

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Regular Meeting
Tuesday, May 27th, 2014
—MINUTES—

CALL MEETING TO ORDER:

Vice-Chairman Sweeney called the meeting to order at 7:30 p.m. in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 15, 2014 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

ROLL CALL:

Don Sweeney – present
Paul Riga – **absent**
Pushpavati Amin – present
Bill Vornehm – **absent**
Alan Fross, Alt. #2 – present
James Weideli, Alt. #4 - present

Lee Schapiro – present
Evans Humenick – **absent**
Michael Kirsh, – present
Beth Powers, Alt. #1 – present
Roger Pearly, Alt. #3 – **absent**

Others present: Attorney Lawrence A. Vastola, Marianna Voorhees Secretary to Engineering, Jo-Ann M. Petruzzello Secretary to Planning Division, and Mr. Thomas J. Forysthe, PE, CME.

MINUTES FOR APPROVAL:

February 25, 2014, Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

March 25, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

April 29, 2014, Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

May 20, 2014 Regular Meeting (*pending*) - The foregoing minutes will be presented for Board consideration when completed. No action was taken.

MEMORIALIZING RESOLUTIONS:

MICHAEL J. COLLINS, INC-1745 Mountain Top Road
Block 721, Lot 63

#13-033-ZB, Bulk Variance Application (new dwelling)

DECISION: Approved w/conds 4/29/14

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mr. Schapiro, Mr. Fross, Chairman Vornehm.

AFFIRMATIVE: Mr.Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Schapiro, Mr. Fross

ABSENT: Mr. Riga, Mr. Humenick, Mr. Pearly.

NOT ELIGIBLE: Mrs. Powers, Mr. Weideli

SKYDELL-766 Park Ave.

Block 375, Lot 11

#13-034-ZB, Second Story Addition

Eligible to vote: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Humenick, Mrs. Powers, Mr. Fross, Mr. Weideli

AFFIRMATIVE: Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Schapiro, Mrs. Powers,
Mr. Fross, Mr. Weideli

ABSENT: Mr. Riga, Mr. Humenick, Mr. Pearly.

HEARING AND DELIBERATIONS:

COSMO'S CLUB HOUSE-Dog Daycare & Luxury Hotel

Block 317 Lot 3 (618 E. Main St.)

#14-005-ZB, Minor Site Plan w/ variances including D-Variance

The Applicant submitted several exhibits which were marked into evidence as follows:

- A-1 5/27/14 Color Rendering of Site Plan
- A-2 5/27/14 Arial Map of Immediate Area
- A-3 5/27/14 Color Rendering of Cosmo's Clubhouse Building
- A-4 5/27/14 Photograph of Fulton St. Corner

Attorney Jeffrey Lehrer stated he is representing Cosmo's Clubhouse, LLC, and explained the application. Mr. Lehrer confirmed the zoning specifications of proposed property location at 618 E. Main St., Bridgewater, NJ. The project is a benefit to the community for K9 boarding and grooming services. The Board requested to focus on the use variance prior to discussing bulk variances. Mr. Lehrer agreed.

David Stires stated his credentials and was recognized by the Board as Professional Engineer. Mr. Stires oriented the Board on the location of the site, the use variance and the applicant's proposal for the site. Mr. Stires described all aspects of the proposed site. Stires stated the concrete pad in the rear of the building will be removed and replaced with a synthetic turf. He described the parking lot and landscaping of the site. Mr. Stires introduced **Exhibit A-1** (color rendering of site plan) and described the aspects of the exhibit. The Board asked for a

summary of the distance between the building and Fulton St. as well as the building and to the east of the residences on Fulton St. Mr. Stires provided that summary to the Board. Mr. Stires then introduced **Exhibit A-2** (Ariel map of immediate area) and described the exhibit to the Board as well as the distances to the nearest residences.

The Board raised questions in regards to the Engineer's Report dated April 10th, 2014. The first question was in reference to noise at Cosmo's Clubhouse, LLC. The Board acknowledged residents surrounding other locations have submitted letters in reference to noise. Mr. Lehrer stated Mr. Stires is not the appropriate person to answer this question. The Board then asked about #3 in the Engineer's report which was about the K9's synthetic turf. Mr. Stires stated the State prefers the waste would empty into the sanitary sewer and that the applicant would comply with the State's request.

The Board requested clarification of the rear yard setbacks. Mr. Stires advised the rear property line to the nearest residence is approximately 75 feet. The Board requested clarification on the parking spaces and the distance from the first stall to the street. Mr. Stires advised that the first parking space is approximately 30 feet from the street. The Board asked for clarification on "solid waste" as it pertains to the application and how the enclosure will maintain the aroma. Mr. Lehrer stated Mr. Parker is the appropriate person to answer the question and the Board accepted this response. The Board asked about the distance of the westerly wall and the property line, which is approximately 1.5 feet.

Without any questions from the public for Mr. Stires, the next witness was called on behalf of the applicant. Mr. Lehrer requested to provide members of the public with a brochure packet and the Board Attorney allowed the request. The Franchisor of Cosmo's Clubhouse Steven Parker, who co-founded the Cosmo's Clubhouse in Fanwood, NJ, was the second witness called to speak on behalf of the applicant. The witness provided his credentials as the co-founder/franchisor of Cosmo's Clubhouse LLC franchise. Mr. Parker explained the history of Cosmo's Clubhouse and how it was founded in 2005. Mr. Parker owns and operates the Cosmo's Clubhouse in Fanwood, NJ and oversees operations of every Cosmo's Clubhouse LLC. Mr. Parker stated why he believes Cosmo's Clubhouse is the most superior dog care facility in the business. Mr. Parker stated the reasons why dogs bark and the precautions Cosmo's Clubhouse implements to avoid excessive barking. Mr. Parker stated there is no grooming on site other than a basic bath prior to being returned to the owners. Mr. Parker explained the packet contents to the Board and provided information on the contents of each letter contained in the packets. Mr. Lehrer requested Mr. Parker described the process dog owners and dogs will experience upon check-in and during their stay. Mr. Parker stated the dogs are only allowed in the rear yard to use the facilities and are then returned inside the building. There will be an attendant to ensure there is no "rowdiness" and the dogs are controlled. Rowdy dogs are brought back into the facility immediately. Mr. Parker described the cleaning system that Cosmo's Clubhouse is required to use as well as the immunizations that are required of each animal prior to boarding. Mr. Parker stated this facility is a 95% cage-free facility and stated the hours of operation are 7 days a week. Monday through Friday the facility is open 7am-7pm, Saturday from 10am-1pm, and Sunday from 4pm-6pm; however the staff is onsite every day from 7am-7pm even if the facility isn't open. Mr. Parker stated the facility provides food for the animals although owners are authorized to bring their own

food with the dog. The food is delivered to the facility by UPS truck. Mr. Parker stated the earliest a dog can be let out is 7am and the latest the dog can be let out is 7 pm. Approximately 15-20 dogs let out at once. Nonsocial dogs are walked alone. Dogs that display antisocial behavior towards other dogs are boarded in cage-free rooms and if the dog is antisocial towards people, the dog is not authorized to be boarded into the facility. Mr. Parker stated the dogs are monitored overnight via the camera system which is viewed by the owner and a central station security company. Cosmo's requires the owner and managers reside locally to respond to the facility, if needed. Mr. Parker stated maximum number of dogs that can be boarded in the facility is 61 and the maximum staff is 7. Mr. Parker advised cleaning personnel will clean the facility once in the morning and once in the evening. Employees will be required to do "walk-throughs" throughout the day to ensure the building is clean at all times. Mr. Parker advised the Board of the proper waste disposal procedure.

Mr. Parker explained the franchise process. Each franchisee owner must have a passion for dogs, be an animal lover, and have business savvy. Each applicant of the franchise is encouraged to own dogs however it is not a requirement for the application. Mr. Parker explained that Cosmo's Clubhouse, LLC volunteers within the community and provides various items to local police departments. Mr. Parker advised of other franchise applications that are pending for various reasons. The Board requested Mr. Parker compare the four franchise operations that are open for business to this specific application and Mr. Parker complied. Mr. Parker stated this facility is very similar to the Fanwood location.

