

**ROBBINSVILLE TOWNSHIP PLANNING BOARD MEETING  
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ  
WEDNESDAY, SEPTEMBER 17, 2014 7:30 P.M. – SENIOR CENTER  
MINUTES**

**Present:** Chairman Cettina, Mr. Barker, Mr. Kolibas, Mr. Heilman, Ms. Breyta, Mr. Witt, Mrs. Goodwine, Mr. Shennard, Mr. Silvestrov

**Absent:** Mrs. Van Nest, Mr. Galluccio

**Also Present:** Mr. McGough, Township Engineer; Mr. Dasti, Esq., Board Attorney; Mr. Wilson, Architectural Consultant; Mr. Wisner, Planning Consultant; Mr. Gibson, Engineering Consultant; Ms. Post, Board Secretary

**ROLL CALL**

The meeting was called to order by Chairman Cettina. Roll call for the above members was called.

**SUNSHINE STATEMENT**

Chairman Cettina read the following statement: "Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice as being sent to the *Times of Trenton*, *Messenger Press* and the *Trentonian* and posted on the Municipal Building Public Notice Meeting Bulletin Board."

**FLAG SALUTE**

The Board members present led the public in the salute to the flag.

**CORRESPONDENCE**

There was no additional correspondence other than what was in the Board's packet.

**Public Comments**

Chairman Cettina asked for a motion to open the meeting to public comment. A motion was made by Mrs. Goodwine and seconded by Mr. Barker to open the meeting to the public. All in favor. Since no one from the public came forward to address the Board, a motion was made by Mr. Witt and seconded by Mrs. Goodwine to close the public portion of the meeting. All in favor.

**REPORT OF OFFICERS & COMMITTEES**

There were no reports.

**BOARD COMMENTS**

There were no Board comments.

**MINUTES**

**May 28, 2014** – Eligible to vote: Mr. Barker, Mr. Heilman, Mr. Shennard, Ms. Breyta, Mr. Witt, Mrs. Goodwine, Mr. Silvestrov and Chairman Cettina. Chairman Cettina asked for comments on the minutes.

Since there were no comments from the Board, a motion was made by Mrs. Goodwine and seconded by Mr. Barker to adopt the minutes as written. The eligible Board members voted in favor of adopting the minutes as written (Barker, Heilman, Shennard, Breyta, Witt, Goodwine, Silvestrov, Cettina). Motion passed.

**August 27, 2014** – Eligible to vote: Mrs. Goodwine, Mr. Witt, Mr. Silvestrov, Mr. Heilman and Chairman Cettina. Chairman Cettina asked if there were any comments on the minutes. Since there were no comments from the Board, a motion was made by Mrs. Goodwine and seconded by Mr. Witt to adopt the minutes as circulated. The eligible Board members voted in favor of adopting the minutes as circulated (Goodwine, Witt, Silvestrov, Heilman, Cettina). Motion passed.

## **BUSINESS TO DISCUSS**

### **1. PB14-06-01 – Gary F. & Susan Kubiak, Jr.**

**Project: “Golden Paws Pet Resort”**

**Block 28, Lots 3.01 & 6; 8 & 12 Sharon Road**

**Zoning: HC**

**Request for Approval of a Minor Subdivision, Preliminary/Final Site Plan with Bulk Variances & Design Waivers**

The applicant is requesting approval of a minor subdivision and preliminary/final site plan with design waivers and bulk variances for the proposed construction of a 13,200 square foot commercial pet care facility, which will include daycare, overnight boarding, grooming, and obedience training services on Lot 3.01. The proposed subdivision will permit the conveyance of 0.258 acres from Lot 6 to Lot 3.01, which will increase Lot 3.01 to 1.291 acres for the pet resort and reduce Lot 6 to 1.298 acres.

Representing the applicant was Michael Balint, Esq. Mr. Balint said there will be three witnesses: Daniel W. Caruso, PE, PP, Gary Kubiak, and Dana Kubiak.

All of the witnesses were sworn by the Board Attorney.

Mr. Balint stated this is an application for a minor subdivision approval and lot consolidation to adjust the property lines between Lots 3.01 and 6. The existing buildings on Lots 6 and 3.01 are currently vacant. Lot 3.01 is owned by the applicant, Gary Kubiak and Lot 6 is owned by IGG Holdings, LLC. Gary and Susan Kubiak are members of the LLC, which is a family business. The applicants are also seeking approval of a preliminary and final site plan to construct a 13,200 square foot pet facility. He will be presenting the testimony of the subdivision first and then the site plan.

