
**Planning Board Minutes
November 16, 2023**

Planning Board Members Present: Steve Lester, Daniel Compton, Matt Rogers, Michael Woodruff, Daniel Morley, Kimberly Duvall, Michelle Rhoda, Julie Pellett.

Others Present: Kimberly Rayburn (Building & Zoning Officer), Kristina & Jason Arthmann (Applicants), Sherry Callon, Elizabeth Lusk, Charlie Robinson, Linda & Larry Reynolds, Danyra Chavez, Luke Hagen (Neighbors within 500 ft. and members of the community).

Lester opened the meeting at 7:30 pm. Public hearing remains open for Arthmann

I. Special Use Permit, TSP3-23 Owner Kristina Arthmann 7596 Wilkins Rd. Tax Map # 67.00-2-31.00 for Dog training, Boarding, and future day care facility.

Kristina Arthmann stated that she and her husband Jason are the owners and soul operators of Free Spirit Hounds. They currently operate in Henrietta in a residential neighborhood. They have been in business for 8 years working with dogs. They have a max of 30 dogs. They are allowed 15 dogs per person on site. They are 40 ft to neighbors, relatively close to houses on all sides. Arthmann stated they do not have dogs barking. She knows that is a major concern to the homeowners around. Arthmann doesn't like to hear dogs barking; they are very particular about the dogs and clients that come to them. They have an application process, they have to be screened on the phone or through email, they have to meet the client first, then the dog, before it is accepted into their list of clientele. Arthmann stated she has a background in training so, she makes it a point to work with all the dogs that are there and make sure there is no nuisance barking on occasion when the dogs are playing, they may bark a little, but they are dogs you can't guarantee 100% that they are not going to bark. They pride themselves on being very quiet and low stimulation. The foundation of what they do is enrichment based and proper socialization, so they understand proper meetings & greetings with other dogs in various settings. They plan to build a home here and they plan on having less dogs than they have now. Ideally, they want to have higher quality care and more luxury type services versus what they have now. which is still high end compared to everyone else around them. It allows the dogs to have more space and better-quality care overall.

Arthmann stated that in the packet they provided decibel readings of their current home and neighboring properties that are a couple streets away from them. They also did readings from two comparable businesses in their area. They did a decibel reading of the property on Wilkins. They fall within a quiet home setting with 25 dogs on property. It was louder on the land because there was agricultural equipment noise going on. So, all of that is in specific readings.

Lester asked how many dogs are at her current residence? Arthmann stated on average they fluctuate between 20-25. Lester asked at the new location how many does she think she will have? Arthmann stated 28 max. So, the plan is to do mostly boarding and training. Right now, the Day care that they do provide are mostly hospital staff with early drop off times and late evening pick up times to cover 12-hour shifts for hospital staff. They will be raising their family on this property so, there will be a schedule. They do not want people to just show up.

Lester asked Arthmann to talk a little more to the public seeing how they hadn't had a chance yet to look over the new packet. Lester stated that the public looked over the previous packet the last time they were here and apologized for the miscommunication. Lester asked Arthmann to explain the training; obedience training, socialization training, and will there be overnight stays for the dogs or is it boarding or just daycare?

Arthmann stated the boarding would be overnight stays. They are trying not to do daycare with having children it is tough trying to deal with clients in and out. They do that now due to the area that they are in. The Wilkins property will be strictly boarding with a two-night minimum stay, but the application process is still the same as mentioned above. In terms of the training, it could be group classes as she has done for years, or it could be like ABC obedience style training (home manners type stuff) that would be in a class setting or a one on one where someone would come at a scheduled time and would be a one-hour time slot. They have a board and train option where the dog boards and trains with them for 2-6 weeks at a time. The plan right now is not to do daycare, but they wanted it in their proposed so if in the future they decide to they already have the approval. That would change the limit of the boarding numbers for the day with more daycare dogs coming in.

