



**Applications: 1. Yaakov Sommer, Block 14501, Lot 4.01, 1 Summers Drive – Yaakov Sommer- home owner- affirmed-** moved into this house about 2 years ago and it's on the corner of a cul-de-sac which is Summers Drive and the corner is Brewers Bridge, and the house is on the corner and the street is quiet however the back of the property faces Brewers Bridge, and the side yard is open to the Brewers Bridge roadway, and it is desired to put up a fence along the side of the house which in legal terms is the front yard, and the fence would be to keep the children safe and blocked noise. Mr. Book asked if the yellow line is to depict where the fence is desired. Mr. Sommer said that was correct. Mr. Book mentioned there is a 20' wide sanitary sewer easement, and it doesn't appear to be an issue however can there be confirmation provided. Mr. Hill stated along Brewers Bridge there are 2 easements, a shade tree easement and a 20' wide sanitary sewer easement and the applicant has agreed not to encroach that or the site triangle. Mr. Najarian asked Mr. Hill if in his opinion the layout of the fence is acceptable. Mr. Hill advised that is correct, the applicant is purposing the fence parallel without encroaching easements and along the other sides of the property there is no issues. Mr. Book mentioned that in the application it's a 6' fence and it says solid, what is the material. Mr. Sommer noted whatever is the cheapest is what will be installed, so most likely a plastic solid fence. Mr. Hurley mentioned driving past the home, and it's a nice community, and it appears there is no solid fences in the neighborhood, would there be possibility for an open fence. Mr. Sommer advised the neighbors have trees or the backyard areas are protected from the outside elements, and his backyard is totally open to the elements and there is debris and litter flowing onto his yard from Brewers Bridge. Mr. Hurley stated this would not match the community. Mr. Sommer understood the comment however the other houses do not have the same issue of being exposed to Brewer Bridge, and along Brewers Bridge there are solid white fences, and this will not be any different.

*Opened public comment; seeing no one use the "raise hand" function, public comment closed*

Mr. Sommer stated the reason for this fence is for the hardship, he has 2 small children and there is another on the way, and they are children and will wonder to the open area, and that open area is a main roadway, and the closed fence would create a safe space, and family privacy. Mr. Gertner stated appreciating the applicants summary, and Mr. Hurley's comments, the Board is faced with a C variance, and a C-1 variance generally requires a positive and negative criteria review, and this can be deliberated to the extent chosen and this is a flexible variance and one must demonstrate the variance is needed for a piece of property and the benefits will outweigh the detriment to approving the variance, and there should be a desirable visual environment. Ms. Fritch mentioned that with looking at the image on google maps, it would be better if the fence started on the back end rather than the front of the house, also if it started on the right side, it may look better, and it looks like it goes right from the front of the house, is there a reason the fence is being installed from the front of the house. Mr. Sommer advised it was discussed, and the area where the children would play would be the back, and if it's enclosed strictly from the back, there would be a big piece of land that is left outside the fence, and the fence will be seen only if someone were to be driving past the house. Ms. McIlhinney stated this type of application has been approved on the corner lots and because of health and safety issue, this would not have a negative impact on the area or the master plan, it would be ok at the height as well. Mr. Book mentioned taking a look at the home, and advised he is sensitive to the character of the neighborhood and do not disagree with the fence suggestions that were made, and there may be a compromise where some portions of the fence would be open and other portions can be solid, is that an option. Mr. Sommer mentioned this application is not to make something that will not look horrible, however the privacy is desired and no matter which street is traveled the yard is viewed and if there was an open fence there would be no privacy. Mr. Book suggested taking the long stretch on Brewers Bridge to be solid and the remaining pieces be open. Mr. Sommer asked if the open fence is required, can the open fence be lined with trees to create privacy. Mr. Costanzo mentioned that it's believed with what has been heard, the applicant will start the from the front right corner, and is receptive to having an open fence with trees and shrubbery to achieve the privacy and a solid fence would be desired along the remaining portions of the property. Mr. Hurley stated the consideration mitigates the concern, and it also helps blend with the community. Mr. Costanzo stated for confirmation, the only open fence would be to the front and the sides and the back would be solid, and aesthetically a fair compromise would be the open fence is in the front, and the sides and rear would be solid.

Mr. Costanzo made a motion to approve a 6' height open fence to the front of Summers, with the remaining sections of fence to be solid with 6' in height

**Motion to approve by COSTANZO/ Najarian. Yes:** Fritch, McIlhinney, Costanzo, Hurley, Comello, Najarian, Book.

**2. Thomas D'Amore, Block 23108, Lot 29.02, 440 Basso Street – Adam Pfeffer- attorney for the applicant-** stated this application is here for a use variance, and Mr. Ian Borden is present to place the technical on the record. Mr. Book asked if Mr. Borden is testifying as a planner or engineer. Mr. Borden advised he will be testifying as a planner. **Ian Borden- president of Professional Design Services of New Jersey, graduated from Rutgers and has been a professional planner for 30 years- credentials accepted- sworn-** stated the owner of the site is the applicant, and the site is 3.2 acres which is shown on the screen marked as **Exhibit A-1** dated January 6, 2021 which was prepared by PDS, and the property is contained in the RD-1 development zone in Town which is occupied by a single home with a circular driveway which is shown on the front of the property and the applicant is a single employee/ owner of his company and would like the site to be used for his company. Mr. Borden stated the applicant would park the main truck, a flat bed, skid steer and accessories on site, and the hours were listed as 8 a.m-6 p.m. Monday through Saturday which would consist of walking out the back of the home getting in the truck and leaving, and on a normal day there is no traveling on and off site. Mr. Gertner asked for a matter of clarification, there is a piece of the record that does not match with Mr. Peters report, it's noted that Michael is the owner. Mr. Borden advised that is the applicants middle name, and that is the name the applicant goes by. Mr. Pfeffer asked if there is any work other than parking the vehicles being done on site. Mr. Borden stated there is equipment storage. Mr. Najarian asked what time of material is stored on site. Mr. Borden advised natural materials. Mr. Gertner referenced page 2 of 2 of the Jackson Township disclosure statement and respectfully it's been testified that the names are one in the same however there is 2 signatures on the document. Mr. Borden stated Thomas is the father. Mr. Gertner mentioned that it's been put on the record that it's owner occupied. Mr. Pfeffer stated the property is owned by the father and Michael lives on site and Thomas has signed the application for consent purposes. Mr. Hurley asked if this is a D-1 variance, for a mixed use, or home occupation. Mr. Borden stated this is a residence and there is a request for the company to be run on site. Mr. Hurley asked if the applicant will be testifying. Mr. Peters noted there cannot be 2 principal structures on site. Mr. Hurley asked if there is only one structure purposed and the business will be run out of the home. Mr. Peters asked why the application here is. Mr. Pfeffer stated there was a violation issued for the trucks being stored, and the business being run from the site. Mr. Peters noted that information seems to have been missed. Mr. Book mentioned there is another discrepancy, there is a deerfoot way address noted in the plans. Mr. Pfeffer stated the Deerfoot address is an older address, and the applicant does reside at 440 Basso Street. Mr. Borden briefly explained the purposed use, starting with the main portion of the site which is occupied by the use and there is a clear area in the back which utilizes the variance, and the site is more than 500' deep and the portion that will be used for the parking uses ⅓ of the site, and it is 400' from Basso and the property where the equipment and the trucks will be stored is on the down

slope of the site and there are 4 existing storage containers for equipment such as lawn mowers and they are mostly for the residence and the business and that is basically the use, it's the single truck and some equipment, and talking to the zone this is the rural development 1 zone and the zone is the bridge between the force areas in the regional growth zone and most of Basso Street is in the same zone and it does allow for residential structures and homes and home occupation is a conditional use in town and it is a conditional use in many residential uses in town and it is in the R-1 zone and the in home occupation is permitted in several residential zones and is not allowed in any pinelands zones and to the variances being sought, the home occupation is defined in the ordinance, and there is conditional use criteria and this purposed use meets all criteria other than one, and there is some outdoor uses being done such as storage of accessories and such. Mr. Borden stated there is no sign purposed and there is no sign existing, the parking of the vehicle is to the rear of the site and there will be no issue with the current parking on site and there will be no firearms and there will be no more than one home business being run from the residence, and given the layout of the property and the compliance of the home occupancy throughout town this site is well suited and there is no detriment to the public good. Ms. McIlhinney asked what is going to be on site, because it was testified to one vehicle and the applicant notes more than one vehicle. Mr. Borden mentioned that was written prior to the use being understood, and this will be for the one single truck, a trailer, a bob cat and an excavator. Ms. McIlhinney noted there were other items testified too. Mr. Borden stated there is piles of soil and when there is some left over from a job, it might be used to fix the applicants site. Ms. McIlhinney asked if there would be concrete, grass or stone. Mr. Peters stated it was testified that there would be road rock. Mr. Hill stated there are some questions for the applicant.

**Michael D'Amore- business owner- sworn-** Mr. Hill asked when did this property start being used for this use. Mr. D'Amore advised it was 5 years ago. Mr. Hill asked over those 5 years there has been a loop driveway and with a portion on the neighboring property. Mr. D'Amore asked what driveway. Mr. Hill mentioned there is one driveway to the back that is on the neighbor's site. Mr. D'Amore noted there was no driveway on the neighbor's property. Mr. Hill asked if the truck on site is a tri axel. Mr. D'Amore advised that is correct, and a tag along trailer. Mr. Hill asked what exactly will be towed on the trailer. Mr. D'Amore noted a rubber tire backhoe. Mr. Hill stated these driveways were not here previously. Mr. D'Amore advised only the back driveway was added. Mr. Hill stated there is an Ariel photo and there is asphalt or millings, and asked if the asphalt is brought back to the home. Mr. D'Amore wasn't aware of the materials being referenced. Mr. Hill stated there is a photo, and there is material being added on site, and there is a driveway. Mr. D'Amore stated the neighbor built on his own property. Mr. Hill mentioned there is clearing showed as well. Mr. Pfeffer stated there should be a date placed on the record. Mr. Hill mentioned the image being referenced is from google earth. Mr. Pfeffer objected to the image being referenced, as it has not been reviewed. Mr. Hill stated this is more than a home based business, and work has been completed and improvements have been installed without regard to storm water management, and the position is understood where it is desired to be a home based business. Mr. Gertner asked if based on the information seen from the photo, should a certificate of filing have been obtained. Mr. Hill stated this is an after the fact application and if there was an application filed 5 years ago for the impervious coverage the driveway and the clearing it would require site plan and pinelands approval. Mr. Gertner asked if the applicant can proceed with the use variance request subject to submitting a site plan, would there then be a certificate of filing required. Mr. Hill advised that can be done it can be approved for the use and there can be site plan to see what's being parked where. Mr. Pfeffer stated the applicant is disagreeing to what is on his site. Mr. D'Amore stated when this site was occupied it was like a dump site, and there was piles of garbage there were tires, rims and there were piles of trash, and the goal was to make this like a park and on a sunny day this site was dark and the trees were taken down for light and it's a beautiful area and the goal is to keep it beautiful. Mr. Pfeffer stated there was testimony from Mr. Borden on how the site operates, can that be confirmed that what was stated is correct. Mr. D'Amore mentioned all the information stated is correct. Ms. McIlhinney mentioned that it was noted that the neighbors are friendly, is the material on his site Mr. D'Amore material. Mr. D'Amore said no. Mr. Najarian asked if the garbage that was on site can be discussed. Mr. D'Amore mentioned there was concrete block, tires, rims, it was like a dump site. Mr. Najarian asked where the debris went. Mr. D'Amore advised the debris was paid for to be removed. Ms. Fritch asked how many employees are there. Mr. D'Amore mentioned it is only himself. Ms. Fritch advised that the statement of operations notes multiple employees. Mr. Pfeffer stated there was an error with the documentation provided, as it was done before the application was completed. Mr. Hurley asked if this application can be bifurcated because in some instances there would be a problem, looking at the map that is before the Board, it appears the driveway is accessed from the neighboring property and goes down the north side of the property, and there is question what would the use be granted for. Mr. Pfeffer stated with regard to the neighbor's property, there is no use of the neighbor's property and it can be agreed as a condition of approval. Mr. Gertner stated it was indicated that it does not go onto the neighboring property and if the applicant agrees, the applicant could abandoned the portion of the driveway from the center of the isle and re grass that section, and it would also address some of the impervious coverage. Ms. Fritch asked if the applicant can circle back to a citation that was made. Mr. Gertner stated often time a reason an application comes before the Board of Adjustment is when a Zoning Officer or Construction Official notes a use that is being done that is not permitted and that at some point becomes irrelevant as the application is before the Board to address the summons. Ms. Fritch asked if the Board should disregard this has been run for 5 years. Mr. Gertner stated there is a citation for running that business and the application is here to allow the operations. Mr. Peters added the short hand answer is that there has been testimony about what is legitimate and what isn't. Mr. Pfeffer stated it's been testified that the applicant will wake up and leave the site and return at the end of the day, and what's happening on site has nothing to do with the business. Mr. Book stated if this is a contractor storage yard based on the activity and storage being done on site and that was raised from Mr. Hill, and it's not one truck going in and out the yard shows much more. Mr. Pfeffer stated the business has been testified too and the site has been spoken too and the driveway concern has been addressed. Mr. Book asked for an explanation of the mechanics of how this works, a tri axel has been discussed and does that pull the tag along trailer and on the trailer holds both pieces of equipment. Mr. D'Amore stated he wakes up and will go hook the truck to the tailer and will either locate the bobcat or excavator, the trailer cannot fit both pieces of equipment, and the site will be left and the truck, trailer and piece of equipment will return back to the site once the offsite job is completed. Mr. Book asked what the milling that is on site is. Mr. D' Amore stated that is ground up black top. Mr. Hurley asked if this is a D-1 variance for commercial use. Mr. Pfeffer stated that is correct. Mr. Hurley stated the positives and the negatives should have been testified too, and the positives were not clear. Mr. Pfeffer stated the applicant would like to come back with a site plan, and should there be more variances they can be sought together. Mr. Gertner stated it's the applicant's request to have this carried and the applicant will seek information to provide the Board clarity and there is an understanding from the applicant that based on the information provided and heard and asked that in all likely hood there will be formal site plan. Mr. Pfeffer asked prior to this being formally carried, the applicant would like to hear concerns from public should there be anyone with concerns.

*Opened public comment; seeing no one use the "raise hand" function, public comment closed.*

Mr. Peters stated since this will be coming back, the structures on site should be shown, please at some point get testimony for what they are used for and if they require permits. Mr. Pfeffer stated it will be addressed. Mr. Purpuro mentioned that this could possibly be

carried to February 3, 2021, depending on how long the applicant needs. Mr. Pfeffer advised there might be additional time needed. Mr. Gertner stated this will be carried to the February 17, 2021 meeting subject to additional variances being required, the applicant is not required to re notice and any public interested, the publication will be published online in the appropriate paces and newspapers as well.

*Recess taken at 9:11 p.m., reconvened by Mr. Book at 9:20 p.m.*

**4. Jennifer Van Shoick, Block 2201, Lot 47, 636 William Street** – Mr. Hill stated if the Board recalls there were questions surrounding the individuals uses for the site that is being used and storage, and in 2019 when the applicant was present there was a requirement for variance sketch and that was not completed and there was a resolution done and in December it was completed, and it was submitted and the sketch is consistent with the resolution and the professional review comments and it should be used as a basis. Mr. Gertner stated the Zoning officer made note as part of the application there is a report that was found by Code Enforcement office and Andrew Cheney is the supervisor for Code Enforcement and Animal Control, he is also tuned in to go through the report.

