

TOWN OF LOCKPORT
PLANNING BOARD MINUTES
May 16, 2012

PRESENT: Morris Wingard
Mark Kilroy
Robert Langdon
Richard Forsey, Chairman
Scott Carlson
Thomas Grzebinski, Appointed Alternate

ALSO PRESENT: Brian Belson, Senior Building Inspector
Daniel Seaman, Attorney
Jane Trombley, Secretary
Fred Frank, Town Engineer

ABSENT: Rodney Conrad
Walter Thorman

The May 16, 2012 Town of Lockport Planning Board meeting was called to order by Chairman Forsey, who then led the Pledge of Allegiance.

Chairman Forsey appointed Alternate Member Grzebinski a full voting member due to the absence of Members Conrad & Thorman.

MOTION made by Member Kilroy, seconded by Member Carlson to approve the April 18, 2012 minutes. 6 Ayes, 0 Nays, Carried.

MOTION made by Member Wingard, seconded by Member Langdon to approve the May 2, 2012 minutes. 6 Ayes, 0 Nays, Carried.

MOTION made by Alternate Member Grzebinski, seconded by Member Kilroy to approve the May 9, 2012 minutes. 6 Ayes, 0 Nays, Carried.

CASE #1 **5377 Upper Mountain Road – SBL #108.00-1-33.12 – C. Matthews/R. Hodge, Owners.** Proposing to subdivide 22.5 acres. Special Use Permit.

Chairman Forsey opened the Public Hearing. Hearing no comment, Chairman Forsey closed the Public Hearing.

CASE #2 **5869 Robinson Road – SBL#137.02-1-27 – A. Lang, Owner – Janet Zehr** proposal for Special Use Permit and Site Plan approval for the construction of a dog kennel.

Chairman Forsey opened the Public Hearing.

Wallace Swader of 5821 Robinson Road stated the kennel will be adjacent to his house and he is adamantly opposed. Mr. Swader stated he moved to a nice quiet area, enjoys his backyard and feels the property value will decrease as well as create a noise nuisance. Mr. Swader stated all his neighbors are opposed and two of the neighbors are in the service and won't want to come home to this noise, they want peace and quiet. Mr. Swader feels his and his neighbors wishes are being overridden by someone from out of the area and wonders what is going on. Mr. Swader presented a New York State Prescription signed by his cardiologist, Alan Meholick, M.D., stating he has heart valve issues, a pacemaker, and high blood pressure and feels noise will be detrimental to Mr. Swader's health, received as Exhibit "A". Mr. Swader doesn't feel anyone is thinking of them.

Ann McKnight of 6025 East Canal Road states she is the first house east of Robinson and enjoys her neighbors. Ms. McKnight wonders how the feces will be disposed of. She stated she built her home 18 years ago and this will depreciate the value of her home.

Denise Spears of 5827 Robinson Road states she is two houses from the kennel and doesn't understand having a kennel in a residential area. Ms. Spears stated she could hear her dog barking from inside her home when she was at her mailbox. Ms. Spears stated she did not receive a notice of this meeting, but her neighbor who lives in Pendleton did.

Rose Stranges of 5846 Robinson Road stated she owns the property across the road and plans in the future to sell it off as lots in an R1 district and doesn't feel the kennel will benefit the sale of her property.

Martha Braunbach of 6049 East Canal Road stated she has lived in her home for 35 years and has recently retired. Ms. Braunbach stated a few years ago someone had chickens in the area and she could hear them, even though she didn't know where they were located as noise travels and the last thing she wants to hear is dogs as they will be too close and also feels traffic will be a problem.

David Herman of 5840 Robinson Road stated he lives across the street and a couple of doors down, and feels the kennel will change the character of the neighborhood. Mr. Herman stated it is hard to get out of his driveway at certain times now and there are accidents and feels the additional traffic will be a problem.

Ronald McMorris of 5838 Robinson Road stated he has lived there for 48 years and likes the quiet neighborhood. Mr. McMorris stated he doesn't want the

kennel, asked if the Board would want it and stated he feels it will lower the property value by about 20%.

Patricia Swader of 5821 Robinson Road stated she is amazed that the project has gotten this far. Mrs. Swader stated that barking dogs cause health issues for your nervous system, her husband is very sick and wants to spend their last years in a relaxing atmosphere. Mrs. Swader feels this is shameful, bad for children, debilitating, and scrambles your brain. Mrs. Swader wonders if Janet realizes she can be sued over just two barking dogs, feels they will have to give their house away and this is not a nice thing. Received as Exhibit "B" multiple pages on barking dogs downloaded from the internet.

Marty Polovick of 5851 Robinson Road stated he works at a 24 hour facility and he works the night shift and has to sleep during the day. Mr. Polovick feels the noise will be a big issue for him as he is only 5 houses away and works nights.

