapped accessible parking stalls;
- The Applicant shall ensure that the building partitions of the Proposed Facility are at a compliant Sound Transmission Class/Co-Efficient ("STC") rating for the type of use proposed;
- The Applicant shall provide the West Orange Township Fire and Police Departments with access to the Proposed Facility's internal video feed and alarm system for monitoring during the overnight hours;
- The hours of operation shall be limited to 7 am to 7 pm, Seven (7) days per week;
- The Applicant is advised to use its best judgment in limiting the number of overnight stays within the Proposed Facility;
- The aforementioned approval shall be subject to all requirements, conditions, restrictions, and limitations set forth in all prior governmental approvals, to the extent same are not inconsistent with the terms and conditions set forth herein;

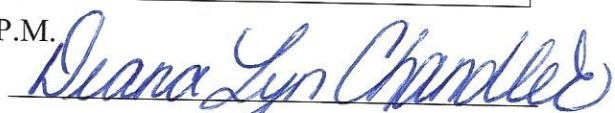
Motion: Chairperson Neuer

Second: M. Dannemiller

Barbee:	-	Scott:	Y
Dannemiller (Alt. 1)	Y	Sussman (Alt. 3):	Y
Eben:	Y	Weiss:	-
Ricci:	Y	Chairman Neuer:	Y
Scalora (Alt. 2)	Y		
Schwarzbaum:	-		

Chairperson Neuer adjourned the meeting at 10:15 P.M.

Adopted: 11/16/23


Diana L. Chandler, Secretary