

# JOINT LAND USE BOARD

## REGULAR MEETING MINUTES

### November 21, 2013

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Chairman Schwager called the meeting to order at 7:00 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll was as follows:

**John Casella – Absent, Frank Costantini – Present, John Descano – Absent, Blair Hannigan – Present, John Juliano – Present, Paul Lott – Present, Mayor Maccarone – Absent, Chief Marino – Present, Joe Maugeri – Present, Alan Schwager – Present, Bob Rushton – Present.**

Also present: Mike Aimino – Solicitor and Tim Kernan – Planner.

First on the Agenda are the Minutes from the Special TDR Review meeting of October 30, 2013. J. Juliano made a motion to approve which was seconded by F. Costantini. All were in favor except for P. Lott and J. Maugeri who both abstained.

Next are the Minutes from the Regular Meeting of November 7, 2013. P. Lott made a motion to approve which was seconded by Chief Marino. All were in favor except for J. Maugeri who abstained.

New business is Oasis Animal Sanctuary. Chief Marino stated that he had a conflict with this application and recused himself from this portion of the meeting.

Mr. Charles Endicott, Professional Engineer and Planner in the State of New Jersey was present on behalf of the applicant, Ms. Phyllis Van De Weghe. With him tonight is Ms. Pam Brighton, President and CEO of Oasis Animal Sanctuary and Miss Phyllis Van De Weghe, the Contract Purchaser and Vice President and CFO of Oasis.

Mr. Aimino swore in Charles Endicott, Ms. Pamela Brighton and Ms. Phyllis Van De Weghe.

Mr. Endicott continued stating that they are here tonight seeking Use Variance Approval to permit the operation of a Single Family Residential dwelling and an Animal Sanctuary Rescue Operation on the subject property. It is shown on the tax map as Block 50, Lot 4 and has a street address of 510 Franklinville Road. The property is currently vacant and is farmed at this time and is located in the R1 Residential Zone District. The Single Family Residential Use is permitted, however the Animal Sanctuary Use is not.

The property consists of a total of 14.3 acres. The animal rescue is unique, it is not a kennel and it is not an intensive livestock operation.

Mr. Endicott asked Ms. Brighton and Ms. Van De Weghe to answer a few questions of exactly what they are proposing to do.

Ms. Brighton continued with a history of the animal rescue stating that they have been in business for 12 years. Prior to starting the non-profit 501C3 Corporation in New Jersey she did acquire a degree as a Veterinary Nurse. She stated that she and Phyllis were cleaning stalls in a horse barn and chatting about animal welfare and what they could do about it. They attended a seminar for a foundation called Best Friends Animal Society and the energy and passion was so great there that they named their organization that night and then started the paperwork to create the corporation and the non-profit. They have achieved both of those levels and have been doing this for 12 years now and have also been searching for property for 12 years as well. Right now without a property, they take in animals that are put in foster care in someone's home or at a farm where they board the livestock. Their purpose for taking them in is that they are homeless or abused; the next purpose is to get them well, healthy and happy and then to find them good homes.

Mr. Endicott asked Ms. Van De Weghe to give a view of her experience with animal rescue and Oasis. She stated that she has been an animal lover all her life and is a tax accountant with a business background. She stated that she and Pam have very varied skills that they could use together and create an organization that will help the animals. They raise money through different fund raising tactics and they take in the animals that they can afford to take care of and find them homes before they bring in more. They do not allow themselves to be overrun with animals. They run it as a business and keep their bottom line in check to make sure there is always enough money to care for the animals that they have.

Ms. Van De Weghe is the contract purchaser for this property and through a long term lease she will allow Oasis to use a portion of the property for their daily activity.

Ms. Brighton stated that not only do they take in small companion animals they also take in farm animals or livestock. Oasis will be taking in a maximum of 8 horses, about 50 cats, 10 dogs. Along with their adoptable area they will also have a quarantine area. There will be no breeding on the farm all animals that can be sterilized will be sterilized.

Mr. Endicott asked if there were animals that they will not accept. Mr. Brighton stated yes, primates, alligators, birds; they do have outlets for these types of animals. They also will not take in aggressive dogs, any breed.

They will be open to the public, they are publically supported. They will be open Monday through Friday and Saturday or Sunday. The workers would be there by 8:00 am to start feeding and cleaning and we would open to the public in the late morning through the afternoon and a few evenings a week, so people coming home from work can visit. They will also be in great need of volunteers.

Mr. Endicott stated that one of the things they are trying to make clear is that Oasis is operating a kennel; it is a sanctuary not even a shelter. Ms. Brighton stated it is a place to take a deep breath and heal, then find new homes.

