

WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
August 27, 2012

MEETING CALLED TO ORDER AT 7:33 P.M. by Chairwoman Kallert.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS IN ATTENDANCE: TRACY KALLERT, RUTH PATTERSON, CHRISTOPHER MANIA, JIM IANNIELLO, GIANNI INTILI, RUSSEL JUZDAN AND JOSEPH PASCRELL

ALSO PRESENT – JOHN FIORELLO, BOARD ATTORNEY
BOB PERRY, BOARD PLANNER

FLAG SALUTE

Mr. Fiorello swore in Christopher Mania as Alternate Member # 1.

A motion to approve the minutes of July 23, 2012 was made by Ms. Patterson, second by Mr. Pascrell and approved.

RESOLUTION

DOCKET # 12-02 – G. MURPHY – 520 RIFLE CAMP RD. – BLOCK 110.14 LOT 4 – BULK VARIANCE – Application is hereby approved by a vote of 5 – 0.

ORDER OF BUSINESS

DOCKET # 12-04 – M. RIPINSKY – 32 WILLOW WAY – BLOCK 10 LOT 6 – USE VARIANCE

Chris Erd, attorney for applicant, stated that the owner of the property is Paula Ray Realty, LLC and the application was signed by a representative of that company. Mr. Fiorello asked about the waivers that are being requested on items on the check list. Mr. Erd said they are looking for the waivers because there will be not a single change to the site and they are only looking for the change in tenancy. Mr. Fiorello said that site plan is required and did not think the Board could waive it. Chairwoman Kallert felt some of the comments could

have been addressed if there was a site plan. Mr. Erd said the problem they are faced with is this is a not for profit organization and they just don't have any money to hire another professional. He said the zoning officer thought that the planning testimony would be enough and that is why they only filed for the use variance. When they received the planner's report he noticed for site plan just in case so he could ask for a waiver from some of the requirements tonight. If they have to come back for site plan then they have to see if they can afford to hire an engineer. Mr. Fiorello said a site plan is required under the ordinance with this type of application. Mr. Erd felt the Board could waive some of the requirements of the checklist items and affectively approve the site plan. Mr. Fiorello said he did not think the Board was ready to waive some of the items such as number of employees and operating hours. Mr. Erd said Mr. Ripinsky could testify to those items. Mr. Fiorello asked about the present use. Mr. Erd said it was vacant. Mr. Fiorello said there are other site plan matters like if there would be anything between the residential area and what is being proposed. Mr. Erd said there are no proposals to make any kind of changes outside the building what so ever. Mr. Fiorello asked if there would be signs. Mr. Erd said only what is existing right now. Mr. Fiorello said the Board does not know what is existing there and Chairwoman Kallert agreed. Mr. Fiorello felt they wanted to change what it says on the sign. Mr. Erd said yes. Mr. Fiorello said he wanted to resolve the site plan issue and felt they are going to need something. Chairwoman felt they would also need a floor plan to show where the dogs would be. Mr. Erd said that is not a site plan issue. Chairwoman Kallert asked about outdoor facilities for the animals. Mr. Erd said Mr. Ripinsky is here to testify to that. Mr. Fiorello asked about lighting. Mr. Erd said if they are going to get into site plan issues they could do that but they would like to address the use issue first. Mr. Fiorello said they could but felt the Board is going to want a site plan. Ms. Patterson agreed she wanted a site plan. Mr. Intili said they would need an interior plan as well. Mr. Fiorello said it is up to the Board but felt they would like to see a plan of the interior.

Michael Ripinsky, applicant, 501 E. 87th St. NY, NY was sworn in. He stated he started a rescue group in New York City a few years ago and they are a non-profit organization. They run on all volunteers and there are no paid employees. They run on donations and use face book and the media. People pledge money for the dogs. All of the dogs are spade and neutered and have all of the shots that are needed. They do pet adoptions everyday at stores like Petco and Pet Smart. They are working at doing it at other stores. People do not come to his place. He goes to their homes and does home checks to make sure the dog is in a proper place. The dogs will all be in kennels. He went to New Orleans after the hurricane and opened his own shelter. They train the dogs and make them house dogs. They have professional trainers who do volunteer work for them. The dogs get walked 4 or 5 times a day and they clean up after them. The stores donate all of their supplies including food, blankets, washers and dryers. The school children can give back to the community by working in a non-profit organization.

Mr. Erd asked why this location was good for the pet adoption center. Mr. Ripinsky said it is an area where there are commercial uses with very few residences.

