
Planning Board Minutes
June 15, 2017

Planning Board Members Present: Brad Bennett, Julie Pellett, Karl W. Smith, Daniel Compton, Matt Rogers, Fred Fink
Absent: Fran Overmoyer

Others Present: Kimberly Rayburn (Secretary) Jim Kier (Code Enforcement Officer) Edward & Jody Filonovich (Applicant) Matthew Putnam (Contractor for Sterman)

Bennett opened the meeting at 7:30 pm, Rayburn read the public hearing notice.

I. TSP1-17 Review for a Special Use Permit Agent Edward Filonovich to convert existing accessory structure into a kennel and in addition raise and train Service dogs including diabetic alert dogs. Property located at 6645 Cherry Street tax map # 54.00-1-10.113. This is a permitted use subject to the satisfaction of the requirements and standards of Article X and modifications set by the Planning Board.

Bennett asked for comments from the public, Filonovich explained that they have been in business for eight (8) years and they raise and train service dogs, he stated that they are looking forward to being in East Bloomfield. He also stated that along with Diabetic alert dogs they have also trained police k-9, and a cadaver dog. Bennett stated that he feels no one disputes the value of the dogs, but the Planning Boards responsibility is to review the application as presented and take into consideration how this will affect the neighboring properties. Bennett asked if they had spoken to the neighbors, Filonovich stated he had not, Rayburn stated that one of the neighbors inquired about the sign on the property and she filled him in, he did not have any comments either way. Compton was still concerned about the neighbors and wanted to make sure they had a chance to comment. Rayburn stated that a under review sign had been on the property for a minimum of ten (10) days, the public hearing was posted in the paper, on our Town website and posted inside the town Hall. The Town of Victor was notified as they are within five hundred (500) feet and the Ontario County Planning Board reviewed the application as well, we have done what is required to let the public know about the application.

Compton asked how many dogs would be on the property at any given time, Filonovich stated twenty-five (25) dogs, and each dog will have their own individual suite, vs open runs and normal kennel would be anywhere between sixty (60) to seventy-five (75) dogs. Sound abatement will be made for each room and it is also fire retardant as well. The outside will have some noise mitigation berms with vegetation and an acoustic fence designed to lessen sound that will be on the fencing behind the barn where the open area is for the dogs to get exercise and train.

Compton asked if all the dogs would be trainable for service work, Filonovich stated that some dogs do get washed out of the program they usually end up going to family homes they have a waiting list as these dogs are completely trained and socialized they just are unable to do the sniffing part of the job.

The Board reviewed the comments from the Ontario County Planning Board, Fink asked about the recommendation of the sprinkler system, Filonovich stated that one of the members suggested it. Bennett asked about a surveillance system that he read about, Filonovich stated that the system will have fire, smoke and carbon monoxide detection and someone will be on the premises as he his wife and his in-laws will all be living on the premises. The outdoor area that will be fenced off behind the garage will be separated into 2 spaces so it will be like there are two yards and the dogs will not be left out unattended. Kier stated that the one of the main concerns will be noise. The dogs need to be calm and relaxed and in a mostly calm and relaxing environment, they get the puppies when they are eight (8) weeks old and they stay with them for two years training and training with the handler which is the person they will be an aid to. Compton asked about breeding, Filonovich stated that there will be some select breeding of the cadaver dogs through Homeland Security as well as with the University of Pennsylvania there could be a maximum of two (2) breeding's per year, but they are not a breeding kennel. Compton asked ow old the dogs would be if they are washed out, Filonovich stated usually between nine (9) to twelve (12) months they are at a 98% rate for keeping the dogs in the program. Due to the breeding and training most of the dogs go back to the University to replace all the 911 dogs, Military or police work.

Fink made a motion and Pellet seconded the motion to close the Public Hearing as there were no comments, all Board members present voted Aye.

Bennett made a motion and Pellett seconded the motion to declare SEQR and unlisted action with a negative declaration, all Board members present voted Aye.