The first witness was Daniel Caruso, who is the project engineer. Mr. Caruso stated his qualifications as having a bachelor degree and master degree in civil engineering. He has been licensed as an engineer in New Jersey since 1992. He has testified before other Boards and has been in front of this Board too. Mr. Caruso was accepted as an expert witness.

Mr. Caruso introduced Exhibit A-1 – Minor Subdivision Plan prepared by Harris Surveying, last revised May 28, 2014. This minor subdivision plan goes along with their site plan to build the pet facility.

Mr. Balint stated that before Mr. Caruso provided his testimony for the subdivision, he wanted to add that there is a number of preexisting conditions that require variances. Lots 6 and 3.01 have an existing depth of 225 feet whereas the ordinance requires a depth of 250 feet. The properties front on Sharon Road and abut a Township open space parcel to the rear so that is an existing condition that they really can't do anything about. The principal structure on Lot 6 has a front yard setback of

35.8 feet whereas 75 feet is required by ordinance. The accessory building has an existing side yard setback of 12.3 feet whereas 20 feet is required by ordinance. A variance is needed for the zero foot setback for the driveway, which is going to be placed on the common property line, whereas a minimum setback of 10 feet is required. Relief is needed from the minimum building coverage requirement on Lot 6 because the HC Zone requires a minimum gross floor area of 3,000 square feet. The principal building consists of 2,529 square feet and the garage is 2,373 square feet. The principal building to be constructed on Lot 3.01 will exceed the minimum gross floor area.

Mr. Caruso testified that they are proposing to move the common boundary line between Lots 3.01 and 6 because additional area is needed for the proposed pet facility on Lot 3.01. They are not creating a new lot, but just shifting the common boundary line. Lot 3.01 will be increased to 56,250 square feet and Lot 6 will be reduced to 56,531 square feet. The two lots will be almost identical in size. On the existing plan there are numerous entry driveways. There are two driveways on Lot 3.01 and an existing driveway on Lot 6. He pointed out that the existing driveway on Lot 3.01 will be removed and improved with two driveways. There will be only one way and one way out. The subdivision will be filed by deed and not by plat.

Mr. Shennard asked which driveway needs the relief from the minimum driveway side yard setback of 10 feet. Mr. Caruso responded that under the existing condition those driveways are well over 10 feet. Mr. Balint said that comment was in the review letters. He believed that it referred to the cross access driveway. Mr. Wisner said the driveway spans the common property line, which creates a need for a variance. Mr. Shennard noted that it is the driveway closest to the common property line. Mr. Caruso said it is the driveway that crosses the property line. No matter where the property line is moved that driveway will still cross it. Mr. Shennard asked by moving the property boundary line, how does that affect the other lot. Mr. Balint answered that it doesn't change. The only variance being requested is for lot size depth and that is a preexisting condition. The size of the two lots will be almost the same size. The only improvements being sought are for Lot 3.01

Mr. Shennard asked if that is a residential structure or a commercial structure. Mr. Balint thinks that it was both originally.

Mr. Balint asked Mr. Kubiak to explain the proposed nature of this facility. Mr. Kubiak testified that it will be a kennel, which will include daycare and grooming. Mr. Balint noted that Mr. Kubiak is an electrician. He asked what Mr. Kubiak's motivation was to create this building and business. Mr. Kubiak said his daughter Dana has been very involved with animals her whole life and she has worked for a veterinarian for three years. She doesn't like the sadness associated with euthanasia, especially with the dogs. She wanted to find a different place where dogs could be happy so she went to work for "Camp Bow Wow", a place similar to their proposed facility, but she didn't like the way the dogs were being treated. Therefore, she wanted to open her own facility and give dogs a better life.

Mrs. Goodwine asked if it would be similar to a nursing home for dogs. Mr. Kubiak responded that it will be a stress free kennel for dogs. The dogs will have their own pods. Mrs. Goodwine said she does not have a dog, but if she was going away on a big trip, could she bring her dog there or is it a place for old foggy dogs. Mr. Kubiak said it is not a place for old dogs, but a resort for dogs.

