

**Town of Phelps
Zoning Board Meeting
Minutes**

April 21, 2011

MEMBERS PRESENT

Scott Fremouw, Chairman, Joyce Mitchell, Brooks McKinney, Glenn Wilkes, Ed Clark, Code Enforcement Officer

Others present: Judy Manntai, Secretary. Ron Allen, Chairman of the Planning Board

Absent: Jeff Caves

CALL TO ORDER

Mr. Fremouw opened the meeting at 7:03 p.m.

The Pledge of Allegiance was said by all.

Introductions of the Board Members were made.

MINUTES

The Minutes of the March 17, 2011, meeting were read by Judy Manntai. Corrections were noted.

A motion was made by Mr. McKinney to approve the Minutes as corrected. The motion was seconded by Mr. Fremouw. The motion to approve the Minutes carried unanimously. Ms. Mitchell abstained due to her absence from the March meeting.

**APPLICATION 030711
SITE PLAN REVIEW
JOSH COLF**

Requested Action: Kennel Permit for a maximum of eight (8) dogs for hunting purposes.

It was noted that Mr. Colf met with the Zoning Board on March 17 regarding his application and subsequently met with the Planning Board on March 24. Mr. Fremouw read the following from the Planning Board Minutes [not yet approved].

Josh Colf was given opportunity to address the Board regarding his application. It was noted that Mr. Colf met with the Zoning Board on March 17 regarding his request to have a permit for eight hunting dogs. He currently has five dogs, but needs to train young dogs. Mr. Colf submitted the following statement signed by six neighbors.

"I do not object to Josh Colf having a kennel to house eight dogs at 823 County Road 6, Phelps, NY 14532."

Mr. Allen read Kennel Regulation 145.20.

Members of the Board agreed that the 300 ft. set-back from dwellings is to be interpreted as the dwelling of "neighbors," not the property owner's dwelling.

A motion was made by Mr. Hurdle to recommend to the Zoning Board

that Jack Colf's Application #030711 and site plan be accepted as written for a maximum of eight (8) dogs with the understanding that the distance from the kennel to the property dwelling is interpreted as the dwelling of neighbors.

The motion was seconded by Ms. Barnard.

The motion was approved unanimously.

By general consent it was agreed that there would be no problem with a dog house located near the property owner's dwelling for the household pet dog.

The ten-day required notice of public hearing has been published.

Mr. Fremouw clarified that there were no changes to the application.

A Public Hearing was opened for consideration of this application at 7:23 p.m. There was no public comment. Public hearing was closed at 7:24 p.m.

Findings: (Special Use Permit 145.11)

- a. 12.5 acres - ample property for eight dogs; Mr. Colf is not breeding dogs.
- b. Letter from neighbors noting no objections.
- c. Positive recommendation from Planning Board.
- d. Proposed use is not prejudicial to the character of the area.
- e. Adequate treatment for traffic; adequate parking.
- f. Current landscaping adequate for planting and screening.

Mr. Colf clarified he is disposing of the animal waste by spreading it out over the property. Zoning Officer Ed Clark indicated Mr. Colf has adequate property for dispersal of waste and he has no concerns about this.

A motion was made by Mr. Wilkes to approve Application #030711 - Josh Colf for a kennel permit for eight dogs.

The motion was seconded by Mr. McKinney.

The motion carried unanimously.

The application was signed by Zoning Board Chairman Scott Fremouw.

REVIEWS

There were no reviews.

OLD BUSINESS

ALTERNATE
ZONING BOARD
MEMBER

Mr. Fremouw expressed his concern that there is still no alternate board member. He will talk to Norm Teed, Town Supervisor, regarding publicizing the need in the newspaper. Alternate members are paid for meetings they attend. There is a mandatory four-hour training required by law each year for every member of the board.

BOARD MEMBER TRAINING

Ms. Mitchell requested that some type of formal notification of upcoming training opportunities be sent to members of the board.

Discussion took place regarding adequate notification, classes that are beneficial, the availability of some classes online, and information from Geneva. Ron Allen will talk to his contact in Geneva regarding forwarding information about upcoming seminars/training.

NEW BUSINESS

KIRK CARTER

Kirk Carter addressed the board indicating he will be submitting an application to convert a garage into an in-law apartment. He clarified the application requirements and process. It was noted that his application will be a variance to a regulation. He was urged to work with Ed Clark to make sure his application is filled out correctly.

RECOGNITION DINNER

Plans were made to recognize outgoing Board Member Steve Westfall and Secretary Dori Crawford. Dinner will be at the Blue Ribbon on Thursday, May 5th at 6:00 p.m.

It was noted that the cost of the dinner and the appreciation plaque is split between the members of the board. Members of the Planning Board will be invited as well.

ZONING OFFICER BRIEFS

There was no report.

BOARD CONCERNS

LEON ADAMS REZONING

The Planning Board has recommended to the Town Board that the application of Leon Adams for rezoning from RAG to Industrial or M1 be denied while the Moratorium is in effect. The Town Board has the option of overriding the recommendation of the Planning Board.

Discussion took place regarding this matter and its impact on the Town of Phelps and the surrounding area. The Mining Committee has many documents that are in process of review.

ADJOURNMENT

A motion to adjourn was made by Mr. Wilkes. The motion was seconded by Brooks McKinney. The motion carried. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Judy Manntai
Secretary