

**PLANNING BOARD
REGULAR ZOOM MEETING
MONDAY JANUARY 11, 2021
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the November 9, 2020 Regular Planning Board Minutes.

PRESENT: Cynthia Paddick - Chair
Messer: Donnelly, Blythe, Worden, and Szenher

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
John Freer – Building/Code Inspector
Nicholas Cortese, Planning/Zoning Atty.
Michael Boland – Alternate

ABSENT: None

Ms. Paddick – I need to read the virtual meeting information for the record and take a roll call of the board members to see who is in attendance for the virtual Planning Board meeting. We have to make sure that the transcription reflects there is a quorum.

With that being said the meeting convened at 7:00 p.m. at which time Ms. Paddick called the meeting to order and read the opening of a virtual meeting, roll call of who is in attendance.

- James Boland aye
 - Jamie Szenher aye
 - Kevin Worden- aye
 - Alan Blythe aye
 - Brian Donnelly absent
 - Ms. Paddick aye
- Roll Call: Ayes - 5 Nays- 0 Absent – 1 (Mr. Donnelly)

So, it appears we do have a quorum present to proceed.

This meeting is being held via Zoom virtual meeting software, as permitted by the Governor’s Executive Orders 202.1, 202.10 and 202.15, which were most recently extended by Executive Order 202.87. I’m not sure if this was extended. Nick is this correct?

Mr. Cortese- Yes 202.87 gives us until the end of the month, then there will be another one after that.

Ms. Paddick - Tonight’s meeting is being recorded, and will be transcribed at a later date. Diane if you can put this in the record:

Now we can proceed with the agenda, approval of the Planning Board minutes from November 9, 2020.

A motion was made by Mr. Blythe, seconded by Mr. Szenher to approve the minutes from the November 9, 2020 regular meeting.

Roll Call: Ayes - 5 Nays- 0 Absent – 1 (Mr. Donnelly)

NEW BUSINESS

- **2020-PB11 – Linda Hamilton-** 53 Matthew Dr. – TM#078.20-3-43- Application for a special permit for animal harboring in a residential zone & Short EAF.

Mr. Urda stated the following: The referenced application is a special permit request to harbor more than three dogs in a Residential Zone.

Discussion:

The Special Permit application package included:

	Dated:	Rcvd.:
• Planning Board Application with Permissions	12/08/20	12/08/20
• Email Letter from Applicant	12/08/20	12/08/20
• Letter from Applicant – with Photos of Dogs ---	12/09/20	
• Neighbor Supporting Letters (Joanne Thomas, Janet & Tony Bubniak, Karyn Church, Kathy Philips)	12/08/20	12/08/20
• News Article – The Incredible Journey 2018	12/08/20	
• Short EAF	12/07/20	12/08/20

We offer the following comments: We have no engineering objections to the special permit.

Mr. Szenher – I’m going to recuse myself right now and have the applicant jump in now.

Ms. Paddick – Ok – John Freer from the Ordinance Office.

Mr. Freer- The ordinance office recommends if granted the number of dogs be limited to four (4) dogs and return to the Planning after 1 year for a renewal.

Ms. Paddick - Does anyone have questions of the applicant?

Mr. Donnelly, Planning Board Member Zoomed into the meeting a few minutes late.

Mr. Cortese- Ms. Paddick this is a public hearing, so prior to doing that we should read the public hearing notice if someone has it and read into the public record. Then open the public hearing

Ms. Paddick – Ok, I have it, read the entire thing into it?

Mr. Cortese- Yes.

Ms. Paddick – Read the public hearing notice:

**TOWN OF CHENANGO PLANNING BOARD
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that a public hearing will be held by the Planning Board of the Town of Chenango on January 11, 2020 at 7:00 p.m. at Chenango Town Hall, 1529 NY Rte. 12, Binghamton, NY upon the application of Linda Hamilton regarding property located at 53 Matthew Drive in the Town of Chenango, Tax Map No. 078.20-3-43, and located in a Residential Zone. The application is for a Special Use Permit to harbor more than three dogs in a residential zone. The environmental significance of the requested permit, if any, will be reviewed by said Board at said hearing.

TAKE FURTHER NOTICE that due to ongoing public health and safety concerns related to COVID-19, the Zoning Board of Appeals **will not be meeting in-person**. Rather, in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Order 202.87, said public hearing will be held at 7:00 p.m. via ZOOM virtual meeting software. The hearing will be recorded and transcribed at a later date.

I'm guessing that should say Planning Board not Zoning Board of Appeals.

Mr. Cortese- That is correct, but it doesn't matter.

Ms. Paddick – Ok I'll make that correction.

INSTRUCTIONS FOR ACCESS TO THE VIRTUAL PUBLIC HEARING:

Mr. Cortese – You don't need to worry about that Ms. Paddick. You got to the relevant part so as the chair you can go ahead and open up the public hearing.

Ms. Paddick – Ok, so I open the public hearing anyone wishing to speak, Mr. Cortese, you can unmute them. Because I can't tell from my end.

Mr. Cortese- The easiest way to do this because I know a couple have dialed in. If you have a comment you would like to make , you can raise hand button. You access that by clicking on the hand, or go onto chat or participants I'm not sure which one it is , but it is on the bottom bar. Or you can give a reaction on your personal screen and I will recognize you as I see you. First, I have Karyn Church, so unmute yourself and go ahead.

This is Steven Church- Karyn's husband. I have a couple of questions. We got the post card on the 7th, did everyone in the town get this notification?

Mr. Cortese – No, Diane what is your practice with that?

Ms. Aurelio- Parcels within 500 feet of the applicant's property boundaries received the post cards.