Dana Kubiak testified that it is for kenneling dogs. They will babysit the dogs. The dogs are fed, medicated if needed, exercised and play with other dogs. The dogs will get attention. It is a place for the dogs to stay when their owners are away on vacation.

Mr. Balint asked Ms. Kubiak to testify regarding the various areas of the facility on the site plan. This plan was marked as Exhibit A-2 – Site Plan, prepared by Daniel Caruso, dated August 12, 2014. Ms.

Kubiak stated that there are two types of boarding. One is the doggy daycare where the dog is just dropped off for a day to play with other dogs and go home at night. The other is individual boarding where the dog is dropped off and individually kenneled. Some dogs will have indoor/outdoor access. The dogs kept indoors will be brought outside where they can exercise and go potty at least four times a day. The dogs that are kenneled will be brought from the kennel to the daycare and then they will be brought back at night where the doors will be closed at night so they don't have access to the outside at nighttime. Mr. Balint asked if there is a training area. Ms. Kubiak answered there won't be training in the beginning, but there will be room for that later.

Mr. Balint asked Mr. Kubiak to state the hours of operation. Mr. Kubiak answered that the facility will be opened from 6:00-6:30 a.m. and closed at 9:00 p.m. with offsite monitoring from 9:00 p.m. to 6:30 a.m. Mr. Balint said even when you are not onsite, the facility will be monitored by security system. Mr. Kubiak said that is correct. That is just for the kennel. There will be no daycare or grooming at night. Mr. Balint asked what the hours are for the daycare. Mr. Kubiak answered that the daycare will be open from 6:30 a.m. to 7:00 p.m. People can drop off and pick up the dogs at their leisure between those hours. Grooming hours are by appointment only and open from 9:00 a.m. to 5:00 p.m. Mr. Balint asked how many employees will be onsite at any given time. Mr. Kubiak answered that it will be eight employees.

Mr. Witt asked how will the offsite monitoring work if a dog has an issue. How long will it take for someone to arrive there to deal with the issue? Mr. Kubiak responded that they don't recommend that someone in a facility like this work at nighttime because it disrupts the dog and their sleep. The cameras will not be watching every dog so if a dog had an issue, they would not know about it that night. Mr. Witt asked if unsupervised timing is normal for this type of facility. Ms. Kubiak answered that they board mostly healthy dogs so they don't accept dogs with a lot of health issues just for that reason. There are other places that can board those kinds of dogs. If someone walks up and down the aisles, the dogs won't be able to get the sleep that they need.

Mr. Caruso testified on the site plan. The facility will be located on a corner parcel on Sharon Road next to the connector road. It will be a 12,000 square foot building with two roofed unenclosed covered areas. There will be a 23 stall parking lot with one way in and one way out. Since they are developing close to the intersection, cars will be able to get in and leave further away from the intersection, which allows the traffic to flow a little better. The site will have an infiltration/detention (dry) basin and will recharge, which is required to provide better quality. The main dog runs are portioned along the front. The left end of the building as you face it on the left side of the building and all along the rear is where the overnight dogs will have access to the indoor /outdoor access. The back portion of the property will be fenced in with different play areas and exercise yards. That is the operation of the facility. The detention is going to be designed to capture all of the storm water from the proposed parking and building rooftop areas. The rear portion of the building is designed to flow around the building to the same point as the existing condition, which drains from the rear toward Sharon Road. At Sharon Road there is an elevation of approximately 120 foot and the rear of the property has an elevation of 134 foot. So there is a 20 foot drop from the rear of the property to the front of the property. He tried to design the site grading to balance the grade to minimize the slope of the driveways coming in. To balance the site they are proposing to grade offsite to the rear and the sides, which will also allow them to provide a swale for the north site runoff of the Township property and around their building into the existing system that exists. Mr. Caruso stated that some of the grading will impact the Township property at the rear of the site. This proposed use of the Township property was discussed with the Township staff.

Mr. Balint mentioned that they will need an ordinance to be adopted by the Township Council in order for the applicant to use the Township property. Mr. Balint believed the ordinance has been introduced and will be before Township Council next month if this application is approved. He

thanked Mr. McGough for moving the ordinance along. He added that the applicant will provide some additional landscaping in that area as well. To satisfy their reforestation requirements they asked that the Township allow them to use their land. Mr. Balint commented that the open space had at one time been owned by the Kubiak family as part of this site many years ago.

