

**TOWN OF BETHLEHEM
BOARD OF APPEALS
October 6, 2004**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Michael Hodom, Chairman, presiding.

PRESENT: Michael Hodom
 Robert Wiggand
 Leonard Micelli

 Michael Moore Attorney to the Board

 Mark Platel Building Inspector

ABSENT: Marjory O'Brien
 Gilbert Brookins

Chairman Hodom called the meeting to order at 7:30 p.m.

- - -

Good evening Ladies and Gentlemen. This is a regular meeting of the Board of Appeals for the Town of Bethlehem. Our first order of business this evening has been cancelled so we'll do some other business until our 7:45 hearing, so bear with us if you would please.

The next order of business was to consider the application of Betty Lawrence & Betty Nolan, 1250 Route 9W, Selkirk, New York. The application was found to be in order and Chairman Hodom made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Betty Lawrence & Betty Nolan for a Use Variance under Article VI, Permitted Uses, Section 128-23, Rural districts Unzoned to construct a canopy with 3-fuel pumps for retail sale including 2-10,000 gallon underground storage tanks at premises 1250 Route 9W, Selkirk, New York 12158, it is hereby ordered that a public hearing on this matter be held November 3, 2004 at 7:30 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mr. Micelli seconded the motion and it was unanimously carried by the Board.

- - -

The next order of business was to consider the application of Rita Gavin, 3 Maewin Drive, Delmar, New York 12054. The application was found to be in order and Mr. Wiggand made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Rita Gavin for Variance under Article XVII, Rear Yards, Section 128-79 A (2), Required Depths for the construction of an addition, which will encroach into the Rear Yard Setback requirement at premises 3 Maewin Drive, Glenmont, New York, it is hereby ordered that a public hearing on this matter be held October 20, 2004 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mr. Micelli seconded the motion and it was unanimously carried by the Board.

- - -

The next order of business was to consider the application of James Dertinger (Applicant), Dunbrook Mobile (Owner), 415 Route 9W, Glenmont, New York 12054. The application was found to be in order and Mr. Wiggand made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by James Dertinger (Applicant), Dunbrook Mobile (Owner) for modification of a Special Exception under Article VI, Permitted Uses, Section 128-17 C (3), "CC" Retail Commercial District to sell Christmas Trees at premises 415 Route 9W, Glenmont, New York, it is hereby ordered that a public hearing on this matter be held November 3, 2004 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mr. Micelli seconded the motion and it was unanimously carried by the Board.

- - -

The next order of business was to consider the application of Karen McGuire, 38 Pineview Avenue, Delmar, New York 12054. The application was found to be in order and Mr. Wiggand made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Karen McGuire for Variance under Article XVI, Front Yards, Section 128-66, Required Depths for the construction of a canopy over existing steps, which will encroach into the front yard setback requirement at premises 38 Pineview Avenue, Delmar, New York, it is hereby ordered that a public hearing on this matter be held November 3, 2004 at 8:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this

matter.

Mr. Micelli seconded the motion and it was unanimously carried by the Board.

- - -

The next order of business was to consider the proposed resolution of Bob Hughes, 2 Knights Way, Albany, New York.

The following proposed resolution was presented by Attorney Moore for the Board's consideration.

RESOLUTION

* * *

*

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York (“the Board”) by Bob Hughes (“the Applicant”), for a Variance under Article XII, Percent of Lot Occupancy, Section 128-50, proposed Single Family Dwellings, and Article XVII, Side Yards, Section 128-73, Required Widths, of the Code of the Town of Bethlehem, for construction of a sunroom addition on premises located at 2 Knights Way, Albany, New York (“the Property”); and

WHEREAS, the Board of Appeals, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on August 4, 2004 and September 1, 2004; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

The Applicant is proposing to construct a 16-foot by 32-foot, 512-square foot all-season sunroom addition to the existing 1,595.89-square foot main structure. The total building area will be 2,107.89-square feet, which is 373.01-square feet over the 1,734.88-square feet allowed by an 11,565.87-square foot lot. The lot occupancy will be 18.23-percent, which is 3.23 over the 15-percent allowed. The side yard setback at the existing foundation where the sunroom would be placed is 4.76-feet; this is 3.24-feet shy of the 8-foot side yard setback required.

The existing structure is located in an “A” Residence Zone and is occupied as a single-family Dwelling.

The existing foundation was constructed by the Applicant without a permit, to the size required for the proposed addition. A typical patio that would be placed at ground level and constructed of patio block or other similar concrete product would not require a permit. This type of patio however, with footings, a full foundation and a radiant heat system, would require a permit and is subject to the same setback requirements as a wood deck would have to meet.

Applicant submitted written statements from several neighbors expressing no opposition to the proposed addition.

At the public hearings, the Applicant and his consultant stated that smaller sunroom additions would be possible at the property, which would require less of a lot occupancy variance. Applicant declined to modify his application, as he would lose the use of that portion of the existing foundation constructed without a permit.

As the existing foundation was constructed without a permit it was difficult for the Town Building Department to verify whether it had been properly constructed.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that the Applicant requires two variances to construct the proposed all-season sunroom addition. After reviewing the application, sketches and plans submitted, testimony at the hearing, and

other documents and reports submitted by the Applicant, the Board determines that the proposed variances will be denied.

The Board has considered the benefit to the Applicant if the requested variances are granted, as weighed against the detriment to the community's zoning scheme by such grant.

The proposed sunroom addition will produce an undesirable change in the character of the neighborhood.

The benefit sought by the Applicant can be achieved by feasible methods other than the specific variances he has requested.

The proposed variances will have an adverse effect on the physical conditions in the district.

The Applicant's present difficulty necessitating the variances was largely self-created, as construction was commenced without a building permit, and without review by this Board.

The requested area variances are not minimal; both the lot coverage variance and the side yard setback variance.

Accordingly, the Board denies the Applicants' request for variances to construct the proposed sunroom addition.

October 6, 2004

Michael Hodom
Chairman
Board of Appeals

- - -

Chairman Hodom made a motion that the Resolution be adopted as amended, Mr. Micelli seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None	Marjory O'Brien	None
Robert Wiggand		Gilbert Brookins	
Leonard Micelli			

(Resolution filed with the Clerk of the Town of Bethlehem on October 7, 2004.)

- - -

The next order of business was to consider the proposed resolution of Glenn & Kelly Jeffers, 8 Keith Road, Delmar, New York 12054.

The following proposed resolution was presented by Attorney Moore for the Board's consideration.

RESOLUTION

* * *

*

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York ("the Board") by Glenn and Sally Jeffers ("Applicants") seeking a Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings, in order to construct a one-story addition on property at 8 Keith Road, Delmar, New York; and,

WHEREAS, the Board of Appeals, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on September 15, 2004; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

The Applicants are proposing to construct an addition totaling 303.33-square feet of new living space to the existing 1,226.11-square foot dwelling creating a total of 1,529.44-square feet. This will be 164.44-square feet over the 1,365-square feet that is allowed for the main structure. The lot occupancy will be 16.81-percent, which is 1.81 over the 15-percent allowable lot occupancy for the main structure.

The existing structure is occupied as a single-family dwelling and is located in an “AA” Residence District.

The Applicants are the owners of a small house (32' wide by 21'-25' deep) on a small lot (approximately .2 acres). There is at present an unheated porch on the rear of the house. Applicants are soon to have a second child, and require additional living space. They propose to demolish the porch and replace it with a combined family room, which can be entered from either the kitchen or living room, and a mudroom accessible from the garage with a laundry room at the rear. The Applicants’ proposed design of the addition would be square to the end of the existing garage, and would also fill in an area between the existing porch and the garage which is presently unusable dead space.

At the hearing, the Applicants testified that they have spoken to their neighbors who are supportive of the proposed project.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, this Board concludes that the Applicants should be granted the requested variance.

The Board has determined that the requested variance will be a benefit both to the Applicants and to the neighborhood, by continuing to improve the appearance and utility of the Applicants' home.

The benefit sought by the Applicants cannot be achieved by some method other than a variance.

The requested variance is minimal, and is the minimum variance that is necessary and adequate to the Applicants' needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has not been created by the Applicants.

The Applicants have developed a creative design of the addition to make the best use of the existing space on the lot.

Accordingly, the Board grants the Applicants' request for a Variance to replace the existing porch with the new living space on the following conditions:

1. The project will be constructed in conformity with the testimony before the Board and the documents submitted to it;
2. The Applicants shall match the new addition as nearly as possible with the existing siding and roofing on the house; and
3. The proposed project will be constructed within two years of the date of this resolution.