Bennett stated that he made a visit to the property and the neighbors were a little closer than what he expected to see, however he feels the Board and the Code Office did their due diligence in reference to public notice and the applicant has done a good job of stating how they were going to handle the noise. He also stated that the SUP is good year to year with a yearly inspection as long as all conditions are met and the Code Officer did not have any complaints.

Bennett asked the Board if they would like to put any other conditions on the request, Compton asked how they would handle unforeseen conditions, Bennett stated that if there is an issue and it cannot be resolved with the Code Enforcement Officer then on the anniversary date the SUP would be null and void.

Bennett made a motion and Pellett seconded the motion to declare SEQR and unlisted action with a negative declaration, All Board members present voted aye, Vote carried unanimously.

Planning Board Decision:

Compton made the motion and Rogers seconded the motion to approve the proposed as presented in the application, the discussion of the meeting and in conformance with section 135-75 Kennels for a Special Use Permit to convert existing accessory structure into a kennel to raise and train Diabetic Alert dogs. Property located at 6645 Cherry Street tax map # 54.00-1-10.113

Whereas:

1. The Code Enforcement Officer shall inspect the property no less than 1 time each calendar year to determine that the use is being operated consistent with the terms and conditions of the use.

Record of Vote:

Bennett Aye Pellett Aye Smith Aye Compton Aye Rogers Aye Fink Aye

All Board members present voted Aye, Vote carried unanimously.

II. TSP2-17 Review for a Special Use Permit Owner, Greg Sterman, Lands located at 2505 Wheeler Station Road Bloomfield, NY 14469 tax map # 68.00-1-45.214 has applied for a Special Use Permit to convert his existing attached garage into living space in order to have a Family/In-Law Apartment. This is a permitted use subject to the satisfaction of the requirements and standards of Article X and modifications set by the Planning Board.

Matt Putnam the contractor for Sterman was present he explained the proposal. He stated that the existing attached garage is a 21 x 21 the living space will be 390 sq ft of space it will have a living room, a small apartment size kitchen, 1 closet, bathroom with a stand-up shower, a bedroom and will have a Mitsubishi heater and air unit. The Sherman's will have their in-laws live in the space.

Bennett stated that they have the affidavit stating who will be living in the space. Compton stated that he wanted to make it clear that the Special Use Permit goes with the owner, and if the house was ever sold the new owners would be required to obtain their own SUP and could not use the space as a rental.

Bennett made a motion and Pellet seconded the motion to close the Public Hearing as there were no comments, all Board members present voted Aye.

Bennett made a motion and Smith seconded the motion to declare SEQR and unlisted action with a negative declaration, all Board members present voted Aye.

Planning Board Decision:

Smith made the motion and Fink seconded the motion to approve the proposed as presented in the application, the discussion of the meeting and in conformance with section 135.83.1. Family/In-Law Apartment to convert existing attached garage into an in-law apartment. 2505 Wheeler Station Road Bloomfield, NY 14469 tax map # 68.00-1-45.214

Whereas:

1. The Code Enforcement Officer shall inspect the property no less than 1 time each calendar year to determine that the use is being operated consistent with the terms and conditions of the use.

Record of Vote:

Bennett Aye Pellett Aye Smith Aye Compton Aye Rogers Aye Fink Aye

All Board members present voted Aye, Vote carried unanimously.

III. Discussion:

Bennett stated that there have been quite a few Special Use Permits given over the years and feels that the Code Enforcement officer needs to make a site visit once a year to make sure they are still following the criteria and or not in use any longer. The same goes for use variance's.

IV. Minutes of May 18, 2017

Smith made a motion and Fink seconded the motion to approve the minutes of May 18, 2017

All board members present voted Aye, Vote was carried unanimously.

V. Meeting Adjourned

Bennett made a motion and Smith seconded the motion to close the meeting @ 8:20 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary