

**CONSOLIDATED LAND USE BOARD OF THE TOWNSHIP OF MANSFIELD**

**RESOLUTION NO. 2021-6-11A**

**CONCERNING THE APPLICATION OF  
VET COR OF COLUMBUS  
FOR VARIANCE DENIAL**

**WHEREAS**, VetCor of Columbus, LLC, d/b/a Columbus Central Veterinary Hospital (the “Applicant”), has applied to the Consolidated Land Use Board of the Township of Mansfield (the “Board”) for Variance Approval for property located at 23203 Columbus Road, known as Block 42,30, Lot 151 (the “Property”) on the Official Tax Map of the Township of Mansfield to operate a veterinary hospital in Suites M and N of the Homestead Plaza II shopping center; and

**WHEREAS**, the Property is located in the C-1 Neighborhood Commercial Zoning District of the Township; and

**WHEREAS**, the Applicant’s proposed veterinary hospital is not a permitted use in the C-1 Zoning District and a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required; and

**WHEREAS**, the application for Variance Approval was deemed complete by the Board on June 28, 2021; and

**WHEREAS**, a public hearing to consider the application was held by the Board on June 28, 2021<sup>1</sup>, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Mansfield and the statutes of the State of New Jersey; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

**WHEREAS**, the following exhibits were introduced by the Applicant during the June 28, 2021 Public Hearing:

A-1 Homestead Plaza II 2015 Site Plan, prepared by Taylor Wiseman Taylor;

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<sup>1</sup> The June 28, 2021 Public Hearing was conducted with in-person and virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

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A-2 Photographs of the front and rear of Suites M and N;

A-3 Concept Plan for interior of Suites M and N; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support its application for Variance Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant has entered into a lease agreement to occupy Suites M and N of the Homestead Plaza II retail center. The Applicant is proposing to operate a veterinary hospital from this location.

2. The Applicant's proposed veterinary hospital is not a permitted use in the Neighborhood Commercial Zoning District and a "D-1" use variance is required.

3. The Applicant has filed a Land Development Application with the Board for "D-1" Use Variance Approval, providing the Board with the Application and Submission Checklists, Homestead Plaza II Site Plan, Photographs and a Concept Plan of the interior of the proposed veterinary hospital.

4. The taxes on the Property are current or exempt.

5. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.

6. Proper notice of the application for Variance Approval has been given, based upon the certified list from the Office of the Mansfield Tax Assessor.

7. Other than interior improvements for the veterinary hospital, the Applicant is not proposing any exterior site improvements.

8. The Applicant was represented at the June 28, 2021 Public Hearing by Kit Applegate, Esquire. Christine Rachwal and Christopher Zehnder, PP, testified on behalf of the Applicant.

9. Ms. Applegate made the following representations to the Board during the June 28, 2021 Public Hearing:

a. The Applicant consents to the Public Hearing with virtual participation.

b. There is a grass area in the rear of the building for dogs to use when necessary, with staff cleaning up the waste.

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10. Ms. Rachwal provided the following sworn testimony during the June 28, 2021 Public Hearing:

- a. She is the Applicant's Regional Manager.
- b. The Applicant currently operates its veterinary hospital on Route 206 in the Township's C-2 Zoning District.
- c. The Applicant's existing lease is not being renewed and they need to vacate the current location in six months.
- d. The veterinary hospital will be located in Suites M and N of the Homestead Plaza II Center, occupying approximately 3,296 square feet of the center.
- e. The Applicant will have 20 employees with 10 employees working during the hospital's busiest time of the day.
- f. The hours of operation will be 8:00 a.m. to 6:00 p.m., Monday through Saturday.
- g. The proposed veterinary hospital will have five (5) examination rooms.
- h. The only improvements proposed are to the interior of Suites M and N.
- i. Only dogs and cats will be seen at the hospital.
- j. Pets will occasionally stay overnight with a staff member present when overnight stays are required.
- k. Pet treatment and surgeries are staggered throughout the day.
- l. Medical waste will be removed by a private hauler and regular trash removal will be handled by the landlord.
- m. The veterinary hospital does not require excess water and sewer consumption.
- n. The Applicant does not need additional signs or added security for the veterinary hospital.
- o. The veterinary hospital will comply with the Township's noise ordinance and a plan is in place to address barking dogs.
- p. All medications are locked up with only the veterinarians having the keys to the medicine locker.
- q. The hospital will require state approval.