**Andrew Cheney- supervisor for Code Enforcement and Animal Control-** advised the Board there was a report done on November 20, 2020, and there was a breakdown of the site conditions, there were 39 adult dogs, 4 six to 7 month old puppies and in the pad there is 1 horse, 2 goats, 3 chickens, and 2 cats, and in the side yard there are 8: 8 week old puppies, 1; 12 week old puppy, 1 pot belly pig, 2 orange cats, and 5 dogs in the home that are Jen's animals, and the resolution that was passed in 2019, there is a discrepancy in the number of animals that was approved, as well as the fact the kennel has not had an active license in years. Mr. Costanzo asked how many puppies were on site and the ages. Mr. Cheney stated 4; 6-7 month old pups, 8; 8 week old pups, and 1; 12 week old pup. Ms. Van Shoick stated she has paid the fee and has been inspected so the kennel licenses have been obtained. Mr. Book asked Ms. Van Shoick if she agrees that the number of animals is accurate on site at the time the site was inspected. Ms. Van Shoick stated the numbers put on the record are wrong, and Mr. Cheney never has stepped foot on site so the report is here say. Mr. Book asked if Ms. Van Shoick is denying the report, and there were not 39 dogs on site. Ms. Van Shoick stated there were not 39 dogs on site. Mr. Book stated in addition to the dogs on site there are 5 dogs in the home, and Mr. Cheney's testimony is that at the time of the inspection there is 44 dogs on site. Ms. Van Shoick advised she does not agree to the report. Mr. Book asked for testimony to the condition of the site and the animals. Mr. Cheney stated the actual condition of the property was ok, and that is the report from Robin, Jim and Jose. Mr. Book asked at the level of use being made from Ms. Van Shoick, does it seem to be maxing out the use of the property. Mr. Cheney stated the site is maxed out for the size of the property. Mr. Gertner asked what is the basis of that conclusion, how can that be a conclusion. Mr. Cheney stated the animal control officers have over 30 years of experience an there should be a certain amount of space for an animal in regards to roaming and moving area. Ms. Van Shoick stated this is all hearsay.

Ms. Van Shoick stated she has been in Jackson for 15 years and puppies stay until they are 12 weeks old to assure there is vaccines done prior to the puppies being placed. Mr. Book asked if the application is seeking to increase the allowed number of kennel dogs from 30 to 35. Ms. Van Shoick advised for adult dogs, yes, and the kennel has 30 runs and 2 outside runs and the kennel would not be built that way without being able to use them, and the only reason the kennel was built the way it was to avoid a soil test, and the goal is to have 30 dogs in the kennel with 5 in the house. Mr. Book asked in terms of the goats, is the application seeking permission to have just the 2 or are more being requested. Ms. Van Shoick advised only the 2 are being requested. Mr. Book asked if that is the same with regards to the 1 horse. Ms. Van Shoick advised that was also correct. Mr. Book asked if Ms. Van Shoick would you agree that for someone with an un trained eye there is no realistic way to determine whether or not the dog was a service dog or not, and if someone came on site there is no way to determine what an adult dog is a service animal or not, so to draw a distinction to a support animal or not, the goal from what was permitted from 30 to 35. Mr. Hill stated the service dogs if certified of being trained properly they have badges or a vest to determine that they are service dogs, is it possible for those 5 personal dogs to have some type of identification. Ms. McIlhinney asked if right now there are 5 dogs in home. Ms. Van Shoick stated yes. Ms. McIlhinney asked if they are personal service dogs. Ms. Van Shoick stated some are retired and then there is one service dog active currently. Ms. McIlhinney asked how many dogs will be in the home. Ms. Van Shoick stated 5. Mr. Peters stated there was discussion because there was livestock on site and there was discussion about the waste on site, and there is nothing to depict the number of dogs. Ms. Fritch asked for clarification of what was previously approved. Mr. Gertner referenced page 2 of 6 of the memorialized resolution, there were 25 dogs on site and an additional 5 were requested and 5 in the home to total to 35, and the Board allowed 30 dogs period.

