

MINUTES
TOWN OF GORHAM PLANNING BOARD
December 19, 2011

PRESENT: Chairman Harvey Mr. Farmer
 Mr. Atkins Mr. Hoover
 Mr. Frankish Ms. Watkins
 Mr. McCadden

ALTERNATES: Mr. Dailey Mr. Fladd

Vice Chairman Frankish called the meeting to order at 7:30 PM.

Mr. Atkins made a motion to approve the November 28, 2011, minutes as presented. Mr. Hoover seconded the motion, which carried unanimously.

Chairman Harvey arrived and continued the meeting.

PUBLIC HEARINGS:

Application #20-2011, Anthony & Marcia Gail DeMuzio, owners of property at 3932 State Rt. 364, requests site plan approval to build 425 sq. ft. addition.

The public hearing was opened and the notice, as it appeared in the official newspaper of the Town, was read.

Mr. & Mrs. DeMuzio were present and presented their application to the board.

Mr. DeMuzio explained that the addition will set at the back of the garage abutting the south side of the house.

Gordon Freida, Town of Gorham Code Enforcement Officer, stated that the lot coverage is at 18.3% and meets all zoning requirements. No variances were needed.

The electric will be run underground.

The roof height of the addition will be even with that of the garage.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

Mr. McCadden stated that he would like to see the lot coverage noted on the site plan. He would also like it noted that the garage will stay a garage and will not be converted to living space.

The Short Environmental Assessment Form was reviewed; side two was completed by the board. The board determined this to be an unlisted action under SEQR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Atkins made a motion to approve the Short Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts. Mr. Frankish seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan with the following conditions: 1. The lot coverage calculation needs to be noted on the site plan. 2. A notation that the garage will remain a garage be added to the site plan. 3. The height of the addition will be no taller than the existing structure. Mr. Atkins seconded the motion, which carried unanimously.

Application #21-2011, Jacob M. Horst, requests site plan approval to erect an advertising sign on the southwest corner of Crowe Road & State Rt. 245 on lands owned by Leroy Newswanger.

The public hearing was opened and the notice, as it appeared in the official newspaper of the Town, was read.

The application was referred to the Ontario County Planning Board. The Ontario County Planning Board made the following findings: Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character. Final Recommendation: The CPB will make no formal recommendation to deny or improve applications for signs that comply with local limits on size and or number.

Jacob Horst & Marlin Horst were present and presented the application to the board.

There will be mulch and landscaping around the sign.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

The Short Environmental Assessment Form was reviewed; side two was completed by the board. The board determined this to be an unlisted action under SEQOR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Atkins made a motion to approve the Short Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts. Ms. Watkins seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan with the following conditions: 1. The sign will be placed at least 10 feet from the road right of way. 2. If a business changes by either going out of business or changing the nature of the business the sign will be changed to reflect the change. 3. The site plan will be reviewed in 10 years and continued, if found that the business owners have cooperated and the sign is being maintained. 4. If Leroy Newswanger, the owner approves, the applicants may place landscape and place mulch around the sign. Mr. Hoover seconded the motion, which carried unanimously.

Application #22-2011, Curtis & Jolene Martin, owners of property at 4446 State Rt. 247 requests a special use permit & site plan approval for a kennel facility.

The public hearing was opened and the notice, as it appeared in the official newspaper of the Town, was read.

Curtis Martin & Daniel Long, Architect, were present and presented the application to the board.

Mr. Long stated that the onsite waste water treatment system is currently being reviewed. They are now working with New York State Department of Environmental Conservation Department and George Barden, Canandaigua Lake Watershed Inspector. There will be two septic systems, one for the bathroom and kitchenette and one for the kennel area.

Chairman Harvey asked if they would be disturbing more than an acre.

Mr. Long stated that they are only disturbing about $\frac{3}{4}$ of an acre.

Chairman Harvey asked what the construction of the building was.

Mr. Long stated that the building will be insulated concrete form. The roof system will be an insulated truss metal roof. The layout of the interior will be departmentalized, to minimize the noise and to deal with the health aspect of the animals that are kenneled there. Since there is no municipal water they will have holding tanks for water that will be used to flush and clean out the kennels.

