

July 14, 2010

**PINE PLAINS PLANNING BOARD MINUTES
JULY 14, 2010**

IN ATTENDANCE: Rick Butler, Chair
Don Bartles, Jr.
Sarah Jones
Kate Osofsky
Vikki Soracco

ABSENT: Ken Mecciarello
Brian Coons
John Forelle, Alternate

ALSO PRESENT: Drew Weaver
Sandra David
Thirteen members of the public

LITTLE RIVER FARM LLC: Wesley Chase, Lyndon Chase and John Boyles represented the applicant. Chairman Butler opened the public hearing at 7:30pm by reading the legal notice. Wesley Chase gave a short presentation of the project to the public. He explained that John Boyles trains dogs and uses the barns on the property and would like a special use permit for the kennel to expand. Chase stated there would be a maximum of twenty dogs. Boyles stated the number of dogs there now varies between eight and twelve. Butler opened the floor to the public. George McGhee stated he gets a lot of noise from the dogs. He stated his main concern is the barn they are being housed in is only ten feet from the Troutbrook stream. He wanted to know how dog waste would be handled. Chase stated they are required to appropriately dispose of it according to the Dutchess County Health Dept. regulations and stated if the permit gets approved they would have to design a septic system comparable to one used for a house. McGhee asked if the access to the property is for the public and if there is public parking. Butler stated there is a parking plan shown on the site plan. Mr. McElroy stated he owns a house on Route 82 and stated the dogs bark constantly and it is going on presently. Al Schmidt stated he could hear the dogs almost constantly, night and day. Mary Plover Smith stated she used to live on Farview Avenue across from the vet hospital and knows that it can become an adversarial relationship to have a neighbor who has a facility like that with barking dogs. She stated the dogs could be out 24/7. She stated she is extremely concerned about this business expanding and the value of her property. She stated her house on Farview has been up for sale for two years. She stated she is in her dream house and is concerned about the value of her property and her quality of life. Pam George made a comment (unintelligible on tape). Diana Forte asked

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if a hunting club would be made on the property. Butler stated that a hunting club is not part of this application. Boyles responded (unintelligible on tape). Boyles stated that these plans include putting doors on the kennels so the dogs can be shut in at night. Jane Waters asked if there would be any soundproofing on the building. Boyles stated there would be insulation. Osofsky asked if anyone had tried to address this issue before. McGhee stated that if one dog starts barking it travels and starts a chain reaction of barking. He stated he would like certain things put in place so no one is bothered by additional barking and to make sure everything is environmentally safe. Osofsky asked if the barking is mainly at night. Roland Schmidt stated it is all the time. Butler stated that there is now an opportunity to put some stipulations in the approval to abate the sound. Butler stated that a site inspection was held. He stated there is an existing partially constructed kennel. He stated that the finishing of that kennel given the features that Boyles has outlined would probably decrease the noise levels at least in the evening and overnight hours. Butler stated he has not heard any of these complaints in the community until this public hearing. He stated he is not saying it isn't a real problem but it hasn't been one that has gotten legs until tonight. Butler stated he thinks the Board has an opportunity to address some of the concerns by moving forward cautiously in the approval process. McGhee asked if it would be possible to have a site inspection by the local residents. Butler stated that wouldn't be possible. McGhee asked if it was zoned commercial or residential. Butler stated the kennel is an approved use in that zoning district. Butler stated minimum lot size for a kennel under zoning is 2 acres plus 500 square feet per animal. He stated this parcel is approximately 192 acres. Roland Schmidt asked what recourse they have if they experience a build up in barking if the permit is issued. Butler stated there is no noise ordinance in Pine Plains. Soracco stated there is a law that a dog cannot bark continuously for more than fifteen minutes. Bartles asked what prompts the barking. Dorothy Osofsky stated that a deer or something starts one and they all chime in. Boyles stated that a coyote can start and it starts the barking. He stated the plan is to put gates on the inside runs so they stay in at night. Bartles asked about any further buffering they can do. Boyles stated they make high frequency devices that only dogs can hear so it quiets the dogs down when they hear the sound. Boyles stated he would look into it. He stated if he had known it was such a problem he would have looked into it. Bartles stated it would be nice to see if there was some way to mitigate the noise. Bartles asked how long Boyles has the dog to train. Boyles stated three months. Bartles asked how often the owner is back and forth to see the dog. Boyles stated some come back once a week, some only come at the end of three months and some come three or four times

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during that period. Bartles asked if he usually had people driving in and out all day long. Boyles stated no. Butler stated he would like to keep the public hearing open for a little bit and go through the SEQOR process. Butler stated all special use permit applications have to go to County Planning for their review and comment and the Board received a letter back that this is a matter of local concern. Butler proceeded to go step by step through the Short Form EAF. Motion by Bartles to declare Pine Plains Planning Board lead agency; second by Jones. All in favor. Motion carried. Motion by Jones to declare this an unlisted action; second by Bartles. All in favor. Motion carried. Bartles stated that he thinks there is some way to mitigate the noise issue. Bartles asked if it was appropriate to look into the mitigation before making the determination of significance. Butler stated it would be a good idea. Bartles stated he would be in favor of stopping and asking the applicant to come back in August with the possible ways of mitigating it. Bartles stated he doesn't think final approval could be given because of the Health Dept. requirement. Bartles stated he didn't think the applicant could advance to the Health Dept. without the SEQOR completion. Chase stated they would submit the plan to the Health Dept. after finding out what the Board and the public had to say. Butler stated he would find it very difficult not to give approval but the noise clearly has to be mitigated. Butler stated he is looking for ways to substantiate, review and verify the things that Boyles has offered tonight which would include some more building specs and some information on high frequency devices. Jones stated she would like to know more about the doors because it may solve the night problem and that is a large one. Butler stated that BOH approval is part of this process also. Butler stated the public hearing would remain open and the Board would also accept written comments through the next meeting on August 11. Chase submitted checks for the application fee and the public notice fee. The mailing fees are still outstanding.

OTHER BUSINESS: Butler stated the Town received a letter from Village Green asking for the remainder of their escrow money to be refunded. Butler stated he would send a letter requiring the applicant to withdraw the application prior to a check being sent.

Butler stated that Proper had requested to change the submission deadline for the agenda. Butler stated the agenda has been closed the Friday before the meeting at 4PM. Butler stated it seems to be a short period of time for preparation for the meeting. Butler stated he was not in favor of a two-week deadline. Butler stated he spoke with Proper and Weaver and would like to close the agenda at the end of Proper's business hours the Wednesday before the

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meeting. Butler suggested that Weaver set a timeframe for his review of materials submitted so he had sufficient time to review items for the meeting. Bartles stated submissions have to be in ten calendar days before the meeting. Butler stated that wouldn't change. It was agreed to try the new deadline. Weaver stated the public needs to know they have to come to him first.

Butler advised that a packet of fairly detailed information was received from Priority Sign Company with regard to Pine Plains Tractor. Butler stated he is employed there and will not be participating in anything and will recuse himself completely from the issue both for voting and discussion. Butler has asked Bartles to handle the administration of communications with Replansky and Proper in taking care of this issue. Bartles stated the Board gave them approval for the building signs and conditioned approval for a pylon sign. Bartles will look at the file and talk to Replansky if necessary. Bartles stated he would have to see if they complied with the conditions or whether they have to start over again.

Motion by Osofsky to approve minutes of June 9 with the following change: John Forelle was not present at that meeting; second by Bartles. All in favor. Motion carried.

Motion by Jones to adjourn; second by Osofsky. All in favor. Motion carried.

Respectfully submitted by:

Nancy E. Proper
Secretary

Rick Butler
Chairman