October 6, 2004

Michael C. Hodom
Chairman
Board of Appeals

- - -

Mr. Wiggand made a motion that the Resolution be adopted, Mr. Micelli seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom Robert Wiggand Leonard Micelli	None	Marjory O'Brien Gilbert Brookins	None

(Resolution filed with the Clerk of the Town of Bethlehem on October 7, 2004.)

- - -

The next order of business was to consider the proposed resolution of Ajay & Sue Sanghi, 50 Dover Drive, Delmar, New York 12054.

The following proposed resolution was presented by Attorney Moore for the Board's consideration.

RESOLUTION

* * *

*

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York ("the Board") by Ajay and Sue Sanghi ("Applicants"), for a Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings, for construction of 3-season room on premises located at 50 Dover Drive, Delmar, New York ("the Property"); and,

WHEREAS, the Board of Appeals, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application

at the Town Hall, 445 Delaware Avenue, Delmar, New York on September 15, 2004; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

The Applicants are proposing to construct a 144-square foot addition to the existing 1,770.41-square foot main structure creating a total main structure of 1,914.41-square feet. This is 144.53-square feet over the 1,769.88-square feet that is allowed for the main structure. The lot occupancy will be 16.22-percent, which is 1.22-percent over the 15-percent allowable.

The existing structure is occupied as a single-family dwelling and is located in an "AA" Residence Zone.

By Resolution dated May 18, 1994, this Board approved the Applicants' request for a variance to permit the construction of a larger, 4-season addition to the home. After that Resolution was approved, the Applicants' financial condition changed, and the larger addition could not be built.

All the factual basis for the prior variance presented to and accepted by the Board in 1994 are applicable to the Applicants' present request for the smaller variance and 3-season structure, and were restated by the Applicants at the public hearing.

The Board received one written statement objecting to the proposed variance. The Applicants testified that they have spoken to their neighbors, who have no objection to

the proposed variance and 3-season room.

CONCLUSIONS OF LAW

The Board has determined that the requested variance will be a benefit to the Applicants and will have no detrimental impact on the health, safety or welfare of the Community and the neighborhood.

The benefit sought by the Applicants cannot be achieved by some method other than a variance.

The requested variance will have no adverse affect on the physical or environmental conditions in the neighborhood.

The requested variance is minimal, and is the minimum variance that is necessary and adequate to the Applicants' needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has not been created by the Applicants.

The requested variance is granted, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicants at the hearing;
2. The remaining open rear deck is to be left uncovered, and no roof is to be attached to the deck, at any time; and
3. The project shall be completed within two (2) years of the date of this Resolution

October 6, 2004

Michael Hodom
Chairman
Board of Appeals

- - -

Mr. Wiggand made a motion that the Resolution be adopted as amended, Mr. Micelli seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None	Marjory O'Brien	None
Robert Wiggand		Gilbert Brookins	
Leonard Micelli			

(Resolution filed with the Clerk of the Town of Bethlehem on October 7, 2004.)

- - -

The next order of business this evening is a public hearing for a Special Exception under Article VI, Permitted Uses, Section 128-23, Rural Districts Unzoned requested by Dominick Carota and Dr. Stephen Sipperly for property at 1406 River Road, Selkirk, New York. The applicant wishes to construct a dog kennel at the premises.

CHAIRMAN HODOM: Mr. Platel, would you give us the reason for the hearing, please?

MR. PLATEL: Yes, Mr. Chairman. The applicant is seeking a special exception to construct a 1,718-square foot structure that will be used as a kennel for the housing of up to 10-dogs. The structure will meet all area requirements in a Rural District Not zoned.

The Application stated that one purpose of the request is so the residents can care for their show dogs. The site plan does not show any additional parking which would not be required if this is the case. Additional parking would be required if the kennel was to be operated as a business with outside employees, leased space and other business related operations.

The existing structure is occupied as a single family dwelling and as stated earlier is located in a Rural District Not Zoned.

CHAIRMAN HODOM: Thank you, Mark. Ms. Guastella, would you please read the official call of the meeting?

Notice of Public Hearing. Notice is hereby given that the Board of Appeals of the Town on Bethlehem, Albany County, New York will hold a public hearing on, Wednesday October 6, 2004 at 7:45 p.m., at the Town Offices 445 Delaware Avenue, Delmar, New

York to take action on application of Dominick Carota and Dr. Stephen Sipperly for Special Exception under Article VI, Permitted Uses, Section 128-23, Rural Districts Not Zoned of the Code of the Town of Bethlehem for the construction of a dog kennel at the premises 1406 River Road, Selkirk, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the September 29, 2004 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. The procedure that we use this evening; we'll hear the Applicants presentation; we'll entertain any questions or comments from the audience; we'll hear anyone wishing to speak in favor of the Applicant and anyone desiring to speak in opposition of the Applicant. Anyone desiring to speak will be allowed to do so, we just ask that you come up, stand or sit close to the black microphone, it's for recording purposes only. Mr. Carota would you just introduce yourself to us and tell us what you want to do and why you want to do it and why you want to do it.

MR. CAROTA: My name is Dominick Carota; I reside at 1408 River Road. The property that we are hoping to construct this kennel is at 1406 River Road. Stacy Snyder and Michael Work who are here this evening, they do take care of our dogs and they are professional American Kennel Club certified handlers. The essential I think need for us is to construct a building to house up to 10-dogs. This is not going to be a boarding kennel for outside use. It is not open to the public. It is simply for our use and Stacy and Michaels use of dogs. The building was sited in an area of the property, which is adjacent to our driveway and is located in an area if the Board would kindly look at their map. It's located actually in an area which is as far away from the residential homes on either side of the property to insure that we don't disrupt their homes or their quality of life.

Further I contacted all of my adjacent neighbors and I made a personal request to them to contact me if they had any questions and further to come and see me and I could show them where the kennel was going to be built. The pictures that you do have are a bit – they're the exact style of the kennel, however yes, that picture is a much larger kennel facility than the actual one being constructed. They've never made one quite this small because normally they make boarding kennels. Now we do not have a boarding kennel license so we will not be boarding dogs. We do have a breeding license which allows us to have up to 10-dogs in New York State. And I would ask that if the Board has any questions or any of my neighbors, I would be happy to answer them to the best of my ability.

CHAIRMAN HODOM: Are there any existing structures within a reasonable distance from our area to view this Morton Building structure?

MR. CAROTA: The answer to that is – is there one locally?

MS. SNYDER: They're more of like, I mean....

MR. CAROTA: It's a very specialized building. I mean we have a garage that was built by them 20-years ago, but that garage which is at 1408 River Road is about 4-times the size. So it's a bit of a - - it's difficult to try to compare the two.

MS. SNYDER: We went and viewed a kennel in Clifton Park, but that was a boarding kennel and like this is a much more homey feeling. I don't think they've done one just for, like a dog handler and you know we just have our show dogs that we....

CHAIRMAN HODOM: Why don't you introduce yourself for us so that we can get it on the record anyway as long as you're speaking.

MR. CAROTA: This is Stacy Snyder by the way.

CHAIRMAN HODOM: Okay, Stacy. Fine. Perhaps you can check with Morton to see if there's any building similar to this?

MS. SNYDER: There's nothing - - the closest was Clifton Park because we actually met with a few company's that build buildings and they were the best choice that we felt and so we said, you know can we go visit one. And they said well the only one is in Clifton Park that we've done anywhere in this sort of vicinity. And we did visit that one, but that one is...

MR. CAROTA: So we could see the one in Clifton Park, but that's much larger?

MS. SNYDER: Yeah that's much larger. That's like maybe, I think it was 20-runs on each side and it didn't have - - see we need this because we need a grooming to get the dogs prepared for the show and a whelping room - we really can't do all that in your house properly. And so the one in Clifton Park was just basically was just runs and they had the room that you first walked into and then they had runs.

CHAIRMAN HODOM: Does the facility in Clifton Park, do they have the acoustical panels?

MS. SNYDER: I do not think they do; I don't think they do. They were more in the middle of the field than...

CHAIRMAN HODOM: Okay. Your reference to speaking with your neighbors...

MR. CAROTA: Yes.

CHAIRMAN HODOM: And I know that you submitted a list of four neighbors.

MR. CAROTA: It's hard to - - most of my neighbors work; it's very hard to get a hold of everyone.

CHAIRMAN HODOM: Are these the mailboxes on your property, 1406, 1408 and 1412 and then there's one unmarked.

MR. MYERS: That is 1410.

MR. CAROTA: at 1410.

CHAIRMAN HODOM: 1410?

MR. CAROTA: Yes, it's the other property; it's the Myer's property, which is also on that easement. They have an access, a right of way on the driveway.

CHAIRMAN HODOM: Okay. There is a structure in the back of your property going down your driveway where there's a no-trespassing sign on the roadway?

MR. CAROTA: Yes. There's the former carriage house, which is the property of the Poirier's and that has a very small older barn, which is in front of that property which belongs to us, then there's the house and then the garage.

CHAIRMAN HODOM: Is that one of the address's here?

MR. CAROTA: Yes it is.

CHAIRMAN HODOM: That's 1412?

MR. CAROTA: Yes, Betty is 1412.

CHAIRMAN HODOM: Okay. And where is 1415, is that across the road?

MR. CAROTA: I believe it is. I think it may be the Disonell's.

UNIDENTIFIED WOMAN: We own property – excuse me right where your gate ends there in between down to the white house way down in the back and we have about close to 5-acres.

CHAIRMAN HODOM: I'm just going to need you to speak again to get you on the record. And then there's one 1424 River Road?

MR. CAROTA: It looks like....

CHAIRMAN HODOM: Chi?

MR. CAROTA: Yes, Ben Chi.

CHAIRMAN HODOM: And where is 1424 River Road?

MR. CAROTA: That is the property that is next door. Actually that's - - Ben's property is the closest to the kennel.

CHAIRMAN HODOM: As your looking at your property, right side or left side?

MR. CAROTA: It's on the right. If you're looking at the property Ben's is right there and his property runs all the way up the side of our driveway and wraps around the Myer's residence. And at one time encompassed - - actually belonged - 1406 belonged to Ben. That property belonged to him years ago.

CHAIRMAN HODOM: And the one mailbox that I didn't see a number on it, that was 10?

MR. CAROTA: It must be, I really don't recall but if it's...

MR. MYERS: It is; it's 1410.

MR. CAROTA: Yeah it's 1406, 1408, 1412 and 1410. I think the mailboxes are out of alignment, but that's the way it should run.

CHAIRMAN HODOM: Do you own 1410?

MR. MYERS: Yes I do.

CHAIRMAN HODOM: Could you just introduce yourself for us?

MR. MYERS: Yeah, Bill Myer's.

CHAIRMAN HODOM: Bill Myer's?

MR. MYERS: Yeah.

CHAIRMAN HODOM: Okay. Describe to us if you would as to who owns the dogs? Why do you need 10-kennels for the dogs? Why do you need 10-inside and 10-outside?

MS. SNYDER: Well they're one, indoor outdoor.

CHAIRMAN HODOM: Just describe to us that operation.

MR. CAROTA: Okay. The kennel building itself I think we described it approximately 1700-square feet and it has 10-runs, so it has for 10-dogs - up to 10-dogs. There may not be 10-dogs, it may vacillate from 8 to 10. It could be 5 at any given time. Why that is, why is it not always, why is it not always 5, why is it not always 8? Stacy and Michael, as I mentioned earlier are American Kennel Club certified handlers and what they do is they travel every weekend with the dogs and there could be for example 8-dogs at home and they would be taking maybe 4 with them, or there may be 10-dogs at home and they're

taking 6 with them on the weekends. And why is that is because maybe some of the dogs are older.

One of my dogs is 11-years old, he'd probably stay home. Other dogs for example could be puppies that she's training and bringing to the shows. Those dogs leave after 3-months, they don't stay with her for a long periods of time. For those people that are unfamiliar with the way AKC certified handlers work is essentially they take a dog for a year and they travel with the dog and it's called a campaign if you will. They travel all around the country and what you will find is that, that number changes so it's not a static number if you will. It changes all the time and it can change from week to week, but the goal is with the facility itself is to have a proper facility for the dogs so that they can go in and out and again that is 10-runs and essentially what it is, it's an indoor and outdoor so they can go in and out of the run. And in terms of who owns the dogs to answer that question. Some of the dogs are owned by me, and some are owned by Stacy and some are owned by the owners of the dogs that she is showing. I think currently she has 2-dogs if I'm not mistaken, one is a Jack Russell Terrier and one is a Springer Spaniel that are owned by 2-individuals that are from out of state and Stacy is showing them.

CHAIRMAN HODOM: How many dogs do you own?

MR. CAROTA: Actually own?

CHAIRMAN HODOM: That reside there.

MR. CAROTA: Reside there?

CHAIRMAN HODOM: Yes.

MR. CAROTA: Up to three.

CHAIRMAN HODOM: Do you have three now?

MR. CAROTA: No, I have that I own all across the country, probably over 20 that I own and co-own. That means I've sold dogs on co-ownerships to people I share ownership across the country, but they don't reside with me.

CHAIRMAN HODOM: Okay. How many would reside here that you personally own?

MR. CAROTA: Up to three.

CHAIRMAN HODOM: Okay. And Stacy how many do you own or would reside with you at this facility? Do you own any to begin with?

MS. SNYDER: Yes. I have four of my own. I have two other one's that I co-own with people, which you know go between their house and my house. I try to actually farm dogs out so they're not living in a kennel sort of a situation. So they're - - and they'd

rather be couch pets than be show dogs so I mean it changes what I would have of my own, but I have four dogs of my own that I show.

CHAIRMAN HODOM: So in theory approximately 7 of the 10 dogs that would reside at this kennel would be owned by either you or Stacy? Is that fair to say?

MR. CAROTA: That is correct, yes.

CHAIRMAN HODOM: Where are the dogs kept now?

MR. CAROTA: Stacy's dogs?

CHAIRMAN HODOM: Any dogs, yours or Stacy's...

MR. CAROTA: The dogs are kept in our home right now, again if you were to look at the plan that it's a fairly sizable home and what it has is a sunroom and the dogs sleep in their crates at night in the sunroom and the property is fenced in, in the back and they're allowed to go on the runs in the back. Stacy has a fence and the dogs are allowed into that fenced area and also she has some temporary sort of if you will – the word run is sort of a misnomer but separate little areas that they can go out and you know they can potty, they can eat, whatever they need to do; water, and then they go back into the house.

CHAIRMAN HODOM: Are they the ones that are currently there now?

MS. SNYDER: Yes.

CHAIRMAN HODOM: Towards the front of the fence?

MS. SNYDER: Yes and those will be moved down to the - - either taken away or moved down toward the kennel so they would be farther away from the people, but right now we can just walk them right to our garage so that's why they're...

MR. CAROTA: The goal is and I need to stress this, the goal is to actually provide a more cohesive and proper environment for the dogs and I'm not saying that we don't have – we have an improper environment for them now, it's just not so efficient and we need a building that can do all of these things and you know consolidate it and be aesthetically pleasing and also be in a controlled environment on the property so that it does not disrupt the neighbors.

I've been involved in this Town; I've been here for some meetings; I know what it's like for development. I know some of the concerns my neighbors have and I might share some of those concerns in the future. If I was a neighbor and someone wanted to build, you know a kennel next to me I would say well what about the noise, what is that going to do? What happens if you move in 20-years and this kennel is here, does that mean that somebody can move in and convert it over to a boarding kennel? Those are valid questions and I think we need to answer those and I think the Board can give us

some guidance on that, but relative to is this going to be – one of the big questions I would have and I know some of my neighbors have expressed this to me so I will talk about it and maybe they will want to expand upon it later is that this project is such that it's so small that it would never become a profitable boarding kennel, 10-dogs, you would lose your shirt and the way the property is set up I don't believe that especially with drainage and where the septic system is that that building could ever expanded to accommodate that so I feel confident in that defense and with that explanation of the property itself. Further more we do not have a boarding license nor will we seek one and I'm sure we would not get one if we tried to because there would not be a big enough facility to accommodate a boarding kennel so specifically that's my focus and my concern for my neighbors as well.

The other reality to is that we've all purchased land in the Rural Not Zoned District; we're in the country. We're on Route 144, which is River Road and we know that there are hundreds of cars that go by there everyday and sometimes they're noisy. We know at the intersection of 396 and Route 144, which is slightly north of the properties that that's a wonderful turnoff of big trucks. We all know the controversy about the Selkirk Bypass. So for me the reality is that we have a situation where we all live in the country. There is on the books this zoning regulation that allows us to seek an exception and we're hoping to do that.

CHAIRMAN HODOM: Is this a year round residing place for dogs? Is that what your proposing?

MR. CAROTA: Yes because Stacy and Michael – this is going to be their home and they will live there and the, again the majority of the dogs leave with them every week. Last week I think you left on Wednesday and arrived back on Sunday. This week she'll leave on Thursday or Friday and will arrive back on Tuesday, Monday night or Tuesday.

MS. SNYDER: Like we've been there for a month and we've had 3 to 4 dogs that we've left at home and they're over the age of 12 – all of them.

CHAIRMAN HODOM: Just clarify for me if you would, you said that they're going to live here in this facility?

MR. CAROTA: No, no they live at 1406 River Road, which is on the house that was the former Stein property. I don't know if that's been changed in the roles yet because it was so recent, but the 1406, which is the house on the plans that sits in front of the kennel building. So they will reside in the house and the kennel building is made so that it can be efficient so Stacy can live in the house and walk back to the kennel and take care of the dogs.

CHAIRMAN HODOM: Tell us a little about how you go about go about handling waste removal and the frequency and the food product?

MR. CAROTA: Sure I can actually talk – you can talk about the food product and I'll

talk about the waste removal. You talk about the in and I'll talk about the out. The – I'll just share this with you; this is a system which has worked very, very well. The people might laugh; it's called the Doogie Dooley Pet Waste removal system and in this case we have to put 3 by the kennel and essentially what it is, is it's sort of a trap if you will. And what it does is it actually contains the waste and there's actually a proper size hole dug and what it does is it allows and waste that has any – it's really a delightful conversation, but it allows any waste that has any fluids to drain and then once it's drained then it can be removed at the time that the, you know garbage is picked up once a week.

CHAIRMAN HODOM: So there's a hole that's dug in the ground and this placed over that.

MR. CAROTA: Yes, and it leaches through it.

MS. SNYDER: There's enzymes and stuff that you put in there to.

MR. CAROTA: You would require - - they actually – because we don't want anything too large and it actually is not so bad looking, they take approximately 1 to 4-dogs on a weekly basis for those so we would require three essentially because it would cover up to eight for two.

CHAIRMAN HODOM: And then you would then put it into some kind of packaging?

MR. CAROTA: Yes, and then it is picked up by the waste removal company.

CHAIRMAN HODOM: Waste removal people?

MR. CAROTA: Yes, once a week.

CHAIRMAN HODOM: Okay.

MR. CAROTA: And do you want to speak about the - - sir, what was your question about the food?

CHAIRMAN HODOM: How do you handle the food product? Is it left outside? What do you do with vermin or pests?

MS. SNYDER: We buy a bag of 40-pound pro-plan and put in a container and in the kitchen in the kennel – we deal it out in their food bowls and our goal is to make them eat it. We don't have any waste of food or...

CHAIRMAN HODOM: But you don't store it outside?

MS. SNYDER: No.

CHAIRMAN HODOM: Okay.

MS. SNYDER: We only go through maybe 20-pounds a week so it's just dry dog food.

MR. CAROTA: I think what he's asking to is how it's contained and what it's contained is if you think of those old – the plastic storage bins, if you will, with the sealed tops. That's how we store the dry food so that way no, you know mice or anything get into it and those are inside and no, never outside.

MS. SNYDER: We go every week and get new bags of dog food.

MR. CAROTA: However in the summer time the dogs will be watered in their bowl – food can be outside with them in their little area where they eat, but as far as storing the food, no it would never be outside.

CHAIRMAN HODOM: But when you say you store it, it would be inside the building or inside the house?

MS. SNYDER: Inside the building but we would have more than one extra 40-pound bag of dog food there. I mean we don't buy mass quantities because we just don't use it – not with the seven dogs that we have.

CHAIRMAN HODOM: Tell us a little bit if you would about the sound absorption panels that your proposing to use inside the kennel.

MR. CAROTA: Do you want to speak to that?

MS. SNYDER: That's just something that - - one of the reasons why we went to the Morton people because they build a lot of boarding kennels that are next to office buildings and things like that and they had to deal with – okay, you know these people want to board say they want to have a 100-dog kennel, how can we do this in a community, you know and get away with it. So what they did is they came up with a sound panel and that's something that basically I think that only they have and that's sort of why we picked them and it just absorbs sound. I mean there's a couple little snip-its – I'm not the builder so I'm not sure how it does it or why it does it. I just know that it works and there's a couple little snip-its like on the piece of paper that says – it talks about – just – like a couple of people have testified on how happy they are with how it absorbs the sound.

MR. CAROTA: I don't know if there's any acoustic – scientifically acoustic information on there but I mean clearly I'm sure there's some coefficient that we could establish.

CHAIRMAN HODOM: Well that was my next question is that perhaps as stated in this lower section on the Morton buildings Hi-Rib acoustical steel on the bottom, but part of it is cut off so perhaps you can give us a page that is fully legible.

MR. CAROTA: Could you just make a note to do that?

CHAIRMAN HODOM: It may state what the STC rating is for the acoustical value of the product.

MS. SNYDER: Okay. I don't know if it says that or not.

MR. CAROTA: Well I'm sure we could find it out.

MS. SNYDER: Well, you know what? I probably have it right here actually. And actually the funny thing is 4 of the 7-dogs are Fesengies, which are the bark-less dog from Africa so they don't even have a voice even if they wanted to.

MR. CAROTA: They don't bark.

CHAIRMAN HODOM: Is barking a problem?

MS. SNYDER: Personally I hate barking dogs so on like the two that might bark – they wear bark collars constantly. The only time they bark is if they see something and they're like ohh, and you know they are like warning you that they see a car coming in or whatever and that's part of the reason of why if we had the kennel they wouldn't be seeing things, they would be back in their own area, you know there would be a privacy fence and they're not going to see the cars driving up the driveway or anything like that and dogs with a lot of exercise that are properly cared for are happy dogs and happy dogs aren't barking dogs.

CHAIRMAN HODOM: Are you planning – while she's looking at that, are you planning to place some other kind of barrier along the chain link fence that you have now along the roadway so that the dogs couldn't see somebody driving down the roadway?

MR. CAROTA: I believe that's part of the kennel and fencing. I'm not clear on the positioning of the privacy so that the dogs are blocked from that. Could you speak to that at all – the privacy fencing?

MS. SNYDER: Well the driveway is like this.

MR. CAROTA: As you're looking down the driveway – right.

MS. SNYDER: And the back of the building is here and the kennel runs are here so basically all the kennel runs are looking is...

MR. CAROTA: The trees.

MS. SNYDER: The trees, yeah. And then there's going to be – what are those bushes that Stephen was talking about, the tall ones?

MR. CAROTA: I don't know.

CHAIRMAN HODOM: Arborvitae?

MR. CAROTA: Yes.

MS. SNYDER: Yes. As soon as winter comes and goes then we're going to place all of those along the fence just to make it more aesthetically look pretty, but we can't do that now because I'm sure they'll be run over by the Morton people if they come to put in the building and do all that. We don't want to put those there yet.

CHAIRMAN HODOM: So you're proposing to install some landscaping along this existing fence line?

MS. SNYDER: Yes.

MR. CAROTA: Yes absolutely. In fact what I'd like to do is to actually put in landscaping in, but I'd also like to sort of allow the driveway to be more continuous and put in a white rail fencing from River Road, 144 down to the property, not just 1406 but all the way down to the other homes just to make the driveway look a little bit more pleasing.

CHAIRMAN HODOM: How far from your – this is your rear property line?

MR. CAROTA: Yes it is.

CHAIRMAN HODOM: So you would start your arborvitae at that location? How far west would you come or plan on coming with the landscaping?

MR. CAROTA: Well I think it would have to go, I think it would probably run all the way to the driveway.

CHAIRMAN HODOM: Okay.

MR. CAROTA: Because the fencing runs right here at 1406, this is the existing dwelling.

CHAIRMAN HODOM: Right.

MR. CAROTA: And it runs – the fencing right now runs like this all the way around the property sort of protection it's a security fencing and I would assume that the arborvitae would have to go all the way up to here.

CHAIRMAN HODOM: Okay.

MR. CAROTA: I think it would look nice and I think it would also just – it also ties in with a lot of the greenery, you know a lot of the foliage that's there throughout the year.

CHAIRMAN HODOM: May I keep this copy?

MS. SNYDER: Yeah, you can have it. I can just get another one.

MR. CAROTA: I'm sorry did it have what you needed there?

CHAIRMAN HODOM: Yes at least I can read what bottom says.

MS. SNYDER: Sorry it doesn't really mean anything to me so didn't even notice when I copied it.

CHAIRMAN HODOM: What is your proposed, if the Board were to approve your Special Exception, what is your proposed construction start date and completion date approximately?

MR. CAROTA: I would say, oh gosh I mean you still have to go through all the proper building permits and what have you so it would be dependant upon approval all the final approvals from the Town – stop to start, what do you think; time frame once we receive the...

MS. SNYDER: He said the time frame is like 3-months from when they first start it to the finished product. That's what the Morton people told us as long as they can get all their guys to follow when they wanted to go in.

MR. CAROTA: The wheels of bureaucratic process or not. I would say 3-months after that.

CHAIRMAN HODOM: So you would expect it to be completed at least within a years time?

MS. SNYDER: Oh yes.

MR. CAROTA: Yes that would be the hope.

CHAIRMAN HODOM: Just to touch back on the waste removal, how frequently is that done?

MR. CAROTA: As far as the removal from the company or from the actual runs?

CHAIRMAN HODOM: Why don't you cover both.

