

**LIVONIA JOINT ZONING BOARD OF APPEALS
Meeting Minutes - June 4, 2012**

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PRESENT: Chair. P. Nilsson, M. Sharman, C. Rider, R. Ehmann, J. Case, B. Weber - Code Enforcement Officer, Kevin P. Masterson - Recording Secretary

Absent: J. Campbell - Town Attorney

AGENDA: - Stephen & Kristine West
- 17 Maryknoll Circle
- Area Variance
- Addition to residence

- John Smith
- 7251 Coy Road
- Conditional Use Permit
- Dog Breeding Kennel

Chair. P. Nilsson opened the meeting at 7:00 p.m. and asked the board members to review the May 7, 2012 meeting minutes before them. Hearing no comments, he asked for a motion to adopt.

M/2/C (M. Sharman/R. Ehmann) to approve the May 7, 2012 Livonia Joint Zoning Board of Appeals meeting minutes as presented.

Motion carried 5-0.

Recording Secretary read aloud the first Legal Notice:

RE: Application of **Stephen & Kristine West** for a public hearing for an Area Variance for a 14' x 12' addition which will violate the side setback requirement according to Section 150-31 G (2) of the Zoning Ordinance of the Town of Livonia. The property in question is located at 17 Maryknoll circle, Livonia, New York and is zoned Neighborhood Residential (NR).

Chair P. Nilsson polled the board members for site visit:

Chair. P. Nilsson	-	yes
Mike Sharman	-	yes
R. Ehmann	-	yes
C. Rider	-	yes
J. Case	-	yes

Chair. Nilsson asked Code Enforcement Officer, Bill Weber, if the only issue on this application is a north side setback.

Answer was yes.

Chair. then asked Stephen West to explain his request

Stephen stated his architectural drawings show an expanded garage facing west and an addition to the north side. A portion of the existing garage will be used for a new master bath with the addition portion used as a new master bedroom.

Their plans are to stay in this house now that they are retired and have it totally accessible on one ground floor.

The current house is a tri-level not conducive to an elderly couple's life style.

C. Rider asked Stephen if the addition conflicts with the sewer easement shown on the survey map. Stephen & Bill Weber agreed the addition will not encroach into the sewer easement.

Chair. Nilsson asked the board if they had any further questions or comments, hearing none, opened the meeting for public comment, hearing no questions or comments from the gallery, he closed that portion of the meeting.

Chair. P. Nilsson then asked the Board to review the **Area Variance** legal criteria:

- (1) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance?
- no
- (2) Can the benefit sought by the applicant be achieved by some feasible method other than a variance?
- no
- (3) Is the request substantial?
- relatively
- (4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood district?
- no
- (5) Is the alleged difficulty self created?
- yes

Chair. asked for a motion on the Area Variance request.

M/2/C (M. Sharman/C. Rider) to approve the Area Variance request as presented.
Motion carried 5-0.

Recording Secretary read aloud the second Legal Notice:

RE: Application of **John R. Smith** for a public hearing for a Conditional Use Permit for the operation of a dog breeding kennel according to Section 150-33 D (6) and subject to the requirements of Article VII, Section 150-51 of the Zoning Ordinance of the Town of Livonia. The property in question is located at 7251 Coy Road, Livonia, New York and is zoned Agricultural Residential Conservation (ARC-5).

Chair P. Nilsson polled the board members for site visit:

Chair. P. Nilsson	-	yes
Mike Sharman	-	yes
R. Ehmann	-	yes
C. Rider	-	yes
J. Case	-	yes

John, accompanied by his wife, Katrina, explained his application to the board.

He distributed his dealer licensing & dog permits from NYS Ag & Markets along with a pet dealer inspection report.

The report showed eleven (11) dogs and nineteen (19) puppies on the premises.

He is asking the board for permission to start and continue a dog kennel breeding business. The dog breed is Labrador Retriever & Silver Labs. The farm is 40 acres and located at 7251 Coy Road. All dogs are their animals, they do not board dogs. This is a breeding business.

John and Katrina had previously received a kennel CUP from the board for a piece of property located at the corner of East Lake & Cleary roads. They did not close on the purchase and therefore found the Coy Road property available. This is a much better location for this business.

John stated they are not a puppy mill. They will have two (2) litters maximum at any one time. They are the only licensed dog breeder in the County.

Some of their dogs are purchased by the nationally known Stepelton Security Group, currently they have purchased 4-6 dogs.

Many other clients come from all over the country to purchase their dogs. Their customers stay in Town and add to the local economy.

They are life-long residents in the Livonia area and have roots here in Livonia. They are asking for a CUP and offered to answer any questions the board may have.

Chair. P. Nilsson stated he was impressed with the location & thinks it's one of the most fitting for this type of operation.

M. Sharman asked, "You currently have eleven (11) licensed dogs?" "Therefore you currently do have a kennel operation, right?"

John stated, "yes."

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M. Sharman asked, "Do you have other security firms as clients?"

John stated yes, the dogs are trained for bombs and drugs.

M. Sharman asked John if they actually train the dogs there.

John said, "No, they are trained at the facility that purchases them.

Some dogs are released at eight (8) weeks old, others are released at one (1) year old. The only training he may do is fetching a tennis ball as a reward.

M. Sharman questioned whether they have abated any noise issues.

John said he uses shock collars if needed rarely. The actual kennel building is fully enclosed & sound proofed. They use a community dog run for socialization, no individual runs. If there is any barking it's during play times. Because of the physical location of the forty (40) acres, no neighbors are really impacted.

R. Ehmann agreed this location is so much better than the East Lake Road property.

Katrina stated they spent many hours trying to find this great choice of property. She stated some of their dogs are hunting breed, show breed, and yes the security dogs.

R. Ehmann asked what happens to the retired dogs.

Katrina stated they are adopted to families or stay on the farm.

R. Ehmann asked what their maximum number of dogs is, not including puppies.

Answer was twelve (12), always within their licensed limit.

Chair. Nilsson asked for public comment, hearing none, he closed that portion of the meeting.

The Board discussed the legal criteria for a **Conditional Use Permit Application**:

(1) Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety, comfort, morals or general welfare?

- no

(2) Will the conditional use be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the zoning district of concern? Will the conditional use diminish or impair property values in the immediate vicinity?

- no

(3) Will the establishment of the conditional use impede normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern?

- no

(4) Will adequate measures be taken to provide ingress and egress in manner which minimized pedestrian and vehicular traffic congestion in the public ways?

- no

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(5) Do adequate utilities, access roads, drainage and other facilities necessary to the operation of the conditional use exist, or are they to be provided?

-yes

(6) Does the conditional use permit in all other respects conform to the applicable regulations of this chapter and other town/village laws, ordinances and regulations.

- yes

Chair. Nilsson asked for a motion.

M/2/C (C. Rider/P. Nilsson) to approve the Conditional Use Permit for a dog breeding kennel with the conditions that at no time will they exceed two litters and at no time will they be in violation of their license approvals.

Motion carried 5-0.

Chair. asked to have the meeting adjourned at 7:30 p.m.

M/2/C (C. Rider/P. Nilsson) to adjourn the meeting.

Motion carried 5-0.

Respectfully submitted,

Kevin P. Masterson
Recording Secretary

KPM/ts