

TOWNSHIP OF WASHINGTON, BERGEN COUNTY
PLANNING BOARD ~ MINUTES
October 30, 2019 7:30 p.m.

CALL TO ORDER

SALUTE TO THE FLAG

OPEN PUBLIC MEETINGS ACT

Welcome to the regularly scheduled meeting of the Township of Washington Planning Board. Adequate notice of the meeting was given in accordance with the Open Public Meetings Act by the Planning Board Secretary to the Bergen Record and The Ridgewood News newspapers. This notice has been posted on the Township Bulletin Board and on the Township Web Site. Please notify the Planning Board Secretary of any disability requirements necessary for attendance at Planning Board meetings. The fire exits are located through the double doors to your right and through the door on your left. Please silence all cell phones.

ROLL CALL: Mr. Pinnick, Mr. Sabino, Mr. Scudieri, Mr. Sears, Mr. Toro, Mr. Vinagre (Absent), Councilman Cumming, Mayor Calamari, Chairman Murphy.

ALSO PRESENT: Louis Lamatina, Esq. – Board Attorney; Paul Azzolina – Board Engineer

MOTION TO OPEN PUBLIC PORTION:

Motion: Mr. Sears **Second:** Councilman Cumming

ROLL CALL: All Ayes.

There was no one from the public present.

MOTION TO CLOSE PUBLIC PORTION:

Motion: Mr. Sears **Second:** Councilman Cumming

ROLL CALL: All Ayes

NEW BUSINESS:

Application of Jhia Davis and Ja'Nye Davis d/b/a Limitless Pets, seeking Site Plan approval for the operation of a pet grooming business and exterior signage replacement in connection with the leasehold of Unit #303A Pascack Road in Washington Town Center.

Both Applicants are sworn in.

Chairman Murphy asks if the Applicants have read Engineer's report. They respond that they have. Chairman Murphy then asks the Applicants to give a synopsis of what they intend to do in the location.

Ja'Nye Davis: I have loved animals my whole life. The goal for Limitless Pets is to project that we don't discriminate toward any animal – we are not just a facility that works for only dogs, but we also work for cats, small animals and exotic animals. Animals are very therapeutic for me, so this is a dream come true for me.

Chairman Murphy asks Paul Azzolina to go through his report.

Board Engineer: Page 1 is a recitation of the items submitted for review. Page 2 is the location that they are taking – the existing Bark Place space which is situated between French Cleaners and the Dunkin Donuts. As everyone knows, Washington Town Center is the Class C Retail Business Area. Code states unless something is specifically enumerated under the Code, it is otherwise a prohibited Use. Code does not currently say “animal grooming” as a permitted Use. I do note that it is generally equivalent to what was there before, which was the dog grooming Use, so if Ms. Davis could elaborate on the other animals, other than dogs & cats, what would be considered an exotic animal that you would groom and small animals.

Ja’Nye Davis: I have a couple of clients who have bunnies, guinea pigs, they do come in for baths, get their nails clipped, get their ears cleaned. They also come and get brushes, because they do shed a lot. I haven’t had any exotic animals – unfortunately, but they do get their nails trimmed, like – bearded dragons, iguanas. I have had 2 iguanas, so I know. Even birds, they get their wings clipped or the just get a bath. I don’t clip wings, but they do get them clipped. Those are what I mean by exotic animals. Pet snakes...

Mr. Sears: Do you have permits for handling exotic animals?

Ja’Nye Davis: No.

Mr. Sears: Are they required by the State?

Ja’Nye Davis: Not that I know of. You don’t even have to have a veterinarian technician license to be a vet tech, either.

Jhiay Davis: There is no permit required – I did check.

Mr. Sears: Are any of these animals considered dangerous to the community?

Ja’Nye Davis: Not if they are domesticated – no.

Jhiay Davis: We wouldn’t try to handle a tiger. Only domesticated animals and people’s personal pets.

Ja’Nye Davis: That means they have been through some type of training.

Chairman Murphy: Would you be keeping them overnight?

Ja’Nye Davis: No. We don’t do boarding.

