

PRESENT: Brenda Colberg-DiMarco Chairperson, Terrance Wansley, Nancy Iankowitz and Margo Miller

CONTENTS: Jorge and Olga Merchan PTM Auto Sales (Area Variance) and Minutes.

There were two (2) people in the audience.

Chairperson Colberg-DiMarco opened the meeting at 7:00 p.m. and then led the salute to the flag.

<u>JORGE AND OLGA MERCHAN</u> <i>PTM Auto Sales LLC.</i> 1249 NYS Route 2 Pawling, NY 12564 Grid Number: 134089-11-7058-631821	Area	2019-004
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Mr. Jorge Merchan, landowner and Mr. Joseph Zarecki P.E. from the firm of Zarecki & Associates, were present.

Chairperson Brenda Colberg-DiMarco said the property is located at 1249 NYS Route 22 in the Highway Business "HB" Zoning District. The applicant is before the Board for an area variance, §215-31.1 Highway Business (HB) nonresidential zoning district.

C. Special Permit Requirements for any lot above two acres and multi-use centers. Because large lots and multi-use centers have special aesthetic and design considerations, they shall meet the general standards of §215-46, the standards listed above Subsection B, as well as the following condition (1) Minimum lot size two acres (2.0), 1.87 acres is available, a variance of 0.13 is requested.

Chairperson Colberg-DiMarco read the response from the Dutchess County Department of Planning & Development, which indicates this application is a matter of local concern. The Planning Board has made a SEQRA determination on June 03, 2019. Therefore, no action is necessary by the Board. Chairperson Colberg-DiMarco, Nancy Iankowitz, and Terrance Wansley performed a site inspection on June 22, 2019. Chairperson Colberg-DiMarco explained that Mr. Merchan was granted an area variance in 2014 by this Board. Subsequently, the area variance had expired.

Mr. Zarecki said the project consists of an existing 2,600 sq. ft. bedroom residence and a 2,500 sq. ft. detached garage. The parcel is 1.87± acre and bounded by Route 22 to the east and Kitchen Corners Road to the west. The site consists of a lawn area outside of the residence. The terrain is mostly gently sloping. The proposal is to create a 300 sq. ft. office within the existing residence and parking outside for the purpose of internet motor vehicle sales. The remaining portion of the residence will continue to be used as a single-family residence. The existing garage will be used for light repairs and detailing of the for sale vehicles on the site. Parking spaces will be provided for the residence and customers. The motor vehicles for sale will be stored on a gravel lot, depicted as shown on the Site Plan. Customers have access to cars for sale via the internet. The auto sales customers are a low volume use. They contact Mr. Merchan to schedule an appointment to inspect and test drive the vehicles. Currently, there is no change to the SSDS.

Chairperson Colberg-DiMarco asked where is proposed placement of the signage located?

Mr. Zarecki responded that the signage is approved by the Planning Board as part of the Site Plan procedural process. The proposed freestanding sign shall face NYS Route 22 perpendicular, in front of the tree line.

Chairperson Colberg-DiMarco opened the Public Hearing.

There were no comments from the audience.

Chairperson Colberg-DiMarco closed the Public Hearing.

Chairperson Colberg-DiMarco said the Zoning Board of Appeals in making its determination shall take into consideration the five factors the Board must weigh against the detriment to the health, safety, and welfare of the neighborhood or community.

Mrs. Iankowich read the first factor, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?

The Board members concurred that no undesirable change would be created.

Chairperson Colberg-DiMarco said that Mr. Merchan had done a beautiful enhancement to the property.

Mrs. Iankowich read the second factor, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?

The Board members concurred that no other feasible method can be achieved other than by granting of an area variance.

Mrs. Iankowich read the third factor, is the variance substantial?

The Board concurred that the variance is not substantial.

Mrs. Iankowitz read the fourth factor, will there be an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

The Board members concurred that no adverse effect would occur to the neighborhood.

Mrs. Iankowich read the fifth factor, whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance?

