



November 30, 2022

ZONING BOARD OF APPEALS MEETING

Present: Timothy Morgan, Chairman  
David Pann  
Roberta Lobur  
Nathan Witkowski  
Bethany Willis  
Michael Borth, Code Enforcement Officer  
Jayne DeTine, Clerk

Chairman Morgan opened the meeting with a welcome to everyone.

The Zoning Board of Appeals met on this date at 7:00 pm to hear the application of:

The Special Use Permit requested by Paula Milligan to open White Whiskers Senior Dog Sanctuary(kennel) at the premises known as 35 Lewis Road which is in an R-3 zone.

Code Enforcement Officer Mike Borth stated that the project is allowed in an R-3 zone with a Special Use Permit.

The Village Clerk read the proof of publication and requested the proof of required signatures and notifications of the neighbors within 200 feet of 35 Lewis Rd. Signatures were submitted.

Chairman Morgan called those representing White Whiskers Senior Dog Sanctuary to the table.

White Whiskers Attorney Sean Hopkins and Architect David Sutton came before the Zoning Board again to restate the Special Use request for Paula Milligan to open White Whiskers Senior Dog Sanctuary (kennel) at the property located at 35 Lewis Road. Ms. Milligan has a contract to purchase the property contingent the Zoning Board approves her Special Use Permit. Her plan is to give older dogs who have lost their homes a compassionate option for them to live out their years in safety, comfort, and peace. They confirmed again that Paula would transform the existing building into an apartment in the front for herself and a meeting room, kennels, bathrooms, etc. in the back portion of the building. The existing garages on the site would be used for storage. In response to the concerns mentioned at the last meeting, several changes were made to the site plan, they are as follows: AcoustiFence will be installed around all three sides of the outdoor dog area to mitigate as much of the possible noise/barking as possible; the proposed inside/outside kennel run has been changed to just inside kennels; 6' Evergreen trees would be planted along the outside of the fenced in designated outdoor dog area for added curb appeal and additional noise retention.

Paula Milligan explained that she wants to be a good neighbor and will go above and beyond to work with neighbors who may have any complaints. She stated that the dogs would be inside most of the time sleeping. Scheduled bathroom breaks would be conducted during the day from 9 am – until 7 pm with limited number of dogs to keep barking at a bare minimum. The dogs would only be out after 7 pm for emergency bathroom breaks with direct supervision and only one at a time.

Several residents in attendance were against this request. Those opposed were: Charles Keppler/Culligan Water, Kathy Feitshans/Creekside Apartments, John and Mary Asmus, all of which would be directly affected by this Sanctuary as their properties surround 35 Lewis Rd. Their concerns included, barking, smell, re-sale value of their properties and allowing a Sanctuary/kennel within the Village. Town resident Jacob Halleck felt the Zoning Board should really be focusing on the adjacent longtime property owners concerns with this project.

Several residents were there to show support for the Sanctuary. Those in approval were Jamie and Edwin Sutton/Sutton Farms, who offered to dispose of the dog waste, Frank Falkowski, great for veterans. Many Town residents were in favor: Kevin Dolan/Wright Rd, Bev Richards/Siehl Rd, Wade Bogart/Hake Rd all stated: it would be good for the reputation of the Village, huge need for this kind of Sanctuary, great labor of love for all involved and building really needs a face lift.

Concerns of the Zoning Board were: is there a succession plan for when Paula is not able to run and live at the Sanctuary? How are the dogs found, referred, and eventually admitted to the program? Paula explained that they have over 700 volunteers and several will work very closely with her everyday and could easily step into her position. She stressed that this group wants the Sanctuary to outlast all of us. The process for admittance is as follows: application submitted, then a slow introduction of dog to other dogs to see if that dog adapts nicely, if not, they will be moved elsewhere.

After further discussion regarding Chairman Morgan asked if there was a motion from the Board.

RESOLUTION duly moved by Bethany Willis and seconded by Chairman Timothy Morgan to approve the Special Use Permit request to open Paula Milligan/White Whiskers Senior Dog Sanctuary (kennel) with the following conditions:

1. Paula Milligan shall reside within the on-site apartment and shall have primary responsibility for the supervision of the elderly dogs that will reside within the senior dog sanctuary at 35 Lewis Road, however, if a new individual takes over the sanctuary they must come before the Zoning Board for their approval.
2. The Code Enforcement Officer and the Village Clerk's office shall be provided with contact information for the on-site resident. If the contact information for the on-site resident changes in the future, the Code Enforcement Officer and the Village Clerk's Office shall be provided with the updated contact information.
- 3.. A maximum of twenty-five (25) dogs shall reside on the property, including the care takers dogs, at 35 Lewis Rd.
4. The exterior walls of the renovated building will be insulated with sound proofing insulation and thermal buffer to contain noise within.
5. Sound reduction measures will be implemented for the designated outdoor dog area consisting of the installation of Acoustifence.
6. The outdoor dog area shall not be accessible by dogs between the hours of 7:00 pm and 9:00 am with the exception of dogs with direct supervision that need to defecate or urinate.

7. A row of evergreen trees with a height of at least six feet (6') at the time of planting shall be installed on all sides of the fenced-in designated outdoor dog area.
8. Dog waste shall be quickly and properly disposed of at all times in order to ensure there will not be any off-site odor concerns.
9. Any legitimate complaints to be received by the Code Enforcement Officer pertaining to the use of the property at 35 Lewis Road as a senior dog sanctuary shall be communicated directly to the on-site resident of the facility. The Applicant shall make a diligent effort to resolve any legitimate complaints in a timely manner so as to ensure the senior dog sanctuary will not be a nuisance to the owners of residential properties in the vicinity of 35 Lewis Road. **Note:** All legitimate complaints must have the complainants name and address.
10. White Whiskers acknowledges that they will remain subject to any and all applicable regulations related to noise and or public nuisance promulgated by the State of New York or contained in the Village code.
11. A building permit shall be obtained from the Building Department prior to any construction activities in furtherance of the approved project.
12. The use of the property as a commercial kennel shall be strictly prohibited.
13. All dogs permitted to stay on the property must be 8 years or older.
14. This Special Use Permit will expire one year after occupancy and will need to be renewed.

be and hereby is approved.

Adopted:	Timothy Morgan	- Aye
	Roberta Lobur	- Aye
	David Pann	- Aye
	Nathan Witkowski	- Nay
	Bethany Willis	- Aye

On the motion of Bethany Willis and seconded by Nate Witkowski at 8:50 pm. this meeting was ADJOURNED.