Board Engineer: Under item #7, I just note that the former Tenant, Bark Place, was subject to certain conditions for their use of that space – the primary ones of which are items 2 & 3, which #2 stated – “drop off and pickup areas for grooming services shall be in the rear parking lot, behind the salon; and #3 referenced a letter by the former Health Department official. I don’t know if the Board is intending on those same conditions applying. I don’t know if the Application is aware, other than having read my letter, that that was imposed upon the former Tenant. So, if you have any comment on those 2 conditions...

Ja’Nye Davis: You said pickup and drop off in the back of the store? For the animals?

Board Engineer: That's what was determined for the former Tenant, and I am not certain if that is the plan here.

Ja'Nye Davis: Can that be changed? Because most people walk in the front, because we also have a boutique in the front.

Mr. Sears: Well the problem is that they park in the fire zone, and it causes a dangerous situation, because it's narrow and on Tuesday's, you don't want to be in that lot – it's Senior Day – so it is kind of dangerous if they double-park, so that is why we had them drop off in the rear.

Chairman Murphy: We also that it was beneficial, especially with the dogs, that it was in the back, rather than walking through the lot in case there was any need for relief. In the back, there's grass there, so that was the main reason for that. Obviously, if someone is coming in without an animal, the front door is fine.

Ja'Nye Davis: Okay – I understand.

Mr. Sears: You can only stress it - so if you would do that to your clients to pickup and drop off at the rear. You would hate to see them get a \$125 ticket for parking in a Fire zone.

Board Engineer: Condition No. 8 speaks to the current Health Officer, I am not certain if that person has seen this application, if they would have any additional comments, or find some of the former comments to be not necessary, so the Board may want to refer that to that agency, as well. Under Item No. 9 on my report, Applicant states that the property will be used as-is, so assuming that the space was partitioned the way it was originally proposed, I have not been in that store, so I don't know, but under Item No. 10. – that is a description of the spaces that were depicted on the plans submitted by the former tenant. Have you been able to determine whether this is accurate – did they actually build the store to this plan?

Ja'Nye Davis: Yes, it is accurate.

Board Engineer: You won't be making any changes to the primary areas – the grooming areas, the bathing areas – so that's unchanged?

Ja'Nye Davis: Yes.

Board Engineer: There was concern with noise impact, so the former tenant was supposedly installing some sound-proofing materials?

Jhiay Davis: I don't think so. We can hear what is going on in Dunkin Donuts. So, I don't think anything has been installed – they are very noisy over there.

Board Engineer: I am not personally aware of any noise complaints, but that's not really my department – so I will leave that up to the Board as to whether that needs to be done.

Mr. Sears: Basically, Paul – the store is exactly as it was. They still have the sound barrier that was put up?

Board Engineer: Well, that was my question – the sound barrier was proposed, but I don't know that that was ever actually installed.

Mr. Sears: I believe she may have installed some kind of panels.

Jhiay Davis: I think she may have done it in the rear, but I don't know how far, because you can clearly hear what is going on in Dunkin Donuts.

Mr. Sears: Yes, I think it was done in the rear.

Board Engineer: Under Item No. 12 – if the Applicant could go through those bullet points and just advise the Board as to the type of business – is this a franchise, or is this your first business opportunity?

Jhiay Davis: It is an independent operation – it is not franchised.

Board Engineer: Is this your first business, or are you located elsewhere currently?

Jhiay Davis: First one.

Board Engineer: Operators of the facility? Is that you personally on-site every day?

Ja'Nye Davis: Yes.

Board Engineer: Products to be offered for sale within the lobby sales area? I think your description mentioned treats and – if you could elaborate for the Board...

Ja'Nye Davis: Treats, pet apparel, dog beds, dog bags – totes.

Jhiay Davis: Bowls, leashes collars, toys.

Board Engineer: What is the maximum number of animals you expect to handle in any given day?

Ja'Nye Davis: Hopefully 10 a day – that is what we are aiming for.

Chairman Murphy: Ten a day makes it work?

Ja'Nye Davis: Yes.

Mr. Sears: How much allotted time do you give – say for a dog – to have it groomed?

Jhiay Davis: That's a difficult question to answer, because it depends on the dog – the size of the dog.

Mr. Sears: What would you say is the average time?

Ja'Nye Davis: I would say about 2-1/2 hours.

Mr. Sears: And you hope to have 10 a day?

Jhiay Davis: What happens is, the dog goes through a process of bathing, there is a bather. He takes care of that....

Mr. Sears: So there is going to be more than you? Okay. So how many employees are you planning to have?

Jhiay Davis: Two, possibly three. Right now, we have a bather and we will have to have a receptionist on Saturday.

Board Engineer: Item No. 13 speaks to the proposed signage installation, which will read "Limitless Pets" in a script-type of font. The rendering that I got showed pink lettering – so it complies with respect to the Code requirements in so far as its dimensions in height and length – so it is conforming in that regard. The conclusion that I offer is the signage installation requires a construction permits from the Building Department. Should the Board approve the application, you will need to file an application with them. Maybe Mr. Sears can comment if a knock box is present, or if the central box has been provided yet.

Mr. Sears: The universal knock box is on the wall, but I don't know if the key is in there. The last call we had we couldn't open the door with the existing key that was in the knock box for Bark Place. I believe the Mayor was going to talk to Alex about a universal key. We hate to rip the doors off the building.

Mayor Calamari: Yes – I did, and I spoke to the Fire Director, and we are going to be putting one in, if not by the end of this week, then early next week – with the master key.

Mr. Sears: The knock box is – in case there is a fire, we don't take your door off with an axe – we use the key.

Board Engineer: The last item, No. 16: given the health concerns expressed in connection with the earlier application, the Board may want to confer with the Township Health Department, to see if they have any concerns relative to the larger class of animals being serviced in this location.

Ja'Nye Davis: I can assure you that I really don't get any exotic ones, I just hope for some, but I've never had any, I have just had the small animals. If I could get some, I would be really happy – it would be the light of my day.

Mr. Sears: I think if you get large animals, you may have to contact the Health Department.

Ja'Nye Davis: Not really large animals, just exotic ones like the iguanas.

Board Engineer: That would be the content of my report.

Chairman Murphy: Does any member of the Board have any additional questions regarding this application?

Mr. Sears: Will you have any type of chemicals in there – hazardous chemicals?

Ja'Nye Davis: No.

Jhiay Davis: Nothing hazardous, nothing flammable – shampoos and conditioners.

Ja'Nye Davis: I am trying to keep my business natural – I have a holistic lifestyle, so I don't really want any chemically made shampoos or conditioners.

Mayor Calamari: Assuming we can, I would like all of the conditions from the Board of Health when Bark Place went in, to be carried over to this. They all seem like common sense, I don't think it puts any undue burden on you, but they seem like good ideas.

Chairman Murphy: I believe our resolution reflects all of them. Does anyone else have other questions? There was no one. Chairman Murphy asks the Applicants if there is anything they would like to add?

Ja'Nye Davis: Thank you.

Chairman Murphy: May I have a Motion on this Application.

Mr. Sears: I would make a Motion with the conditions that the Mayor set forth – carry over the Health Department conditions. I make a Motion to approve.

MOTION TO APPROVE APPLICATION - LIMITLESS PETS- OPERATION OF PET GROOMING BUSINESS AND EXTERIOR SIGNAGE REPLACEMENT

Motion: Mr. Sears **Second:** Mr. Toro

ROLL CALL: Mr. Pinnick Yes, Mr. Sabino Yes, Mr. Scudieri Yes, Mr. Sears Yes, Mr. Toro Yes, Mr. Vinagre (Absent), Councilman Cumming Yes, Mayor Calamari Yes, Chairman Murphy Yes.

Chairman Murphy asks the Applicants to wait for the Board to approve the Resolution, so they can take a copy with them, which will help speed up their process.

Board Attorney: The Resolution is, as far as I'm concerned, fine as I've drafted and no changes, so I am happy with the way it is. Paragraph 11 states it is subject to the review and approval of the Board of Health. And that is a condition that Paul had put in his report. Once you get the approval here, you need to just run this by the Board of Health and make sure it is okay with them.

Chairman Murphy asks if everyone has read the Resolution, all answer in the affirmative.

MOTION TO APPROVE RESOLUTION - LIMITLESS PETS- OPERATION OF PET GROOMING BUSINESS AND EXTERIOR SIGNAGE REPLACEMENT

Motion: Mr. Sears **Second:** Councilman Cumming

ROLL CALL: Mr. Pinnick Yes, Mr. Sabino Yes, Mr. Scudieri Yes, Mr. Sears Yes, Mr. Toro Yes, Mr. Vinagre (Absent), Councilman Cumming Yes, Mayor Calamari Yes, Chairman Murphy Yes.

OLD BUSINESS:

MOTION TO APPROVE JUNE 12, 2019, June 26, 2019, September 4, 2019 and October 2 MEETING MINUTES:

Motion: Mr. Sears **Second:** Councilman Cumming

ROLL CALL: Mr. Pinnick Yes, Mr. Sabino Yes, Mr. Scudieri Yes, Mr. Sears Yes, Mr. Toro Yes, Mr. Vinagre Yes, Councilman Cumming Yes, Mayor Calamari Yes, Chairman Murphy Yes.

RE-MOTION TO APPROVE OCTOBER 28, 2015 MEETING MINUTES

Motion: Mr. Sears **Second:** Mr. Pinnick

ROLL CALL: Mr. Pinnick Yes, Mr. Sabino ABSTAIN, Mr. Scudieri ABSTAIN, Mr. Sears Yes, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy ABSTAIN.

Chairman Murphy: I had an incorrect copy of the Agenda, so we are actually looking at what would appear to be five meetings for the year of 2016 – January 27th, February 24th, April 27th, June 29th and November 30th. May I have a motion to accept those with the correction that the Mayor has brought out about the spelling of the former Mayor for those minutes.

Board Attorney: That motion can be from Mr. Pinnick, Mr. Sabino, Mayor Calamari or Chairman Murphy.

Mayor Calamari: No – Calamari was my dad, not me.

Board Attorney: Okay – then only those three people can make the motion.

Chairman Murphy: Mr. Pinnick was the only current Board Member in attendance at the June 29, 2016 meeting.

MOTION TO APPROVE JUNE 29, 2016 MEETING MINUTES:

Motion: Mr. Pinnick **Second:** Mr. Pinnick

ROLL CALL: Mr. Pinnick Aye, Mr. Sabino ABSTAIN, Mr. Scudieri ABSTAIN, Mr. Sears ABSTAIN, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy ABSTAIN.

Chairman Murphy: For November 30, 2016, I have Mr. Pinnick and Mr. Sabino and myself.

MOTION TO APPROVE NOVEMBER 30, 2016 MEETING MINUTES:

Motion: Mr. Sabino **Second:** Mr. Pinnick

ROLL CALL: Mr. Pinnick Aye, Mr. Sabino Aye, Mr. Scudieri ABSTAIN, Mr. Sears ABSTAIN, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy Aye.

MOTION TO APPROVE APRIL 27, 2016 MEETING MINUTES:

Motion: _____ **Second:** _____

ROLL CALL: Mr. Pinnick ABSTAIN, Mr. Sabino ABSTAIN, Mr. Scudieri ABSTAIN, Mr. Sears ABSTAIN, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy ABSTAIN.

Chairman Murphy: January 27, 2016 – Mr. Pinnick, Mr. Sabino and myself, again.

MOTION TO APPROVE JANUARY 27, 2016 MEETING MINUTES:

Motion: Mr. Pinnick **Second:** Mr. Sabino

ROLL CALL: Mr. Pinnick Aye, Mr. Sabino Aye, Mr. Scudieri ABSTAIN, Mr. Sears ABSTAIN, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy Aye.

Chairman Murphy: Minutes for February 24, 2016 – again, it is the 3 of us – Mr. Pinnick Mr. Sabino and myself.