MR. CAROTA: Well actually daily.

MS. SNYDER: Three times a day for the runs, just seeing if they poop it gets picked up.

MR. CAROTA: Three times a day for then, but then that will be put into that waste system and then once a week that would be removed.

CHAIRMAN HODOM: From the site?

MR. CAROTA: Correct.

CHAIRMAN HODOM: Is that an acceptable procedure from your waste contractor that you can put that waste in...

MR. CAROTA: Sure, we've never had any problems.

MS. SNYDER: As long as it's properly packaged.

MR. CAROTA: Yeah it can't be out in like a regular loose garbage can it has to be packaged in plastic.

CHAIRMAN HODOM: Any other questions from the Board?

MR. WIGGAND: Yes I have a couple of questions. What is the exact size of this building?

MR. CAROTA: I will tell you exactly sir.

MR. WIGGAND: I want the exterior or the outside of the building including the - - are you going to have this canopy that you show in this one drawing? Are you going to have anything like that? Here it is right here.

MS. SNYDER: The overhangs.

MR. WIGGAND: Yes.

MS. SNYDER: Yeah to keep those - if it rains or it snows just to keep path of the run. So the actual building is like smaller than what they say but the take is the platform that everything's on and they cover that part of the roof is what they basically...

MR. WIGGAND: Well I'd like to have the size of the building, the footprint of the building on the ground.

MR. CAROTA: The actual building sir is 36 by 45.

MR. WIGGAND: That's what I want.

MR. CAROTA: And that outside kennel porch runs the full length, which is 45 and then it's 10-feet, I'm sorry by....

MR. WIGGAND: You lost me with that one. Is that additional area of the building?

CHAIRMAN HODOM: No that's just the kennel part of it Bob.

MR. WIGGAND: I see, okay.

MR. PLATEL: This should be 36-wide to the outside of the open area, correct?

MR. CAROTA: It is – yes it's correct, yes.

MR. PLATEL: That's part of the 36-feet and then it's going to be 45-feet long along this – that run there.

MR. WIGGAND: So actually the building outside measurement of it is 36 by 45?

MR. PLATEL: Correct.

MR. CAROTA: Correct. I believe these were submitted.

MR. WIGGAND: It didn't show it here.

MR. CAROTA: I'm sorry you don't have that one.

CHAIRMAN HODOM: We only have these plans. Were they submitted to the Town for a building permit?

MR. CAROTA: I don't know if they were submitted to the building people because of the....

MS. HEENAN: No, I was told to wait for the building permit until afterwards, after the hearing.

CHAIRMAN HODOM: Just introduce yourself for us.

MS. HEENAN: My names Cory; I help take care of the dogs.

CHAIRMAN HODOM: Your last name?

MS. HEENAN: Heenan.

MR. CAROTA: If you'd like to look at it?

MR. WIGGAND: Yeah I would like to take a little look, thank you. Now this plan that you show here, is this what the building is going to look like?

MR. CAROTA: Yes sir.

MR. WIGGAND: You said this is not it.

MR. CAROTA: That is it, but that is just the sampling of it and it's a different – it's configured differently because that's so much larger if you notice those 2-windows and a small little porch.

MR. WIGGAND: I did notice that.

MR. CAROTA: It's much larger that's why this is more compact right here.

MR. WIGGAND: Okay so you are really taking the design of the building from....

MR. CAROTA: Correct because there has never one been built at that small.

MR. WIGGAND: You're going to have the animals out here.

MR. CAROTA: That is correct and that is pointed towards the woods so that would be pointed north.

MR. WIGGAND: The one other question I had is why did you put it so close to the road? Is there a reason for that and not back further on your property?

MR. CAROTA: Well essentially what it was really was to accommodate Stacy. If we put it as close to this dwelling, the existing dwelling which is here so that would allow her access here.

MR. WIGGAND: I was just wondering why it didn't back up more towards the property line in the back giving it more room off the road.

MR. CAROTA: Off our driveway?

MR. WIGGAND: Yes.

MR. CAROTA: This is our driveway.

MS. SNYDER: It's pretty close to the...

MS. HEENAN: It's at the back of the property at 1406.

CHAIRMAN HODOM: Please one at a time if you would, thanks.

MR. CAROTA: It's at the back of the property of 1406. There is also a throughway that we did not encumber here.

MR. WIGGAND: Yeah you can't encumber that. Oh I see.

MR. MICELLI: This is where it's going to be, back here.

MR. CAROTA: Right, exactly where the stakes are yes.

MR. WIGGAND: I better understand it now.

MS. SNYDER: It's hard to see the stakes. I should have spray painted them or something.

MR. MICELLI: We found them; we went down there today. Who lives at 1406, you do Stacy? That's your home?

MS. SNYDER: Yes.

MR. MICELLI: And the kennels that are there now, they're going to be moved down...

MS. SNYDER: They're just right there because it's easier with it. It's hard enough having them in the house, but then to you know to put them outside to go to the bathroom, it's like it has to be closer to the house to be assessable so that's why we did that.

MR. WIGGAND: Do you live in this building here, the home?

MS. SNYDER: The home, yes I do.

MR. WIGGAND: You do?

MS. SNYDER: Yes.

MR. WIGGAND: I built that.

MS. SNYDER: Really? I love it. Oh my gosh I'm such a little Suzie homemaker there now.

MR. WIGGAND: It's a nice house, I built that for Bill Stein. Did he move to Florida?

MR. CAROTA: Yes he did and they're very happy and I think they did not blow away; talked to Edie, everything's good.

MR. MICELLI: Just one other question Dominick, the utilities – that's going to be heated, the building or is that going to be...

MR. CAROTA: The building will be heated and it will be hooked up to the regular electrical service. There won't be any special, you know any special electrical.

MR. MICELLI: Just tap right off the line that's there?

MR. CAROTA: Yeah, exactly.

MR. MICELLI: That's all the questions I have.

CHAIRMAN HODOM: What type of heat will you be using in the facility?

MR. CAROTA: I believe it is forced hot air, I believe.

CHAIRMAN HODOM: You'll have a furnace in the utility room?

MR. CAROTA: Yes.

CHAIRMAN HODOM: The – you show an air shaft, air intake, are they gravity or are they forced fan systems?

MR. CAROTA: I believe given that size, I don't believe it's forced fan; I believe it's gravity.

CHAIRMAN HODOM: Does anybody know?

MS. SNYDER: I think it was just forced air and forced heat out of the same ducts. It's going to have central air and then he said that there was two ways to do the heat and it was either to put it in – to put like it in the base of the floor, which is radiant heat or which was cheaper just to force it through the air conditioning ducts. The air conditioning ducts is what we chose because we felt more comfortable if something goes wrong with that then to rip up your floor.

CHAIRMAN HODOM: But it is not your intent to use any high velocity fans to exhaust air or bring air into the facility that may be somewhat noisy?

MR. CAROTA: No it's all going to be self-contained. I mean the air-conditioning – the central air unit is the only unit that's going to actually be - can anyone even hear on...

CHAIRMAN HODOM: It would be nothing more than what you have in a normal home, is that what you're saying?

MR. CAROTA: Correct, correct.

MR. WIGGAND: I had another question on the traffic that would be entering that building or that facility. In other words you're not going to have any parking lot...

MS. SNYDER: No.

MR. WIGGAND: On the roadside?

MS. SNYDER: No. It's just either our personal dogs or you know a dog that I - - a puppy that I might pick up from a dog show from a client or whatever and bring home to train so it wouldn't be anybody except...

MR. WIGGAND: There wouldn't be cars pulling in and out of there to go visit their dogs or something else?

MS. SNYDER: No. We don't want them to come visit us.

MR. WIGGAND: No parking lot there then?

MS. SNYDER: No.

MR. CAROTA: And I think if you folks had the chance to visit, which I think several of you did to the site, we take extreme, extreme pride in our property.

MR. WIGGAND: Yes, you do.

MR. CAROTA: And we've put a lot of money into the house aside from the kennel, updating it. It was lovely by the way, but it was done 20-years ago and it needed to be updated. And the landscaping that we've done on the property and the next project is to clean up a lot of the down limbs and things, but we do take pride in it, we do care; we live there and we do want to ensure that our neighbors know that we will do everything to respect and their privacy.

CHAIRMAN HODOM: Just one final question that I have is what type of lighting are you proposing to use if any on the exterior of the new facility?

MR. CAROTA: I believe the lights - - I believe by Code this is what I was told by the Morton people is there can be no lights that are illuminating out. All the exterior illumination has to be illuminated down and they are a - I'm not going to use the right term, but it's more of a bronzier light. It's not a bright white light; it's more of a dome light that comes down.

CHAIRMAN HODOM: High pressure sodium or a metal light.