Mr. Balint asked Mr. Caruso to give an overview of why they are seeking a waiver for the parking screening, which is indicated in Mr. McGough's letter, page 3, section IV.1.a. Mr. Caruso commented that the way the grade is from Sharon Road up to their driveway, there is approximately a 6-7 foot grade change. Anyone driving along Sharon Road in this vicinity will see the berming of their property and not necessarily the cars. He believed that no additional screening would be needed, which is why they are requesting a waiver.

Mr. Balint asked Mr. Caruso if he designed the landscape plan or if it was designed by someone else. Mr. Caruso answered that the landscape plan was designed by Davies Associates Landscape Architects, LLC. In the center of the property there will be some shrubberies around the sign and landscaping along the front end of the property, which will be more of a lower type shrub. The proposed grading and the accommodation of the plants that they are providing will provide sufficient screening for the parking lot.

Mr. Balint asked Mr. Caruso if it was his understanding that there is a requirement that there be one tree per ten parking spaces. Mr. Caruso answered yes. Mr. Balint said that they are asking for a waiver from the island portion of that requirement. He asked Mr. Caruso to explain why they are seeking that waiver. Mr. Caruso replied that it is a small parking lot for 23 cars. Landscaped islands are more for the big commercial lots where you don't want to see row after row of cars so you try to break up the view. Their lot is small enough that the landscape around the perimeter will be sufficient for the site. They would lose a stall in the center for parking if they added that.

Mr. Balint asked if the grading of the property as well as that of the road contributed to the waiver request. Mr. Caruso said as far as seeing that landscaping from the road, there is a change in grade of 6 feet. Therefore, they would also be requesting a waiver from the requirement regarding the percentage of landscaped islands that are allowed to be grassed.

Mr. Witt remarked that looking at the impervious coverage, it appears this lot has less impervious surface than the maximum allowed, which is 0.65 %. This lot has 0.52%. It looks like they are under the maximum. He thought the Board could grant the waiver for not having the islands and additional more green than to max out the impervious surface.

Mr. Balint thanked Mr. Witt for his statement.

Chairman Cettina said that they mentioned the road level height and the parking lot to be approximately 6 feet. On the landscape plan, it does appear to be the case where the street edge is listed at about 121-122 feet. When you are on the driveway, you are looking at about 128-129 feet. When you turn over that over and look at the other plan, you will see that you are at 120 feet and on the top end you are more like 126 feet. So the difference between the road and the parking lot is more in the range of 3-4 feet and not 6 feet. The plan should be marked to note that the grading is incorrect on the landscaping plan. There is conflicting information on the two pages. For the sake of the testimony, the site grading plan should be the first plan. In respect to the landscaping, what are the four plantings in front of the parking lot at the top and how big will they grow?

Mr. Caruso said that it looks like Maple trees. The trees will be 30-35 feet tall and 20-25 feet wide.

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Chairman Cettina remarked the trees will be tall. He said that is essentially the area that you are looking to get relief from with regard to the screening the parking lot. He did not think the applicant needed a waiver for this. You have 4-6 foot of Delta from the bottom up. Trees above that and a row of Holly. You already have your screening. Wouldn't that satisfy the requirements so a waiver would not be needed?

Mr. Wiser stated that it would probably satisfy the requirements as far as the screening aspects of the visual screening. The island is a different issue.

Mr. Balint asked Mr. Caruso to address the screening of the loading area. Mr. Caruso introduced Exhibit A-3 - Grading and Utility Plan. He indicated the 18 foot by 56 foot loading area. The dumpster will be located to the rear of the loading area. Most of the deliveries are by UPS truck so a loading dock is not needed. Mr. Balint asked if the largest vehicle in that area will be a garbage truck. Mr. Caruso said that is correct. Mr. Balint asked if that area will be designated as a no parking area. Mr. Caruso said that is correct. He said the design idea was to push the trash dumpster back as far as possible away from the parking area. The waiver being requested is for the screening. They are proposing some landscaping along the side of the dumpster, which is adjacent to an existing commercial site. He doesn't believe that you will see much of it from the road because it is so far back and there is a grade change from the road.

Chairman Cettina asked what is surrounding the dumpster. Mr. Caruso responded that a vinyl fence will surround the dumpster.