MOTION TO APPROVE FEBRUARY 24, 2016 MEETING MINUTES:

Motion: Chairman Murphy **Second:** Mr. Pinnick

ROLL CALL: Mr. Pinnick Aye, Mr. Sabino Aye, Mr. Scudieri ABSTAIN, Mr. Sears ABSTAIN, Mr. Toro ABSTAIN, Mr. Vinagre ABSTAIN, Councilman Cumming ABSTAIN, Mayor Calamari ABSTAIN, Chairman Murphy Aye.

Chairman Murphy: We will be going into closed session for one brief item, but before I do that, I would like to just read the thank you note that we received regarding Bernie Golick – “To the Planning Board, thank you for the lovely flowers in remembering Bernie. Sincerely, Mrs. Golick, Brian and Kathleen”.

Mayor Calamari: Brian, on that topic also – I forget the date, but at our second Council meeting in November, his family asked – because we were going to do it before he passed – they asked if we could do it posthumously, and so will be having the family in at the 2nd Council meeting in November if anyone would like to show up for it.

Mr. Sears: Paul – thank you for the report – a good report again.

Chairman Murphy: May I have a motion to go into closed session?

8:02 p.m. - MOTION TO GO INTO CLOSED SESSION:

Resolution No. PB-19-24 Closed Session RE: Legal Matter

Motion: Mayor Calamari **Second:** Councilman Cumming

ROLL CALL: All Ayes.

8:28 p.m. - Open Session resumes.

ANY BOARD MEMBER, ANY REASON – Chairman Murphy asks if any Board member has anything they would like to discuss.

Mr. Sears: Yes. Two issues – one is for the Board Attorney, Lou Lamatina. I sent two requests to get an interpretation of Mr. Shimanowitz’s letter dated October 3, 2019, and it states “... Please accept this letter as the Applicant’s consent to an extension of time within which the Planning Board has to make a decision through and including Friday, November 29, 2019.” What is that?

Board Attorney: Boards are required to make a decision within a certain amount of time – 45 days. If you don’t – the application can be deemed approved. So he is saying, from what I heard you say – he is agreeing to extend the time.

Chairman Murphy: He does that at every meeting.

Mr. Sears: I know, but – how does that reflect on this Board? Is it on him that we are not making this vote, or this decision, or will he turn around and say, “You guys haven’t decided to vote on this, and I automatically get approved”?

Board Attorney: No. I am not representing you in that, so I take it with a grain of salt, but my understanding of that is that is what he is looking to do – just extend the time. He is agreeing to extend the time. And he hasn’t finished his application, has he?

Mr. Sears: No. We have not heard his variances or other things.

Board Attorney: Then he has to restart it.

Mr. Sears: I just wanted to have an understanding that this November 29 is that we have to vote on this thing, and he hasn’t...

Chairman Murphy: No. All he is doing is asking for an extension to November 29th. The way I interpreted that is that we could get a meeting for that last Wednesday that is to hear that case again. To start his application all over again. If he is not ready, then he asked for another extension.

Mr. Sears: Okay, good. Now the other thing is when we did the Master Plan, there were two recommendations in the Master Plan, if I am correct, Lenny, that came from the Planner and what we presented to the Board. I am concerned about - one of them is an establishment that moves into a residence, and somehow it becomes a religious sanctuary. I talked about this a couple of times. There are certain proposals throughout the valley, Montvale, Ramsey...., where for you to have your residential property become a religious sanctuary, you must have an acre, or 1.2 acres of land, and be able to park 20 some odd cars on your property. I am pretty sure that we discussed this at the Planning Board and this was a recommendation we were looking for an ordinance to be established within this community.

Mayor Calamari: Lou, does it need to be done by ordinance since it is in the Master Plan?

Board Attorney: Yes. The Master Plans is just saying- look, this is our goal. But it has to be by ordinance if you are restricting the use of the property, it has got to be introduced by the governing body, sent back here for review, including constitutionality – whether we can do that, and once it is approved here, it goes back to the Mayor and Council – that’s the process. I wasn’t here for the adoption, I don’t remember it.

Mr. Sears: There was two in the recommendations – the other one might have been commercial vehicles.

Board Attorney: You may want to reach out to the Planner for other towns that have that ordinance.

Mr. Sears: There was Montvale, Ramsey, I think Old Tappan.