*Opened public comment;*

**Leonard Alan Marshall- 2306 Lincoln Ave- Clifton, NJ- sworn-** purchased a dog from the applicant and she is a hell of a breeder, and his family looked for a reliable dog to show and care for, and upon purchasing the dog a home has been purchased in Jackson, and several former friends/ teammates have put in request to purchase dogs from Jen.

**Edward Bingham- 33 Federal Street- Toms River, NJ- sworn-** has known the applicant for many years and very familiar with support dogs and service dogs, and they cannot be required to wear vests and Jen is a good person and cares for her animals and she should not be going through this to keep her dogs.

**Justin McNamara- 569 Michigan Ave- Brick, NJ- sworn-** said this was his grandfather's kennel, and he did a lot of construction, and Jen keeps that place immaculate and grandpa would've been so proud with how it's been transformed, the dogs have room to play, they are clean and the place is just really something to be seen

**Liz Donahue- 2355 Remmy Court- Pt Pleasant, NJ- sworn-** has quite a few coworkers that have purchased dogs from Jen and with pictures everyone speaks with high regard and she is currently trying to get a dog herself, and the site has been visited and friends have been brought to Jen's home and with being a registered nurse and understanding good waste sanitation and disease control, this site is not at risk of either, it's clean, and the animals are happy and well taken care of

**Crystal Roberto- 946 E. Veterans Highway- Jackson, NJ- sworn-** concurred with comments made, and would just like to point out that her daughter was diagnosed with cancer, and Marley was purchased from Jen as a therapy dog, and Jen helped train the children with the dog, and the experience was so amazing that another dog is being considered to add to the family, this site is more than just a kennel, and the Board should recognize that

Mr. Gertner announced prior to closing the public comment, there are 3 questions in the Q&A box, and to assure the record is clear, the questions typed have been addressed.

*Closed public comment.*

Ms. McIlhinney stated the testimonial and comments from everyone who spoke were not only moving but impressive, however there is question as to what was submitted, and the site plan. Ms. McIlhinney asked Mr. Hill if there was an opinion as to whether or not the site could support the 5 additional dogs. Mr. Hill stated the kennel can accommodate 30 dogs and there is currently 25 dogs, and really what is before the Board is to increase the kennel to 5 more dogs and keep 5 dogs in home, so 30 will be kept in the kennel which is what that will accommodate. Mr. Costanzo mentioned sitting on the previous Board, and at that time there was a density issue, and there was a lot of density on site and there is conflicting testimony and there is an enforcer who is indicating one number and the applicant is indicating another and there is a density issue, if the kennel is built for 30 dogs and can accommodate 30 that's fine, and the 5 house dogs is a mood point and the kennel capacity is the issue. Mr. Gertner stated the applicant is here for a variance, and the foundation for the argument is incorrect. Mr. Costanzo stated the other thing that is troubling is that this was here before and it was denied and there is no further testimony to change that, there is no reasoning other than the kennel is capable. Mr. Book agreed with the statement, and to that and in listening to Mr. Gertner, the Board should not distinguish what is a service animal vs. a personal animal, and there is no basis to modify that at all, and there is a part based on Mr. Cheney's testimony and the observations that there are animals on site that shouldn't be there and there is a lack of compliance. Mr. Najarian agreed with the fellow Board members, and stated the Mr. Cheney are doing their jobs when they go to look at these properties, and there is an opportunity for further testimony to be placed on the record, and nothing has changed from the previous approval, there has been no further supporting testimony. Ms. Fritch asked if part of the density issue is the horses that are now gone. Mr. Purpuro stated there has to be at least 45,000SF for horses, and similar live stock, and she's under the 45,000SF, so there should be no horses at all, and the Board Ms. Van Shoick the opportunity to keep one horse and ideally the two goats are also not permitted as they are considered live stock.