The drainage from the roof and around the building will be directed to the existing pond. They will be digging the pond out so that it has a little more capacity.

Chairman Harvey stated that their obligation is to take a look at the hard surfaces and make sure that you do not discharge more than what is currently discharging.

Mr. Long stated that the exterior of the building will be a metal panel system. It will be a two color system, green and tan or putty.

The interior of the building will have sanitary panel system on the walls, so the walls can be easily washed down.

Mr. McCadden asked what sound levels they expect inside the building and what sound levels outside the building.

Mr. Long stated they have a lot of hard surfaces in the interior. One thing that they are mitigating is the ceiling surface, which won't be flat it will be an angle surface, which will help mitigate a lot of the sound. The ceiling will be a perforated ceiling system. This helps reduce the noise level. The substrate behind the perforations will be hush board, which is ½" thick recycled panel system above that is insulation.

Mr. Long stated that the noise on the outside will be below 60 decibels.

Mr. McCadden asked how the in wall exhaust fans with louvers were going to be baffled so as not to transmit the sound outside.

Mr. Long stated that they will have sound absorptive baffles on the outside louvers. The use of the wall fans will be seldomly used to bring fresh air in. The facility will have an air conditioning system.

Ms. Watkins asked what the maximum capacity that the barn will hold.

Mr. Long stated that with the USDA regulations it varies as to what size dogs they have.

Mr. Martin stated that it will be somewhere around 500 dogs.

Mr. McCadden asked if they could define a little bit more of what they anticipate doing.

Mr. Martin stated that it will be a USDA regulated business. Everything will have to be under USDA regulations. They will come in and do inspections for the health of the dogs. They go through the business with a "fine tooth comb". This is a wholesale breeding facility.

Ms. Watkins asked if there would be any outside kennel facilities.

Mr. Martin stated no. The kennels will all be interior. There are exercise runs inside the building.

Mr. Fladd asked if there would be a lot of trucking activity to move the dogs.

Mr. Martin stated that he does all the transporting.

Mr. Farmer asked if there would be a lot of employees.

Mr. Martin stated that they will have whatever the USDA requires.

Mr. Frankish asked who would manage the facility.

Mr. Martin stated that he will be the manager. He has 8 years' experience in the kennel business. Currently they have up to 400 dogs.

Ms. Watkins asked what their plan was for the disposal of dead animals.

Mr. Martin stated that he will either bury them in the ground or in compost.

Chairman Harvey stated that the burial area will need to be identified on the site plan.

Chairman Harvey asked what kind of deliveries they have.

Mr. Martin stated that the feed is stored in a trailer that will come in on a truck.

Chairman Harvey asked where the trailer would be parked.

The location where the trailer is going to be parked needs to be shown on the plan.

Mr. McCadden stated that he would like to know what Mr. Martin's plan is going to be. What kind of dogs is he going to breed and how many dogs he plans on breeding?

Mr. Hoover stated that he believes that the market would determine that.

Mr. Martin stated that they are going to have some small dogs, some large dogs. They will have different size dogs. The numbers, there should not be over 500 dogs. There will be mostly small dogs.

Mr. Farmer asked if that number is breeding dogs.

Mr. Martin stated that there will be not more than 500 breeding dogs.

Mr. Farmer asked how many puppies there would be.

Mr. Martin stated that it depends on how many the dogs have. The puppies do not take up that much room.

Mr. Fladd asked how often the USDA inspects the facility.

Mr. Martin stated that it depends what kind of job you're doing. If you are not doing your job right they will be there all the time.

Mr. Fladd asked how often Mr. Martin is inspected.

Mr. Martin stated that within the last year they have been to his facility two times.

Mr. Atkins asked how long the puppies stay at the facility.

Mr. Martin stated that they stay from birth to eight weeks old.

Ms. Watkins asked if they have a plan in place for contamination control.

Mr. Martin stated they do not let anyone in that is not an employee.