Mr. Church – That was unclear to me, so I didn't really know how to react. Second question I lived next door to Linda close to 25 years. Honestly, she has documented what type of pet owner she is. She takes care of her animals and is very conscious of her neighbors. I'm sure at points of time she had 4 dogs in her house. I never remember this process being brought up. So, is this a new process within the town?

Ms. Paddick – Is it ok for me to respond it's not a new process, it just came to light recently and the applicant has put in for the special permit to formalize being able to have more than 3 dogs.

Mr. Church – So she has had this and owned pets for years and now it's come to light. Is there a reason why? Has there been an issue with her dogs?

Ms. Paddick – Not that I know of, Diane or John do want to address that since I don't know the background on it. The town does have a restriction on 3 or more dogs have to go through this process.

Mr. Church- That's fine I can understand that. Why now it doesn't make any sense to me. If there been no issues. I guess maybe you were doing an audit of dog owners and realized she has more than 3 dogs because she licensed them all. I'm sure there are other people that probably own 3 or more dogs. Do they have to go through this process?

Mr. Cortese – Yes.

Mr. Church – It's documented what they need to do?

Mr. Cortese – Yes.

Mr. Church – Are they referred to the fact that Linda can fill this out and has to renew this in a year”

Mr. Cortese- Only if the Planning Board places that condition on the permit.

Mr. Church – All the other people in the town have that permit?

Mr. Cortese – Whatever conditions placed on that permit they would have to abide by.

Mr. Church – How can we find out what that is? Seems to me being a resident of the town you should address all the residents equally. I don't understand why that burden is placed on Linda verses other pet owners in the town have the same requirement.

Ms. Paddick – Diane or John or maybe Nick know what brought this forward, or was it something that got caught up while licensing her dogs.

Ms. Aurelio – It was brought to light that she has 4 dogs and we were looking for a special permit for her. We were unable to locate anything. We went back to 1996 looking for a special permit for her. She thought she was approved for one, but nothing transpired. So that was the end of it.

Ms. Paddick – Sounds like it slipped through the cracks somehow. She thought she'd had done it.

Ms. Aurelio- That's why she never came forward, she assumed it was in place.

Mr. Church – Is that a public document for my wife and I to see. Because my wife and I like to go for walks around the town and we see dogs out of control and it looks like they have more than 4 dogs . If we ask the town if they have a permit you can provide that to us.

Mr. Cortese- Yes submit a foil request

Mr. Church – You would be able to provide a list of all the people in the town that has this permit.

Mr. Cortese- if a list exists already.

Ms. Hamilton – Does a list exist can you tell us.

Ms. Aurelio – I have created a list.

Ms. Church – All those people have this permit that Linda is applying for? How do we go about foiling that?

Ms. Paddick – You can get the foil request paper at the clerk's office.

Ms. Aurelio – Foiling for all special permits issued for people having more than 3 dogs. There is only a certain timeframe on this list. Before I was here, I have no idea what was done or what happened.

Mr. Church – Is there expiration date on them?

Mr. Cortese- These permits don't have expiration dates.

Mr. Church – So what your saying the Zoning Board can make a special requirement for Linda and make her renew in a year, when your uncertain whether the other permits have been renewed or not.

Mr. Cortese- Partially yes.

Mr. Church – And that is legal to do so, make an exception on 1 person.

Mr. Cortese – Every application has it own set of circumstances.

Ms. Paddick – Any other questions?

Ms. Hamilton – So I'm not sure I wasn't on before, was the letter I submitted included in the application actually read out loud for people on the Zoom meeting?

Ms. Paddick – We did not read the letter out loud. The Planning Board has the letter.

Ms. Hamilton – I understand that. I would just like to take a moment to read the beginning part of it to answer some questions that might be on this meeting.

Dear Planning Board Members

I am requesting a special permit to harbor more than three dogs be granted to me. I have recently been made aware that the Ordinance Dept. was unable to locate a permit for me that was to the best of my knowledge granted to me approximately in 1996. I believe that was the year I moved to 53 Matthews Drive. I had several dogs at that time and had licensed them as required. I was told by then Town Clerk, Rhonda Milks that post cards would be mailed to residents within 500' distance from my house to see if that had any issues with a permit being granted. At some point in time (I do not recall exactly when) I was verbally told that the special permit had been granted.

At no time was it ever mentioned that a person applying for such a permit was required to go before the Planning Board or pay a permit fee. I was just told about both of these requirements this week. (Currently December 8th).

Of course, I want to correct whatever has caused such an oversight as soon as possible .I currently have four dogs residing at mu residence at 53 Matthew Drive. All of my dogs have been licensed as soon as

they became part of my family. Each dog has always been current on all required vaccinations and gets veterinary care and check-ups. They eat quality dog food and are given flea, tick and heartworm protection as recommended. All of the dogs have been spayed or neutered and are micro-chipped.

The rest of the letter is about each dog.

Linda – Diane when did you start?

Ms. Aurelio – in 2000.

