**Town of Charlton**

**Zoning Board of Appeals**

**Public Hearing Minutes and**

**Business Meeting Minutes**

**July 11, 2023**

Minutes of the Zoning Board of Appeals meeting held on July 11, 2023.

Chairman Jim Leupold called the meeting to order at 7:02 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Jim Leupold, Chairman, Rick Potts, Chip Ellms, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Chairman Leupold led the Pledge of Allegiance.

Chairman Leupold introduced the Board.

**Business Meeting**

**Minutes**

Chairman Leupold stated that the meeting minutes from the April 11, 2023 meeting need to be approved. Chairman Leupold stated that there are not enough board members present to vote. Minutes will be voted on at the next meeting.

Chairman Leupold stated that the meeting minutes from the May 9, 2023 meeting need to be approved. Board member Potts made the motion to approve the May 9, 2023 minutes, seconded by Board member Ellms. All were in favor.

Chairman Leupold stated that the meeting minutes from the June 13, 2023 meeting need to be approved. Chairman Leupold stated that there are not enough board members present to vote. Minutes will be voted on at the next meeting.

**Johnson Application – Special Use Permit**

Board member Potts made the motion to declare a negative declaration relative to SEQRA indicating no significant environmental impacts exist for the Johnson application, seconded by Board member Ellms. All were in favor.

Attorney Craig stated that for a special exception use permit, neighbors within 2500 feet of the property must be notified of the public hearing. Attorney Craig stated that it appears that only neighbors within 1500 feet were notified. Attorney Craig stated that the public hearing would have to continue next month to allow for notification of all neighbors within 2500 feet of the property.

**PUBLIC HEARING**

Tammy Johnson appeared before the board.

Mrs. Caron read the legal notice published in the Dailly Gazette on July 1, 2023. Mrs. Caron stated that cards were mailed to the adjoining neighbors on July 1, 2023.

Tammy Johnson: So basically what I am trying to do is provide a safe environment for dogs that can stay in our house so that it is more of a home like setting so they are not stressed out in kennels. We have a few of our own dogs and we do rehabilitation work mostly in other people’s homes. We just want to do more then what we are doing now.

Sarah Madison, 911 Charlton Road: I am across the road. My concerns stem predominantly from the traffic and the poor condition of the road there. There is a blind corner at that point where the driveways come out on the opposite side of the road and my biggest concern is the traffic in and out of that driveway. It is a 55 mph speed limit and people go above that and it’s a very dangerous intersection just for driveways so to add business and the traffic that comes with that is a really big concern of mine. I have already had several close calls with some of her existing clients. That intersection of traffic is a very dangerous corner and is a big concern. That’s my main concern. Obviously, I am outside during the day and the dog barking is a little bit concerning as well. I live next to someone with a dog and their dog is out barking, I am not going to say no one can have a dog that barks. We live in a nice area that dogs can be outside but when its hour and hours it’s a little bit frustrating. So that’s my only other concern, safety on that corner with the traffic and the (inaudible).

Tim Halladay, 1441 Division Street: My back property line is adjacent with theirs. We intentionally bought a little over 57 acres for peace and quiet so it’s a constant. I know the application is to expand the business but it’s been a business for years, since they moved in as far as we know unless they have 40 dogs all the time. There has been that constant noise. It’s been a business for a very long time as evidenced by the giant sign by the road. This does not feel like an expansion it feels like permission after the fact. Peace and quiet is important to us. I am not a fan of expanding an already loud situation.

Chris Halladay, 912 Charlton Road: I am adjacent to the west. So, I share the concerns of the previous two speakers with the noise and the traffic. There are a lot of people who don’t know exactly where to go. The address is poorly marked on Charlton Road so there are a lot of people who turn around and my driveway is directly to the west of their driveway so when they miss the first driveway, I have a circular driveway, but I also have a 6 and a 9 year old, and the amount of people who drive in and pull around the circle and pull back out. I purchased the farm from Bruce Hodgkins after his parents passed. Bruce and I are real close. He comes to work (inaudible). He is a good friend. He has had a German Shephard on that property for decades. I don’t have a problem with dogs but I have cows. The dogs are loud as Tim mentioned but they are also not contained to the property. I have a bunch of printouts from their website and their Facebook page and they are pictures of the dogs on my property. I don’t care for that. I also don’t care for the fact that the website has a photograph (inaudible) of my backyard making it seem like (inaudible). I don’t know how many of the dogs have licenses or have had their vaccinations. I am not a dog person, I have cows. The two biggest concerns that I have are the boundaries and the traffic.

Jim Craig: Have you found dogs on your property?

Chris Halladay: I have seen dogs on the property and we have also had a dog search and rescue team where a dog gets loose and runs around and there is a guy that looks for lost dogs so he stopped by and visited us looking for those dogs, probably two years ago.

Chip Ellms: Is your property the one with the silo?

Chris Halladay: Yes. I also have an excerpt from their website that shows they have been operating boarding since 2013 and in 2018 they started doing it at the property in Charlton. So again, as Tim said, this seems more like they got caught with their hand in the cookie jar and are asking for forgiveness rather than asking for permission. I moved to Charlton when I was 8 years old. I still run the cub scouts pack and this, the area that we have was kept rural and kept farm and residential for a long time and it seems like the introduction of new, and there are a lot of home-based business in this area, but the interesting point is that this new business doesn’t seem to fall into the town’s direction and history.

Jim Leupold: When you first noticed that they started the business, did you ever try to find out what they were doing.

Chris Halladay: I didn’t because I keep to myself. Most everybody I have talked to keeps to themselves. I had no idea. You can’t see the house from the road. I didn’t know what was going on for a couple years so I didn’t really have a full grasp on it, on what it was and what they were doing.

Board member Ellms made the motion to keep the public hearing open until next month. Board member Potts seconded the motion. All were in favor.

**DELIBERATIONS**

Mrs. Johnson stated that she has never had a dog at large and the photos are from her property at her property line towards his property line.

Board member Potts stated that in the zoning ordinance there is specific requirements for a dog kennel and one of the requirements talks about the dogs being outside in enclosed runs.

Mrs. Johnson stated that she does not have any runs and is not putting in any runs. Mrs. Johnson stated that the barking happens when people arrive from her dogs who are outside on 50-foot runs.

Board member Potts inquired where the training happens.

Mrs. Johnson stated that the training is done both indoors and outdoors and is weather dependent.

Board member Potts inquired if the dogs were outside more than 4 hours at a time.

Mrs. Johnson stated that she does not have any one particular dog outside for that long.

Chairman Leupold inquired if they had ever lost a dog.

Mr. Halladay stated that the man said they were looking for a dog from next door.

Board member Potts inquired if the house was located more than 100 feet from the property line.

Attorney Craig stated that if there was a separate building housing the dogs that would have to be 100 feet from the property line.

Mrs. Johnson stated that she purchased the property with the intention of doing this.

Attorney Craig inquired if there were air conditioners in the house.

Mrs. Johnson stated window units are in place now and eventually they will put in central air.

Board member Potts inquired about the parking.

Mrs. Johnson stated that she has a circle driveway in back. Mrs. Johnson stated that they could do more signage so that people don’t use other people’s driveways. Mrs. Johnson stated that since the addition of the sign, that should not be happening as frequently.

Board member Potts inquired how many cars would come and go from the property on a typical day.

Mrs. Johnson stated that it would be between 3-5 in the morning and similar in the afternoon.

Attorney Craig inquired if there was any other way to distinguish her driveway.

Mrs. Johnson stated that they will do whatever the town wants.

Chairman Leupold inquired if there was any fenced area.

Mrs. Johnson stated no, they use 50-foot leads.

Attorney Craig inquired if the leads were in the ground or manned by a person.

Mrs. Johnson stated that a person is holding the end of the lead for any of the dogs in training/boarding and her 4 dogs are on 20-foot tethers on the back side of the house.

Chairman Leupold inquired if there were any problems with coyotes or coy dogs.

Mrs. Johnson stated that they can hear them but have not seen them.

The board will continue with the Public Hearing on August 8, 2023 at 7:00 p.m.

**Sargent/Meilunas Application – Area Variance**

Mrs. Meilunas appeared before the board.

Mrs. Meilunas stated that they are looking to subdivide their property to create two new lots for their two adult children. Mrs. Meilunas stated that the proposed Lot 3 will need a variance because they only have 173.5 feet of frontage. Mrs. Meilunas stated that she provided maps with hand drawn lines to show the division of the lots. Mrs. Meilunas stated that the has also spoken to Kevin Weed of Van Guilder & Associates and he said what they are proposing will all fit.

Attorney Craig stated that the board will need to see a survey to proceed.

Board member Ellms inquired how many acres the proposed Lot 3 was.

Mrs. Meilunas stated 3-4 acres.

Board member Potts stated that this is not a significant variance request. Board member Potts stated that a survey is required to subdivide.

Mrs. Meilunas stated that she would get the survey done.

**New Business**

Mrs. Caron stated that she received an amended application for a use variance from Sandee and Eric Stevens for a campground to be located at 727 Charlton Road. Mrs. Caron provided copies of the application to the Board. Mrs. Caron stated that the application would be on the August agenda.

Board member Potts made the motion to adjourn, seconded by Board member Ellms. All were in favor.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Kimberly A. Caron

Recording Secretary