Ms. Watkins asked what the plan was for keeping those who do enter the premise, whether it is one of the workers, what prevents them from bringing diseases into the operation.

Mr. Martin stated sanitizing their hands before they come into the facility. No one should be coming in that came from a different facility. When people come in they are only allowed in the office area.

Chairman Harvey asked if there are any signs on the building.

Mr. Martin stated that there is a sign that states "No Admittance without Kennel Personal".

Mr. Frankish stated that he knows when you go into other pig or chicken facilities that you have to walk through a pan of disinfectant.

Mr. Martin's Veterinarian stated that "Curtis has a very explicit vaccination program for his dogs. No one enters Curtis's present facility without Curtis with them. There are no public entrances. I am there at least once a week. I wash my boots when I go in and I wash my boots when I leave. Curtis's facility is probably the very best kennel facility that any of you will ever have the opportunity to see. The reason that he said that he only has two USDA inspections a year is because he has the cleanest operation maybe in the State. The dogs are immaculate. They are groomed. Their nails are trimmed. They are well fed. If there is a sick dog I hear about it the day it is sick. The dogs are quarantined when they are first brought in. The dogs are tested before they are allowed to breed. This is a very very clean facility. I would fully expect that the facility that they build now will be a notch way above what they presently have. Their disease control is immaculate."

Chairman Harvey asked if there were any comments from the public.

Bill Glitch - "If all of a sudden the United States goes crazy for small dogs and all you are going to have is small dogs what's the number. Seriously, I am not trying to give you a hard time. All you're going to breed is the smallest the USDA will let you house in your facility. How many dogs are you going to have there? I'm not trying to give you a hard time. I am really curious."

Mr. Martin stated that even if he only had small dogs it still would only be around 500 dogs.

Hella Santee - "I'd like to say one thing. If this paper had stated where this kennel is going to be situated, there would have been a lot more people here tonight. Unfortunately everybody figured it was at 4520 not at 4446. I unfortunately live next door, and I have a shallow well. So my concern is very real as what's going to happen to my drinking water. What is it going to do to the value of my house? People don't even want an adult handicap home built anywhere near them. They struggle and fight and say I don't want it. Now I am going to be living next to an extremely large kennel. If I had to buy a house I wouldn't buy it. When I sell it I can see my value going way down. I am sure we are all getting the water from the same water table and if you are composting dogs or burying dogs I am sure we're going to get some of that runoff into our water. It is hard enough now to get clean water and I sure don't want to keep buying it."

Margaret Brewin - "I own the 100 acres that butts up to your 20 acres. Like Dale says this is extremely wet. I have rivers sometimes running through my hay field. My concern is the compost. We have a lot of fox and coyotes around. When I have chickens die I not only compost them I bury them 3 or 4 feet down. I have had them dug up even through composting. My concern with the amount and the fact that it is so clay, there is so much heavy clay over there. Is there a size requirement as far as if he does do composting and we don't know how many animals a year, is that also regulated by the USDA if there are x amount of dogs die how does anybody know how many dogs are going to die? You don't know that so is there a size of an area that needs to be required for the composting? As far as the water runoff from this building and running through that property and leaching into other peoples properties when they are composting animals, I have a concern about that. Are there requirements for that? The other question I have is with the USDA over seeing so much of this; if there are problems who do we have to go to the USDA? Good luck with the USDA. You guys are passing it so they can have the facility but once that's done we have to deal with a whole different agency if problems arise from that."

Mr. Hoover stated that "Cornell has recommendations with composting and I never saw any leachate or anything like that leave my property. You wouldn't know walking next to it that there are dead cows other than if I pull a bone

out and say this was my cow last year. It is amazing how fast a cow disappears and a cow is huge compared to a dog."

Margaret Brewin - "But who regulates that?"