Mrs. Iankowich said an aspect of developing a commercial business is self-created. Nonetheless, commercial business is allowed in the Highway Business "HB" Zoning District. Therefore, this fact is irrelevant in making a determination to grant an area variance.

Following discussion, weighing all the factors, the consensus of the Board agreed to grant the area variance.

Motion by Mrs. Iankowitz to grant an area variance to Jorge and Olga Merchan - PTM Auto Sales LLC., at 1249 NYS Route 22 for §215-31.1 Highway Business (HB) nonresidential Zoning district. C. Special Permit Requirements for any lot above two acres and multi-use centers. Because large lots and multi-use centers have special aesthetic and design considerations, they shall meet the general standards of §215-46, the standards listed above Subsection B, as well as the following condition (1) Minimum lot size two acres (2.0), 1.87 acres is available, a variance of 0.13 was granted.

* Unless otherwise specified by the Zoning Board of Appeals the decision shall expire within 2 years if the applicant fails to commence & substantially complete work related to the decision.

Second, by Mrs. Miller. Chairperson Colberg-DiMarco asked for discussion.

All were in favor, and the Motion carried.

HEARTH AND HOUND LLC.

Concept Discussion on a Business Proposal

Ing-Chea & Yen Shi

1107 Old Quaker Hill Road

Pawling, NY 12564

Grid Number: 134089-7158-00-611209

134089-7158-00-612236

Mr. Ing-Chea and Ms. Yen Shi were present.

Chairperson Colberg-DiMarco said the applicants are seeking to purchase two (2) parcels of land located at 1107 Old Quaker Hill Road. Chairperson Colberg-DiMarco, Nancy Iankowitz, and Terrance Wansley performed a primarily site inspection on June 22, 2019.

Mr. Chea and Ms. Shi began by making a presentation to the Board. The couple is planning to launch an innovative countryside retreat for city dogs to enjoy the great outdoors, much like a vacation from urban life. The dogs would be housed in a soundproof, climate control building on the premises. The interior would be outfitted with individual dens where pups would enjoy luxury privacy while they dine and nap on plush beds. The real estate they are seeking to purchase consists of two (2) lots (611209 & 612236). The applicants presented an illustrated site layout. The site includes sectioned off dog fencing pens to conduct various outdoor play activities, and a perimeter fence to safely ensure all dogs cannot leave the property. As illustrated the location of the barn and residents is marked by a 250-foot boundary line. Mr. Chea said Ms. Shi has a passion for taking care of dogs. The dog kennel business will be a supervised schedule for the dogs to enjoy outdoor activities and not kept in a pen's all day. They will live full time on the property. It is very important to them to maintain quietness, no continuous dog barking, by providing lots of playtime and long walks along the trails. The pens location are proposed on the property at the farther distance the neighbors.

Chairperson Colberg-DiMarco asked if the applicants plan to clear cut the woods.

Ms. Yen responded that their intention is not to clear cut the woods, only a few trees in various location for trails or to construct fencing. The maximum number of dogs is 20, segregated into small, medium, and large groups.

Mr. Wansley asked several questions, as follows;

Mr. Wansley asked if the commercial kennel is for dogs only.

Ms. Shi responded that the kennel would only be for dogs.

Mr. Wansley asked what's the maximum number of dogs to be housed at the kennel.

Ms. Shi responded the maximum number of dogs would be 20. The dogs are to be segregated by sizes, small, medium, and large groups.

Mr. Wansley asked if the kennel would be open year-round?

Ms. Shi responded, yes. She explained that even in the winter the months, the dogs would be out enjoying the snow and colder weather.

Mr. Wansley asked how would waste management removal be handled?

Mr. Chea said they plan to hire a waste management company to remove the waste products.

Ms. Shi said the solid dog waste would be bagged and sealed daily for removal by a contractor registered with NYSDEC to haul residential septage. They intend to contract with a waste management company.

Mr. Wansley asked how the dogs are tested for temperament management?

Ms. Shi said when a dog arrives at the facility, it is put through temperament testing before they are accepted as a boarder. One to two dogs per day will be invited to the facility to be tested by a trained dog handler to diagnose aggressive temperaments and how these dogs interact with other dogs. All similar dogs' sizes will be kept together.

Mr. Chea explained Ms. Shi currently works with a dog rescue facility in Brooklyn, NY. This allows Ms. Shi to network with trainers, veterinaries, and dog/animal resources.

Ms. Shi said the dogs come up from the South as part of the dog rescue handling they are tested for temperament and placed in a compatible foster home until they are adopted.

Mr. Wansley asked how many employees would work at the commercial facilities.

Ms. Shi said she anticipates hiring three (3) full-time employees or a combination of part-time employees to fulfill 3 full-time positions. There will be one employee working with specific playgroups throughout the day. Also, they will offer daily guest pups to be transported by van to the facility. This service minimizes traffic impacts to the neighborhood. Clients are welcomed to transport their dogs to and from the facility by pre-arrangement only, though they expect most clients to utilize the van service after their initial visit. Hearth & Hound is an innovative countryside retreat for city dogs to enjoy the great outdoors.

Mrs. Iankowitz asked if Ms. Shi is anticipating bringing in dogs from rescue organizations to populate the dog pens.

Ms. Shi responded their services are for clients only. The rescues that come from the South are placed into foster care until they are adopted.

Chairperson Colberg-DiMarco asked what the barn dimensions is. She has a reservation that this facility would not be large enough to house 20 dogs.

Mr. Chea responded the barn is 900 square feet, with high ceilings that could be renovated into a second floor. They will be working with an architect to design the commercial kennel utilizing and expanding the space.

Chairperson Colberg-DiMarco asked if the Chea-Shi family spoke with any of the neighbors about their proposal.

The applicants met with two neighbors who were very respectful to the idea of a commercial kennel. They made a positive effort to explain the scope of the project with the neighbors. The neighbor across the street owns 2,000± acres, with no structures.

Chairperson Colberg-DiMarco reviewed with the applicant, the area variances required for this property and then explained the Zoning Board of Appeals process. Furthermore, she reviewed the fact that the neighbors could speak against a commercial kennel at the Zoning Board of Appeals Public Hearing to be held in the future.

Mrs. Miller said the applicant has covered major items to this project, such as traffic control, waste management disposal, and speaking with the neighbors.

Chairperson Colberg-DiMarco said the parcel is beautiful. It is great to know that the trees will not be removed.

Mr. Chea asked what the next step are to begin the approval process.

Chairperson Colberg-DiMarco said the applicants had done their part by introducing themselves to the neighbors. The next step is to start the formal application with the Planning Board; the Planning

Board will refer the applicants to the Zoning Board of Appeals for the necessary area variances. The applicants have been scheduled on the July 15, 2019, Planning Board agenda.

Mrs. O'Connor, real estate agent, asked if a survey map would be required.

Chairperson Colberg-DiMarco responded the ZBA does require a survey map. The same survey map is used for both Planning and Zoning Boards applications.

MINUTES

Motion by Mrs. Miller to approve the Minutes of May 28, 2019, as read.

Second, by Mrs. Iankowitz. Chairperson Colberg DiMarco asked for discussion.

All were in favor, and the Motion carried.

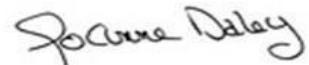
NEW BUSINESS

Mrs. Nancy Iankowitz submitted a letter resigning from the Zoning Board of Appeals on August 26, 2019. Chairperson Colberg-DiMarco thanked Mrs. Iankowitz for her years of service and will be missed as a Board member.

ADJOURNMENT

On a Motion by Mrs. Iankowitz and seconded by Mr. Wansley to adjourn the meeting at 8:00 p.m. All were in favor, and the meeting was adjourned.

Respectfully submitted



JoAnne Daley
Recording Secretary

non - approved minutes