Mr. Intili asked if he has been to the building. Mr. Ripinsky said yes and it is a wonderful location. The landlord knows they are a non-profit organization and he has given them a

break on the rent. It is an ideal location and away from people. Mr. Intili asked why the interior of the building is particularly suited for the adoption center. Mr. Ripinsky said it was a wrestling business that was quite open. It is a perfect place to locate the kennels. The building has heat and air conditioning. He will be occupying the entire 3200 sq. ft. of the building. Mr. Intili asked what they do with the waste. Mr. Ripinsky said he puts it out for the garage in large Hefty bags. They do pickup and hose down the waste if it is inside. Mr. Intili asked what the finish on the floor was. Mr. Ripinsky said it is cement which they will paint. They clean the kennels everyday which is very important. Mr. Intili asked if they use a pressure hose. Mr. Ripinsky said they use a basic mop after they hose it. There is a drain in the floor and there is a slop sink. They also will have a washer and dryer. They can open the garage and hose down the space.

Ms. Patterson asked how many dogs are there now. Mr. Erd said there are no dogs there now. Ms. Patterson said that dogs barked at her when she went to the site. Mr. Ripinsky said there are 6 dogs there but they are his dogs. He comes to the site every day and if he gets approval he will be moving here. Ms. Patterson asked if there is an evacuation plan. Mr. Ripinsky said they have a place in the Bronx who will take the dogs. Ms. Patterson asked if there is another weather event and the fire department has to go in who is doing all that. Mr. Ripinsky said they would get out if they were told to go. There will be not cats. She asked if he was saying they would not need any of the emergency personnel to evacuate them. Mr. Ripinsky said they would not. He would also take lost dogs for the police. Ms. Patterson said the police have a contract with another company.

Chairwoman Kallert asked where the dogs go when he goes home to New York. Mr. Ripinsky said they come with him but they have kept a couple there to see how it goes. Chairwoman asked what would happen if there was a flood now. Mr. Ripinsky said there is someone there 24/7. Ms. Patterson asked where they stay. Mr. Ripinsky said they sleep on the couch. They hope to have 20 volunteers with 2 or 3 at a time. There will only be 10 total dogs including his 6 foster dogs. They will be putting up 10 kennels that are 8' X 8'.

Mr. Ripinsky said he is a professional dog trainer. He started in Brooklyn and would pick up dogs that were left. He attended a school for training dogs. He may require a license from the Board of Health.

Mr. Ripinsky said the facility has 2 bathrooms and 3 offices. They will have a wait area and an area for training the dogs one on one. He described the area; to the left of the building as a hair salon inside a residence. She received a use variance from the Board. There are some residences, a warehouse and an auto body shop in the area. The Passaic River is across the street from the site and some industrial buildings.

Mr. Fiorello asked about employees and asked if they only accepted volunteers who were professionally trained. Mr. Ripinsky said they would train the volunteers. The volunteers would only walk the dogs that they tell them to walk. There is a proper way of walking a talk which they will teach them. They will also teach the volunteers about spade and neutering. He did not know if Woodland Park has an animal shelter. Ms. Patterson said they did years ago but they do not have one now. Mr. Ripinsky said it is a big expense to

maintain the animals. Mr. Fiorello asked how they get the dogs. Mr. Ripinsky said they all come from the kill shelters. They work with those shelters to rescue the dogs. It is the only way they take a dog. The shelters give the dogs all of the shots they need and also spade or neuter them. He could keep the dogs one day or one month until they get adopted. He could take them back to shelter if there is a problem with the dog. They also try to get seniors to take specially trained dogs.

Mr. Ripinsky said they give out cards at Petco with the website address on it. They then fill out an application on line. If they take a dog they make a donation to the center. He does interview people to see if they are candidates to adopt a dog. He felt the people here are more stable then in New York City and can handle adopting a dog.

Mr. Ripinsky said they have never run out of money and have never had a problem with getting food or medical supplies. They also work with vets who give them a reduction in fees.

Mr. Juzdan asked about the noise and how they would control the barking. Mr. Ripinsky said they do have collars that control the barking along with the barriers. The dogs are kept inside the building most of the time. Mr. Juzdan felt the volunteers may be a little unreliable. Mr. Ripinsky said he gets a lot of volunteers and he checks on them all the time. He will be less than $\frac{3}{4}$ of a mile away. Mr. Juzdan felt safety was a major issue when kids are walking the dogs on McBride Ave. Mr. Ripinsky said they would only have one dog and there will always be someone with them. He did not think they would be walking on McBride Ave. He would prefer they walk on Willow Way.

Chairwoman Kallert said she saw three dogs being walked tonight by 2 people. Mr. Ripinsky said he has one man at the site tonight and did not think he would have 3 dogs.

Mr. Fiorello asked if he had a facility in New York. Mr. Ripinsky said he did not but did operate a facility in New Orleans which is now closed. He said all of their dogs are in foster care now. If someone doesn't want to foster the dog anymore they bring them to this facility. If they go over 10 dogs they would put it in a boarding place.

Mr. Pascrell asked about the site plan. Mr. Fiorello said if the Board grants the variance they would have to come back and ask for site plan approval. He said the minimum requirement for off street parking would be 9 and the plan shows 9 but two of them infringe in the right of way. Mr. Ripinsky said they don't need parking. Chairwoman Kallert said it is required by law.