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- r. Half of our locations are in strip centers.
- s. Dog waste will not be an issue as “poop” centers are created at each site for dog bowel movements.

11. Mr. Zehdner provided the following sworn testimony during the June 28, 2021 Public Hearing:

- a. He is the Applicant’s Professional Planner, licensed in the State of New Jersey<sup>2</sup>.
- b. The sites parking is sufficient for the proposed veterinary hospital with 17 spaces available for the Applicant’s use, plus 68 overflow spaces.
- c. The Applicant will require 14 parking spaces at its peak daytime use.
- e. Suites M and N are located over 200 feet, with a vegetative buffer, from the closest residential use, greater than the 150 foot minimum required.
- e. The suites are very well suited for an animal hospital.
- f. There is an inherent benefit of providing an animal hospital and a means of employment.
- g. The animal hospital has operated in the area for over 40 years.
- h. There will be no detriment to the public and will be a benefit to the community.
- i. The animal hospital use is consistent with the zone plan and is compatible with the Municipal Land Use Law.

12. Board Members expressed concerns that Homestead Plaza II is not an appropriate location for the proposed animal hospital.

13. During the public portion of the June 28, 2021 Hearing, the following interested persons provided the Board with testimony regarding the Application and the proposed animal hospital use:

- a. Margaret Zola who was concerned about dog bowel movements prior to the dogs entering the hospital.
- b. Dan Harden who testified that the Homestead Plaza II Shopping Center was not an appropriate location.

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<sup>2</sup> Based on his education, experience and licensing, Mr. Zehdner was qualified by the Board to offer expert testimony in land use planning.

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- c. Dr. Howard Redlus who testified that he is the owner of the Applicant's current Route 206 Application and that it was the Applicant who terminated the existing lease.
- d. Michael Sauca who testified that he is Dr. Redlus' attorney, and that the Applicant has not accurately testified about the circumstances concerning its current lease; that there are other animal hospitals less than 2 miles away from Homestead Plaza II and that Homestead Plaza II is not an acceptable location for such use.

**AND WHEREAS**, based upon the above factual findings, the Consolidated Land Use Board of the Township of Mansfield has come to the following conclusions:

1. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to make a decision on the application for Variance Approval.
2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Mansfield would not be advanced by the deviation from the zoning ordinance requirement pertaining to use, as specified herein, as requested by the Applicant.
3. The benefits of the deviation from the zoning ordinance requirement specified herein would not substantially outweigh any detriment to the public good as variance approval and the development of the Property as proposed will not promote the safety, health and general welfare of the community.
4. Relief as requested by the Applicant cannot be granted without substantial detriment to the public good and the requested relief will substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Mansfield.
5. The Applicant has failed to satisfy its burden for the granting of a "D-1" use variance.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Township of Mansfield, on the 26<sup>th</sup> day of June 2021, that this Board hereby denies the Applicant a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* for an animal hospital to operate from Homestead Plaza II.

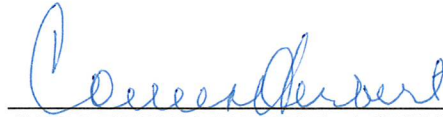
**ROLL CALL VOTE**

Those in Favor of Application: 1  
Those Opposed to Application: 6  
Those Abstaining: 0

**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Consolidated Land Use Board of the Township of Mansfield in accordance with its decision at its regular meeting on June 28, 2021.

**THE CONSOLIDATED LAND USE BOARD  
OF THE TOWNSHIP OF MANSFIELD**



**COLLEEN HERBERT, ACTING CHAIRMAN**

**Attested:**



**LINDA SEMUS, SECRETARY**

Dated: July 28, 2021

Date of Approval: June 28, 2021

Date of Memorialization: July 26, 2021