

**ZONING BOARD AGENDA**  
**Thursday September 12, 2024**

OPEN MEETING / PLEDGE TO THE FLAG

ROLL CALL:

	Rodgers Williams	Present
	Randy Rhoads	Present
	Earl Makatura	Present
	Lynn Overgaard	Absent
	Steve Schmidt	Absent
Alternates	Donald Wright	Absent
	David Hostutler	Present

Others present included: Jim Bird, Daryl Jones, Town Board Liaison, Brian & Carole Cummings, Patricia Knapp, Pamela Fingar, Cheryl White, Dave Thorn, Dave Mortensen, Ben Covert, Connie Covert, Peter Covert, Will Knepple, James Zimmerman, Mark Davis.

Meeting called to order at 7 pm.

Approval of August minutes. Motion by to approve minutes **S.Schmidt**. Seconded by **R. Williams**.

COMMUNICATIONS – One letter regarding application #**Z24-0023**, **Wager Hill Rd**.  
Three letters regarding application #**Z24-0024**, **Belknap Hill Rd**.

AREA VARIANCE/PUBLIC HEARINGS:

**App #Z24-0023** -Locust Grove Properties/Covert Security. Special Use Application.  
2865 Wager Hill Rd. (Tax Map) 60.04-1-30.

**Pete Covert** is present to represent the application. They are requesting the use of a preexisting building for the headquarters of the family business, Covert Security. The building will be used for storage, and offices, and vehicle parking. There will be no retail business.

**R.Williams** asks if the public will be on site. **P.Covert** answers no, the staff would clock in and head to customer homes to do service calls. There would likely be only three staff present at one time.

**R.Williams** states there is no issues with external lighting and signage. **P.Covert** answers no.

**R.Rhoads** adds it is a big office that will be locked, correct? **P.Covert** answers it will be locked yes, the ceilings are 17 feet high storage and truck parking.

**R. Williams** asks about the home on the property. **P. Covert** answers it will remain a residence, it is not part of the business.

**R. Rhoads** inquires about the driveway and parking, looks like it will be expanded.

**P. Covert** said they plan to lay down more gravel which is not visible from the road.

**R. Rhoads** asks how many employees he has, **P. Covert** responds eight total.

**E. Makatura** adds that the property has been vacant for years, it's a good idea. **P. Covert** answers yes and unfortunately it has been neglected and they plan on fixing on the property.

**R. Rhoads** adds that lot is a nonconforming lot, it is 293 sq ft larger than what is allowed and it is too close to the road. However, it is a preexisting building.

**E. Makatura** adds it will be a quite business. **P. Covert** answers that yes, they wanted a property close to home in Penn Yan and definitely in Yates County.

**R. Williams** relays there is no questions because it is a permitted special use permit. There is no need for restrictions on lighting or signage that sort of thing.

**R. Williams** motions to approve the request as written. **R. Rhoads** seconds.

The board was polled as follows:

D. Hostutler- Grant

S. Schmidt- Grant

E. Makatura- Grant

R. Rhoads- Grant

R. Williams- Grant

**Unidentified resident** inquires if the special use permit goes with the business, if a different type of business could go at that property. **R. Rhoads** answers that the permit is just for that particular business. **R. Williams** adds that is a permitted special use. The applicants come in regards to lighting, parking etc. **E. Makatura** adds that if it were to change to a different business it would have to come before the Zoning Board.

Neighbor **Patricia Knapp** reads letter with her concerns. Letter of concern by her son in law was submitted to Zoning Board prior to meeting. She has no objection to Covert Security. She does object to the home being used for a business or air b and b. She wants to have neighbors living across the street from her.

**Unidentified resident** asks why the board voted before the public spoke. **R. Williams** answers that they already received communications from neighbor (son in law) and he addressed the concerns at beginning of application review.

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**App #Z24-0024** -James & Justina Zimmerman. Dog Kennel. Special Use Application.

4011 Belknap Hill Rd. (Tax Map) 71.03-1-3

**James Zimmerman** is present to represent the application. They are requesting to use a portion of their 50 x 80 preexisting building for a dog kennel. 12 x 24 to be used for their dogs. The remaining space is used for horses, and equipment. There will be air conditioning for dogs. Along with space for the dogs outside.

**R.Rhoads** asks about how far off the road the kennel is. **J.Zimmerman** answered 350-400 ft. **R.Williams** asked about the dog runs. He replied it will be on back side of building, (facing Northwest) they have considered a privacy fence or trees. **R. Williams** suggests they do.

**R.Rhoads** ask if they have run a kennel before **J. Zimmerman** answers no, they have had just family dogs. They will have 8 breeding females. The breed will be small dogs. They currently have a rottweiler who runs loose on the farm, that is their family pet.

**R. Williams** states they have received communication from a neighbor about the rottweiler running loose and seemed mean. They should take that into consideration.

**J.Zimmerman** said he did not know that and will absolutely take that into consideration and be responsible for the dog.

**Neighbor** asks if it needs to be on the leash. **E.Makatura** answered on your own property you do not need a leash, however public streets you do. **R.Williams** that is not a zoning issue needing to be discussed tonight.

Neighbor **Will Knepple** asks where the location of the kennel will be on the property. He lives on the west side of Zimmerman property.

The Zoning board presents the site plan that was included in the application. He also inquires about noise asking how many dogs they will have at one time, adding a kennel can decrease the value of the neighboring homes. **W. Knepple** adds he has concerns of the dogs barking, how loud will it be if 50-60 dogs are barking all at once.

**R.Rhoads** asks applicant how many dogs will be pregnant at the same time. **J.Zimmerman** answers that not all eight will be pregnant at once. They are small breed dogs; they usually have a litter of 4 or 5 dogs.

**J.Bird** reads the local law stating that if dogs become a nuisance the town can take action meaning if they habitually annoy anyone other than the owner. The kennels are well regulated by the State, if there is a problem besides the state or county or whoever controls that has to do with it, the town has it in the code they can do something about it. (barking)

**W. Knepple** asks about the manure plan. **J.Zimmerman** answered that they would spread throughout the land, composting it. **W. Knepple** responded that is not okay with him.

**J. Zimmerman** said the State strictly monitors the business, can come out at any given time. He wants to make it clear they are monitored.

**R.Rhoads** reviewed the manure plan in application saying the State requires 2.3 acres for the amount of waste they will have. They have 70 acres, which is ten times that.

**R.Rhoads** confirms it will be removed daily. **J. Zimmerman** answers yes, and added that it must be 100 feet from the property line and it will be tilled twice a day.

**R. Williams** inquiries about the runs outside, will dogs be able to go in and out freely or will they be inside at night time. **J. Zimmerman** said they could be kept inside at night if that is legal by the State.

**Unidentified neighbor** whom lives across the street is concerned with dogs being outside. Another neighborhood dog is outside 24-7 and barks continuously. He could see the kennels dogs and continue to bark. His main concerns are barking and the disposal.

**R.Rhoads** states the manure disposal has been addressed in application. He asks applicant what could be done about the noise.

**J. Zimmerman** answers that they can put up a privacy fence or some sort of noise barrier.

**R.Rhoads** suggest it would be worthwhile. **E. Makatura** agrees that it will help to buffer the noise. **J. Zimmerman** responds that yes, they do want to be good neighbors.

Another resident adds they are glad to hear there is State required inspections of the facilities.

**J.Zimmerman** adds that state inspections can be viewed online through the state.

**R.Williams** asks how they will advertise the sale of dogs, **J.Zimmerman** answers they will be using an advertising company that sells them online. **R.Williams** adds they cannot sell to pet stores.

**Neighbor** asks what kind of small breed dogs they intend to breed. **J. Zimmerman** said he likely thinks Yorkshire Terriers, Frenchie's, and dachshunds. Additional neighbor asks with the stipulation of the eight breeding females, where is the male. **J.Zimmerman** replies that they go to a stud.

**R. Rhoads** motions to except proposal with the restriction that there are no more than 8 breeding females, and to put up a noise barrier between the kennel and Belknap Hill Rd. **E. Makatura** seconds.

The board was polled as follows:  
D.Hostutler- Grant

S.Schmidt- Grant  
E.Makatura- Grant  
R. Rhoads- Grant  
R.Williams- Grant

**App #Z24-0025** -Kati & Michael Healey. Area Variance Application.  
743 Old Pines Trail (Tax Map) 61.33-1-5

Board member **E. Makatura** recuses himself as he is contractor.

**E. Makatura** presents application to the board. The homeowners are requesting 15' where 20' is required for a 5' front yard variance to construct a two car in place of detached garage. Shifting it to the east. It is about 10 feet down from the west side, take off from there down, showing the board the architect drawings. Garage is currently 15 feet off from the edge of the road, including the overhang. They will be going back a bit just more; the homeowners are asking for 15 feet.

**R.Rhoads** confirms the garage will be two stories. **E.Makatura** answers yes, they will likely have a workout room, and a bathroom.

**R.Rhoads** asks about lot coverage.

**E.Makatura** states they are under.

**R.Williams** asks if the garage will be taller then the house, **E.Makatura** answers yes, but they will be way under the 35 foot requirement.

**R. Williams** relays there was one letter from neighbor voicing they have no concerns with the variance.

The Area Variance test questions were read and reviewed regarding the variance with the following results: 1 majority yes, 4 majority no.

**R.Rhoads** makes a motion to grant variance. **D.Hostutler** seconds.

The board was polled as follows:

D.Hostutler- Grant  
S.Schmidt- Grant  
E.Makatura- Grant  
R. Rhoads- Grant  
R.Williams- Grant

**R.Williams** relays to board there is Planning and Zoning school training provided by the Association of Towns.

**R.Rhoads** made a motion to close the meeting at 7:59 pm. **R.Williams** seconds.

Next meeting October 10<sup>th</sup>.