

MANSFIELD TOWNSHIP
ZONING BOARD
REGULAR MEETING
Monday, October 3, 2016

The regular meeting of the Mansfield Township Zoning Board was held on the above shown date with the following in attendance: Chairman William Tahirak, Robert Harrison, Ralph Wainwright, John Beckes, Robert Gawron, Mark Clark, Attorney Thomas Coleman, Planner Barbara Fegley, Engineer Mark Malinowski, and Secretary Ashley Jolly. Jim Soden, Marion Hay, and Jay Feldman were absent. **Mr. Wainwright** came in at 7:09PM.

The meeting was called to order by **Chairman Tahirak** followed by the flag salute and the following opening statement.

The Notice requirements provided for in the Open Public meetings Act have been satisfied. Notice of this meeting was properly given in the annual notice which was adopted by the Mansfield Township Zoning Board on January 5, 2016. Said Resolution was published in the Burlington County Times, e-mailed to the Burlington County Times and Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, positing and filing having been accomplished on January 8, 2016.

APPLICATIONS ZB16-01UV & ZB16-02UV USE VARIANCE BILLBOARDS:

Chairman Tahirak explained that many people were there to hear the billboard applications, however they would not be appearing at this time. Their attorney asked for a continuance to the November meeting saying they would not be re-noticing. He further explained that he felt that since this was the second time, the applicant should be required to re-notice the public. The board agreed.

Attorney Coleman said the board would be dismissing the application for failure to prosecute and they would be able to reapply and re-notice the new meeting date. He explained to the board that notice of their request for continuance was received late Friday and he tried to reach Mr. Washburn, however he was out for the Holiday. He said he spoke with all professionals and the review letters were in by the 12th of September; giving them sufficient time to review. This will warrant them to reapply, paying another application fee and re-noticing. The escrows will carry over and the professional letters will stay consistent.

A motion to dismiss the above applications was offered by **Mr. Clark** and was seconded by **Mr. Gawron**. Motion carried on a roll call vote recorded as follows:

AYE: Wainwright, Beckes, Clark, Harrison, Gawron, Tahirak
NAY: None ABSTAIN: None ABSENT: Soden, Hay, Feldman

APPLICATION ZB16-03UV+SP USE VARIANCE AND SITE PLAN:

Christopher Carr 4737 Grandview Ave, Bensalem PA 19020, was sworn in. **Attorney Coleman** asked for the board to deem the application complete or incomplete. **Chairman Tahirak** asked if there was anything outstanding in the Engineer's opinion. **Engineer Malinowski** said no. There were a few waiver's that need to be added, but he does recommend deeming the application complete. **Planner Fegley** said she agrees. The only request she had was a condition of approval to add items that **Engineer Malinowski** has to the plan.

A motion to deem the application complete was offered by **Mr. Beckes** and was seconded by **Mr. Gawron**. Motion carried on a roll call vote recorded as follows:

AYE: Wainwright, Beckes, Clark, Harrison, Gawron, Tahirak
NAY: None ABSTAIN: None ABSENT: Soden, Hay, Feldman

Attorney Coleman said he wanted to bring it to Mr. Carr's attention that there is traditionally 7 members on the board and two alternates. There is 6 up there tonight. A Use Variance is a part of your application, so you need 5 yes votes to approve. Sometimes applicants want to wait for a full board and some applicants are comfortable with their testimony and will proceed. You will need 5 of the 6 to say yes this evening.

Mr. Carr said he is a small business owner; he's been a dog trainer for over 30 years. He runs his business in Pennsylvania and he is trying to find a place to run his business and live. He said he found this beautiful property that he wants to run his business and reside there as well. He said his business is so small the neighbor's wouldn't even know he is there. He trains dog's basic obedience. He has trained police dogs, military dogs, TV/movie dogs. He said he is very respectful of his neighbor's. He said he never gets complaints at his current business. He keeps the dogs quiet so he respects his neighbor's. He said he has pictures of his property which he will submit as exhibit A-1, showing the size of the property. As far as the traffic goes, today for example, he had two customers go to his property. He said he will show his calendar which shows how many appointments he has in a day. He is asking for permission to live on the property and train his dogs.

