

TOWN OF BENTON
ZONING BOARD OF APPEALS MEETING
JANUARY 7, 2020

PRESENT: Dwight James, Tom Davie, Steven Vaughan, Rich Meyer, and Dewey Hauman.

Also Present: Bonnie Perry; Connie Terry; Rebecca Flynn Ames; Doris Martin; Luke Ray and Joyce Zimmerman; Joe DeGeorge; Bonnie Brewer; Steve and Gail Knaptton; Hal Fredericksen; Marlene Esner; Tom Goodall, Jr.; David Sauder; Irving Hoover; Dick Harper, Town Councilman; Glenn Quackenbush, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

James called the meeting to order at 7:00 p.m. followed by introductions.

APPROVAL OF MINUTES: Davie made a motion to approve the minutes from the December 3, 2019 meeting. Meyer seconded the motion. All in favor.

APPEAL #123SUP-19: Application for a Special Use Permit request from Yates County Humane Society, 1216 Route 14A, Penn Yan, NY 14527 to amend current Special Use Permit for a 50' X 80' addition to be used as a Kennel Area. (AR1 District) (27.04-1-16)

Joe DeGeorge stated that they are trying to improve the quality of the lives of the animals and the training that goes on with them before they are offered to the public. The animals right now are next to each other and once one dog barks, the others will go off; they want to keep on talking to each other. The rooms will be more segregated and they will be just moving the animals from the building they have now and expanding the living quarters for the dogs. DeGeorge indicated that in looking at the plans the animals would be isolated from each other. He mentioned the facility in Bath that operates like this, and in the dog enclosure area, it is quiet. You will see the dogs in each of their rooms and they are well behaved and not getting into each other's business. It will be a cleaner and easier environment to keep them healthier. When it comes to adoptions, the ability of people to see the animals will be a lot easier, cleaner, and more conducive to try to match the people with the right animal. With the existing shelter, it will be converted to a more conducive space for the cats. Because of all the different rooms they have, they will be able to streamline some of the care for the cats as well. The third purpose is for them to have a surgical unit in the shelter. Right now, they have to transport them over to Eastview Vet Clinic. This way they will be able to bring an Eastview Vet in to the shelter, which will be a lot easier for taking care of the animals and the shock value. The care for the vets will be easier because they will not have to set up an operation just to work. They realize there will be less utilities used in terms of water, etc. because they will be using a vacuum system to clean the floors instead of hosing it down. They will be using a wand with water as well as detergents. It will be a basic state of the art operation when it comes to care of the animals. The architect is based out of Rochester and has done these kinds of things before. Vernon Martin will be the contractor and Daily Electric will handle the electric. Tim McMichael will be handling the site. Local vendors will be used for all the construction.

James asked if there were any neighbors present that would like to speak. David Sauder who lives north of the shelter asked what the head capacity for the existing zoning is. Bonnie Brewer noted they keep their limit at 14 dogs and they are not looking for an increase in capacity. DeJohn stated that by law they are allowed to have up to 20 dogs. Sauder asked if there were a change in the maximum allowance, if this could be researched as to how many would be allowed to be there.

DeJohn stated that the whole idea is not to increase capacity and to decrease the noise. The noise they hear now are the dogs in the kennels next to each other feeding off one another when they let them out to run around. In the new building, they will all have individual spaces so they will not be interacting with one another, which creates the noise. Sauder indicated that it sounds like there are 120 dogs when they get going. He then noted that the only thing that bothers him with this is the noise. DeJohn said that the less interaction the dogs have with one another, the less barking.

Another neighbor said he would like no more dogs with less noise. Brewer indicated that there would be no more dogs. They keep their numbers low because they want to make sure they are providing the best care for the dogs they do have. They are not able to handle much more staff and volunteers and it is stressful to have a huge number. They are looking to decrease the stress and noise for everyone. DeJohn stated that a lot of the noise he hears is from the County Animal Control which is the separate building behind them. They are thinking of trying to bring those dogs into the shelter whenever they can. The building owned by animal control really echoes. DeJohn said that if a dog is going to be abandoned, they do try to get it moved to their shelter as soon as they can.

Hoover researched his records from December 8, 1988 and they are allowed to have 22 dogs total: 12 large dogs, 10 puppies and 40 cats and kittens. DeJohn said they do not come anywhere close to having that.

James closed the public hearing.

APPLICATION #102-SUP-19: Application for a Special Use Permit request from Lewis and Doris Martin of 2003 Loree Road, Penn Yan, NY to operate a commercial kennel with a maximum of 10 adult dogs (AR1 District) (18.01-1-10.2).