Ms. Hamilton – When I was in talking to you on December 8th I asked you for a list and you said there was no list. I would like to read this: after I was advised that the town was unable to locate any special permit to harbor more than 3 dogs, that was granted in 1996. I spoke with Diane Aurelio regarding some changes for the permit process that way be beneficial to the Ordinance Office and those seeking a special permit. One of the suggestions I had was since I was the Dog Control Officers for the past 8 years and unaware of the complete process to harbor more than 3 dogs. Then perhaps there should be a written copy of the process for those seeking out a special permit. I believe this would be very helpful to the Ordinance Dept. It would also be helpful to have the process on line on the dog control section for people to view. I was completely unaware I was told post cards would be mailed out within 500 ‘ of my house. I was never told there would be anything additional needed. I had no knowledge of the fee of \$90.00 or that it goes before the Planning Board. That being said I have never advised anyone I spoke with about attaining a special permit there would be anything more than the post cards being sent out. As the Dog Control Officer, I was never told what the requirements were. As Dog Control Officer I had never been given a list of the residents that have attained a special permit. I think that would be helpful for the next Dog Control Officer to be given such a list. I also think that the town clerk’s computer list of licensed dogs in the town over 3 dogs licensed to residents then it should alert them to see if a special permit was granted or in the process of being given. Perhaps the clerk’s computer system can be changed so it can show a special permit by the dog’s owner. I shared with Diane Aurelio applications of special permits to harbor more than 3 dogs from 2 different cities. One being Winnipeg that had questions that would be very appropriate for the town to use on their application to harbor more than 3 dogs. Questions pertaining to animal ownership, vet care, and how the animals would be kept. Owners intentions to having more than 3 dogs. As it stands now the Town of Chenango application to harbor more than 3 dogs is the same application used for those seeking zoning variances for a shed in their yard. That application does not say the word dog on it at all. It talks about water and soil quality about transportation. Highly inappropriate for a special permit for dogs. Now that we have learned about the mistakes made in 1996. I was told my permit had been granted it maybe a good time to implement the much-needed changes in hopes that other residents don’t have a problem in the future. Having these steps written down and given out by the Ordinance Dept. and the Dog Control Officer to help ensure all steps are followed for each application. So, I don’t know if anyone has any questions that I maybe able to clarify as to why I supposedly didn’t have a special permit. I will add since 1996 I had multiple dogs. Generally, up to 6 dogs that’s the lowest number I ever had. Until May I had 3 dogs and then I adopted a little Chihuahua for the little girl we got custody of. So, obviously I had 6 dogs the town clerk opens the computer system should see Linda Hamilton, Linda Hamilton, Linda Hamilton etc. And the dogs I have

any point in time I didn't have a special permit I would imagine they would do the right thing and say did you ever get that a special permit?

Mr. Cortese – Linda respectfully this is not a referendum on whether or not you should have gotten it before or whatever the case maybe. Nobody in this room to the best of my knowledge faults you for this situation that you find yourself in. This is simply an application that you have made to attain a special permit which, you are required to have. That's the beginning, middle and the end of it. This is not a witch hunt not a referendum on you or anything you have done for the town. It's just a special permit application, that's all it is.

Ms. Hamilton – Ok, well I beg to differ. I think we both understand that was going on. Obviously, I was called, I was at the town hall that day and filled out what I needed to fill out. So, it came as quite the shock to me. I just want to make sure it is clear that I most definitely for years I thought I was given a special permit because that is what I was told verbally. Of course, I abide by the laws and obviously want to clear this up.

Ms. Paddick – Thank you and I appreciate the input you given. So, it sounds like there are some things we can do to avoid this from happening in the future. So, I diffidently appreciate your explanation too so everyone on the call understands that may not know the circumstances. Like I said this was all in our packets, but for the people shedding some light on that. It does sound like we can make some improvements to the system, so thank you. Anyone else on this call like to make a comment while the public hearing is still open?

Mr. Cortese – Folks if you want to raise your hand or the chat or participants window of Zoom or give me a reaction thing.

Mr. Church – I want to say I fully support her getting this permit in fact don't think that this be a renewal on a yearly basis, because I don't believe that this is what the town wants. I don't believe that the process the town has and don't think anyone else in the town has to follow that. I support Linda to have that permit. She is probably one of the best pet owners we know.

Ms. Paddick – Thank you Mr. Church. Is there anyone else on the call that wants to be included on the public hearing?

Mr. Cortese- I don't see anyone Ms. Paddick. What I can do is quickly is give the 3 callers that cannot use the Zoom interface I will just go through each one of them to see if they have anything to say.

First caller 343-5342- Unmute yourself is fine – I guess not.

Second caller 242-2915 You like to unmute yourself and make a comment you can -ok

Caller 242-2905 Hello I just have a couple of questions more informational. So, the hearing 4 dogs, what is the limit? Is there maximum number of dogs that a residence can have?

Ms. Paddick – Special permit allows you to ask for more than 3 dogs. Maximum allowed without a special permit is 3 anything over that requires a special permit. That is what we are deciding on now.

242-2915- My question is there a maximum number ? There is a minimum right before a special permit what is the maximum amount?

Ms. Paddick – That is determined with the special permit, so some could come in and ask for 5 dogs.

242-2915 Caller What about 10 or 20 dogs can they have that?

Ms. Paddick They could ask for that, this would be part of the special permit. To my knowledge there isn't a maximum allowed. Can someone answer that?

Mr. Cortese- There is criteria the Planning Board is allowed to use. Basically, come to the conclusion the special permit would not endanger the community. Depending on the circumstances there can be a decent argument can be made for 10 or 20 dogs could be made to have a big negative impact on neighbors. That would weigh into the calculus of each individual permit application.

242-2915 Caller- Just curious when you are developing the standard operation procedures you should put this on line. It's information that would be beneficial as well. Any other special permit requirements other the approval of the 4 dogs, it's that needs to be addressed as well or just get the permit for the 4 dogs and that is sufficient.

Mr. Cortese- That's it.

242-2915 Caller That's all I have, thank you.

Mr. Cortese –Caller 648-6531 if you like to make a comment you can do so now. Ok that's all for the phone callers Ms. Paddick I suggest before you close the public hearing ask the Planning Board Members if they have any questions for Ms. Hamilton as it relates to her application? Especially questions pertaining to the factors you are required to consider of the town code. Now would be a good time to do that so it makes it into the record of the public hearing.

Ms. Paddick – I have a question the 4 dogs in your application is that sufficient? You said previous times you had more than that. Is that sufficient is that what you are planning?

Ms. Hamilton – Yes

Ms. Paddick – I just want to cover it so you don't have to do it again. Does anyone else on the Planning Board have questions? None.

Ms. Hamilton – Actually I have a question. What if I decided to say 5 dogs not that I'm planning on doing that. Could I ask for that to be approved?

Ms. Paddick – Mr. Cortese can that change be made now or would we need an additional application?

Mr. Cortese- She said 4 dogs right, special permit is for more than 3 dogs. So whatever Linda can reasonably ask for and the Planning Board would subsequently agree it is allowable.

Ms. Hamilton – I would like to ask for the fifth dog. I absolutely have no intension of a fifth dog for myself or the neighbors. Because generally in the past I have had 5 to 6 dogs at a time. But that is not my plan.

Ms. Paddick – Ok does anyone have a problem with that?

Mr. Blythe – I don't have a problem with it.

Ms. Paddick – I personally don't either. I just want to get a feel from the board members or if anyone else has a problem with putting 5 dogs on this.

Mr. Donnelly – No I don't.

Mr. Boland – I don't either, that would save her from coming back and doing it all over again.

Mr. Worden – I don't have an issue with it.

Ms. Paddick – Anyone else have questions or comments before I close the public hearing? No so I'm closing the public hearing.

Mr. Church – Since the process is not that clear anyone, anyone on the meeting board have process these applications before?

Ms. Paddick – Yes, the Planning Board has dealt with these before.

Mr. Church – I'm asking if anyone on the board has gone through this process as an individual, not as a committee. Anyone on this call been involved in this process?

Ms. Paddick – Yes, I have.

Mr. Donnelly – Yes.

Mr. Church – So 2 out of the full board, thank you.

Ms. Paddick – Nothing else closing the public hearing for this application.

Mr. Freer- Just one minute, I don't want to make this complicated. She is applying for 4 dogs.

Mr. Cortese – No.

Mr. Freer- Coming from the ordinance office side does she reapply for 5 dogs? Is it ok for a verbal, just asking to clarify.

Mr. Cortese – The permit is for more than 3 dogs, the fact she asked for 4 dogs and is now asking for 5. As long as the Planning Board feels her application meets the criteria for a special permit. Then the special permit can be granted.

Mr. Freer – Just looking for clarification on the ordinance side, so thank you.

Ms. Paddick – Public hearing is closed. Maybe John or Diane can answer this, it seems like in the past for the permit for dogs we have asked them to come back in a year or just revisit to see if we got any complaints. It wasn't to come in for a new permit or renewal just to monitor it. How has it been John or Diane?

Mr. Freer – I can answer that, how we would like to see that is go for one year or say you get a new neighbor, that one year you grant gives the neighbors an opportunity to say they don't like this or agree with this. After that year no one has an issue they don't have to come back again.

Ms. Paddick – I know we have done that most times in the past.

Ms. Hamilton – Can I ask a question. So, then another notice is sent out to the neighbors to ask if they have issues? How does that work?

Ms. Paddick - Isn't it if you have gotten complaints at the town?

Ms. Aurelio – Yes, by complaints.

Ms. Paddick - Just if they file a formal complaint.

Ms. Hamilton – If this gets the permit granted, since whatever was suppose to happen in 96 what happens next. Do I get a piece of paper?

Ms. Paddick – Diane or John, I don't know how that works.

Mr. Cortese – The answer Linda is yes. In the first instance there will be a resolution tonight and voting on it to be in the minutes. Second Diane will send you a disposition, which recaps what the Planning Board decided on your application and you keep that for your records.

Ms. Hamilton – Thank you for clarifying that because actually I was asked for this slip of paper. I said no permit; no piece of paper was given to me.

Mr. Cortese- That generally is not how these things work.

Ms. Hamilton – I wonder why I was asked to provide one if one was never given. See this is why I resigned as the Dog Control Officer, and this is why I was talking with Diane, trying to get things better organized for the next Dog Control Officer and the ordinance office. This stuff needs to be written down in a way people see the proper procedure step by step. The new Dog Control Officer will need to hand it to them. I worked for 7 years and completely giving in accurate information. Because I had never been told such a thing. I just don't want this to happen to someone else.

Ms. Paddick – I can appreciate that, thank you. Mr. Cortese can we entertain a motion for this special permit?

Mr. Cortese- Yes, we should have some record of development for the criteria 15-4 of the town code is that general criteria has been met whether or not to grant the special permit. So just for reference after the public hearing the code required the Planning Board to basically have a brief discussion to determine

whatever or not the special permit complies with the regulations of the zoning district under residential district Chapter 32 of the code that requires this type of permit to have more than 3 dogs in any zone of the town and it does. The special permit can be such character intensity size location and may be in harmony with the orderly development of the district that is located in kind of a nebulous permission. That can be discussed the special permit can only be in the district permitted for such special permit use under Chapter 32. It is allowable under this zoning district circumstance. So, it's really a general discussion whether or not this would be ok. So really a general discussion whether or not this would be ok as we do these now in the future. This is the time to talk about the letters of support that people provided.

Ms. Paddick – My stand point all of the letters that were sent in were in favor. Ms. Hamilton has taken very good care of her dogs and sounds like she has proof of the care of the animals and basically are members of her family. They been well cared for and no complaints through the years. So, I don't see a problem in this area. Driving by I like the Christmas decorations, obviously really enjoy your dogs. So, I think it would be fine based on history too. Does anyone else have a comment?

Mr. Blythe – No big issue with it either. Nick you mentioned district wide were you referring to town-wide?