Mr. Carr said the pictures show that it's a 7 acre property and one of the reasons he picked the property is because it is very private and wooded. It is large enough that he will not bother his neighbor's. He said he keeps the dogs as quiet as he can. Each corner of the property is shown in the pictures where he plans on putting his building and doing his training versus where the neighbors are. **Attorney Coleman** asked if the property was well suited for the intended use. **Mr. Carr** said yes. **Attorney Coleman** said it's well suited because it has lots of trees and it's set off from the neighbor's from a site standpoint. **Mr. Carr** said yes, it also backs up to the new park, all fields to the left and all woods to the right. **Attorney Coleman** asked if the size of the property would diminish any impact on the neighbor's. **Mr. Carr** said yes.

Planner Fegley asked if the dogs were kept inside and how many dogs maximum does he have at one time. **Mr. Carr** said he normally has 5-6 dogs at one time. The building he is proposing to build will be sound proof. **Planner Fegley** said there is an existing farm on the property with an accessory building, so this would be an additional accessory building. **Mr. Carr** said the building that is there, is a beautiful barn that he plans on keeping his horses in therefore he could not use it for training the dogs. **Planner Fegley** asked how many stories the new building would be. **Mr. Carr** said it would be one story and it would be an open plan with individual enclosures for the dogs. There will be a 6ft fence around the building so the dogs would not get out of the area. He said the dogs go out for bathroom breaks and/or for training. They are not left outside to bark.

Mr. Carr had a brochure of the company he plans on using to build the 2,400sqft building and to show he plans on having sound proofing. This is entered as exhibit A-2. **Attorney Coleman** asked if he trains one dog at a time outside or more. **Mr. Carr** said he might have two dogs outside at a time. **Planner Fegley** asked Mr. Carr to describe the building. **Mr. Carr** said it's a wooden pole barn and he plans on having two entry doors. One large bay or garage door so he can open it up for fresh air.

Attorney Coleman asked what times of the day does he trains the dogs. **Mr. Carr** said he gets the dogs out around 8AM and start training around 9AM. The training is done by 5PM. The dogs might come

out in the evening to go to the bathroom. Most training is done inside, however he brings them outside to train them to walk on a leash. He plans on taking advantage of the park to do so. **Attorney Coleman** asked how many dogs at any given time during the two week stretch he will be training. **Mr. Carr** said on average he does 5-7 and he never goes past 10 dogs. **Attorney Coleman** said if the board granted the approval would he be comfortable with the condition of no more than 10 dogs at a time. **Mr. Carr** said yes. **Attorney Coleman** asked Mr. Carr to distinguish himself from a kennel. **Mr. Carr** said you have boarding kennels that take as many dogs as they can get because that is how they make their money. He said he makes his money simply from training and he has the lower number because he offers quality over quantity.

Mr. Carr said he has one part time employee. He plans on installing a six foot high chain-link fence to surround the new building. Mr. Carr said he will be putting a small sign in front of his property that says "Stronghaus Farms" so clients know where he is.

Planner Fegley asked if there were any deterrents to the public good, impacts to the community or deterrents to your neighbors. **Mr. Carr** said no. **Planner Fegley** said since the lot is more than three acres he is allowed to have two accessory buildings, but they cannot be more than 15ft in height. What is the height of the proposed building? **Mr. Carr** said 12ft no more than 14ft. **Planner Fegley** questioned the deed restrictions. **Mr. Carr** said no. **Planner Fegley** asked about licensing and/or certifications he needs for his profession. **Mr. Carr** said there are none required. **Planner Fegley** asked if there would be any delivery's to the site. **Mr. Carr** said no. **Planner Fegley** questioned water service to the new building. **Mr. Carr** said he will run it from the barn to the new building. **Planner Fegley** asked if all dogs stay for two weeks or do some come and go from day to day. **Mr. Carr** said they all stay for two weeks.

Attorney Coleman, said Mr. Carr testified the typical hours to be 8am-5pm. would this be 7 days a week or Monday to Friday? **Mr. Carr** said he trains Monday through Saturday. **Attorney Coleman** asked if there would be any impact on any neighbor or surrounding property. **Mr. Carr** said no. He said he started this business in a row home with no complaints about noise. He respects in neighbors and would never want to bother anyone.

Chairman Tahirak asked about lighting. **Mr. Carr** said there will be some low lighting just to get in and out of the building at night, but no spot lighting. **Mr. Carr** also stated that he does not see clients after 5pm. **Chairman Tahirak** questioned the office area in the new building. **Mr. Carr** said he would most likely have a small area with a desk. Trash/Waste disposal was discussed and there were no foreseen problems with this.