Ms. Brighton stated there are very specific State requirements and guidelines that they must follow.

The JLUB continued asking questions of Ms. Brighton and Ms. Van De Weghe.

Oasis would own the buildings and if they were to disband then they could sell those buildings or move them.

Mike Aimino stated that the Variance would run with the land so another business could come in and do the same thing.

They would agree that if Oasis would go away they would have all the buildings removed.

P. Lott asked if there was a phasing plan because this seems to be a rather large project and what is the sustainability financially long term for operation like this being a 501C3.

Mr. Endicott stated that they would have to come back for Site Plan if they are approved for the Use and part of that plan will be a phasing plan.

Ms. Van De Weghe stated that they have been in business for 12 years and have survived the downturns of the market where a number of other small rescues have gone under. Their goal is to always make sure their bottom line is solid.

The animal waste was discussed. Ms. Brighton stated that dog and cat waste is thrown out with the trash. There are several options and businesses interested in the horse manure.

The dog runs and barking dogs were discussed. Ms. Brighton stated that they will take steps to make sure it is at a minimum.

J. Juliano asked if they have looked at other land where this Use would be permitted. Ms. Brighton stated she has a stack on her desk of all the properties they have looked at. This property is not in the wetlands and not in the Pinelands it is an ideal location.

The traffic and parking was discussed. Ms. Brighton stated that they can only accommodate 8. They expect to have one staff member for each area and a crew of volunteers which will fluctuate, but she would estimate less than 10.

Ms. Brighton stated that they will not be a dead end for anyone; they have lists of several other general rescues where they can send people when they cannot take in an animal in State and out of State. They will only accept domestic animals.

There would be a maximum of 8 horses for Oasis and 4 personal horses for a total of 12 horses on the property. No animals will be boarded. They will not fill all the stalls unless they can take care of them properly. There is a riding ring but there will be no income generated from the horses, it is strictly for personal use.

Mr. Endicott continued with the positive and negative criteria for the application.

Tim Kernan continued with his letter dated November 13, 2013. The different kinds of variances were discussed. The time it would take to haul away the animal waste was discussed. Lighting was also discussed.

F. Costantini stated that to him this is more of a commercial operation more than a livestock farm and would this be more appropriate in a commercial zone.

Discussion took place over a commercial operation or a livestock farm.

An animal being dropped off when no one is there was discussed. Ms. Brighton stated that they would find other places for them to go if there was no room for them there.

P. Lott is concerned about the odor, sound and impact on the neighbors. Ms. Brighton stated that she looks to be guided by people who have already done this. The dogs will be kept indoors at night

Ms. Van De Weghe stated that she will be living there and also does not want to be subjected to dogs barking day and night. That building facility will be constructed so that it would be basically sound proof.

The layout of the project and the placement of Ms. Van De Weghe's potential home was discussed.

Chairman Schwager stated that the location of the buildings can be held off until site plan.

J. Maugeri made a motion to open the meeting to the public which was seconded by P. Lott. All were in favor.

Mr. Charles Freeland of 481 Franklinville Road was sworn in by Mike Aimino. Mr. Freeland stated that he is a shift worker and is concerned with the dogs barking and he is also concerned about flooding.

Mr. Tim Hunt of 509 Franklinville Road was sworn in by Mike Aimino. Mr. Hunt is concerned about the amount of dogs and stated that there is a north/northwest wind so it doesn't matter how the kennel is situated the noise will come his way. He is also concerned with the retention pond and flooding and the layout of the buildings, but mostly the smell and the noise.

Chairman Schwager told Mr. Hunt this was strictly for the Use of the land, if it is granted they will need to come back for Site plan.

Mr. Harry Bell of 493 Franklinville Road was sworn in by Mr. Aimino. Mr. Bell has lived here for 25 years and is opposed to the variance stating that it will devalue his property. It will have adverse impact on his quality of life and pose a safety issue with people coming and going. He does not see this as a vision for Woolwich Township and does not see the benefit. He questioned if there was any other area within the Township that is zoned properly to have this type of operation without having a variance on an existing residential area.

Mr. Kernan stated “no” nothing that fits into the zoning code as a permitted use.

Mr. Dan Lajoie of 499 Franklinville Road was sworn in by Mr. Aimino. Mr. Lajoie lives directly across the street from this proposed shelter and is concerned about the value of his property. He does not see anything positive and is fully opposed to the project.