James indicated that the Martin's have been to this Board multiple times. Mrs. Martin has provided further information and he would like to limit the discussions to Mrs. Martin and the Board. The Board will then take a vote. A veterinarian has put together a veterinarian care plan for the Board's proposal. Hauman stated he noticed the veterinarian signed the plan, but Mrs. Martin did not. James noted that the plan has to be put into place once they go for their license. She will be required to sign it once she goes for her licensing. This is just a template that would need to be submitted to NYS Ag and Markets. Hauman said this is certainly a good first step. If it is not followed, under Ag and Markets rules there is a whole litany of cases with the customer who buys a puppy; if for any reason within 14 days the puppy becomes sick, diseased etc. they can go back to the Martins and require reimbursement plus any veterinarian care. If after 180 days, there is any kind of genetic defects in that animal, per a veterinarian inspection, they can go back on the Martins to get their money back plus the veterinary care. A good first step is to make sure they are vaccinating and taking care of their animals and that would reduce the number of customers that would go back on them.

James noted he forwarded information and a full disclosure to Mrs. Martin for Ag and Markets so she could look at that on the internet.

James stated he understands that the Martins have reached out to their rubbish supplier and they will be more than happy to take the waste. Mrs. Martin said they are fine with them putting it in regular bags and in the regular dumpster.

Hauman then asked what would be next for the Martin's if this is approved. James said the next step would be to apply for a building permit to construct the kennel and, at that point, it would be inspected per Town of Benton code and the dog warden. They also have to apply to Ag and Markets. Ag and Markets will also do an initial inspection. There will be three inspections before they are up and running. Ag and Markets makes one inspection per year and if they find something wrong, they will go back to follow up. It is something Ag and Markets takes seriously.

James asked Mrs. Martin if they plan to use Dr. Wepp as their veterinarian for the facility. Mrs. Martin said they would be using Dr. Wepp who will vet check every pet.

There being no other comments from the Board, James asked for a vote for Benton to be the lead agency for the environmental impact.

Vaughan made a motion to make the Town of Benton the lead agency for the environmental impact. Meyer seconded the motion. All in favor.

The Board then went over the questions for the short environmental impact assessment form.

Meyer made a motion to check box 2, as the Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Hauman seconded the motion. All in favor.

James asked if there was any more discussion for the Board for #102-SUP-19. Meyers asked how the license is checked up on. James noted that they will have to apply for the Ag license, which can be put in the stipulation, and the code officer can actually ask to see that license before he permits the building and/or operation for use. James asked if everyone agreed with him. Hauman noted that in the Ag and Market requirements, what the customer can do has to be posted in the building and it has to be on the bill of sale stipulating all the actions that could be taken if there should be a problem with the dog. James noted that is something that Ag and Markets will inspect for. He then said that his personal opinion is that they put a blanket statement that they meet all Ag and Markets regulations.

James asked if we are looking at ten adult dogs: eight females and two males. That will include the four they already have.

James asked if anyone would like to make the motion.

Meyer made a motion to approve 102-SUP-19 with the following steps:

- Must get an Ag license and meet all the requirements for Ag and Markets.
- Must have waste disposal.
- No more than 10 dogs total on the property.
- Must also meet all regulations of Town of Benton.

Hauman seconded the motion.

The Board was polled:

James – Yes

Davie – No

Vaughan – Yes

Meyer - Yes
Hauman - Yes

James stated he appreciates everyone's patience and hopes everyone here understands where we are coming from and what we are up against as far as rules and regulations of the state of NY. He noted that if anyone sees anything, say something so we can try to keep the neighborhood as nice and peaceful as possible.

APPEAL #123SUP-19: Application for a Special Use Permit request from Yates County Humane Society, 1216 Route 14A, Penn Yan, NY 14527 to amend current Special Use Permit for a 50' X 80' addition to be used as a Kennel Area. (AR1 District) (27.04-1-16)

Davie made a motion to make the Town of Benton the lead agency for the environmental impact. Vaughan seconded the motion. All in favor.

The Board then went over the questions for the short environmental impact assessment form.

Davie made a motion to check box B, as the Board has determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Meyer seconded the motion. All in favor.

Vaughan made a motion to accept Application #123SUP-19 as submitted with a stipulation that they have no more increase in dogs or cats. Meyer seconded the motion.

The Board was polled:

James – Yes
Davie – Yes
Vaughan – Yes
Meyer - Yes
Hauman – Yes

James thanked everyone for coming to tonight's meeting and for all of everyone's input. We didn't take any of this stuff lightly. He indicated he hopes everyone feels we have done our job. He said he knows not everyone is happy, but the state law limits us on what we can and cannot do.

It was announced that tonight was Mr. Hoover's last meeting and hopefully the new code officer will be announced soon. Jayson was thanked for everything he has done for the Town.

ADJOURNMENT: James made a motion to adjourn the meeting at 7:38 p.m.

Respectfully submitted,

Karen M. Ellis

Karen Ellis
Recording Secretary