PUBLIC COMMENT:

Ann Davenport, 320 Third Street Hedding – she said she understands that everyone is concerned about barking dogs. However Mr. Carr is a dog trainer, so he's training them not to bark. She wanted the other neighbor's to know, she doesn't feel barking dogs would be a problem.

Ashley Karatza, 24548 Axe Factory Road- She said she has some concerns; she has 2 young children and a 3rd on the way. She said it's very important to them to have a private area and she is worried about having a mixed zone next door. She said if Mr. Carr were to move, she would be worried about who would then move in. She is worried about people coming to her property asking for directions to Mr. Carr's property. Noise is also a concern. If the application goes through she said she may consider

relocating. **Chairman Tahirak** said the board understands her concerns and appreciates her comments. He said he feels Mr. Carr's business would be a benefit to the community. **Mrs. Karatza** asked what would happen if Mr. Carr decided to sell the property in the future. **Attorney Coleman** said he advises the board that the Use Variance to permit this type of activity would expire or diminish when Mr. Carr sells the property. He asked Mr. Carr if that would be acceptable as a condition. **Mr. Carr** said he didn't want to have such a restriction. **Attorney Coleman** said it's not a restriction because another owner, who wants to run a similar business would just need to come before the board for approval. **Mr. Carr** said that is fine.

Bob Tallon, 10454 Axe Factory Road- Said since Mr. Carr is going to insulate the building where the dogs will be, it will minimize the barking. Regarding the traffic; when Axe Factory Road opens the traffic from the Warehouses is going to be awful. He said he's hoping to get some speed bumps.

Fred Clark, 2437 Axe Factory Road- He said Axe Factory road was closed on the Bordentown side. Presently they are redoing the curbing, but it looks like within a month they will open their end. Mansfield is repaving and it's about 1/3rd done. It is cracking to the three way stop. The asphalt company came and did surveys and give estimates. It does look like it's going to be paved and opened.

Marion Tallon, Axe Factory Road-Said this is a very rural area and there are groundhogs and all kinds of animals. She is concerned about the dogs barking or getting out to chase the wild animals. **Mr. Carr** said he understands that concern.

A motion to close public comments was offered by **Mr. Harrison** and was seconded by **Mr. Beckes**. All ayes motion carried

Chairman Tahirak asked if there would be a bathroom in the new building. **Mr. Carr** said if the board doesn't have a problem with it, he would like to have one. Otherwise he will allow clients into his home if the need arises.

Attorney Coleman said this approval would be to allow the proposed activity which is not a permitted use in the R-1 zone. This will be permitting four accessory structures on the same property. It is approval for preliminary and final site plan. It would be approval of all the waivers that were outlined in Engineer Malinowski's September 27th letter. The approval would be subject to not only satisfying the conditions of Engineer Malinowski's September 27th letter, Ms. Fegley's September 28th letter, also subject to no more than ten dogs on the property at a given time and also a condition, if Mr. Carr sells the property the Use Variance approval would extinguish. Also a bulk variance to permit the size of the accessory structures. The ordinances limits the accessory structures to no more than 350sqft and the third accessory building will exceed that. **Mr. Carr** stated the other two structures will be used for a horse barn and a utility shed. Also the building will not exceed 14ft height.

A motion to approve the above application was offered by **Mr. Beckes** and was seconded by **Mr. Gawron**. Motion carried on a roll call vote recorded as follows:

AYE: Harrison, Beckes, Wainwright, Clark, Gawron, Tahirak
NAY: None ABSTAIN: None ABSENT: Soden, Hay, Feldman

APPROVAL OF MINUTES:

A motion to approve the minutes from September 6, 2016 was offered by **Mr. Harrison** and was seconded by **Mr. Gawron**. Motion carried on a roll call vote recorded as follows:

AYE: Harrison, Beckes, Wainwright, Clark, Gawron, Tahirak
NAY: None ABSTAIN: None ABSENT: Soden, Hay, Feldman

ADJOURNMENT:

A motion to adjourn was offered by **Mr. Gawron** and was seconded by **Mr. Harrison**. All ayes.
Motion carried.

Respectfully Submitted:

Date Approved:

Ashley Jolly, Land Use Coordinator