Mr. Balint stated that in respect to outdoor pedestrian spaces, they are proposing picnic tables in front of the building. Mr. Caruso added that one of the comments from the review memo is that a trash receptacle be added. They have no objection to that.

Mr. Balint said the next item is the screening of the unsightly elements like the HVAC unit and the utility box, etc.

Chairman Cettina said he wanted to go back to the dumpster scenario. The wording in the review letter says 100% visually impervious condition to block the view. Further on it says earth berms or screening by a fence, wall, or planting, or combination of the four, and shall not be less than 6 feet in height and 100% visually impervious. The only thing you would see if you were in the parking area is the front part of the dumpster.

Mr. Caruso said the dumpster will be fenced with a gate. It is solid vinyl so you won't see the dumpster. A picture of the gate was shown.

Mr. Gibson said that is acceptable.

Chairman Cettina remarked that no waiver is required if it has a 6 foot high fence around it.

Mr. Balint stated he doesn't know where the HVAC unit will be located, but it will be screened.

Mr. McGough commented that the memos had been sent to the applicant and then there was a TRC Meeting. Revisions were made to the plan per comments made at the TRC Meeting. The testimony should be that the changes have been made and they agreed with the comments so they move along quicker in the meeting.

Mr. Dasti said to Mr. Balint that maybe you can indicate through Mr. Caruso if there are any notes in Mr. McGough's memo that they don't agree with. If you are going to comply with the comments, then that's fine.

Mr. Balint stated that he received the memo after the TRC meeting. He does want Mr. Kubiak to clarify the fencing because they have multiple fencing so everyone is clear as to what is going where.

Mr. McGough said going back to the trash enclosure, Mr. Wiser's memo says there are 4 Colorado Spruce proposed and that does not appropriately address this requirement. So based on the TRC meeting, they added it. When they have the TRC meeting and the applicant is willing to comply with the changes, they send a letter back to us in a packet that says we did all of this, but we didn't do these, that's usually how it's done.

Mr. Kubiak testified that in the front of the building there will be a 6 foot high vinyl fence, which will go across this side property line and the back property line will have an 8 foot high vinyl fence. It will be either a white or beige color to blend in with the landscape. The Health Department wanted 8 foot fencing around the property where dogs will be loose. The dogs won't be loose in there so as not to disrupt the building, but the side and back fence will be in vinyl. Across the other side along the connector street will be a decorative ornamental fence with Puppy Bars on the bottom so dogs can't get stuck at the bottom. It will look a little nicer from that direction. Inside the facility behind the fencing, it will be chain linked for the play yards and for the indoor/outdoor dog runs. Basically on the outside of the property there should be no chain link visible. They will have very little deliveries. Most of the owners are supposed to bring their own food. They really shouldn't be supplying the dog food. Maybe some FedEx trucks with small packages will come to the site.

Mr. Balint believed that they can comply with the rest of the comments in McGough's memo.

Mrs. Goodwine said that she see pages with some of the fencing around the dumpster area, but she doesn't see the detail of the fence. Mr. Caruso said that it is on the site plan.

Mr. Balint asked Mr. Caruso if he reviewed and agreed to comply with the Remington Vernick memo's storm water management comments. Mr. Caruso confirmed that they will comply, but there is a problem with the two year runoff rate. The way the grading and storm water works, their basin is designed to pick up all impervious coverage from the building. There is no parking near the basin. That is being controlled and that exceeds the requirements. However, the two year storm slightly exceeds the allowable reduction rate. The reason that it is slightly higher is because it is bypassing the basin, which is created from the offsite runoff, that two year storm is higher and that creates that little bit of an increase. So they are asking for a waiver because they have no control over that. There is no impervious associated with the tall grass on their site.

Mr. Shennard asked where the basin discharges.

Mr. Caruso said that the plan design is to work with the Township Engineer. He designed it as the emergency spillway dumps into the structure itself so they are proposing not to have emergency spills. He designed it so that the outlet pipe structure will hold that storm water and allow it to pipe out and not the storm basin. The pipe ties into the existing system, an inlet, and dumps into the adjacent field.

Ms. Breyta asked if it will have water all the time. Mr. Caruso said that it will be dry. It will meet the requirements of being empty within 72 hours.

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Ms. Breyta said the line between the parking lot and the basin, is there a fence or something to prevent cars from going into the basin. Mr. Caruso said that there is a concrete curb edge.