Mr. Don Moul of 433 Franklinville Road was sworn in by Mr. Aimino. Mr. Moul has issues with the finances of the project and how they can make this work if they are non-profit. There is already a property abandoned and in disrepair next to him where they use to board horses and he is concerned that the same thing will now happen with this property.

Ms. Brighton stated that there are Grants and Charitable Donations.

Ms. Van De Weghe stated that she is a Tax Accountant and has been working for Wells Fargo Bank for 15 years, she is a Supervisor has a good job and can afford to pay the mortgage on this property.

Mrs. Mary Moul of 433 Franklinville Road was sworn in by Mr. Aimino. Wanted to know if they are aware of the traffic on this road and wants to know who is maintaining these 14 acres. She is opposed to the project.

Ms. Regina Hunt of 509 Franklinville Road was sworn in by Mr. Aimino. Stated that she is against this project and wanted to know the protocol if an animal escapes. She is also concerned with the water run-off. She stated that there are many power outages along this road and wanted to know if they have generators. She is also concerned about the coyotes.

Ms. Christine Lajoie of 499 Franklinville Road was sworn in by Mr. Aimino. Ms. Lajoie was concerned with the smell of urine. She is also concerned about barking dogs.

Ms. Lois Halleck from 171 Monroeville Road was sworn in by Mike Aimino. She would welcome the Oasis Animal Sanctuary across from her house if it were possible.

Mr. Brian Douglas of 487 Franklinville Road was sworn in by Mr. Aimino. Mr. Douglas is concerned with flood water and is very opposed to this project. He feels this is a commercial business trying to be in a residential area.

Mr. Harry Bell who was sworn in earlier would like to know about the other sites that Ms. Brighton and Ms. Van De Weghe pursued and what were the results of those projects. Ms. Brighton stated that she didn't say they made applications on those properties. They did on this particular property because it has a lot of potential for their purposes.

With no further public comment, J. Juliano made a motion to close which was seconded by P. Lott. All were in favor.

Chairman Schwager called for a 5 minute recess at 9:03.

The meeting reconvened at 9:09.

J. Juliano asked if the perimeter of the property is going to be fenced in.

Mr. Endicott stated yes, if they are fortunate enough to get to site plan the idea is to create at least 2 barriers between every animal and the perimeter of the property.

Mr. Endicott continued stating that Oasis is a non-profit organization, not a commercial entity. Waste disposal will be by a private hauler at their expense so there is no burden to the Township. With regard to the storm water, they are responsible for creating a storm water management system and part of their requirement is to reduce the amount of flow off of this site, so they should see a decrease in water flow. They would have generators on site to deal with power outages. In terms of traffic, they would contribute a very small addition to that and it is a County Road so they would have to go to the County Planning Department to get approval. Woolwich Township's ordinance does permit as a Conditional Use in every zone including the R-1, intensive fowl or livestock farm, what they are proposing is far less than 200 head of large animals. Their intention is to be good neighbors. They are simply asking for the Use Variance at this time and will come at a later date for Site Plan.

Chairman Schwager asked if they would consider flipping the site and putting the house up front. Mr. Endicott stated they would make a plan that works for everyone.

F. Costantini read the right to farm act and he feels this is a business more than a farm.

T. Kernan went through the variances stating first and foremost there is a Use Variances along with a couple Bulk Variances to allow accessory buildings in front of the principal residence and more than 2 of those (up to 10) and location. The third would be a conditional use for setbacks.

F. Costantini stated that he is personally in favor of this project but he does not think this is the right spot for it so he has to make a motion to Deny this Use Variance for an animal sanctuary on this particular property based on the testimony from the applicant, the public and our Planner because he does not believe it's size provides adequate setbacks for the building and structures associated with this type of use. It is suitable for 13 horses per our Ordinances but the additional animals proposed to being on that site would be a larger burden than what our ordinances would normally allow. The business would be in close proximity to existing residential uses. There is nothing in particular about this property to make it suitable for proposed non-residential use and the proposed uses benefits do not out way the negative impacts the zoning with respect to noise, odors, and commercial traffic impacts. J. Juliano seconded the motion. Roll was as follows:

**P. Lott – yes, J. Juliano – yes, J. Maugeri – yes, F. Costantini – yes, B. Rushton – yes, B. Hannigan – yes, Chairman Schwager – no.**

The Use is denied.

With nothing further to discuss, F. Costantini made a motion to adjourn which was seconded by J. Maugeri. All were in favor.

The JLUB meeting adjourned at 9:23 pm.

Respectfully submitted,

Christina M. Marquis  
Joint Land Use Secretary

***Minutes not verbatim  
Audio recording on file***