

Regular meeting of the Haworth Zoning Board of Adjustment on ~~August~~ 3, 2019, at the Municipal Center. *SEPT.*

PRESENT: Dennis Posen, Chairman
Jeffrey Lester, Vice Chairman
Richard Ehrenberg
Catharine Luby
Joseph Panzella
John Paquet, Secretary/Treasurer
Laura Weingartner
Lawrence Ross, Alternate

Alexander West, Board Attorney
Andrew Rosenberg, Council Liaison

ABSENT:

Mr. Posen called the meeting to order and upon roll call, the above Members were present.

Due notice of this meeting was given in accordance with the New Jersey Open Public Meetings Act.

In essence, the following transpired.

ACCEPTANCE OF THE MINUTES

The minutes were reviewed.

Mr. Posen referred to page 30 of the July minutes, under "Annual Report." He raised a question, it was reviewed and then resolved.

Mr. Ehrenberg moved to approve the minutes as presented.

Seconded by Mrs. Weingartner and unanimously carried.

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CORRESPONDENCE

- *New Jersey Planner*

Mr. Posen distributed copies to the members of the Board.

- Memo from Mrs. Fay with a reminder to vote on the Annual Report
- Copy of a letter from Mrs. Fay relating to long-range financial planning.

This letter was passed around to the members.

JENNY'S BARK CLUB APPLICATION

Michael Mullen, with offices in Hackensack, New Jersey, appeared on behalf of the applicant. He stated that they were requesting a Use Variance. Mr. Mullen said that the Ordinance did not provide for pet grooming, however, it did not state that it was not permitted.

Mr. Mullen stated that this dog grooming facility would be located on St. Nicholas Avenue and he thought it should be viewed as a desirable use. It would be providing a service that many people would view as professional and pet friendly, and it would fit in.

Mr. Mullen stated that Jenny's Bark Club would have insurance, etc. He said that it was owned by a good, wholesome family and that fits in with Haworth. Mr. Mullen asked the Board to vote favorably on this application.

James King and Jennifer King, of Wyckoff, New Jersey, were sworn in.

Upon responding to questions and giving testimony, the following was stated.

Ms. King said that she went to school to learn dog grooming. She stated that they would have full grooming services for dogs only, and they would not have any day care or boarding services. For the present time, only she would be working at Jenny's Bark Club but would eventually have additional employees. There would not be more than three dogs at one time and there would be three kennels. Ms. King said that they chose Haworth because everyone seemed to be nice and they liked the town. She said that she had a few clients already and she has a marketing plan.

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Mr. King stated that this was a privately-owned business; and, they had a five-year lease with an additional 3-year option. They would be open for business six days per week from 9 a.m. to 5 or 6 p.m. He said that they would be putting up a sign and cleaning up the front. Mr. King said that the three rooms were approximately 850 sq. ft. The other areas would be used for a reception area and an office.

Mr. Posen asked them to explain how they would do the bathing.

Mr. King said he didn't have all the answers yet but they would have the proper equipment installed by a plumber and it would be Code compliant. He commented that it would be the only thing on which they would be spending more money.

There was discussion.

Ms. King said that there would be special equipment in the event a dog had to relieve itself.

Mr. King pointed out that the business model did not allow for walking dogs.

There was discussion about how things would be handled if an incident occurred

Mr. Mullen stated that they would abide by whatever regulations the town had in place for disposal of waste.

When asked how they would handle problems with barking and if they would have sound-proof rooms, Ms. King responded that they wouldn't have more than three dogs at a time and she didn't feel it would be an issue.

Mr. Posen opened the meeting to the public for questions.

There being no one to come forward, the meeting was closed to the public for questions.

The Board had a discussion and reviewed which businesses were on each side of that unit. There was concern about possible late hours and hours on Sundays.

Mr. King said that they did not have any intention of operating on Sundays.

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Mr. Ehrenberg said he found the application acceptable. He said that the town was making it more attractive to new businesses. Mr. Ehrenberg said he felt there would be no undue amount of traffic. He said he would vote to grant the application subject to the following: the facility must have all proper equipment; there cannot be any kind of boarding; it could only be operated in the daytime; and, all Land Use Regulations and Borough Regulations must be followed.

Mr. Panzella agreed.

Mr. Posen opened the meeting to the public for comments and opinions.

There being no one to come forward, Mr. Posen closed the meeting to the public for comments and opinions.

Mr. Posen entertained a motion.

Mr. Ehrenberg moved to accept the application subject to the conditions he set forth earlier, including overnight boarding.

Seconded by Mr. Panzella.

Mrs. Luby stated that she felt the operation should not be limited to six days.

Mr. Lester responded that they were applying to operate six days and that was on which the Board was voting.

Upon roll call, the vote went as follows: Yes - Mr. Ehrenberg, Mr. Panzella, Mr. Lester, Mrs. Luby, Mr. Paquet, Mrs. Weingartner, and Mr. Posen; No - none. Motion carried.

2018 ANNUAL REPORT (continuation)

Mr. Posen said that as he had mentioned, at the August meeting there was a question as to whether someone had suggested that another definition be included. Upon reviewing minutes, it was decided that the comment made had to do with an exhibit rather than a definition.

Mr. Posen asked that the Record show that Exhibit D was sent to Councilman Rosenberg and he will report on it.

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Mr. Posen then entertained a motion to accept the 2018 Annual Report

Mr. Ehrenberg so moved.

Seconded by Mr. Paquet and unanimously carried.

Mr. West stated that the Zoning Board was required to report to the Planning Board and Council about what it did the year before and make recommendations for zoning ordinances. He said that his report was a list of what was heard last year. He emphasized that it was only a list and not a report and it was also an Exhibit. Mr. West said that if the Board did not have any changes, he would prepare a resolution.

Mr. Posen said that they had successfully followed Council's recommendations for a new definition of a fence for a front yard. He said that he personally did not think they needed to make new recommendations or suggestions based on variance applications which the Zoning Board has heard. Mr. Posen then entertained a motion to accept the summary and make no substantial recommendations.

Mr. Ehrenberg so moved.

Seconded by Mrs. Weingartner and upon roll call, the vote went as follows: Yes - Mr. Ehrenberg, Mrs. Weingartner, Mr. Lester, Mrs. Luby, Mr. Panzella, Mr. Paquet, and Mr. Posen; No - none. Motion carried.

NEW BUSINESS

Mr. Posen stated that Mr. Panzella raised a few concerns about future issues which may come in front of this Board or the Planning Board.

Mr. Panzella suggested that restrictions be set to have home owners not rent their homes out as Air B&B properties. He said that some people may just purchase homes to use for this purpose.

Mr. West stated that he did not think the Zoning Board had the power to do that and it could not be based on anything that come before the Board.

There was a lengthy discussion which included sub-letting, long and short-term leases, and how other towns were handling this issue.

Mr. West then proposed that this issue be looked at by the Planning Board as well.

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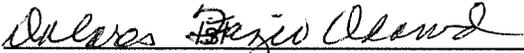
There was additional discussion.

Councilman Rosenberg said that he would bring it up at the next Counsel meeting.

There being no further business, Mr. Paquet moved to adjourn.

Seconded by Mr. Ehrenberg and unanimously carried.

Respectfully submitted,



Dolores Fazio O'Dowd