MR. CAROTA: One of those. They use them on school buildings now. It's what he described.

CHAIRMAN HODOM: But it will be a down light?

MR. CAROTA: Yes.

CHAIRMAN HODOM: It will not be shining on your neighbor's properties?

MS. SNYDER: It would be like your porch light basically.

MR. CAROTA: Yeah and there will be no post lights either. They'll just be from the building down lights.

MR. MICELLI: Dominick, just one other question. Do you have natural gas? I don't know what the utilities are in that part of Town.

MR. CAROTA: I don't believe there - - I don't know, we don't have it; it's oil. I don't believe there is. It's water - there's water there but no sewer.

MR. MICELLI: Now to heat the building that you're proposing, there will be a tank outside maybe for the propane gas or the oil? Where would that - in the building, the storage area for the fuel?

MR. CAROTA: I'm not sure if it will be in the building or exterior to the building. If it would be outside of the building it would be in an area, which would be behind the building, which would be if you will I can...

MS. SNYDER: I'm pretty sure it will be in the building. When I visited the one in Clifton Park that's where they had it in their like, utility room.

MR. CAROTA: Actually if I can look at the site plan, it would have to go here. It would have to go right - like right here.

MR. MICELLI: Okay. So it would be possibly inside but may be exposed on the outside?

MR. CAROTA: And if it was exposed it would be covered.

MR. MICELLI: Okay.

MR. CAROTA: It would have to be covered.

CHAIRMAN HODOM: Are there any Code requirements for that Mark?

MR. PLATEL: They can be propane outside; propane tanks are allowed. Oil tanks, there are certain ones that you put outside for oil, but normally you'll find...

CHAIRMAN HODOM: Well it would have to comply with Code requirements anyway.

MR. PLATEL: Normally you would find propane for the outside.

CHAIRMAN HODOM: And depending upon the size of the tank that you have determines how far away from the building you have to keep it. Any other questions from the Board?

MR. WIGGAND: No I think I've had everything answered, thank you.

CHAIRMAN HODOM: Are there any questions or comments from the audience?

MR. MYERS: I have a few questions.

CHAIRMAN HODOM: If you would just come up here and sit if you like or you can stand, just introduce yourself for us please.

MR. MYERS: Sure, Bill Myers; I live at 1410 River Road. I have a number of concerns; one of them is the aesthetic value. We live on a very quiet private road. Most of the houses including myself are mid-1800's, well kept. Right now we have a chain link fence that goes around your property. The chain link fence in and of itself presents somewhat of a problem as far as the aesthetic value goes. We also have those chain link runs that are very close to our property right now, so that's one issue that we have. I've listened to your explanation of what you're going to do, but again that's an initial concern. And then we're talking about a kennel on top of that within the construct of that same area. I've noticed an increase of traffic. I have 2-young children and a dog and there has been an increase in traffic. The cars are doing an excessive speed when they do go through the property, so that's a real concern for me. I understand that you said that the dogs were just going to be boarded there and you were going to care for them. I also know that periodically there are signs out front that say dog show and ...

MS. SNYDER: I'm sorry, I'm just...

MR. MYERS: That is true.

MR. CAROTA: That is true, yes.

MR. MYERS: So you have a sign out front that says dog show and I have people coming up to my house asking me where the dog show is. So I know there's going to be an increase in traffic, there's no question about that. The noise was a concern for me, you indicated that happy dogs are quiet dogs, they're not quiet now. At 7:00 in the morning they're out there; they're making noise. The paper that you indicated was that they were going to be in by 8:00. 10:30, 11:00 they're still out there still making noise, that's a concern for me also. So, you know I'm a bit concerned with the property value also. No matter how nice it is, of having a kennel adjacent to our property. So all these things are a concern for me.

MR. MICELLI: Mr. Myer's where do you live?

MR. MYERS: 1410.

MR. MICELLI: Which is where, when you pull into the driveway...

MR. MYERS: When you pull into the driveway, we're the first house on the right.

MR. MICELLI: Oh, the first one on the right, okay. So it's before where this road is, so where Stacy lives; it's opposite Stacy's home basically.

MR. MYERS: Yeah, the house where she resides in is pretty much adjacent to our property.

MR. MICELLI: So I understand where you live.

MR. MYERS: So the chain link fence pretty much comes right out and is extremely close to where we are.

MR. MICELLI: So you're opposite the kennels where we saw today?

MR. MYERS: Right. So those are the runs that we have right now that are in front of the house. It's a problem and I only foresee it getting worse if now we're talking about a kennel as opposed to a few runs that we have presently. So these are real issues and real concerns for me and I don't want my house next to a kennel, bottom line no matter how nice it is.

CHAIRMAN HODOM: Thank you Mr. Myers. Maybe Dominick you could address some of those issues? First of all regarding the dog show.

MR. CAROTA: Yes, actually we belong to a group. Dr. Sipperly is the president of the Hudson Valley River Hound Association and I think dog show is a bit of a misnomer but the signs did say that. He's absolutely correct and that's what they said. What is was, was a club; it's a club and they had 3-club shows for puppies. Those are dogs that are between 3 and 6-months old, we've had three of them. Actually I apologize, they had four.

CHAIRMAN HODOM: Tell us what happens at these shows.

MR. CAROTA: People show their dogs, they run them around the ring and there's a judge. I think we've had during those 4-shows, I think the last – the fourth one I think we had 17-dogs for half a day from 3:00 to 6:00 and then the other three we had approximately, I think approximately 20 to 25 at those different ones. Now let me be clear about this, it is a club that we belong to; Dr. Sipperly is the president of that club and the reason for those 4-matches, if you will, those 4-club meeting with the dogs was to grant the club the ability to actually have a real dog show and real dog show are hundreds of dogs and those are obviously held at – in this case it's the Hudson River Valley Hound Association and the northern most point that a dog show can be held is in Chatham, New York and next year they'll be holding their dog show at the Chatham club, kennel club. So as far as match's go and anything like that, yes they did exist, but yes they were not dog shows in the sense of it although it did say dog show. It was not your typical dog show. It was a club meeting, which it did say by the way HRVHA, which is the Hudson River Valley Hound Association dog show.

CHAIRMAN HODOM: Are you proposing to continue that on your property?

MR. CAROTA: No actually that's my point. The point is that we had four of them, the four match's are complete and now we can seek our, we can seek getting our real license to have a dog show in this case it would be Chatham, New York.

CHAIRMAN HODOM: So it's not your intent to have dog shows per say or continuation of puppy shows?

MR. CAROTA: If I had my choice I wouldn't; it's a lot of work and I'd prefer not to do it but the work is done and we've moved on from there. I would challenge what he said regards to traffic, I have no idea what he's talking about. Stacy and Michael have 3-vehicals, that's the only additional vehicles that have been on the property. Michael has a mini-van, Stacy has a jeep and they have a van that they travel in so I'm not sure exactly what he's referring to.

MR. MYERS: Can I ask you a question.

CHAIRMAN HODOM: Let me just finish up. What is your proposed time frame for having the dogs able to go outdoors? Do you have a time limit?

MR. CAROTA: Actually yes. I think we were trying to get them out by 7 or 7:30 and in by 8, 8:30. That was the goal.

CHAIRMAN HODOM: Out by 7 a.m., 7:30 a.m.?

MR. CAROTA: Yes.

CHAIRMAN HODOM: And in by 8 p.m.

MR. CAROTA: Right, correct.

CHAIRMAN HODOM: Okay. So how do you prevent them from going out from the inside kennel to the outside kennel? Do you lock the little doors there?

MR. CAROTA: Yeah, that's what it's for. That's actually a door, it's not just an in and out. You can actually prevent them from going outside and that's what you do at night. It's like a guillotine door; it shuts right down so they can't get through it.

CHAIRMAN HODOM: But from 7:30 a.m. to 8:00 p.m., they're out in this kennel?

MR. CAROTA: Correct, and then as we discussed in regards to the chain link fence we did discuss doing the proper landscaping there, which would shield you know the chain link fence, which Mr. Myers is objecting to.

CHAIRMAN HODOM: But let me address the issue about traffic, certainly when you

had the 4-shows you had a tremendous amount of traffic coming into that property?

MR. CAROTA: Correct.

CHAIRMAN HODOM: So that shouldn't have happened, correct?

MR. CAROTA: I wouldn't say that. Why shouldn't that happen? If you were having a party at your house....

CHAIRMAN HODOM: Do you need a license to have those shows?

MR. CAROTA: No, you don't, not for that show.

CHAIRMAN HODOM: You need a license for the other shows that you're talking about?

MR. CAROTA: Yes, what we would term a real dog show. People that are non-club members, in other words if it was open to the public clearly it would require that. Now part of the challenge of course is when you put up a sign people are interested in finding out what it is but then again they're turned away. So there was probably 3 or 4-people that if they did stop at his house, they probably didn't belong to the club because they didn't realize that it was not open to the public.

