

Minutes of the special meeting of the Jerusalem Town Board held on August 2, 2019 at 12:10 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael.

GUEST: John Christensen; *Chronicle Express* Reporter

Supervisor Killen called the meeting to order with the Pledge to the Flag at 12:10 P.M.

RESOLUTION #134-19

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW E-2019 AMENDING THE ZONING ORDINANCE - KENNELS

On a motion of Supervisor Killen, seconded by Councilor Sisson, the following was

DEFEATED	Ayes 1	Killen
	Nays 4	Anderson, Jones, Sisson, Stewart

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals"; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on August 21, 2019, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration.

DISCUSSION PROPOSED LOCAL LAW E-2019 ZONING AMENDMENT - KENNELS

There was general discussion on the need to obtain further input

before holding the public hearing. The Town Board and Clerk are to be copied on comments received from the USDA and Zoning and Planning Board members.

RESOLUTION #135-19

RESOLUTION RESCINDING RESOLUTION #133-19 AUTHORIZE SCREENER PURCHASE

On a motion of Councilor Stewart, seconded by Councilor Jones, the following was

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

WHEREAS, at a Town Board meeting properly held on July 17, 2019, the Town Board adopted Resolution #133-19, which stated, "Now, therefore, be it Resolved the low bid be accepted to purchase a Terex Finlay 683 from Smith Heavy Equipment in the amount of \$199,368"; and

WHEREAS, New York State Town Law, Section 93 gives the Town Board the power and authority to rescind or repeal any of its acts or resolutions at any time.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board rescinds the aforementioned Resolution 133-19, said resolution to be of no further force nor effect.

RESOLUTION #136-19

ADVERTISE SCREENER FOR BID

On a motion of Supervisor Killen, seconded by Councilor Stewart, the following was

ADOPTed	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved the Highway Superintendent prepare specifications to put out a request for proposal to purchase a gravel screener.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Stewart, the meeting was adjourned at 12:47 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

Local Law E of the year 2019

A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals

Be it enacted by the Town Board

Town of Jerusalem

as follows:

Section 1. Purpose. The purpose of this local law is to establish new and more protective standards for the issuance of a special use permit for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital in the Agricultural/Residential Zone and to provide for inspections of such facilities.

Section 2. Paragraph C. of Section 160-20 (Special uses) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Paragraph B is inserted in its place to read as follows:

C. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals. See § 160-24

Section 3. Section 160-24 (Animal hospitals) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Section 160-24 is inserted in its place to read as follows:

§ 160-24. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals.

A. The Zoning Board of Appeals may not grant special use permit approval for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital unless the Planning Board has first issued final approval for a site plan in accordance with this Chapter for such proposed special use.

B. The following standards apply to all dog kennels (whether private or commercial), animal rescue / fostering organization facilities, veterinary clinics / veterinary offices and animal hospitals.

(1) The minimum lot area for all dog kennels, animal rescue / fostering organization facilities, veterinary clinics / veterinary offices or animal hospitals shall be a minimum of 5 acres and shall conform to all requirements of the zoning district for principal uses.

(2) No structure to house dogs within a kennel, rescue / fostering organization facilities, veterinary clinic / veterinary office or animal hospital shall be closer than 100 feet to any front, side or rear property line. No outdoor area enclosed by fences for the use of

dogs shall be permitted within a front yard. All outside runs enclosed by fences for the use of dogs shall be set back not less than 200 feet from any side or rear property line.

(3) Housing and exercise areas shall be maintained daily as a clean and waste free environment.

(4) No excrement, manure or other odor or dust producing substance shall be stored or disposed of within 100 feet of any lot line.

(5) A Waste Management Plan shall be submitted at the time of application, showing appropriate measures for the storage, disposal, treatment of all waste, manure and contaminated materials that meet all applicable town, county or state regulations and approval of the Town Zoning Board.

(6) The applicant shall submit and maintain Proof of Compliance with United States Department of Agriculture and Markets Laws, New York State Business Law, and licensing requiring applicable to said operation.

(7) The applicant shall submit a Mortalities Plan at the time of application to include provisions for the safe disposal of remains of deceased dogs.

(8) The applicant shall submit a site plan including adequate plantings and buffering that will be provided and maintained to minimize the impact of inherent nuisance such as noise and odor.

(9) The applicant shall submit a plan for humane retention or adoption of breeding female dogs once they are past prime breeding age, and have a record kept of the placement. Dogs shall also be neutered or spayed at retirement.

(10) A maximum of eight breeding (adult) female dogs will be allowed.

(11) Each applicant for a kennel or dog facility described above shall provide the name of a fully certified veterinarian who has agreed to attend animals that are to be housed at said kennel or dog facility and submit a letter from that veterinarian containing the following:

- (a) Confidence in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.
- (b) Instructions for the breeder in proper technique and equipment for any procedure that the breeder is allowed to perform by law.

(12) Flooring for the dog kennel or facility shall be either solid or plastic coated wire flooring with a minimum of 50% solid flooring required. Plastic wire covered flooring is permitted as long as the gauge of openings is small enough to prevent injuries for the size of dog being housed.

C. INSPECTIONS.

(1) Prior to commencement of use, the structure shall be inspected by the Code Enforcement Officer for compliance with all laws, ordinances, rules and regulations applicable. Inspection reports from USDA inspector shall be copied and supplied to the Zoning Office.

(2) The owner/operator shall allow inspections by the Code Enforcement Officer of the Town of Jerusalem of the operation at unannounced times to insure compliance with all conditions and requirements set forth by the Town of Jerusalem.

(3) Code Enforcement Officer shall make an annual kennel or breeding facility inspection of any such facility with a special use permit for a fee to be listed in the fee schedule.

(4) A written report by Code Enforcement Officer shall be filed in Town offices of any inspection.

(5) Violations shall be corrected within ten (10) days prior to re-inspection and subject to the Penalties established in Article XVI of this Chapter.

D. PRE-EXISTING DOG KENNEL AND BREEDING FACILITIES.

(1) Pre-existing facilities shall be considered non-conforming and must apply for a Special Use review and Permit approval by the Zoning Board in accordance with this section.

(2) Non-conformities must follow all procedures and meet all standards set forth in this section unless reviewed and approved under subsection (4) of this Paragraph D.

(3) Such pre-existing operations shall be subject to the same regulations as specified in this local law with an annual renewal required and an annual dog kennel or breeding facility inspection.

(4) Pre-existing facilities shall be reviewed under Special Use Permit process and may be allowed to function at previously approved capacity, as determined by the Zoning Board of Appeals upon consideration of an inspection by the Code Enforcement.

(5) If the operation has a valid USDA operating permit they will automatically receive a special use permit with a filing of the site plan and a copy of the USDA certification with Town Zoning Office, subject to inspection by Town of Jerusalem Code Enforcement Officer. Facilities shall have 90 days after the date that the law becomes effective, after it is filed with the Secretary of State, to apply for a special use permit. Any operation with more than two major violations/citations from USDA that remain unaddressed for a period of more than thirty days shall result in termination of the special use permit.

Section 4. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

TOWN OF JERUSALEM

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on August 21, 2019, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2019, which would amend The Town of Jerusalem Zoning Ordinance, to make the following changes:

1. Amending the specially permitted use in the Agricultural – Residential (AGR) Use District, currently recited as “Animal hospitals and kennels”, to say “Dog kennels, animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals”; and
2. Amending the existing special use permit conditions for animal hospitals and kennels to require site plan review by the Town Planning Board, require new and additional standards, to provide for inspections and to address pre-existing dog kennels and breeding facilities.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for public review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.