Ms. Breyta asked what kind of maintenance has to be done on the basin. Mr. Caruso said that when they did some studies out there to determine what soils had to be removed, they had sand brought in so that it is a sand basin and it will infiltrate into the soil. They provided a maintenance manual. With different size storms, they go get the leaves out of it. They will replace the sand every 2-3 years. Once the facility is operating, there is very little that gets out that affects it.

Ms. Breyta was wondering if the guardrail or small wooden something will prevent a car from going through there. Mr. Balint said that Mr. Caruso will work it out with the engineer and will comply with whatever he has to.

Ms. Breyta stated that with the regrading that happens on the Township property, it is pretty steep back there. The water is going to run down to the back of the building. Mr. Caruso said yes. The water will come down and be directed around the facility with the grade. Ms. Breyta asked what is his level of confidence that there won't be some major storm and that will all fill up in there. Mr. Caruso said that it is all straight grading that run off into existing conditions.

Mr. Balint asked Mr. Kubiak to come back up to discuss two items from the Remington & Vernick memo. One is an ordinance that speaks to the need for demonstrating sensitivity to the October compliance review of the US Green Council's Leadership in Energy and Environmental Design standards. He has two letters from consultants that have been working with Mr. Kubiak on this project that address the issue. He asked Mr. Kubiak to identify the person from Turnkey Inc. and how they are connected to the project.

Mr. Kubiak said that Turnkey Inc. is a company that they hired out of Houston, Texas and they design dog kennels. This will be his 53<sup>rd</sup> one. They are very conscience about the environment, recycling, energy efficiency and all that. He has a letter with all the items that they are going to do to comply with as much as possible. It will not be a LEED building. There will be LED technology and water savings when washing the dogs. They are going to have solar panels. There is a list of energy efficient items.

Mr. Dasti said to mark the letter as Exhibit A-5 – Letter dated September 15, 2014 from Turnkey Inc.

Mr. Balint asked Mr. Kubiak to talk about the letter dated September 17, 2014 from an architect located out of Robbinsville.

Mr. Kubiak said Turnkey does not work in New Jersey and doesn't know New Jersey codes so they contacted Patryk Hirsz, who will be working side by side with Turnkey to get all of the local requirements. Mr. Hirsz provided a letter with the items that he will be looking at while they are doing the building construction to make sure that it is in compliance as much as possible.

Mr. Dasti said to mark the letter as Exhibit A-6 – Letter from Patryk Hirsz, Architect, dated September 17, 2014.

Mr. Balint introduced Exhibit A-7 – Colored Renderings and Elevations of the Property prepared by Ronald E. Rheume, AIA.

Mr. Balint asked Mr. Kubiak to describe the building signs. Mr. Kubiak explained that they are looking to have two building signs. One will be from the connector street. That will be their main sign since you won't see too much of the building from Sharon Road. This will be the primary sign



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on the side of the building. There will be a small sign in the front of the building for people as they pull in to identify the building.

Mr. Balint asked if it was his understanding that a variance is required to have two façade signs on the building. Mr. Kubiak answered yes. The signs as far as square footage comply. The signs will be 48 square feet and 24 square feet.

Mr. Balint noted that there is another sign shown on the plan and that is actually on Sharon Road. Does that comply with the signage requirements? Mr. Kubiak said yes.

Mr. Balint stated that they basically comply with all conditions including outside agency approvals. There is a comment regarding an access easement and agreements. Plans will be revised and submitted to incorporate all the changes and comments.

Mrs. Goodwine asked with regard to the closest driveway to Route 130 that is one way in and one way out. This "Do Not Enter" sign is going in the front at the end of the driveway so the people on Sharon Road passing the golf course and passing Sharon Mews will know that they cannot make a left there. They will have to go down to the driveway and come around. Mr. Caruso said that is correct. There will be signs for driveways.

Chairman Cettina said that there was a memo from the Fire Official for access in to at least one side of the building. Has that been addressed? Mr. Caruso answered it has been addressed. They are proposing double wide gates wherever there is a fence, a double open 6 ft. gate, a total 12 ft. wide opening. The surface of the ground in those areas is pea gravel.

Ms. Breyta asked about waste management. It looks like the perimeter on all three sides in the back is the pea gravel exercise area. On a rain event, there is going to be a lot of water moving through there. Mr. Kubiak said any waste management on the pea gravel or on any of the surfaces will be picked up daily or immediately and taken away once a week by a waste management company that takes care of dog waste. Urine will soak into the ground.

