

TOWN OF PHELP
ZONING BOARD MEETING
MINUTES

October 20, 2011

MEMBERS PRESENT

Scott Fremouw, Chairman, Steve Westfall, Alternate, Jeff Caves, Ed Clark, Zoning Officer, Joyce Mitchell, Glen Wilkes

Absent: Brooks McKinney

CALL TO ORDER

Chairman Scott Fremouw called the Zoning Board Meeting to order at 7:02 p.m. at the Phelps Town Courthouse.

The Pledge of Allegiance was said by all.

MINUTES

The minutes of September 15, 2011 were considered. A grammar correction was noted.

Mr. Wilkes made a motion to accept the minutes with the correction. Mr. Westfall seconded. The motion carried unanimously.

PUBLIC HEARINGS

Application #SPR080511

Steve's Electronics Co. LLC

Replace existing overhang on front of building.

Mr. McCarrick was excused from the meeting.

The public hearing notice was published on 10/11/11.

Mr. Fremouw opened the public hearing at 7:19 p.m.

The public hearing was closed at 7:20 p.m.

Mr. Wilkes asked if the SEQR had already been done and

Mr. Clark confirmed it had.

Findings:

- 1) The character of the neighborhood will not be affected.
- 2) No public comment.
- 3) This is not infringing on the front set of the commercial property.
- 4) The Zoning Office has no issues with the application.
- 5) The Planning Board approved the application on 8/25/11.
- 6) The variance is in the front for 2 feet.

Ms. Mitchell made a motion to accept the application.

Mr. Caves seconded the motion. The motion carried unanimously.

Application: 97-11 Glenn Watts

2112 Melvin Hill Road, Phelps, N.Y. 14532

Install a 5 foot deck at East wall of new enclosure with stairs East of the 5 foot deck. Deck will have railing.

TOWN OF PHELP
ZONING BOARD MEETING
MINUTES

The publish date for the public hearing was 10/11/11.
Mr. Fremouw opened the public hearing at 7:27 p.m.
The public hearing was closed at 7:28 p.m.

Findings:

- 1) This will not have an adverse affect on the area.
- 2) There was no public comment.
- 3) The Planning Board approved application on 9/22/11.
- 4) The Zoning Officer has no issues with this application.
- 5) No infringement on the road rite of way.
- 6) The variance is for 10 foot which includes the stairs.

Ms. Mitchell made a motion to accept the application.
Mr. Wilkes seconded the motion. The motion carried
unanimously.

REVIEW

Application KP-7-11

Susan Parsons
2093 Route 488, Clifton Springs, N.Y. 14432
Kennel permit for 15 dogs. The kennel is located in the lower
level of the house.

Mr. Caves noted he was unable to pull up this application when
sent to him electronically. Mr. Clark will investigate the issue.

Ms. Parsons was present to discuss her request. She received
a citation and is trying to rectify the situation. Ms. Parsons thought
that because she lived outside of the Village that she didn't need
a permit for the kennel. Mr. Fremouw asked if she used these
dogs to breed. She does. Mr. Clark does have all the
documentation on the dogs currently residing at the location.
When breeding the dogs usually have 3 to 6 puppies. She
currently has 2 litters; one of 5 and one of 6. Mr. Fremouw asked
how long the puppies usually stay on the property once born.
She stated 8 weeks is the goal. The dogs need to be licensed
after 6 months. The application was changed from 12 dogs to 15
to provide a buffer in case a puppy ends up on the premises
longer than 6 months.

Ms. Mitchell asked if there was enough room for all the dogs and
inquired what happens to all the fecal waste. The garbage people
haul some away. Also Mr. Hemminger has given Ms. Parsons
approval to dump in his field for fertilizer.

These dogs must live in the house due to the various weather
conditions. The owner does have a dog run and outdoor
kennel as well. Ms. Mitchell read for clarification in the codebook
on some of the kennel regulation. Is this kennel 300 feet from the
neighboring dwellings? There is only about 80 feet from the
property next door. One neighboring house is vacant. There is

TOWN OF PHELP
ZONING BOARD MEETING
MINUTES

nothing across the street. The dog run must be 100 feet from the property line.

Mr. Clark verified the kennel is a special use permit.

It was also determined that the owner will need an area variance as well. Mr. Fremouw let the owner know that another application for the area variance would need to be filled out. Mr. Clark offered to assist Ms. Parsons in handling. It was also discussed that this is an allowable use for this district.

There was conversation related to the breeding of these dogs. Mr. Wilkes was curious if she reported the breeding to the Dept. of Ag and Markets. Ms. Parsons was unfamiliar with what that was. Mr. Clark wasn't sure if that was still a requirement for breeders. Mr. Wilkes clarified that he was referring to the NYS Department of Agriculture and Markets. As far as he knew, this agency has over site of dog breeders and promoting healthy breeding and selling of dogs. It was agreed that this was the owner's responsibility to register the dogs with the Department.

It was discussed about the noise of these animals. Will the neighbors be bothered by their noise? It was suggested to Ms. Parsons that she discuss her intentions with her neighbors so they are not surprised to find out about her actions. Letters from neighbors acknowledging and accepting intentions is always helpful when looking for approval of these type of applications; letter of recommendation.

According to Town law, the kennel must be 300 feet from the next dwelling. If she moves the outdoor kennel closer to the house the area variance requested would be smaller. Mr. Caves said other things could be done as well like trees, bushes or fences to diminish noise to neighbors. It seems like a 160 foot variance may need to be requested.

It was decided to work the area variance and the public meeting at the same meeting (11/17/11). Mr. Clark will visit the property and get true measurements. The owner agreed. She was also instructed to attend the Planning Board Meeting scheduled for 10/27/11.

The owner was instructed to have reasons why she can't/won't move the outdoor kennel for the Planning Board Meeting next week. The findings will need to be very specific for this owner/application.

The owner was also informed there are 2 applications to be reviewed, therefore there will be an additional fee for the second application (area variance). Mr. Fremouw assured

TOWN OF PHELP
ZONING BOARD MEETING
MINUTES

the owner the board will try and have this all taken care of by next month's meeting providing she does what she needs to do. Kennel permit is \$100.00. Area variance is also \$100.00.

Mr. Clark did inform board that to his knowledge there has never been any noise complaints at this location due to the dogs. Ms. Mitchell asked about the owner's violation status. The owner's court appearance ticket was cancelled because she started the paperwork necessary to obtain the kennel permit.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Wilkes commented on the Family Dollar project. The County Planning Board is struggling with how all the commercial property is being accessed. Mr. Clark said there is an access road for this. The Town of Phelps Zoning Office has no control over the Village code enforcement. Mr. Clark has tried to coordinate meetings with the Village, Town and County. Mr. Fremouw read a letter from the Village Planning Board to the developers of this project.

The Village has not sent the packet to the County hence why the County continues to kick back without approval. It seems the Town Planning Board has the site plans but the Village Planning Board does not. The Phelps Planning Board is willing to help the Village Planning Board any way possible. This has been in front of the County Planning Board twice already. The Village did try to plan a meeting, but it was at 3:30 p.m. and no communication was sent out.

ZONING OFFICER BRIEFS

Mr. Clark wanted the board to know that there is growth in the Town. There have been 12 houses so far this year. All but 2 have been stick built.

BOARD CONCERNS

None.

PUBLIC COMMENTS

None.

ADJOURN

Mr. Wilkes made a motion to adjourn. Ms. Mitchell seconded the motion. The motion carried and the meeting was adjourned at 9:02 p.m.

Respectfully submitted,
Stephanie Kelly
Secretary