The Board asked if Mr. Parker can guarantee that the dogs won't bark. Mr. Parker reiterated the measures taken by Cosmo's Clubhouse to eliminate barking as much as possible. Mr. Parker stated a barking dog within the building cannot be heard outside; however, dogs that are outside can be heard by the neighbor. Dogs that are barking outside are brought in immediately by the attendant. Mr. Parker stated there is a 7ft high vinyl solid fence proposed to eliminate visual stimuli that could potentially cause barking. The facility is sound-resistant to eliminate noise as much as possible.

The Board advised Mr. Parker that the packets distributed to the Board prior to the meeting weren't complete and were missing recommendation letters. The Board asked the proper procedures for an animal in distress which Mr. Parker responded. Mr. Parker clarified for the Board that there is a garage door that opens and allows the animals out all at once and dogs are not on leashes. In the event an animal is antisocial, they are walked from their accommodations on a leash to the rear yard. The Board requested Mr. Parker explain the Cosmo's Clubhouse waste disposal procedures and Mr. Parker complied. Mr. Parker clarified services and stated day care hours are only Monday-Friday, not on the weekends and explained the reservation process. The Board requested clarification on the boarding regulation and Mr. Parker advised there are no State regulations; however Cosmo's utilizes industry standards with the amount of dogs per space.

The Board asked if the applicant has researched properties in a properly zoned area and Mr. Parker advised that the applicant had, however, they felt it was too industrialized and preferred a more retail zone, even if the building is not a permitted use. The Board asked if the applicant has met with Township Planner Scarlett Doyle to attempt to create a building that

fits the standards of the area. Mr. Parker stated the applicant had not. The Board requested clarification on customers and dogs entering and exiting the building. The Board requested Mr. Parker describe the Fanwood location.

Vice-Chairman Sweeney opened the meeting to the public for any questions pertaining to the application. Mrs. Desai of 39 Fulton St., Bridgewater, NJ, questioned the location and Mr. Parker stated he believed the building best suited customers' needs.

Mrs. Desai expressed concerns for her ill husband and the affects of Cosmo's Clubhouse cleaning supplies. Mr. Parker assured Mrs. Desai that the cleaners are not harmful to humans or animals.

Robin Guarino 625 2nd St., Bridgewater, NJ requested Mr. Parker to explain the waste removal after the animals are let outside and how the urine is drained from the property.

Margaret Jude 621 2nd St., Bridgewater, NJ addressed the Board and Mr. Parker asking if the animals will be left alone during night hours and holiday hours. Mr. Parker stated that the animals will be left however they are monitored by cameras 24 hours a day. Ms. Jude expressed concerns about "dog riots" in the middle of the night and employee response times.

Ms. Guarino addressed Mr. Parker and asked how emergency vehicles would affect the animals and expressed concerns with the excessive noise as it pertains to the dogs. Mr. Parker advised in the Fanwood location, the building is next to train tracks and the noise doesn't affect the dogs.

Mr. Richard Stabile of 323 E Main St., Bridgewater, NJ, addressed the Board and Mr. Parker. Mr. Stabile expressed concerns about barking and how the dogs are monitored 24 hours a day.

Mr. Matthew Glennon 119 King St., Fanwood, NJ, was sworn in as a witness for the applicant. Mr. Glennon testified in support of the application.

Ms. Natalie Mooney 509 Ashwood Road, Springfield, NJ, testified as the potential Franchisee owner for Cosmo's Clubhouse, LLC Bridgewater location. Ms. Mooney explained to the Board how she became affiliated with Cosmo's Clubhouse, LLC. Ms. Mooney stated this location was picked based on a need for a dog day care in the area. The Board asked if the location was a benefit due to the easy highway access or because it would be a "stop off" point. Ms. Mooney stated either scenario would be likely. Mrs. Mooney expects local residents as clients.

Elizabeth "Besty" Dolan of Dolan and Dean Consulting 792 Chimney Rock Road, Bridgewater, NJ, was sworn and accepted as a Traffic Engineer. Ms. Dolan stated the proposed parking lot is acceptable for the demands that will be placed on the location and business. Ms. Dolan advises traffic studies were conducted at the Fanwood location during peak hours and during holidays when the facility was near maximum capacity. Ms. Dolan testified the configuration of the existing parking will be maintained and the plan satisfies Ms.

Dolan in terms of capacity and the number of dogs arriving/departing the location. Ms. Dolan discussed parking turnover rates as it related to the Cosmo's Clubhouse.