Ms. Breyta noted that the Board of Health had a comment in their memo about the facility being required to operate within the operational standards for noise control. Mr. Kubiak said that the Health Department didn't mention that to them, but they are very conscience about the noise and the environments of the dogs. The dogs will be supervised with a person when they are outside at all times. They won't be left alone. The dogs inside are going to be in a pod with 8-10 dogs in a pod that is enclosed. So if they bark, the whole place will start barking. A lot of facilities have 50, but they will have only 10 dogs.

Ms. Breyta asked Mr. McGough if the ordinance comes with something measureable. Mr. McGough stated that it is administrative code in New Jersey and in the Robbinsville Code, Chapter 166. He is sure that there is a decibel level. It is a noise ordinance and they do have to comply. If they don't comply, it will be a violation.

Chairman Cettina asked where the closest residential property is. Mr. Kubiak said a half-mile down across the street is Sharon Mews.

Ms. Breyta said there is a residence right here. Mr. Kubiak answered that their family owns that too. They own all three of the properties. It is residential right now, but they intend to turn it into commercial use.

Mr. Kolibas said that he would like to revisit the screening for the parking area. Is it your contention that the natural topography is sufficient so the area will not be viewed from the street or is it in combination with the landscape plantings that it will shield the parking area? Mr. Caruso answered that it is a combination of both. Mr. Kolibas said aren't those plantings going to be very immature and won't provide adequate foliage for years if you are relying on both. Mr. Caruso said the elevation is 6 feet. Mr. Kolibas said he has been driving there daily for the last 11 years so he has some familiarity with the property. Mr. Caruso replied that in the beginning the landscaping will be scarce, but in time it will provide more screening. Mr. Kolibas said not initially, but in good time say 5 or 6 years.

Mr. Barker said there is no screening there now, correct.

Chairman Cettina remarked from the property down to the road, there is somewhere between 5 and 6 feet of distance. With the planting on top of that, if you have something small to begin with, that's 18 to 24 inches. You're up 8 feet at this point. So anyone on the road will be looking up at something that's 8 feet above their head. From the perspective of even the immature level, it is not easy to see it. It is really no different than if everything is on the same grade and the screening requirement is 4 feet. It essentially meets the requirement of the screen if you take into consideration the topography. That is why they were saying the waiver is not really required.

Mr. Shennard asked if the pods are designed to absorb the sound of the dogs. Mr. Kubiak said yes. Mr. Shennard asked if they will have a situation here like with there is with Kauffman Kennels? Mr. Kubiak said not at all. He compared it to night and day. His daughter worked there. They are trying to change the way dogs are treated.

Mr. Shennard asked about the materials being used for the structure of the building. Mr. Kubiak said that they are looking to use steel. The cost of steel is very expensive so they may have to use wood for construction.

Mr. Shennard said that there is a dedicated entrance and a dedicated exit with a "Do Not Enter" sign. Does this mean that there is no need for an enter and exit sign? How will people driving down Sharon Road know this is a one way in and one way out? If the Board feels that it is important enough, can you put up one way signs. Mr. Caruso said that they can put up a small entrance and exit signs. They planned to put up an enter only sign in the front. Mr. Shennard said that he didn't see that on the detail plan.

Ms. Breyta said that large sign that faces the open road, is that a lit sign? Mr. Caruso replied all of the signs will have external lights.

Mr. Shennard said with the elevation being 5-6 feet above Sharon Road and parking positions 15-23 along the front of Sharon Road, is there a need for any wooden or guardrail system there. Is there any concern there? Mr. Gibson answered that it is curbed there. Mr. Shennard commented that there were situations where it was curbed like in Town Center where a car run down into the lake. Mr. Kubiak said that it will have curbs and shrubs.

Mr. Balint asked Mr. Kubiak to confirm that there will be 16 cat stalls at the facility. Mr. Kubiak confirmed that there will be 16 cat stalls. Mr. Balint added that cats will not have daycare and will only be there for extended stay.

Mr. Shennard said that the applicant did mention a solar system in the future. Is that a roof system? Mr. Kubiak answered yes.