Woodruff asked Arthmann to explain how they were going to dampen the noise created by barking dogs. Arthmann stated that the building itself is going to have soundproof insulation along with soundproof drywall. Each individual suite will have that as well. The flooring will be ½ inch rubber covered with G flooring which is typical in most dog places, so the sound doesn't bounce. There will be no metal or concrete to reverberate off of. Outside will have individual "potty kennels" that will have siding, the dogs won't be able to see each other so that limits the options for barking. They only take out 6 dogs at a time and they are outside with them all the time, no one is left outside, which limits the potential for any sort of nuisance barking. There will be an 8ft. vinyl fence around the play area. There will be lean to's off the side with roofing over the dogs that will extend 2-3 ft past the kennel so the overhang will also dampen the sound from above and directly out will be 10 ft fences so it should reflect the sound from above and in front.

Compton asked again, will there always be an attendant out with the dogs? Arthmann stated yes, always. Compton asked if a dog sees an animal and starts barking then the dog will be taken inside? Arthmann stated there will be no visual outside the fence. There will be solid fencing that will go around the perimeter. They will have cameras outside as well. The original plan for the facility was to be 1600 sq ft. but they doubled it to 3200 sq ft. for more indoor space for dog activity, which would reduce the need for outside time but not sacrifice physical needs for the dogs.

Woodruff asked Arthmann to explain cleaning and odors. Arthmann stated that what they do is if a dog goes to the bathroom, they scoop it up immediately and it goes in a designated bucket the buckets are emptied at the end of the day into a freezer, that kills the smell and stays there until garbage day then it gets put into a designated container and gets picked up. After they scoop, they spray it down with water and twice a day they go out and sanitize the yards with an outdoor pet spray that eliminates the odor. They contacted a person who looked over safety data sheets for the chemicals they use both indoors & outdoors and verified that they are not hazardous they are made to be used the way that they intend to use them and are biodegradable, they are not regulated they are safe to use. There will not be a lot of run-off they basically spray everything down and it dries, sanitizes, kills bacteria and odor as it dries. They are not soaking it and running it off in the yard and drainage.

Woodruff read the requirements and rules of a kennel for the Board and public. Arthmann stated that they meet all requirements. They have 11ft. of wiggle room, the property is narrow, the fence came 103ft to the eastern property line. Woodruff stated they had to have 3 acres or more. Arthmann stated they have 6 acres.

Rhoda asked about what the hours of operation will be? Arthmann stated that it would be 7-9 AM for pick up and drop off and 4:30-6:30 PM. If they are doing training classes, then the time would be 6:30-9:30 PM 2 days a week and would only allow 6 people max per 1 hour class.

There was a brief discussion of the indoor and outdoor area. Dogs cannot go in & out freely they will have to let them in & out. The fence will be 40 x 40 and 8 ft. tall. It looks like a giant L around the property cars on Co Rd.39 will see the building first not the fence.

Woodruff stated that at the last meeting the Board wanted the Code Enforcement Officer to contact the Code Enforcement Officer of Henrietta to see if there were any complaints or violations on the current facility. Rayburn stated that she contacted the Code Enforcement Officer and there were no noise complaints or violations. Duvall asked Arthmann if they ever received complaints from any of their neighbors. Arthmann stated no, that they have letters from their direct neighbors in the packet having only good things to say about their business.

Morley asked if the Chavez house was already there when they were drawing out their plan for the barn? Arthmann stated no, that was being built while they were working on their site map. Morley stated that he went to the site and noticed the house next door was built parallel to the road, so their back deck looks right at the property and that was one of his concerns that the site line from all the properties around there. When Morley went out there, he stated it looks as if it is just beyond where you're talking about putting the barn. Arthmann stated it is not going to look like a kennel, it will look like every other barn on the street with a fence around it. Morley stated on her map it shows having up to 24 cars at a time and asked if there was parking. Arthmann stated that because nobody is going to be there in groups, everything is scheduled, nobody is supposed to just show up if they don't have a scheduled meeting time. As she stated before her family is going to be on property. Arthmann stated the 24 means within a 24-hour period. They typically have it spread out to 15-minute intervals. They plan on having up to 6 parking spots at the most for training classes. As far as the location they were limited to any further back would run into the easement. There's a 100 ft line easement to the gas line and they wanted to avoid that.