Board Attorney: If the Council is ready to go that route, you really should follow it back.

Mr. Sears: I would strongly suggest that we move forward quickly on this.

Mayor Calamari: Since you are the Council representative and ordinances fall under council, do you want to take the lead on that one?

Councilman Cumming: Thank you.

Mr. Sears: Art – I would say expedite it.

Councilman Cumming: Okay.

Chairman Murphy: Any other Board member have anything they would like to bring up at this time?

Mr. Sabino: The home across the street from the Dog House- Tom, you mentioned they cut down 20 trees, whatever happened with that?

Mr. Toro: He is still building.

Mayor Calamari asks Board Secretary to follow up with the Zoning Officer.

Mr. Sears: I talked to Joe, and it doesn't seem that anything was done with him.

Mayor Calamari: Well, let me know what Joe says.

Mr. Sabino: Have you seen the size of that house?

Mr. Sears: I don't recall seeing any plans for this house.

Board Engineer: I will bring everyone up to date on this. It was not a Board application - it was a Building Department application as addition/alteration. The standard is, if you knock down more than 50% of a structure, you have to come before this Board. He was approaching knocking more than 50% down...

Mr. Sears: He took down 90% of that building.

Board Engineer: No – actually, I made him submit a plan prepared by an architect that defined the exact limits, and it didn't look that way, but is was actually less than 50% numerically.

Mr. Sears: When we went to that house, the only thing that was standing was about 8 boards, - Dan, you were there.

Mr. Toro: There was nothing there.

Board Engineer: It wasn't a very big house to begin with, it's 3 times the size now.

Mr. Sears: I still have the pictures where the only thing he had was about a 5-ft. piece of wall that was left over from the house – that was it.

Board Engineer: It was more than that – I know what you are saying, and the I made the architect go out and define exactly what was present on that date, and when you run the numbers, it was less than 50% - it was close, but less than 50% and the Construction Official agreed with the calculations, as well, so he was permitted to continue. Whether he can sell that in that location, I guess the market will tell him that.

Mr. Sears: Not for nothing, but to allow that guy to get away taking down 17 trees, I would question the Construction official – why he allowed that to happen.

Board Engineer: Trees are a different matter. His original application document said he is not removing any trees. That information is required on the soil moving permit. Again, he was moving less than 400 cubic yards, so it was a ministerial handled through the Clerk's office. The statement made on the application – "not removing any trees." Then he was found guilty of removing trees, so I believe actions were taken against him – not by me, but by others.

Mr. Sears: Nobody has issued him a fine or anything.

Mr. Scudieri: Who would that be? That would have to be Joe, right? How would he not know the answer?

Mr. Sears: That's my question.

Mr. Scudieri: That's huge – that was a big deal. 17 trees – how do you not remember that case?

Mr. Sears: ...and not say he was fined.

Chairman Murphy: I thought we were fining him. Because of that aspect of it.

Mayor Calamari asks Board Secretary to follow up with Zoning Officer and let him know.

Mr. Sears: Washington Commons, have we solved that problem?

Mayor Calamari: With their trees?

Chairman Murphy: Yes. So, we have to get on that one, too.

Councilman Cumming: They were supposed to do what – 22?

Mr. Sears: 23. They took down a bunch of trees around the guys house on Pascack Road.

Mr. Sabino: To me, it sounds like a dereliction of duty.

Mr. Sears: It sound like something.

Councilman Cumming: They have plenty of acreage to put new trees on.

Mr. Sears: We actually called Joe to stand in front of the house with us, and the Contractor had no permit, and the owner was on the phone saying "I don't need one because I have a building permit – and he had no landscaping plan.

Chairman Murphy: We will have an answer on that at next meeting. Does anybody have anything else?

There was no one.

MOTION TO ADJOURN:

Motion: Mr. Sears **Second:** Mr. Sabino

ROLL CALL: All Ayes.

ADJOURNMENT – TIME NOTED: 8:39 p.m.

PLANNING BOARD

APPROVAL DATE 12/18/19

CHAIRMAN [Signature]

SECRETARY Barbara Coleman