Mr. Cortese- There is a couple of requirements. Basically, say you can only grant a special permit if the zoning district where the property is located allows for that type of permit to be granted. . Say you can only grant a special permit. But under Chapter 32 of the code regulations anybody or anywhere in the town to have more than 3 dogs, which eliminates the need.

Mr. Boland – I agree with that.

Mr. Cortese – Basically, to shell it down to its basic level is this a good idea, good for the neighborhood. It's kind of simple

Mr. Blythe – I think she has proved that with the letters that we have received from the neighborhood. I see no reason not to grant it.

Mr. Cortese- Last part of this, don't let me cut anyone off if you have additional comments. The last part of this is to discuss reasonable conditions that you would like placed that we will offer after SEQR.

Ms. Paddick – I'm comfortable with saying revisit in a year to see if there are any complaints from the neighborhood. Because that's what we have done in the past. That would be keeping with past practice. Other than that I don't have any other conditions. But, I'm open to anybody else making a comment.

Mr. Blythe – we do it for chickens.

Mr. Worden – I agree with revisit in 1 year. Other than that, should there be a time frame on it.

Ms. Paddick – I agree.

Mr. Cortese- What shape does that take in your mind, expire in a year. The applicant has to come back to have it renewed. What are you looking for.

Ms. Paddick - If we could if the town received a formal complaint in a year, then come back to the Planning Board and if that doesn't happen then it just goes on.

Mr. Cortese- No Something like this isn't going to happen at Linda's house but just thinking about this in the future. If there are any formal complaints related to the dogs on the property within the first year of the issuance of the permit the permit will expire .

Mr. Boland – It would have to be brought out in conversation.

Ms. Paddick – Yes, I think brought back for conversation to see if it can be resolved.

Mr. Blythe – Review it again if there are any formal complaints. They are brought back to the Planning Board for review.

Ms. Paddick- Simple as that. That's what been done in the past.

Mr. Cortese- What about limit the number of dogs as a condition?

Ms. Paddick - I think we should, 5 if you go over that you have to come back.

Mr. Boland – I don't think there is anything wrong with that. You have 4 went to 5 you have to have some type of parameters in place for it to be fair to the neighbors.

Mr. Blythe – What I'm worried about somebody else that comes in the same application and they want 8 dogs. If Linda decided to go with 8 dogs. If she has 8 dogs why can't I have 8 dogs. Next thing you know you have 8 dogs living in their house all over the place.

Mr. Cortese – Every application is decided upon its own unique factors. What the neighbors think about it, who the owner is and so on and so forth. There is a precedent you need to follow in this instance.

Ms. Hamilton- Can I ask a question, I don't want to cause a problem but, where did I actually say 4 dogs.

Ms. Paddick You didn't you said it I think.

Ms. Hamilton- I was looking at my application and no where did I say 4 dogs.

Ms. Paddick -Your application only says harboring more than 3 dogs.

Ms. Hamilton – I just want to clarify. No where did I physically write 4 dogs down.

Ms. Paddick – Because you have 4 now that's why we asked if four was sufficient or not. That's why we asked you that question.

Ms. Hamilton – I just want to clarify no where did I actually write 4 dogs, ok.

Ms. Paddick – No your fine. Does that clear that up Alan?

Mr. Blythe -It's ok , I'm good with it.

Mr. Worden – I'm not going to base my decision on the next special permit application by what goes on here tonight. It will be based on the person coming in, the information provided, letters submitted being in support or against that. It's probably fine doing it that way.

Mr. Blythe Mr. Boland and Ms. Paddick all agreed with that.

Mr. Cortese – Only other condition that I would suggest to take into consideration if at any point for certain amount of consecutive days for fewer than 4 dogs . You may want to have the permit expire. At that point Because the special permit will not be issuing the permit to Linda. The special permit will stay with the property and as long as any future owner and Linda complies with the conditions of the special permit it will stay in place. Whether or not you want this property to continue to have 4 dogs no matter what happens in the future. Or conditions can be placed where if the number of dogs is reduced or no dogs, say 90 consecutive days within a year it would terminate and no longer be necessary. Sunsetting non-conforming use. or something like that.

Ms. Paddick – I don't have a good rational right now, but what if someone in the family takes 1 of the dogs for 3 months in the summer. That's less than 4 dogs it's still her dog it just isn't there for that time period. I wouldn't like to have you come back to get another special permit.

Mr. Boland – Surprised It doesn't stay with their group. It just goes to the property, so a special permit for the house.

Mr. Donnelly 0 I would except it if the house was sold and changed ownership that the special permit goes away . The permit would no longer be in existence.

Mr. Cortese- That is actually not a permissible condition. You cannot condition a special permit on the person who owns the property or on the operation taking place on the property. You can only condition on the land use. Conditions like anything you see on a SEQR form you can condition it on that. Condition on community concerns like you have done already. I actually dealt with this at another town a month ago. They wanted to remove a special permit because there was no transferability condition on the permit. Unless it specifically exists in the town laws that allows you to do it. There is no other law that will allow you to put that type of condition on a special permit.

Mr. Worden – So the best way to do it is if the dogs are absent for a period of time then the permit can be revoked.

Mr. Cortese- Or just expires after a period of time, like a long period of time like a year or something. Like that 365 consecutive days. That way it would ensure if a dog is being boarded or at somebody else's house for a period of time . Then that would affect that situation. That just a suggestion if you are not interested in that it's your permit to accept or reject.

Mr. Blythe – I'm not crazy about putting a time frame on it personally.

Mr. Boland – I'm not thrilled about it going to whoever is in the house next, they can have 5 or 6 dogs what about the neighbors. There needs to be some restraint on what you could do there. It's understandable what you could do there. Linda takes good care of her dogs who knows about the next person. That's like having a body shop nice and neat the next body shop has stuff piled all over. Then you have complaints and you have to go after that.

Mr. Blythe – So if a complaint came in that would trigger a review?

Mr. Cortese – Right now you have review within the first year.

Ms. Paddick – Have it if it goes down to 3 dogs after 365 days you would have to come back in for another permit.

Mr. Cortese – the permit is issued for anything over 3 if it were to drop down to 3 the permit would no longer be necessary. So, if there were 3 dogs or fewer in the home for a consecutive period of time. I would suggest at that point the permit would no longer be necessary.

Ms. Hamilton – I have a question, so if the permit is granted to me and I given documentation that tells others I'm a responsible dog owner. So, if I sell my house and somebody else moved in they would have that permit also? Or would they have to go through the same process that I had to go through and prove they are a good dog owner

Mr. Cortese – it's not issued to people it's issued to property.

Ms. Hamilton – I hear you saying that but its that something that can be changed clearly.

Mr. Boland -That why it should come back up, I mean you do a nice job but if you were to move or go away the next person can say I have a special permit to have 8 dogs. And it continues on. I like Nick's idea better if after 365 days there are fewer dogs the permit is no longer necessary that it should expire. That just protects everybody.

Ms. Paddick – I like the 365 days Mike and agree with that I don't think it should be shorter.

Mr. Boland - I agree.

Mr. Worden – Can we add if there is a complaint instead of the first year, can we do it the life of the permit or what or is that something that can't be done.

Mr. Cortese – I think that is a reasonable condition., it deals with the use and the community concern. So, if you want to condition it upon if a formal complaint is received. Then it depends on complaint on what failed to the license your dog or your dog bit somebody. You can say formal complaint and leave it ambiguous and do you want the permit to expired or be rescinded as a result of a complaint. Like missing their dog license by a day, that is something we would have to flush out a little bit here.

Mr. Worden – Add if there is a complaint, but is there a way if the dogs are absent for a period of time then the permit can be revoked. Idea being revisited by the Planning Board not revoked immediately . Say Linda is not there, a new owner comes in and has this permit and finds out about it. And there not very good dog owners the neighbors get upset and start getting complaints. I say just revisit it.

Mr. Boland – Kevin you don't find it not necessary for Linda but someone in the house and has 3 dogs or less. They don't need the permit, so they won't have to find out about it. The point is they go over a year or 5 years and they go back to 3 dogs and a year passes and then the special permit goes to the house. Unless Linda wants to come back in.

Mr. Worden – I agree 100% convinced that doesn't cover if she does leave's the house the permit continues on with the house. Hey she had 4 dogs I'm going to have 4 or 5 dogs.

Mr. Boland – That's where I was hoping a year would without getting into a shorter period for somebody if she got to 3 dogs. The next person it might not even be a question. At least it gets you 365 days and you know how the complaint would be. We'll get the dog was in my yard and now that is one complaining. It's hard to pick through that stuff.

Mr. Cortese- I guess instead of a formal complaint you can say if the owner of the property is convicted of any violations of the chapter involved with the dogs in the Town of Chenango Code. Then maybe the permit expires. At that point if you are convicted for a dog violation like running at large or some such thing. Say 2 convictions in a set period of time or something like that. It is very possible. Just whatever the board can come up with that is reasonable as it relates to community concern. If you wanted to place some conditions on it as infractions or violations of the chapter on dogs in out town code. Probably something you can do.

Mr. Worden – How can a special permit be revoked or pulled.

Mr. Cortese – Generally the way it's revoked is by violating the conditions of the special permit.

Ms. Hamilton – So somebody with a special permit and I shouldn't be asking this, I'm not the Dog Control Officer any longer. Just curious, somebody violates the special permit it there's an issue what exactly can the town do to remove dogs? If they were given a special permit. Say they have 6 pit bulls and they have been given a special permit and all of a sudden, all heck is breaking loose with the dogs. What can the town actually do? Is there a process to remove the dogs is it a court order?

Mr. Cortese – I think you already know the answer to that.

Ms. Hamilton – What I'm interested in, is there something the town can implement. That a person that doesn't have a special permit is there something the town can actually implement that has some teeth in the law you guys already have. I mean there should be. If you have a law that a permit was granted, now all heck is going loose with these dogs and we want to pull that permit to me it seems like there should be someway the town can remove these dogs. There are a couple other towns that are capable of doing that. I don't know what it takes.

Mr. Cortese- I think it would take an application to the court issuance of an administrative warrant and then some type of substantial bases to seize the dog. I wouldn't have anything to do with a special permit if there is a way to seize the dogs. Whether or not you are allowed to have them. Because you can still violate the law even if you are allowed to have the dogs.

Ms. Paddick – So we are good with 5 dogs, what other conditions. Do we have a consensus of any other conditions put on this.

Mr. Blythe – I will go along with Mike's.

I have a question?

Ms. Paddick – Who am I speaking with?

Caller 2915 – Is the quantity of dogs going to be on the permit?

Ms. Paddick – Yes.

Caller 2915 – Ok and that's just for this permit, other permits would be different.

Ms. Paddick – Each permit is evaluated on its own bases on what is provided. I think we covered everything for discussion Nick.

Mr. Cortese – Yes, I do. Just a quick recap what the conditions you are going with – Maximum of 5 dogs on the property, Any, formal complaints received they return to the Planning Board for further review or discussion. If the number of dogs harbored on the property is reduced to three (3) or fewer for a period of 365 consecutive days, this special permit shall expire.

Ms. Paddick – Yes, for review or discussion.

Mr. Boland- That's good.

Mr. Cortese- Within a certain time period?

Ms. Paddick – Kind of look at it as a tickler file, in a year if this is approved. Someone either John or Diane would look to see if there were any formal complaints and if there had been, they come back into one of our meetings and go over the complaints, if not then it just goes on. Does everybody agree is that what you had in mind?

Board – unanimously agreed.

Mr. Cortese – I think I have everything you agreed to. Now SEQR- As you know Linda supplied us with Part I of the Short EAF. We will finish Part II you know the drill I'll ask the questions you answer yes or no. Yes, being moderate to large, no meaning small to no impact. So, I will go through the questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Boards response- No.
2. Will the proposed action result in a change in the use or intensity of use of land? Boards response – No.
3. Will the proposed action impair the character or quality of the existing community? Boards responses- No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Boards responses- No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways? Boards responses- No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Boards responses- No.
7. Will the proposed action impact existing:
 - a. Public/private water supplies? Boards response- No.
 - b. Public/private wastewater treatment utilities? Boards responses- No.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Boards responses- No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? Boards response- No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Boards responses- No.
11. Will the proposed action create a hazard to environmental resources or human health? Boards responses- No.

Ok that is all of the questions; you have answered them all no. So, my presumption would be you will be making a “Negative Declaration” for SEQR. If that is true I just need a motion and a second to make that “Negative Declaration”.

Mr. Worden – I make a motion to adopt a “Negative Declaration”, seconded by Mr. Blythe.

Ms. Paddick – Any discussion, can we have a vote.

Roll Call: Ayes - 5 Nays- 0 Absent – 0 Abstain –(Mr. Szenher)

Mr. Cortese – I’m going to read the resolution

Ms. Paddick – That will be great if you would.

TOWN OF CHENANGO PLANNING BOARD

A RESOLUTION CONCERNING SPECIAL PERMIT APPLICATION 2020-PB11

At a regular meeting of the Planning Board of the Town of Chenango, held on January 11, 2021 via Zoom virtual meeting software in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Order 202.87, the following resolution was offered and seconded:

WHEREAS, on December 8, 2020 Linda Hamilton (hereinafter "Applicant") duly filed an application for a special permit pursuant to Section 73-12 (13) of the Town of Chenango Code to harbor more than three dogs on property she owns within the Town, located at 53 Matthew Drive and designated as Tax Map No. 078.20-3-43; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQRA"), the Planning Board determined on January 11, 2021 that the Applicant's application constitutes an Unlisted Action as defined under said SEQRA regulations and, upon careful consideration of the possible environmental impacts of granting said special permit, determined that the approval thereof will not have a significant adverse impact on the environment and issued a negative declaration for the purposes of SEQRA; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the Planning Board held a public hearing to consider said application on January 11, 2021, at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, upon review of the Applicant's application, and the entire administrative record associated therewith, the Planning Board has found and determined that Applicant's proposed special use will not, in the circumstances of the particular case, be injurious to the neighborhood or otherwise detrimental to the public welfare, and complies with the relevant special permit standards under Sections 15-4 and 32-13 of the Chenango Town Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Chenango hereby approves the Applicant's application 2020-PB11 for a special permit to harbor more than three (3) dogs at 53 Matthew Drive (Tax Map No. 078.20-3-43) subject to the following condition(s):

1. No more than five (5) dogs shall be harbored on the property at the same time.
2. If any formal complaints regarding the dogs harbored on the property are received by the Town within one year from the date of issuance of this special permit, the property owner shall return to the Planning Board for further review and discussion regarding the same.
3. If the number of dogs harbored on the property is reduced to three (3) or fewer for a period of 365 consecutive days, this special permit shall expire.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

I, Cynthia Paddick, do hereby certify that I am the Chair of the Town of Chenango Planning Board and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted

by the Planning Board of the Town of Chenango at a meeting thereof held at the Chenango Town Hall on January 11, 2021. Said resolution was adopted by the following roll call vote:

Ms. Paddick – Can we have a motion to accept the resolution.

Mr. Blythe -I make a motion to accept the resolution, second by Mr. Donnelly.

Alan Blythe	voted: aye
Brian Donnelly	voted: aye
Jamie Szenher	voted: recused
Kevin Worden	voted: aye
Michael Boland, Alternate	voted: aye
Cynthia Paddick, Chair	voted: aye

Dated: January 11, 2021

Cynthia Paddick, Planning Board Chair

Roll Call: Ayes - 5 Nays- 0 Absent – 0 Abstain –(Mr. Szenher)

Mr. Szenher – We never did get caller 2915 name.

Mr. Cortese – You don’t need it.

Mr. Blythe - I thought you had to identify yourself?

Ms. Paddick - No you don’t.

- **2020-PB12- Dunkin** – Marc Maser for Mayur Kaneira- 1313 Upper Front St.- TM#111.12-4-16- Application for site plan review to amend their original site plan.

Mr. Urda - The referenced application is for a revised site plan review for existing Dunkin Donuts including architectural improvements, site modifications to incorporate additional parking, and mobile order lane modifications to improve traffic circulation and queue build up on Upper Front Street, etc. in a PDD-C zone. This is a revision to the project reviewed previously as Permit No. 2019-PB15 in August 2019.

The site plan application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	12/11/20	12/11/20
• Letter from Applicant’s Engineer	12/11/20	12/11/20
• Architectural floor plan and elevations	12/10/20	12/10/20

We offer the following comments:

1. Drainage: a. It has been coordinated with the developer/engineer to drain the onsite drainage structures to Castle Creek and also provide a connection to the Town's drywell/storm drainage system on Fuller Road at the southwest corner of the parcel. The Town drywells on Fuller Road perform poorly and it is assumed that the existing Dunkin site drywells may as well. As indicated in 2019, the town is coordinating with the developer regarding the following to resolve concerns:

- i. Town conducting their own pipe and trench work from the Town ROW to the developer's southernmost drywell.
- ii. Town provides 18" drain pipe from Dunkin's southernmost drywell structure straight line to Castle Creek to be installed by developer (they connect in their structures).
- iii. Town to Coordinate easement for storm drainage from Fuller Road to Castle Creek.