Bianca Cirrincione of 5839 Robinson Road thanked the Board for listening and stated she lives ½ to 1 mile away and will be able to hear the dogs barking. Ms. Cirrincione also feels the canal banks being right behind the proposed site are an issue as a lot of people target practice back there and the sound of a gunshot would set off at least one dog and cause a chain reaction with the other dogs. Ms. Cirrincione stated this is a main road and there are a lot of sirens going by also that will set the dogs off barking and that despite the strategies that Ms. Zehr mentioned, there isn't a certification or a college degree that people receive for this type of work that holds salt. Ms. Cirrincione stated this is not an ideal location and she isn't trying to squash their dreams, but she wouldn't want to live here, it would be horrible. Ms. Cirrincione hopes the Board considers everything and denies the proposal as she and the neighbors can't change where they live, but the location of the kennel can be changed. Ms. Cirrincione also doesn't feel it would be best for the animals as she had a friend who tried to do the same thing and had to get rid of her business because of the complaints.

Denise Spear stated there are guys that go on the canal bank with their guns to practice and they scared her children when they were young and feels that will also scare the dogs. Ms. Spear stated that LaFarge also has something that explodes and shakes her house and feels this will also bother the dogs.

Ronald Morrison of 6068 Fisk Road stated he is a Pendleton councilman and hasn't heard anyone in favor of this project and hopes the Board will do due diligence and find a place to make more people happy.

Hearing no further comments, Chairman Forsey closed the Public Hearing.

CASE #3 **6719 South Transit Road – SBL#152.03-1-27 – Elmwood Real Estate, Owner**
– Craig Heidelman proposing 4 bay car wash.

MOTION made by Member Langdon, seconded by Member Kilroy to table, to allow someone to present the project. 6 Ayes, 0 Nays, Carried.

CASE #1 **5377 Upper Mountain Road – SBL #108.00-1-33.12 – C. Mathews/R. Hodge, Owners**
– Proposing to subdivide 22.5 acres.

MOTION made by Member Wingard, seconded by Member Langdon - a short form environmental assessment form having been received and reviewed, and said form indicating no adverse effects as a result of the proposed action, this Board determines this to be an unlisted action under SEQRA and declare the Town of Lockport Planning Board the lead agency and only affected agency to determine that the action will have no significant adverse effects on the environment, and to declare a determination of no significance. 6 Ayes, 0 Nays, Carried.

MOTION made by Member Kilroy, seconded by Member Carlton to approve the subdivision as presented with the lots being a significant size ranging from 3.4 acres to 5 acres subject to the condition that the 3.6 acre lot must be adjoined to the residential parcel of the applicant on the 3.4 acre property. 6 Ayes, 0 Nays, Carried.

CASE #4 **6121 Robinson Road – SBL #138.09-1-2.12 – Alterra Development/Dunn Tire**
– Proposing 2 bay addition on north side of building. Case has been referred to the County Planning Board and Senior Building Inspector Belson stated we haven't heard anything back yet. Tabled until next meeting.

CASE #2 **5869 Robinson Road – SBL #137.02-1-27 – A. Lang, Owner** – Kristin Savard, Engineer, of Advanced Design Group presenting and Mike Seely, engineer.

Attorney Seaman asked about the exterior runs and Ms. Savard stated the runs are designed under one roof but controlled from inside and extend approximately 5' out and are the same size inside. Attorney Seaman asked if the dogs are confined inside also and Ms. Savard stated yes. The building is insulated with an acoustic component to buffer the noise. The acoustical insulation will also be across the top of the building to control heat and noise.

Attorney Seaman noted this is a special use permit application. As such, the Board may make findings on the question of the hours outside. Ms. Savard stated during the day they would allow free rein for the dogs to go in and out when they

wanted unless there was a problem with one, in which the kennels are individually controlled, and they could be stopped from going out. The kennel will be staffed and the person at the kennel will know if there is excessive barking to stop it.

Attorney Seaman asked if the pond had been downsized and Town Building Inspector Benson stated, yes, it now meets code so no variance is required.

Alternate Member Grzebinski asked if the doors are also insulated and Mr. Seeley stated yes. Member Langdon asked if they are animal doors and Ms. Savard stated yes. Member Grzebinski stated not full garage doors, Mr. Seeley stated no, they are small animal doors.

Member Wingard asked how many runs and Ms. Savard stated 36 total with 8 that are landlocked, won't have freedom to run. Member Langdon asked if the others will be free to roam during the day and Ms. Savard stated unless there is a problem with them, within the confines of the exercise area.

Attorney Seaman asked where the closest residence is to the kennel and Building Inspector Belson stated 155' to the east property line, but the actual residence from the kennel is 300 to 350'. It's 178' from the east wall to the property line. There will also be a 6' high solid fence to the west and 35' perpendicular to the front. The kennel will be 112' back from the right of way and 140' to first kennel with no screening provided.

Alternate Member Grzebinski asked about the smell and feces. Mr. Seeley stated there is an on-site septic system with a trench and drainage system, basically like a residence, and the kennels will be washed down at least once a day.

Member Wingard stated he would like some time to review the presented exhibits, and consider the matter prior to decision.

MOTION made by Alternate Member Grzebinski, seconded by Member Carlson to have a special meeting at 4:00 pm on Wednesday, May 23, 2012 for the purpose of making a decision on this application and for any other matter coming before the Board. 6 Ayes, 0 Nays, Carried.

MOTION made by Alternate Member Grzebinski, seconded by Member Wingard to adjourn. 6 Ayes, 0 Nays, Carried.