Robin Guarino 625 2nd Street, Bridgewater, NJ, addressed Ms. Dolan and expressed concerns about traffic. Ms. Guarino requested more information on the traffic studies that were performed. Ms. Dolan stated this type of business has a low traffic impact to the area. Ms. Guarino further expressed concerns about school buses and children in the area.

Christine Nazzaro-Cafone of Cafone Consulting Group 125 Half Mile Rd., Red Bank, NJ, 07701 was sworn in by The Board as a licensed professional planner. The Board recognized Ms. Nazzaro-Cafone's credentials. Ms. Nazzaro-Cafone provided an in-depth description of the property and location. Ms. Nazzaro-Cafone presented and discussed the application as a D1 Variance and the suitability of use. Ms. Nazzaro-Cafone explained the MLUL as it pertains to the proposed Cosmo's Clubhouse. Ms. Nazzaro-Cafone introduced **Exhibit A-3 5/27/14** (Color Rendering of the proposed building) and discussed all aspects with the Board. Mrs. Nazzaro-Cafone discussed the bulk variance with the Board as it relates to the Cosmo's Clubhouse LLC application. Ms. Nazzaro-Cafone introduced **Exhibit A-4 5/27/14** (photograph of Fulton St. corner) and compared this location with the Middletown, NJ location. Ms. Nazzaro-Cafone said the Master Plan had not contemplated this use when the Master Plan was written; however, in the broadest category possible, this use is essentially a kennel which is addressed in the Master Plan. Ms. Nazzaro-Cafone clarified this proposed application is a "high end boarding facility," not a kennel. The Board raised concerns that Cosmo's Clubhouse, LLC was more of a kennel more than a pet shop, which would be a permitted use.

The Board asked Mr. Parker to compare Cosmo's Clubhouse, LLC with Camp Bow Wow which is already established in Bridgewater. Mr. Parker compared and contrasted both franchises and provided his opinion in favor of Cosmo's Clubhouse, LLC. The Board expressed concerns with noise and barking dogs.

Vice-Chairman Sweeney opened the meeting for the public to address the applicant and witnesses. Mr. Richard Stabile reproached the applicant and stated his opinion that Cosmo's Clubhouse LLC is a kennel and requested a legal definition of a conditional use, which was provided by Board Attorney Mr. Vastola. Mr. Stabile expressed concerns with the distance of the building to the residences. Mrs. Guarino readdressed applicant and requested clarification on the Municipal Land Use Law.

Vice-Chairman Sweeney opened the meeting for the public who are in favor of this application. Joseph Seickel 429 Foothill Road, Bridgewater, NJ, addressed the Board and was in favor of Cosmo's Clubhouse LLC application.

Vice-Chairman Sweeney opened the meeting for the public who are opposed to this application. Mrs. Desai 39 Fulton Street, Bridgewater, NJ, expressed traffic and noise concerns. Mrs. Robin readdressed the Board and stated her concern with unleashed dogs and waste removal. Mrs. Jude readdressed the Board and expressed her concerns with the proposed application stated, in her opinion, the local residents don't board their animals. Mr.

Stabile readdressed the Board and stated his concerns about the waste removal on the property.

Chairman Sweeney closed the public portion of the meeting. The Board deliberated Cosmo's Clubhouse, LLC application and expressed numerous concerns whether the site is appropriate or not for the proposed use. The Board stated concerns with the applicant's attempt to define a new category with this application.

Motion by Mr. Schapiro, second by Mrs. Amin, **not approve** (deny) the Use Variance on the following roll call vote:

AFFIRMATIVE:	Mr. Sweeney, Mrs. Amin, Mr. Kirsh, Mr. Schapiro, Mr. Fross, Mr. Weideli
DENIED MOTION:	Mrs. Powers
ABSENT:	Chairman Vornehm, Mr. Riga, Mr. Humenick, Mr. Pearly
NOT ELIGIBLE:	N/A

MEETING OPEN TO THE PUBLIC:

Members of the public wishing to address the Board on any matter not listed on the agenda may do so at this time. There was no members of the public wishing to address the Board.

OTHER BOARD BUSINESS:

There was no other Board business discussed. No action was taken.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:42 pm.

Respectfully submitted,
Jo-Ann M. Petruzzello
Secretary to Planning Division.