CHAIRMAN HODOM: Any other questions? Mr. Myers you had some other questions that you wanted to raise?

MR. MYERS: It was just the aspect of him saying that it wasn't an increase in traffic and in fact there was. And I don't know who owns the station wagon, the old station wagon that runs back and forth constantly?

MR. CAROTA: Dr. Sipperly.

MR. MYERS: Okay well if that's Dr. Sipperly you need to tell him to slow down because he's using an excessive amount of speed on that road.

MR. CAROTA: Please refer to the map, I would really like to know how he's going so fast coming off of River Road.

CHAIRMAN HODOM: Well let's not get argumentative but it's a good neighborly position to have and at least discuss it.

MR. CAROTA: Clearly I understand that, but clearly if that was an issue with his wagon that you mentioned which has been owned by over a year. There's no reason why you could not have contacted us or called us.

MR. MYERS: But listen, can I just mention one thing?

CHAIRMAN HODOM: I don't want it to get personal.

MR. MYERS: It's not going to be argumentative.

CHAIRMAN HODOM: Okay.

MR. MYERS: All I'm saying to you is if you're going to drive up and down that private road, you should use a prudent speed which he's not doing.

MR. CAROTA: Clearly I agree with you.

MR. MYERS: Okay. I have as I said 2-young children; I also have a dog. I'm not interested in having a great amount of traffic and I'm also not interested in people doing an excessive speed on that little road.

MR. CAROTA: Clearly I respect that and I understand that.

MR. MYERS: That's good, thank you.

CHAIRMAN HODOM: Is there anyone else with any questions or comments? Now is your time to speak...

MRS. POIRIER: I have a comment.

CHAIRMAN HODOM: Sure, just introduce yourself.

MRS. POIRIER: Betty Poirier. I just have to say that they have been nothing if not professional and everything they've done to their property in all the years I've known them, which is from the very beginning when they moved in, has been a huge improvement to the area and to the property. So I have total trust that this is carefully done and professionally done.

CHAIRMAN HODOM: And you live where Ms. Poirier?

MRS. POIRIER: I live at 1412, which is right next door to their property in the far back.

CHAIRMAN HODOM: Okay, thank you. Ma'am you had made some comments earlier, you're all set? Now's your time.

MS. SNYDER: I have a comment.

CHAIRMAN HODOM: Sure Stacy, please.

MS. SNYDER: Just in reference to, I'm not even sure of his name.

CHAIRMAN HODOM: It's Bill Myer's.

MS. SNYDER: Sorry. Mr. Myer's concerns, basically we a 10-dog breeding license so we're going to carry on with what we do and that's with our dogs and right now the kennel runs are close to our garage, which is where we walk them through and which is directly across from his house. However if we have a building which is set much further back from his house or from his property the dogs are in a contained space with a privacy fence with runs that are back there. So to me if I were the neighbor I would think, oh okay well you know what the farther you can get the dogs away in a contained building of their own then go for it instead of continuing for years to run them out of your garage and the kennel runs. I mean we're already approved to do that so I would think that he would want us to put them in a kennel that was approved, you know with acoustical panels, with a set regimen of when the dogs go in and when the dogs go out.

CHAIRMAN HODOM: Just clarify if you would for me Stacy, you say you're approved or you're certified to have...

MS. SNYDER: But we have a 10-dog breeding license.

MR. CAROTA: New York State Agricultural license.

MS. SNYDER: With the agricultural and basically that's how we - - that's what we do for a living; that's how we make our living and...

CHAIRMAN HODOM: Is that in the agricultural district?

MR. PLATEL: I'd have to check into that.

CHAIRMAN HODOM: Because...

MR. PLATEL: That's the first I've heard of the agricultural license on that.

MS. SNYDER: It's - - New York State has a boarding license and a breeders license and the boarding license says that you can board other peoples dogs and your making a profit off of it and the breeders license gives you 10-rabies tags saying that you are keeping up on your dogs vaccinations and you have to renew it every year and you have to have proof that they are up to date on their shots. And it allow for up to 10-dogs and you can also get a license for 11 to 25 or something like, but we don't require more than 10.

CHAIRMAN HODOM: But my understand is the Town...

MR. PLATEL: That doesn't - - State licenses don't over-ride what zone you're in for Town Zoning.

MS. SNYDER: Right.

MR. PLATEL: So you can have license that says you can have up to 10-dogs from New York State but if you're zoned in an area that doesn't allow kennels then you can't have a kennel.

MS. SNYDER: Right, well...

MR. PLATEL: And the definition of a kennel is more than 2-dogs.

MS. SNYDER: Right. I've gone through all this with – before I got the license and I've been in several times; talked to several different people and I was told that this is what I need with that breeders license.

CHAIRMAN HODOM: You were told by whom, the State?

MS. SNYDER: No, by the Town.

MR. CAROTA: By the Town of Bethlehem.

CHAIRMAN HODOM: Do you remember whom you spoke with?

MS. SNYDER: I'm sorry I talked to several different people, all their names kind of ran together.

MR. PLATEL: That would probably be the Town Clerks office because they license dogs.

MS. SNYDER: I talked to the clerks; I talked to the person in the office next to them. I think it was like the person – the head, you know whoever...

CHAIRMAN HODOM: The supervisor's office?

MS. SNYDER: Yeah, thank you. And I also talked to different people in the building to see if you guys had any codes on it and...

CHAIRMAN HODOM: I know the Town does have a code requirement, anything over 2-dogs in a residence is considered a kennel.

MS. SNYDER: Right, that's why we got the licensing before we moved in.

CHAIRMAN HODOM: I'm not so sure that that license – well we have to check into that.

MR. PLATEL: Are you in an AG district, do you know?

MR. CAROTA: We're in the Rural Not Zoned District allows all agricultural uses but I don't know if that's one in the same.

MR. PLATEL: No kennels – this is considered separately, it's not considered that. It's actually listed as a kennel with something that needs a Special Exception.

MR. CAROTA: Correct, that's in Rural Not Zoned district but within the Rural Not Zoned district my understanding is that all agricultural uses are permitted as of right.

MR. PLATEL: Right but under definitions in the Town Zoning it's not an agricultural use. It's a different use.

MS. HEENAN: When I tried - - before I got the license I'd asked, I think it might have been you that I talked to about if it was the correct zoning if it was a zone that you could have a kennel in and I was told yes. It might have been you; I'm not sure.

MR. PLATEL: After you get a Special Exception and that's if you can get a Special Exception, correct.

CHAIRMAN HODOM: What's your last name?

MS. HEENAN: Heenan.

CHAIRMAN HODOM: Anything else Stacy?

MS. SNYDER: I don't think so. Basically I was trying to say that putting them in there in their own contained building is going to, you know keep them a lot quieter and happier and they're going to be farther away from people than if they are where they are now. So I would think that everybody would be for that and happier for that other than, you know keeping them the way that we have them now. And I have been very careful about - - they have not gone out until 7:30/ 8:00 in the morning when I noticed that they have gone to school or work or wherever they have gone, they usually get home around 3:30 and I don't leave dogs out in those runs and, you know they go out to go to the bathroom or I'm out in the yard with them; they run around.

MR. CAROTA: Although we did – Stacy was away last weekend and we had a lady help out who did do that.

MS. SNYDER: And now she's fired.

CHAIRMAN HODOM: Who did what?

MR. CAROTA: Let the dogs out at night.

MS. SNYDER: So now she's fired, but...

MR. CAROTA: She's no longer doing that.

MS. SNYDER: And then as soon as they get home and their kids are out playing or whatever because I know that sometimes if my dogs see them they're like, oh you know and might bark or whatever and they go right back in. I mean I have not had them out when they have been home unless I have been standing out in the yard or I have 2-dogs out that are the bark-less vesengies and they go out and they play but absolutely I have been so careful about that because I know that we are coming to this meeting and I don't want any of the neighbors to get a bad vibe off of me or think that I'm trying to take advantage of anything so it's upsetting that he thinks, you know that I have been but I have been more than careful with everything like that.

CHAIRMAN HODOM: Have you thought about specializing in the African dogs?

MS. SNYDER: That's what we breed so if I could make a living just with them I would.

CHAIRMAN HODOM: Lennie?

MR. MICELLI: Dominick is there any outside employees that come in or will be coming into the facility if the Board approves the building?

MR. CAROTA: The only – it would be random; it would be almost like a babysitter type of thing, I don't think it would be like an employee that's...

MS. SNYDER: It would be Cory to.

MR. MICELLI: But Cory doesn't – you live back on the premises?

MS. HEENAN: Yeah I live at 1408.

MR. CAROTA: She would just walk up and take care of them when they were not there. So not an employee in a sense of...

MS. HEENAN: Basically if there's a vehicle gone from there you might have extra vehicles to take care of the dogs, but that's because they're gone.

MR. MICELLI: I don't know where you would start with maybe being a private say if it does happen maybe neighbors can take into consideration to Mr. Myers, maybe a speed limit sign or slow children at play, you know maybe something to look into down the road.

MS. SNYDER: The thing that's upsetting is like the dog show, that was a month before we even moved in, like that has nothing to do with us and the speeding – I don't own a station wagon so it's not us you know.

MR. CAROTA: And if it is Dr. Sipperly I'll speak with him. Clearly we don't want anyone to get hurt.

MS. SNYDER: So the only reason why the traffic might have it increase is because no one has lived in the house for 3-months, well we've been doing renovations to it and now there's occupants, which is Michael and I and we have 3-vehicles, but other than that - -

MR. MICELLI: Was that your vehicle, the blue jeep that was at the premises?

MS. SNYDER: Yes.

MR. MICELLI: That's all the questions that I have, thank you.

CHAIRMAN HODOM: Anyone else have any comments, questions?

MR. WIGGAND: Is there always someone there? Does the property always have someone there taking care of those dogs or occasionally would the whole piece of property be vacant from anyone except the dogs?

MS. SNYDER: Well there's always somebody there because if we're not there Cory Heenan is there walking between the, you know the 2-houses or...

MR. CAROTA: Cory's there full time regardless. Michael and Stacy are the only ones that leave on the weekends.

CHAIRMAN HODOM: How often is Dr. Sipperly there?

MR. CAROTA: He lives at 1408 so he's there when he's not working, but again I can't stress enough I mean I put a lot of money into the property. I think everyone knows that and aside from the money I really value the property. I value the Hudson River views; I care about this property; I care about this Town and I've been involved with virtually every question that's gone for that area of Rural Not Zoned so I do, again understand what peoples concerns are. I do not want my property values to go down. I will ensure aesthetically that it is treated in such a manner that it's aesthetically pleasing.

I prefer that if you were to come to look at the various properties that are adjacent, several of my neighbors have done a wonderful job with their property and several have not. Several of the neighbors have not kept up the property. They have not painted their fence; they have not kept up their shrubbery or their lawns; they leave cars out. So there are neighbors out there that do that and I would prefer that they would clean up their properties; I would hope that they would, but understand this that I will do everything I cannot just from aesthetic value, but also in getting along with my neighbors.

I can virtually name all of my neighbors by first name. Those people that have residences by my, 3-houses down, 3-houses up, I mean I know all their addresses. When you're throwing addresses out I didn't know, but I know people by name and by face. So I feel we're an important part of the community. I'm thinking that they're going to take me out in a box out of 1408 River Road, so I'm not going anywhere and I'll take care of this property the way it should be taken care of and if there's any other questions I'll be

happy to answer them.

CHAIRMAN HODOM: Are there any other questions from the audience? Board members? Is there anyone wishing to speak in favor of the applicant that hasn't done so already? Is there anyone wishing to speak in opposition to the applicant that hasn't done so already. Hearing no further questions or comments, we'll declare the hearing closed and we'll notify you in a timely manner. Thank you all very much.

MR. CAROTA: Thank you.

Hearing closed 8:50 p.m.

- - -

The next order of business this evening is a continuation public hearing for Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings requested by Kathryn & William Jones for property at 92 Brockley Drive, Delmar, New York 12054. The Applicant wishes to construct an attached garage and breezeway, which will exceed the allowable percentage of lot occupancy at the premises 92 Brockley Drive, Delmar, New York 12054.

CHAIRMAN HODOM: Mr. Platel, please give us the reason for the hearing.

MR. PLATEL: Yes, Mr. Chairman. This is a reopening of a previously adjourned public hearing. The Applicant is proposing to construct a 636-square foot and breezeway addition to the existing 1,249.3 main structure that will create a total main structure of 1,885.3-square feet. This will exceed the 1,575-feet that is allowed for the main structure by 310.3-square feet. The Lot Occupancy will 17.96-percent, which is 2.96 over the 15-percent allowable. The Applicant has received approval from the Town Board to infringe on the easement by 3-feet as shown on the survey. The structure is currently occupied as a single family dwelling and is located in an "AA" Residence Zone.

CHAIRMAN HODOM: Thank you, Mark. Ms. Guastella, please read the official call of the hearing.

Notice of Public Hearing. Notice is hereby given that the Board of Appeals, Albany county, Town of Bethlehem will hold a public hearing on Wednesday September 15, 2004 at 7:30 p.m. at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of William and Kathryn Jones for Variance under Article XII, Percent of Lot Occupancy, Section 128-50, single Family Dwellings of the Code of the Town of Bethlehem for construction of an attached garage and breezeway addition, which will exceed the allowable percentage of lot occupancy at premise 92 Brockley Drive, Delmar, New York 12054. Michael C. Hodom, Chairman, Board of Appeals.

Attached to this Notice is notarized proof of its publication in the September 8, 2004 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. Bill and Kathryn, the Town did as Mark mentioned approve the encroachment into drainage easement by approximately 3-feet and you have submitted 2-drawings, one showing the 24 by 24 garage addition attached directly to the dwelling and one showing the 6-foot by 10-foot breezeway and the 24 by 24 garage. Which one are you proposing to request that we review and approve or disapprove?

MR. JONES: We'd like the breezeway and the 24 by 24 garage.

CHAIRMAN HODOM: Okay. Let me ask you a question, I think this was mentioned at the previous hearing by Marge O'Brien and maybe it didn't present itself correctly at the time, do you feel that in the future there may be a need for a ramp should Kathryn have to use a wheelchair which possibly would take up a good portion of that breezeway in the future? Is that a possibility that you're looking at and I know that it's somewhat speculative, but that may be an answer of accepting the breezeway as a potential future ramp area should one be required from the garage into the house?

MRS. JONES: Yes absolutely. I can do steps that are not too high. The steps I had in Georgia were brick and turned over on their side, they were like 3 1/2-inches high. I had no problem at all with that and I hope I won't for a long time, but you know at some point I might have to and that would be one way of possibly, you know turning it into a ramp of some sort, but as of right now I've never had any problems with low steps. It's just when I get up 6, 7, 8, 9 like that I do.

CHAIRMAN HODOM: You're proposed to commence construction very soon if the Board were to approve the application?

MR. JONES: Yes.

MRS. JONES: Yes we would.

CHAIRMAN HODOM: Any other questions from the Board members?

MR. MICELLI: I don't have any.

MR. WIGGAND: I think all my questions have been answered.

CHAIRMAN HODOM: Mark, I know you worked up some figures previously, that's what I was looking for, what the percentages would be if we just had the 24 by 24 or if we had the 24 by 24 including the 6 by 10.

MR. PLATEL: Yeah, I did them that night but - - do you have my worksheet Mike, I can just do it off of that quick.

CHAIRMAN HODOM: I'm looking at the minutes.

MR. PLATEL: I might have given them to you right after the meeting.

CHAIRMAN HODOM: 17.4 if the garage is 24 by 24?

MR. PLATEL: 17.38 without the breezeway.

CHAIRMAN HODOM: And with the breezeway it was what again?

MR. PLATEL: With the breezeway it's 17.96 as proposed.

CHAIRMAN HODOM: 17.96 versus 17.4, okay so it's about a half of percent. Any other presentation you'd like to make for us Mr. & Mrs. Jones? You did such an eloquent job the last time you were here I thought that maybe you'd like to do it again.

MR. JONES: Thank you.

CHAIRMAN HODOM: Hearing no further questions or comments we'll declare the hearing closed and we'll notify you in a timely manner. Thank you very much.

MRS. JONES: Thank you.

Hearing closed 9:00 p.m.

- - -

The next order of business was a discussion of the previous public hearing held in the matter of William & Kathryn Jones, 92 Brockley Drive, Delmar, New York for Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings. The following points were brought up by the Board members: The existing lot is very small. The Town Board approved encroachment on a drainage easement for the proposed garage. It will not affect the character of the neighborhood. On a motion made by Mr. Micelli, seconded by Mr. Wiggand, and unanimously carried by the Board, the Board directed Attorney Moore to prepare a proposed resolution granting the Variance, for presentation at the next Board meeting on October 20, 2004.

- - -

On a motion made by Mr. Wiggand, seconded by Mr. Micelli, and unanimously carried by the Board, the minutes of the September 15, 2004, meeting were approved.

The meeting was adjourned on a motion made by Mr. Wiggand, seconded by Mr. Micelli and unanimously carried by the Board.

Meeting Adjourned: 9:05 p.m.

Respectfully submitted,

Secretary