2. Existing parking is being increased from 19 stalls to 23 which exceeds what is required per code. The applicant shall assure that they, or the owner, provide and maintain

exterior ADA accessible parking spaces (2 minimum), aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the current Building Code of the State of New York, Chapter 11 (or latest revision). Stall sizing shall be no less than 8.5ftx18ft.

3. The project is within an Aquifer Protection District Zone 1 – Wellhead Protection Zone (§73-55). The plan follows this zone and shall continue to be.

4. The "Site lighting Photometric Grid" provided indicates very low levels of light spillage on the southwesterly property line which should be discussed by the Board and may need to be adjusted by the applicant to zero light spillage onto the neighboring parcel. Please add the light poles to the Site Plan sheet also.

5. Project signage information was provided. Coordinate with the code office for a signage permit and coordinate setbacks are met.

6. Broome County 239 review is required. Refer to NYSDOT comments regarding PERM 33 permitting, and coordinate with Sean Murphy regarding coordinating with upcoming NYSDOT sidewalk project.

7. The project appears to be a Type II action under SEQR.

I have no engineering objections, but request a final set of plans including final grading and utility detail for our review.

Mr. Freer – The ordinance office has no concerns with Dunkin's revised site plan update.

Mr. Urda-Just really quick they reversed the truck delivery for the site. They did a reverse loop, NYS DOT didn't have any issues with this, but I haven't seen any other comments. From an engineering stand point I don't have any concerns as long as they don't muck up their internal workings. I'm good with it.

Apparently, it is noted on the site plan. They want to pull in off Fuller Road and exit the same way, but I'll let Mark explain that to you.

Ms. Paddick - Is the applicant here. Mr. Maser – Yes, I'm the engineer for the project .

Ms. Paddick – I guess with the delivery what time of day?

Mr. Maser – That shouldn't be an issue the store opens at 5:00 a.m. Our peak time is between 6:45 a.m. to 7:45 a.m. the deliveries would be before 6:00 a.m. They usually get 2 delivery's per day before 6:00 a.m.

Ms. Paddick - So that shouldn't be a problem. How about the lighting on the south end.

Mr. Maser - We' just modified the lighting to be using the standard lamps. We will remove the 2 lamp posts. So, Alex I can rerun the photometrics and get that to you tomorrow to see what the grid looks like. Close to what is north of there. And submit a new grading plan

Mr. Urda – That sounds good the northwest side cuts off to zero .Or you can have a cutoff fixture. Will need to confirm the zero on the corners that would be good.

Mr. Blythe – How are the trucks entering?

Mr. Maser- Trucks from Rt 86 turns left onto Fuller Road loops around and pull backout onto Fuller Road and then pull back out onto Rt 86. So, the truck will pull in the wrong way southwesterly curb cut. And then proceed and park in that loading area. Basically, in the back of the restaurant and then pull around back onto Front Street. I sent a set of prints to Broome County and that said their formal comments would be sent and sis not mention anything about the truck turn. The initial input from NYSDOT was positive but, we have not received formal comments on the 239 review.

Ms. Paddick – Are there other comments or questions if not can we have a motion to approved their amended site plan.

Mr. Maser – I have a questions Mr. Urda it seems a little strange to discharge stormwater into the creek the stormwater discharge to the creek untreated. Because it is located within an aquifer protected zone. I know we are not disturbing more than an acre, but just as an engineering and protection of the environment aspect. I just want your take on it, do you have any type of concerns?

Mr. Urda – Originally you had dry wells in there which I'm not opposed to It would help with that. If you were just sticking into the aquifer, but like you said it is under an acre and DEC doesn't regulate that, so we would look at it under the town's stormwater regulations Chapter 57.I didn't have a problem with it going out to the stream. Ultimately, the over flow goes there through the dry wells. I suspect their wells are failing as well. I know that the towns are just a few feet away. I did check with a wetlands stream specialist's and asked about permitting out this being the class of that its void with right to discharge off the property. You might want to check with someone similar . I don't want to ask for a violation.

Mr. Cortese- What is the total square footage of the Dunkin Donuts building under 4000 square feet.

Mr. Maser – I have the site plan here 2187 square feet.

Mr. Cortese- As long as it is under 4000 square feet I'm comfortable with the commercial expansion being a Type II action under SEQR.

There being no further discussion a motion was made by Mr. Worden, seconded by Mr. Szenher to approved the revised site plan for Dunkin.

Roll Call: Ayes : 5 Nays: 0 Absent: 0

ADVISORY OPINION/REFERRALS

NONE

Mr. Urda – Who handles the easement agreement for Dunkin. Would that be you or Keegan? I can't remember who handled the easement for the Dollar General.

Mr. Cortese- Just email us both and we will flip a coin. I can't remember who drafted the Dollar General easement. Just send it to both of us and we will get it done.

Ms. Paddick – The Association of Towns will be holding a virtual training from February 14 through the 17th anyone interested please contact Tami before January 15th . Another thing Terry Kellogg is our new rep for Planning Board. So, if you have any special comments or concerns you want taken to the Town Board you can email me, and I will forward on to Mr. Kellogg.

There being no further business before the board a motion was made by Mr. Blythe to adjourn, sand unanimously carried to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

There were 24 participants including the board members that attended this Zoom meeting.