Mr. Najarian made a motion to deny based on the testimony not changing since the last time this was heard and there is further inclination even with one horse at 45,000SF, there is not enough space for the livestock on site plus the 35 dogs.

**Motion to deny by NAJARIAN/ Costanzo. Yes:** Costanzo, Najarian, Book **No:** Fritch, McIlhinney, Hurley, Comello.

Mr. Gertner stated the motion failed, so there can be further discussion and an additional motion. Mr. Hurley wanted to make a motion to approve, however there would be another issue with a failed vote. Mr. Gertner suggested based on the deliberation that's occurred to have further discussion find a consensus to what at least would be approved so that the applicant would know what would be approved. Mr. Hurley mentioned from an enforcement perspective the recommendation would be that the Board does talk in terms of the total number of dogs on the site and not to subdivide the number that can be in a kennel and in the house because when enforcement goes out there, if the dogs are running, who knows where at the time they belong whether it be in home or in kennel. Mr. Hill mentioned this application is based on 35 dogs, the applicant wishes to go from 30 to 35. Mr. Hurley asked the applicant is she would consider not having the goats on site. Ms. Van Shoick mentioned that she has plenty of room not he property and the horse already had 2 friends taken away it would break her to not have the goats. Ms. Fritch asked if the chickens can be removed from the site. Ms. Van Shoick stated they can be rehomed. Mr. Purpuro noted the applicant will have no choice but to get rid the chickens because the chickens is part of the livestock category as well as the pig. Mr. Hurley asked why there hasn't been testimony relative to the goats, because with the dogs increasing there is an excess with the goats, would there be a willingness withdraw the application as it relates to goats. Ms. Van Shoick stated she would just like to have the number of dogs on site that the kennel allows for, and the number of runs are there. Mr. Hurley stated if this is going to be approved there cannot be goats on site. Ms. Van Shoick asked if 1 goat can be kept for the horse. Mr. Costanzo asked how much impact the goats have on the site. Ms. Van Shoick stated they do not have much of an impact at all. Mr. Najarian noted that's the base of the motion to deny, there was nothing different from the last time this application was presented. Mr. Hill advised that what's different from a testimonial standpoint is the fact that the Board now has a plan that delineates areas of the site which are capable of supporting the goats, so this is the testimony to support the new application. Mr. Purpuro stated that in order to keep the horse or similar livestock per the towns Ordinance there has to be at least 80SF per animal. Mr. Najarian asked if the applicant has that space. Mr. Purpuro advised she does. Mr. Hill noted that the plan shows that there's sufficient places for the horse, the goats and the dogs to play. Ms. McIlhinney agreed with Mr. Hill and stated there was testimony on this application which was asked for, and that the plans that let the Board know what it's going to, and that to me is the difference between this hearing and the last hearing, and Mr. Hill seems to be very happy with the plan and believes that it can support the request.

Ms. McIlhinney made a motion to approve the application, approving no more than 35 dogs, 2 goats, chickens, and the pot belly pig. Mr. Purpuro interrupted and advised the motion is not appropriate, livestock cannot just keep being added as there is not enough square footage for everything you can't a keep adding live stock because then there is the need for adding to the required shelter per animal, and the chickens were not in play until this evening. Ms. Fritch noted that the applicant did agree to re home the chickens. Mr. Gertner stated the motion should articulate the approval of 35 total adult dogs on the site of which a maximum of 30 dogs in the kennel and up to five in personal dogs pursuant to the existing ordinance as well as two goats. Mr. Purpuro noted that the horse is already approved.

**Motion to approve by MCILHINNEY/ Fritch. Yes:** Fritch, McIlhinney, Costanzo, Hurley, Comello, Najarian. **No:** Book

**Motion to adjourn at 11:08 p.m. by NAJARIAN/ Costanzo. Yes:** Among those present.

Respectfully submitted,

Danielle Sinowitz,  
Zoning Board Recording Secretary