Chairman Harvey stated that "as far as we know there are no regulations. We will certainly check. Obviously there are things that USDA licenses that preempts local regulations. We are not going to set here and establish size of kennel requirements and runs and all that. What is in the board purview are the details on the site plan. We have already said that we want to know where the compost pile is to be located. We are going to look at drainage around that area, etc. etc. If there are Cornell standards or suggestions for size of areas we are going to want to know those and know that they comply. The other part of this is they need a Special Use Permit. The board will consider having conditions on the Special Use Permit. They may include things like an annual review or certain sound level requirement. All those types of things are included in the purview of the board. If they don't meet them then they lose their Special Use Permit and can't operate the facility. That is why we have a review process and we appreciate the public hearing snafu and it's probably going to be something that we are going to have to rectify."

Bill Glitch - "I know you're working real hard to keep the noise down and they are going to be inside and I get that. Should the noise be an issue, have you like a plan B to help mitigate any other noise outside the facility?"

Mr. Martin stated that he will be planting trees around the facility. "There are a lot of pine trees for a buffer. We might even plant more if we need too."

Chairman Harvey stated that it may be real helpful if they had an aerial photo of the area.

Mr. Farmer stated that his Veterinarian stated that she has an incinerator. "Would it be a problem to not compose on your property?"

Mr. Martin stated that he does not think it would be a problem. He has never tried the incinerator.

Ms. Watkins stated that it would be an additional expense. "Whereas composting is not as big of an expense."

Mr. Atkins asked how many dead dogs they have a year.

Mr. Martin stated that he really does not keep close track of that but it is not a big amount.

Margaret Brewin - "Question on your business plan. I don't want to know your numbers or anything but I use to write business plans for businesses. If you already run a facility now that and you have been doing it for eight years I would think all those numbers would be there as far

as how many animals a year - approximately how many animals a year you're losing. Approximately how many puppies and I know you're saying depending on the size of the dog I understand that but, to be honest with you if I was with a client and I was walking up to a Planning Board my business plan would be far more specific than what you are giving us. Maybe I am out of line in saying that. It just seems like there are a lot of gray areas. For a facility as large as this is, the amount of money that you are going to put into it, I would think that you would know, to be honest with you, almost to the dollar of what it is going to cost on a yearly bases to pay back this facility. Everything that you are going to put into this is costly. To me it is very vague, which scares me a little bit. Is what you are telling us really what it is going to be in the end? I don't want to know dollar amounts I just would like to know. You can put a plan out there without putting the dollar amounts out there. Being more specific it seems like if you have already done this for years that you could rattle these numbers off."

Mr. Fladd stated that "yeah you'd know on an average every year how many dogs died. That is just what people are interested in."

Margaret Brewin - "How many puppies did you say approximately what 1000?"

Chairman Harvey stated that is what is going to be important to think about that specific issue. "I think that is going to drive what you're looking at for putting on your plan for compost area. And making everyone understand is it, large enough to meet your requirements for your business."

Chairman Harvey asked if there were any more comments from the public. Hearing none the public hearing was adjourned to be re-opened January 23, 2012, at 7:30PM in the Gorham Town Hall.

The application will be re-published in the official newspaper with the corrected address.

Some of the things that the board would like to see on the plan are: 1. A hard engineering estimate on what the sound level will be to the closest property line. 2. What are the recommendations that Cornell makes on composting? Show that you comply with these recommendations. 3. Show grading around the compose area, making sure there is no runoff from that area. 4. Deliveries & Storage - Show where the food trailer is going to be parked. What kind of bedding material and how does it come in? Is there a loading area? 5. When someone goes into the facility how

do they decontaminate themselves? How do you address these issues? 6. An aerial photo is very important to the Board to see what vegetation is on the property. 7. The board needs to know what your flow rate is and if a DEC permit is required. If DEC does not have to issue a permit for the disposal system there will still have to be an engineer stamp on the design system. 8. The board would like to see what the water usage calculation is. 9. The board will want to see a design calculation for the runoff. The board wants it understood that there is going to be no increase in the quality or quantity of runoff after construction as occurred before. 10. The utilities will be underground. 11. The number of breeding dogs that will be on the premises be more defined.

Mr. Frankish made a motion to adjourn the meeting at 9:12. Ms. Watkins seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary