

August 11, 2010

**PINE PLAINS PLANNING BOARD MINUTES  
AUGUST 11, 2010**

**PRESENT:** Rick Butler, Chairman  
Don Bartles, Jr.  
Brian Coons  
Sarah Jones  
Ken Mecciarello  
Kate Osofsky

**ABSENT:** Vikki Soracco  
John Forelle, Alternate

**ALSO IN ATTENDANCE:**

Drew Weaver  
Sandra David  
Three members of the public

**LITTLE RIVER FARM LLC:** Chairman Butler called the meeting to order at 7:30 pm. Lyndon Chase and John Boyles represented the applicant. This was a continuation of the public hearing for the applicant's special use permit application for expansion of kennels. Butler stated he would like the applicant's representative to provide the Board with some further information that was requested at the last meeting. Butler stated they would review it and then ask for any further comments from the public. Chase gave the Board information on the ultrasonic kennel silencer they are proposing for installation. He stated it puts out a high-frequency sound when the dogs start barking. He stated they want to install Mason doors that go up and down and will shut the dogs inside at night. He stated the new kennel spaces would be insulated. He gave the Board information on the proposed doors. He stated the barking would never be stopped 100%. Chase stated that Boyles is now in the cabin and within 200 feet of the kennel where he was not before. Chase stated that he feels that the barking that was previously heard on Sheldon Drive was coming from across the street and that kennel is not part of the application. Chase stated that Weaver would have to make sure all of these things were in place before a CO was issued. Butler stated that last month there was concern about noise and environmental issues with dog waste. Bartles stated that the dog waste would be governed by the Board of Health through an approved system. Butler asked for public comment. Jane Waters asked if there was supposed to be an original approval for the kennel that didn't happen. Butler stated he couldn't speak directly to that but it could be that there should have been an approval at one time but it may not have been subject depending on its use. Butler stated that the Board, during the Special Use Permit process, is essentially approving a site plan.

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Butler stated no written public comment was received. Butler stated being curious and surprised about the amount of verbal comment on noise last month, he contacted the Animal Control Officer and the Police Department to see if there were any official complaints. Butler read into the record a letter from the Pine Plains Police Department stating that between January 2009 to present they have not had any complaints or incidents. He also read a letter from Jim Rielly stating that since September 1987 he has never had any incidents or complaints. Butler stated that there are no official complaints on record about dogs barking at this location. Jones asked Boyles if he ever worked with the high-frequency device before. Boyles stated he has worked with small ones. Jones asked if it traumatized the dogs. Boyles stated no. Butler asked if the doors were guillotine style. Chase stated yes. Motion by Bartles to close the public hearing; second by Jones. All in favor. Motion carried. Public hearing closed at 7:40 pm. The Board discussed the conditions to be placed on the kennel. Butler stated one condition would be the use of a kennel silencer, second would be the use of the Mason Company's guillotine-style doors, and third would be the required insulation of exterior walls. Butler stated that last month they talked a bit about the possibility of setting timeframes when the dogs would be penned indoors. Butler asked Boyles if he had given any thought to what those hours might be. Butler would be very interested in setting hours but also would be interested in what Boyles thinks the hours should be as a beginning point. Boyles stated from 9pm to 7am. Coons stated he felt it should be later at night. Coons stated they will be keeping the dogs in at night and in the summertime it is still light out at 9pm. Butler stated that is why he asked Boyles to set the time. Osofsky stated Boyles shouldn't limit himself. Butler stated that is why he is being very careful to seek input from the kennel operator. Butler stated Boyles brought the subject up last month. Butler stated if the Board can set a standard that is helpful to the community and also something that the kennel operator can live with he sees no reason why it shouldn't be done. Coons stated in the morning in the summertime people are up early like delivery trucks and tractors. Chase asked if they could go sunset to sunrise or a half hour before or after. Jones stated that wouldn't work in the winter. Butler asked the Board if they are comfortable setting a standard. Discussion followed. The Board's consensus was that they did not want to set hours of operation. Bartles asked if there was any recourse about noise. He stated that Soracco brought that up at last month's meeting. Discussion followed. Butler suggested that condition number four should be limiting the kennel to no more than twenty individual kennels housing no more than twenty dogs. Bartles stated he would like to complete the SEQR but would like more information on the Ag and Markets and/or Town law about dog barking. Butler stated that if

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the Board does not find anything on the books about dog barking the Board will be revisiting the hours of operation for discussion purposes. The Board completed the Short Form EAF. Bartles made a motion to allow the Chair to prepare a Negative Declaration; second by Coons. All in favor. Motion carried. Bartles made a motion that the SEQR process is complete; second by Jones. All in favor. Motion carried. Butler stated there is no reason to go further at this point until the Board finds out about the barking law. Butler reminded Chase that \$138.50 was still owed for the mailing fee.

**OTHER BUSINESS:** Bartles updated the Board on Pine Plains Tractor. The plans that were received by the Board were engineering plans that Weaver was waiting for. They were given to Weaver for processing. The sign did not need anything else by the Board. Weaver stated that the Board had issued a conditional approval and he is responsible for making the applicant comply.

Butler stated a letter was sent to TomLew in response to their request for their escrow monies to be returned. Butler stated they are being required to send a formal letter of withdrawal before any further monies can be refunded. After these requirements are satisfied it will go to the Town Board for their consideration. Butler stated he had received an email from Jane Waters asking about the condition of Pilch Drive and whether the Town had any leverage there prior to sending the check back. Butler decided that this was not a Planning Board matter so he forwarded that to Weaver and Pulver for their consideration.

Butler stated that the Board is in receipt of a letter from Central Hudson. Central Hudson is requesting that the Planning Board refer applicants who are seeking approval for either subdivision, site plan, building permits or other developments on properties which may be subject to utility easement to Central Hudson's Special Services Division to identify the easements, provide information and answer any questions. The letter stated there are often restrictions that preclude property owners from certain activities within the easement confines.

Jones made a motion to accept the minutes of July 14, 2010; second by Osofsky. All in favor. Motion carried.

Butler reminded the Board of the training opportunities sent to the Board by Proper.

Motion by Bartles to adjourn; second by Coons. All in favor. Motion carried.

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Respectfully submitted by:

Nancy E. Proper  
Secretary

Rick Butler  
Chairman