Lester asked if there were any public comment or questions.

Larry Reynolds asked if they would be boarding dogs at night? Arthmann stated yes. Reynolds asked if they were going to build the kennel first or after they built their house? Arthmann stated she may build the kennel first and do training during the day. She also stated that they were not going to have any dogs unattended overnight.

Charlie Robinson stated that he appreciates the effort they put into the business plan. His wife grew up around a kennel, and there are no silent kennels. He is a dog lover and has his own dogs but, he does not feel this fits in with the neighborhood. Even though there is a lot of effort being put in for noise he doesn't see it not being an issue. Noise travels very well. Arthmann responded that she can't guarantee no noise but, in her current situation she is 40 ft. from her neighbor with no complaints.

Arthmann stated that she camped on the property and could hear dogs barking and they bark for a reason. If the dogs barked, we would find out why and work through it. We would move the dog inside and would engage them in something that would take their mind off of that reason.

Compton asked for a sketch of the sound and drywall details that will be used as sound proofing.

Rhoda asked who would be working with the dogs? Arthmann stated that She and her husband will both be working with the dogs by separating them into groups there will be no other employees other than themselves, and they also homeschool their children.

Danyra Chavez (currently the nearest neighbor) her back yard butts up to the lot where the proposed kennel will be. When she purchased the property, she loved the fact that Wilkins Rd was a dead-end road. She is concerned about property values, sound buffering, and landscaping. Arthmann stated that they will plant trees just because they want some, however trees are not necessarily a good buffer for sound. They reminded everyone they will be living on the property, and they want to enjoy their yard. They have plans for a garden and a man-made pond which is not any different than anyone building a house. Chavez stated they plan on planting their own trees in their back yard as it will look straight at the kennel. She also stated that dogs have good hearing when one starts barking, they all start barking. Woodruff stated that's part of living in the country the property across the street has two dogs. Arthmann stated she could have done it and not told anyone. Duvall stated not an operation of this size.

Woodruff stated this is an allowable use in this district with an approved Special Use Permit (SUP) if the applicant can meet the required regulations. The Board needs to try to come up with what could make the neighbors more comfortable. They are building a house and a barn which is not any different than anyone else building a house and barn. We just need to make sure the conditions and requirements of the SUP are met.

Lester asked for any additional comments from the public. There were none.

Lester motioned Compton seconded to close the public hearing.

Hagens asked about lighting around the building, Arthmann answered they will be motion censored. Woodruff stated they need to be downward facing and dark sky compliant.

Public hearing is closed and all Board members in attendance voted Aye.

Pellett motioned Rhoda seconded to table the discussion until additional information on the sound proofing details is provided.

Duvall asked if there were any concerns regarding the wells? Woodruff stated Arthmann provided data sheets that showed what she was using was not harmful to the environment.

All Board members in attendance voted Aye.

Minutes September 21, 2023

Lester motioned and Woodruff seconded to approve the minutes of November 21, 2023. All board members present at the 9.21.2023 voted Aye. Morley Abstained

Rayburn advised the Board of a public hearing for a SUP for doggy daycare/kennel at the old location of Upstate Guide Dogs on State Rt 5 & 20. She also informed the Board of a site plan and variances for a pole barn to be placed in front of the primary structure on Brace Rd and asked the Board if they wanted to hold a public hearing all Board members stated they would.

A brief discussion was held on SUP's and regulations.

Lester informed the Board that he would be stepping down as a member and Chair of the Planning Board and a discussion was held on who would Chair in 2024 and the need for new members.

IV. Meeting Adjourned

**Rhoda motioned Duvall seconded to adjourn @ 9:00 pm.
All Board members present voted Aye; Vote was carried.**

Respectfully submitted,

Christel Daggett
Planning & Zoning Board Secretary