Mr. Fiorello asked if he has determined a need for the use in the area. Mr. Ripinsky said he thought so. Mr. Fiorello asked he did any checking on it. Mr. Ripinsky said an adoption center is a unique use but he did not check to see if there was a need.

John McDonough, 101 Fairview Dr., Morris Plains, NJ, planner, stated his qualifications and was accepted as an expert. An aerial photo and ground photos of the site were marked A-1 – a, b & c. He said the building is fully enclosed with limited windows. It is isolated

from the commercial corridor and in an area that is mixed in character. Most of the area is non-residential. The building is masonry construction which helps with the sound and is well suited for this type of land use. There is a pet grooming facility almost right behind the site. The applicant's only vehicle is a transport vehicle for the dogs. He will not be providing day care or boarding at this facility. This is a shelter where dogs will be put up for adoption. There is a low parking demand for this use. Nine parking spaces are required. They are in the Commercial Center zone that is targeted with a wide variety of uses. The variance is silent on pet adoption or rescue facilities so they are here for a use variance. The general ordinances are targeted at the health officer and very specific requirements must be met in the health code. They must apply to the municipal clerk for a license for the facility. They must submit a written statement to the health officer that the facility complies with local and state rules regarding the adoption, location and sanitation of the establishment. It also says that all licenses issued shall be subject to revocation for failure to comply to requirements. He felt this was another layer of control for the town. He felt the bottom line is if you put a clause in they must comply with Section 10 of the ordinance it would be a good condition of approval. The MLUL recognizes that zoning is not meant to be rigid and absolute and there are circumstances where flexibility is warranted. They are dealing with a special use not contemplated by the zone plan and a site that is somewhat unique and distinct. Special reasons are tied to the purposes of the MLUL and felt they are dealing with a save a life type of facility that promotes the general welfare. This is a business oriented district which expects free flow traffic and this is a mild, benign land use with no truck traffic. He sees a tie with the efficient use of land by taking what is and what you see is what you get. There is no change to the perimeter of the building and is for occupancy only. On the negative side they look at the impact to public health and welfare. It is safe to say the applicant will not cause a detriment to public safety and there is no dangerous traffic generation with this use. There are no unhealthy dogs kept on site and it is under the strict regulations of the health code. There is no glare or vibration that is usually associated with an industrial use. This was used as a wrestling facility that drew crowds and noise. This moves it to a mild form of land use. The zone plan does not expressly permit this use but it is not a substantial departure from the code. It is akin to some permitted uses in the zone and is a good fit for the site. He believed it passes the statutory test.

Bob Perry, Board Planner, said he wished the planner had done a report and submitted it. He felt the applicant's planner hit all the wickets for this but he does have a concern about two people being on site sleeping over night. He asked if that became an apartment. Mr. McDonough said it does become a residential use and thought the ordinance may contemplate a night watchman or caretaker use. Mr. Perry said he wanted to make sure they are protected for what the applicant wants. Mr. Erd said the intent is not that they would be residing there but may sleep while they are there. It is not intended to be a residence. Mr. Perry asked how it would differ from gas station attendants. Mr. Erd said it is not intended for that. Mr. McDonough said given the nature of the use it could be tied into the watchman or caretaker. He said residential uses are allowed in the zone. It is not contemplated as someone living there as a primary residence with no cooking facilities or clothes closets. Mr. Intili said there would also be an office use with this application. He asked where that is located. Mr. McDonough said it would be in the front of the building. Mr. Intili said he mentioned solid, windowless buildings are perfect for this use and asked if he thought that

was inhumane. Mr. McDonough said it is a climate controlled facility and the dogs will be walked 4 or 5 times a day. He said this is a rescue facility and not a long term facility. Mr. Intili asked if he could provide a basic floor plan. Mr. Fiorello said they have requested a plan for the interior and exterior and would be a condition of approval.

Chairwoman Kallert asked Mr. Perry if he thought this use was inter-related with Petco or Pet Smart. Mr. Perry said he did not and thought an accessory use was a stretch. Mr. McDonough said he was not saying this did not require a use variance. Chairwoman Kallert said she was just getting Mr. Perry's opinion.

Mr. Erd requested a vote on the use variance knowing they would have to come back for site plan approval.

PUBLIC OPEN – CLOSED

Any proposed sign will be shown on the site plan.

A motion to approve subject to all health codes, return for site plan approval, submit plans for exterior and interior, no more than 10 dogs at any time, no public at the facility, no more than 2 or 3 caretakers at all times was made by Mr. Intili, second by Mr. Ianniello and approved by a vote of 7 – 0.

A motion to adjourn was made by Ms. Patterson, second by Mr. Intili, all in favor. Meeting adjourned.