Chairman Cettina asked for a motion to open to public comment. A motion was made by Mr. Shennard and seconded by Mr. Witt to open to the public. All in favor. Since no one came forward to address the Board, a motion was made by Mr. Witt and seconded by Mrs. Goodwine to close to the public. All in favor.

Chairman Cettina asked Mr. Dasti to summarize the application.

Mr. Dasti stated that these are Lots 3.01 and 6. Lot 3.01 is owned by Mr. and Mrs. Kubiak and Lot 6 is owned by IGG Holdings, which is an LLC of the Kubiak family. This is a minor subdivision and that is strictly to move the current common boundary line more to the east. There are numerous design waivers and bulk variances, which are all set forth in Mr. McGough's letter of August 19, 2014. On the second page are all of the bulk variances. Some of the variances are preexisting and nonconforming such as the minimum lot depth, the minimum setback and minimum gross floor area. One of the two buildings on Lot 6 now is currently less the 3,000 square feet. There's not going to be any new work done on Lot 6, which is the lot to the east. Because of the unique topography of the site, there are several waivers requested in terms of the screenage. It has been determined that one of the waivers requested is not necessary. It appears when standing or driving a car on Sharon Road because of the topography difference and the proposed shrubbery, no one is going to see this parking area from Sharon Road when the trees mature. The applicant has requested a waiver for an 8 feet high fence to be constructed in order to satisfy some concerns of the Health Department. The applicant will comply with all of the plat detail requirements set forth in Mr. McGough's and Remington & Vernick's review letters. The applicant will comply with all of the comments in Mr. Wilson's letter. The day care will be open from 6:30 a.m. to 7:00 p.m. Grooming will take place from 9:00 a.m. to 5:00 p.m. The kennel will be open from 6:30 a.m. to 9:00 p.m. with offsite monitoring from 9:00 p.m. to 6:30 a.m. with cameras. There will be 8 employees and 23 cars. There will be one way in and one way out of the facility. There will be sufficient signage to indicate to people traveling on Sharon Road which way is in and which way is out. This is an infiltration detention basin. It will be a dry basin, but all of the storm water will remain on site. The applicant is in the process of working out a permanent easement agreement with the Township. The Township needs to consider adopting an ordinance with second reading, which will authorize execution of a permanent easement on the Township property to the rear of the site so as to allow the applicant to regrade a portion of the rear of the site for the purpose of cutting down on the elevation. The permanent easement will require the applicant to reforest the Township lot to the satisfaction of the Township Engineer. There will be a picnic table in the front. They are not sure where the HVAC unit is going to go, but it will be screened. If it is on the roof, it will be hidden so it is not visible from the street. There is no loading dock. There is a loading zone. There is no anticipation of any large tractor-trailers. At most FedEx and UPS type trucks will go to the facility. In terms of the Fire Department requirements, there will be access on the western side of the building. There will be a 12 foot opening. There has been testimony that the management of the waste will be picked up immediately and taken away from the site one time per week. The applicant will comply with the noise ordinance and will comply with the requirements of the Board of Health and the Township Ordinance for noise issues. All of the signs will have external light on them.

Chairman Cettina asked if the applicant is willing to review the situation of the drop off of the detention basin is from the parking area with the Township Engineer after it is constructed to make sure he is satisfied with the safety of the condition that somebody can't go into the side. He is not saying that you have to put something there now. He would just like the applicant to be open to modifications should it be necessary.

Mr. Balint said that his client will agree to that condition.

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Chairman Cettina asked for a motion to approve the application with the conditions summarized by Mr. Dasti. A motion was made by Mr. Witt and seconded by Mrs. Goodwine to approve the application.

**ROLL CALL:**

**AYES:** Barker, Kolibas, Heilman, Breyta, Witt, Goodwine, Shennard, Silvestrov, Cettina

**NAYS:** None

**ABSTAINS:** None

There being nine (9) aye votes and no nay or abstain votes, the above referenced application was approved.

**OTHER BUSINESS**

Chairman Cettina announced that the Planning Board and Town Center Subcommittee scheduled for September 24, 2014 will be canceled.

**ADJOURNMENT**

With no other business to discuss, a motion was made by Mrs. Goodwine and seconded by Mr. Silvestrov to adjourn the meeting. All in favor. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

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Elide M. Post  
Planning Board Secretary

Transcribed by: Jewel Timberlake-Morgan

**ADOPTED: DECEMBER 10, 2014**