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

EXCUSED: Terrance Wansley

ALSO PRESENT: Michael Liquori Esq, Town Attorney.

CONTENT: Divey Vargas (Area Variance), Frank J. Blefari Jr. (Use Variance) Hearth & Hound LLC (Area Variances), and Minutes.

There were fifty people in the audience

DINEY VARGAS
1078 NYS Route 292
Holmes, NY 12531
Grid Number: 134089-11-6856-14-324470

Chairperson Colberg-DiMarco tabled the Diney Vargas application until the September 23rd, 2019 Zoning Board of Appeals meeting. The application will necessitate re-noticing the legal notice.

FRANK J. BLEFARI JR.
136 River Road
Pawling, NY 12564
Grid Number: 134089-11-6856-14-324470

Mr. Frank Blefari Ill and Amanda Blefari were present.
Chairman Colberg-DiMarco said the property is located at 136 River Road in the “VRD” Variable Residential Density Zoning District. Chairperson Colberg-DiMarco read the response from Dutchess County Planning dated August 19, 2019. The Board has addressed all the comments made by Dutchess County Planning in the resolution. This application is a Type II action, according to SEQRA; therefore, no action is necessary by the Board. A site inspection was held on August 22, 2019. Chairperson Colberg-DiMarco, Nancy Iankowitz, and Terrance Wansley were in attendance.
Mr. Blefari said they are seeking to conform that the actual use that has been ongoing for years at the premises by requesting Use Variance to the uses defined under the Town list of permitted use for a Commercial Garage and Automobile Body Shop.

Chairperson Colberg-DiMarco opened the meeting to the Public.
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 four factors the Board must weigh against the detriment to the health, safety, and welfare of the neighborhood or community.

Mrs. Miller read the first question; the applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence.
Chairperson Colberg-DiMarco responded that is a true statement.
Mrs. Miller read the second question that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
Chairperson Colberg-DiMarco agreed that the alleged hardship is unique to the property.
Mrs. Miller read the third question, that the requested use variance if granted, will not alter the essential character of the neighborhood.
Chairperson Colberg-DiMarco agreed that the use variance would not alter the essential character of the neighborhood.
Mrs. Miller read the fourth question that the alleged hardship has not been self-created.
Chairperson Colberg-DiMarco said the applicant has no control over the surrounding properties uses.

Mrs. Nancy Iankowitz read into the record Zoning Board of Appeals Resolution # 1 of 2019 for Frank J. Blefari Jr., Heritage Automotive Restoration, LLC., Use Variance located at 136 River Road, Pawling, NY., Tax map #134089-11-7058-631821 (copy in file).
Second by Mrs. Miller. Chairperson Colberg-DiMarco asked for discussion.
Roll call:
Chairperson Colberg-DiMarco, Yay.
Nancy Iankowitz, Yay.
Terrance Wansley, Excused.
Margaux Miller, Yay.

HEARTH & HOUND LLC
1107 Old Quaker Hill Road
Pawling, NY 12564
Grid Number: 134089-11-7158-611209

Mr. and Mrs. Ing Chea proposed buyers for the property, Mrs. Sarka Leff P.E. were present.
Chairperson Colberg-DiMarco said the property is located at 1107 Old Quaker Hill Road in the CD-5 Zoning District. Chairperson Colberg-DiMarco read the response from Dutchess County Planning, which indicates this application is a matter of local concern. On August 19, 2019 the Planning Board declared a Type II negative SEQRA declaration. A site inspection was held on August 22, 2019 Chairperson Colberg-DiMarco, Nancy Iankowitz, and Terrance Wansley were in attendance.
Mr. and Mrs. Ing Chea 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. They currently live in New York City and have been looking for a place to relocate for a year. 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. Today’s current kennels are not constructed as in the past with lots of metal, limited space within pens. The kennel is a luxury dog retreat with comfortable beds, separate dens, built out as living in a home (kennel photo presented). The residence contains five bedrooms, the couple plans to live on the property and the dogs in the kennel facility. The barn currently located on the property will be converted in a soundproof climate control boutique dog hotel. 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 proposed on the property at the farthest distance from the neighbors. To address noise and sound, they will be following guidelines for a SRC65 soundproofing, akin to a high-end music studio. Dogs 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. Only even temperament dogs would be accepted as clients. The dogs would have playtime outside within the playpens. It is anticipated to hire two (2) full-time employees or a combination of part-time employees. There will be one employee working with specific playgroups throughout the day. The site includes
sectioned offed dog fencing pens to conduct various outdoor play activities, and a perimeter fence to safely ensure all dogs cannot leave the property. The natural trees and surrounding woodland is a natural noise insulator. Their plans are to cut down a very limited number of trees, to keep the grounds very similar to a wooded area. No dogs would be allowed to run at large. There will be double layer of fencing, and double-layer safety pens in the kennel. Mr. Chea presented photos of fencing six feet in height that matches the character of the neighborhood. Dogs that are engaged in activity are quiet dogs. They are in charge of dog’s safety staying on the premises. In terms of signage, they are proposing 2.5’ x 2.5’ sign, using their black dog logo for Hearth & Hound. They are working with Dutchess County Public Works on the signage application. All the dogs are required to be up to date on vaccines and preventative medication such as heartworm, canine flu, flea, ticks, etc.

Chairperson Colberg-DiMarco asked the Board members if they had any additional questions.

Mrs. Lankowitz said “most of my questions were answered the last time the applicants presented.” When the dogs are lead out from the barn to the pens, will the dogs be on leashes?

Mr. Chea responded the dogs will always be on leases when lead to and from pens, walking trails and kennel and off-leash inside the kennel.

Mrs. Lankowitz said the dogs are separated by size within the pens. She asked what the ratio of employees to dogs are? The applicants explained the temperament test to the Board. Mr. Chea said one (1) employee to a maximum of 10 dogs. Mrs. Chea said the employees would be professionally trained to handle dogs.

Chairperson Colberg-DiMarco asked for Mrs. Leff to illustrate the pen locations and fenced-in property. The plans were reviewed by the Board members and Mrs. Leff. It was understood that if the applicants constructed a building in the middle of the property no sideline variances would be necessary. The applicant’s preference is to convert the barn into a soundproof kennel oppose to build a new structure. The Board reviewed the front and side yard area variance dimensions.

Chairperson Colbeg-DiMarco asked if there were any additional questions from the Board. Mrs. Miller said the applicants have covered all the important aspect of the application.

Chairperson Colberg-DiMarco opened the meeting to the public.

Mr. Randy Levine, 826 Old Quaker Hill Road spoke. He said that he heard the application was simultaneously in front of both the Planning and Zoning Board of Appeals. It is his understanding an application cannot go before the Planning Board without approvals, and if that is case nothing goes to the Planning Board until a use is approved. As a matter of record he might be mistaken if that is true.

Mr. Michael Liquori Esq., Town Attorney explained the process. Initially, an applicant goes to the Planning Board, the Planning Board has to discharge the Town responsibilities under SEQRA, and if the application requires an area variance component, notwithstanding any provisions of the law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, the application may be made to the Zoning Board of Appeals for an area variance following the Planning Board environmental analysis, engineered reviewed and then a SEQRA declaration, the Planning Board makes a referral to the Zoning Board of Appeals for the required area variance. The Zoning Board of Appeals reviews the area variance application, if variances are granted, the application goes back to the Planning Board or if the variance is not granted the application does not go back to Planning Board.

Mr. Levine responded that is not his reading on State Law, the SEQRA process is backwards. The SEQRA is not done until the Board has an approved use or not. The applicants seem like lovely people. Mr. Levin stated that Quaker Hill was zoned in a specific way, for specific purposes. It seems that lately a lot of attempts have been made to undo that case by case instead of legislatively. In turn Quaker Hill which was specifically zoned in a specific way is being
turned into commercial zoning. He thinks none of these decisions should be made by individual Boards, on case by case matters, they are legislative policy and should go before Town Board. Thank you.

Mr. Scott Ferguson and Terry Olson, 582 North Quaker Hill Road. Mr. Ferguson spoke. He explained their property’s location in relation to the subject parcel. Their property is mostly downhill from the 1107 Old Quaker Hill Road and they have concerns to noise issues from the dogs. Their farm is registered Agricultural Farm, and their horses are rehab/rescues, hunter jumper circuit. They are worried about the dogs getting loose and noise issues. The variances being requested are setbacks, insufficient acreage, pens not soundproof along with the applicant needing a Special Use Permit. Everyone in this neighborhood has paid high taxes. For the record, they do not want this business proposal and are not in favor of this application.

Mr. Robert Shadur, 5 Berry Lane spoke saying people might remember him as the former Town Attorney. First and foremost he is a dog lover and has a number of dogs. First, he has a procedural question, was the discussion between the Zoning Board of Appeals and the applicants held during an open meeting?

Mrs. Lankowitz responded that the applicant appeared before the Board during an open meeting.

Mr. Shadur confirmed an open meeting was held, and then the applicants returned to the Board for a “Public Hearing” where notices were sent out to adjoining neighbors. He went on to say dogs are pack animals, they bark at one another, same as coyotes bark at each other. Dogs are the same genus or same species as coyotes. The one item we can count on, notwithstanding the applicant’s good faith of temperament testing. There is going to be plenty of barking within the doggy country club as the applicant told him. Pursuant to the Town code section §215-18.B requires that “no such hospital or kennel shall be operated in such a manner as to produce no objectionable noise, odors or other nuisances beyond the boundaries of the site on which it is located and such facility shall assure a buffer zone” and that objectionable noise would certainly leave the boundaries of the site. A buffer zone must ensure no noise increases as it exists today. Noise testing should be performed today, and none of that testing would include dogs barking. The dogs will be inside the kennel by 8:00 p.m., nonetheless the dogs will be barking at other dogs on Quaker Hill. You can say this is a dog hotel, nonetheless, it is a dog kennel.

Chairperson Colberg DiMarco said many people present this evening are here tonight to voice their concerns and opinions, and she asked Mr. Shadur to formalize his major comments to give everyone time to speak. The public asked for Mr. Shadur to continue, and Chairperson Colberg-DiMarco allowed Mr. Shadur ample time to make all comments.

Mr. Shadur said pursuant to the Code of the Town of Pawling §215-52 D. (c) states, The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. He must remind the Board excessive barking is detrimental to the general welfare of the neighborhood. Real Estate brokers say dog barking decreases home values. With the significant reduction in home values in Pawling, this kennel will add to decreasing home values in the Town of Pawling. The issuance of any approval for this application is mute, it is mute for this Board to consider, based upon §215 Schedule of Permitted Uses.

Chairperson Colberg DiMarco said Mr. Shadur submitted for the records, §215 Schedule of Permitted Uses, §215 attachment 1:1 dated 06-01-2015.

Mr. Shadur said the schedule of permitted uses has been amended numerous times, through the legislative process by the adoption of local law in compliance with all the requirements the Town has to go through, the Zoning Board does not have the authority to grant variances with respect to any permitted use listed on this attachment. This is where rubber hits the road, look at the schedule of permitted uses. Attachment 1, Special Uses, Kennel on a site not less than 10 acres, that is a permitted use with a minimum of 10 acres. This is set in stone requirement unless a public law is passed. This Board does not have the authority to grant a variance in respect to these variances. Pure and simple. Lastly, it is interesting to note the one request that has not been made relates to buffer zones. A buffer zone
sufficient to prevent any increase in the average background noise as it exists today. Apparently, the applicant felt the trees would constitute a buffer zone as they stand today. This area variance is a firm requirement that the ZBA is being asked to grant. Mr. Shadur submitted a letter for the record dated August 26, 2019.

Mrs. Alisson Mignone, owner of Hammersley Hill Farm, North Quaker Hill Road spoke. Their land is 800 feet from 1107 Old Quaker Hill Farm. She objects to this hearing, as the Zoning Board of Appeals works for them. The appropriate notification was not sent to allow ample time to prepare. Objections are being raised to the Code of the Town of Pawling sections §215-18, and §215-52 for the reason these codes will come up, once this application becomes a legal issue. One major concern is auditory pollution, it’s absolutely extended for miles, destroys property values in this area, total public nuisance. It is a residential community, our chief amenity within Quaker Hill and Pawling is peace and quiet. There is no way this can be protected. According to academic research, OSHA, from 800 feet with 40 dogs barking within a kennel is equivalent to a jet taking off from the same distance, the decibel level is between 95 and 115. She knows the applicant is requesting 75 dogs, even though they said 20 dogs. No adequate sound protection can be obtained. The kennel will increase the noise level in the area. Additionally, 1107 Old Quaker Hill parcel is located on one of the highest ridges, and everyone knows how sound travels. That’s not going to be great. A kennel rescues operation will affect the ecological balance on Quaker Hill, with the presence of so many canines on one of the smaller lots in the neighborhood. Let me point out 8.0± acres, not 10.0± acres, will disturb the wildlife in the area, including my 19.0± acres of woodland, located a distance of 800 feet. The operators of the kennel will want the dogs to play outside, that is part of their marketing plan, and it will be at the cost of the human population as well as the wildlife. In addition, there is a great chance of the dog waste effecting the greater swamp wetland. We cannot ignore the potential ecological impacts of the watershed. Mrs. Mignone insist this area variance not be granted, it is an immediate public nuisance, and there is no positive values to the neighborhood. It will absolutely diminish property values. It is not lost to me, that this is the second variance requested, this year for a highly negative commercial business on Quaker Hill, first a piggery and now a dog kennel. She doesn’t understand why these operations are coming to Quaker Hill. The point is Mrs. Mignone urges the Zoning Board of Appeals to reject the area variances not only to save the call of nature to our community, and to avoid the lengthy, expensive and absolutely divisive legislative that she guarantees as an owner of 400± acres in the immediate vicinity will happen to protect this area, if this variance is approved.

Mrs. Julie Anixter Shadur, 5 Berry Lane spoke to Mrs. Maowney. Mrs. Shadur said you mean litigation not legislative.

Mrs. Mignone replied, they will litigate; I own 400± acres, (as illustrated on the map, in reference to the location of 1107 Old Quaker Hill Road parcel). Mrs. Mignone is requesting the ZBA think about this as it should be thought about in a legislative process.

Mrs. Mary Schmitt, 1136 Old Quaker Hill Road spoke. Mrs. Schmitt owns property at the intersection of NYS Route 22 and 19 North Quaker Hill Road, as she was driving into town, someone had placed signs against the Kennel on her property without permission. She does know who is responsible for placing the signs on her property and how to address the persons, for the reason they are not stating who has placed the signs on her property. Mrs. Schmitt stated she is not part of this organization.

Mrs. Mindy Franklin Levine, 826 Old Quaker Hill Road spoke. Some of you might know me, as I have spoken before, first the piggeries and now a kennel, what more can you say. She has been doing animal rescue for 32 years, this would be my dream operation, a rescue kennel. When they moved to Quaker Hill, she would have loved to done something like this, but, Quaker Hill is not the place. Her dream is to someday have an animal rescue to allow dogs to come from the city to enjoy country life. Over the years she has looked at properties for sale. Nonetheless, she knows this is not the place. Mrs. Levine has seven (7) rescue dogs, two are fosters. One of the two top dog trainers in the country had been at her home for two weeks, working on issues pertaining to barking and behavior. She was told by the trainer there is no such thing as a temperament test. He said you can have the most mild manner dog in the world and a bird will fly overhead, and then a dog instinctual behavior would come to the surface or not. This strikes me as
odd that testing dogs nonverbal or doesn’t have the ability to bark would be able to afford the opportunity to visit the countryside. It defeats the purpose. A dog comes to the country to be a dog. Where does a dog come to be a dog, on Quaker Hill, only if you have a few dogs? Not on Quaker Hill if it is a commercial operation. There is plenty of other locations other than Quaker Hill. She has concerns about dog waste removal, as she understands what she goes through with their seven dog’s waste removal. The double fencing has no merit. Good luck with that, as her newest dog could dig under both of those fences in no time. What are the standards for these proposed trained professionals? I don’t know how humane it is to keep a dog locked inside after 8:00 p.m., when a dog has to go they go to the bathroom. We have to talk about dog waste, it is not fun to talk about dog waste, but, if the dogs are going to the bathroom inside what are the Dutchess County Department of Health rules and regulations. There is many other committees and government agencies oversight that should have input on this application. Mrs. Levine wanted to know who lead these people down this path, this is not the place. She is with them in spirit, but you can’t tell a dog when not to bark. A dog that does not bark is hard to come by, a dog should be encouraged to bark; this is not the place.

Mrs. Christine Montelone, 546 North Quaker Hill Road spoke. They built their house in 1993, and were attracted to the quiet, tranquil setting and paid their share of high taxes. Mrs. Montelone read her letter dated August 26, 2019, submitted for the records (see attachments). Mrs. Montelone continued by reading a second letter from Dr. and Mrs. Panigrahi dated August 26, 2019, submitted for the record (see attachment).

Mrs. Julie Anixter Shadur, 5 Berry Lane spoke. She opposes a zoning variance by the Zoning Board of Appeals for this kennel. She is representing 50 people who signed a petition. She lives on Quaker Hill Road where there property values have gone down. Furthermore, in two days they have mobilized the community.

Mr. Jon Olsen, 1 Strawberry Hill Road spoke. He lives due west of the property. They are dog lovers. Nonetheless, this is not the place for a dog kennel. There have been lots of debates about the amount of taxes paid for a property in Pawling. A kennel follows no common sense. The applicant needs three area variance. This application was shocking, and he felt this is a waste of the Boards time. The proposed kennel is next to a golf course, where golfers do not want to hear dogs barking. 1107 Old Quaker Hill, located at the top of the hill, noise will be created traveling downhill. He lives below the golf course and currently hears mowing, cranking and banging happening.

Mr. Ronald Caplan, 995 Old Quaker Hill Road. He lives at the top of Quaker Hill. He endorses all the previous speakers. Good faith is demonstrated by buying the property that has the zoning you want not the zoning use you desire. I did not hear about this application until this morning. I believe the building must be soundproof, and I believe the applicant is giving resistance to soundproofing the building. I am not sure if I am correct, if I am wrong please forgive me. Trust me, the most laughable part of the process, those applicants say their only going to have 20 dogs and those dogs are going to be vetted and checked for health. This application should be rejected prior to any area variances granted, that is not the proper recourse.

Mr. Samuel Tomassetti, 730 Old Quaker Hill Road spoke. Quaker Hill is a pristine neighborhood. I don’t want to be a dog kennel neighbor. He strongly recommends the applicant find another place; we do not want them on Quaker Hill.

Mr. Peter Ruisi, 1 Berry Lane spoke. Quaker Hill is quiet and pristine. The neighborhood has come altogether that we do not want a kennel on Quaker Hill. Our property values have gone down, and taxes have gone up, and we are not happy about that. If you live on Quaker Hill you pay a higher mill rate. We pay more taxes than the average person in Pawling. Mr. Shadur mentioned a buffer zone for the kennel, and that makes sense. These people got bad advice. It sounds like to me, that these people should have a 100 acres parcel and place the kennel in the middle of the parcel, so when the dogs make noise there is a 100 acres buffer zone and not our property. In the winter months there are no leaves on the trees. Dogs need to go out after 8:00 p.m., no one knows how often a dog would need to go out at night. They should not hear dogs when relaxing at night with the windows opened. They are against this application.

There were no more comments from the audience.
Chairperson Colberg-DiMarco closed the Public Hearing.

Mrs. Iankowitz addressed statements made relating to the waste and OSHA regulations. The applicants have addressed waste management procedures and companies to handle waste management. A statement was made that OSHA regulations pertain to 40 dog’s kennels, for the record the applicants are proposing 20 dogs. There was an assumption made to exceeding bark. Dogs are normally quiet until an incident triggers barking, such as a car driving up or a change in the environment that occurs. A person stated that excessive barking reduces home values located within hearing distance. This statement would affect everyone in this room as we all live near families that own dogs. That would reduce everyone home values.

Chairperson Colberg-DiMarco reminded the audiences that everyone was given an opportunity to speak. Mrs. Iankowitz as a board member is now allowed to speak.

Mrs. Iankowitz continued that there is a lack of awareness to the Zoning Board of Appeals, Code of the Town of Pawling rule regulation and procedures that a board must follow when an application is submitted to the Town.

A person from the audience wanted to know where Mrs. Iankowitz and the Board members lived.

Mrs. Miller asked Mr. Liquori questions. Mrs. Miller said questions came up referencing zoning as to whether or not the Board is allowed to grant the area variance.

Mr. Liquori responded there were three legal issues of the Zoning Board of Appeals raised by Robert Shadur, a neighboring property owner that requires further research:

- Section §215-48 General provisions, of the Zoning Code and how it relates to 215-52.
- Section §215-52, requiring an application, a public hearing, the application of the appropriate variance test, etc.
- Section§215-15B Workspaces, runs, pens or other facilities shall be located within a completely enclosed, soundproof building; and such hospital or kennel shall be operated in such a manner as to produce no objectionable noise, odors or other nuisances beyond the boundaries of the site on which it is located. Such facility shall assure a buffer zone sufficient to prevent any increase in the average preexisting background noise levels on the site.

The best legal procedure is for Mr. Liquori to further research these sections of the Code of the Town of Pawling and then put his finding in writing to the Board members. If those legal issues are valid it is important for the Board to understand all aspects of the application relating to the Code of the Town of Pawling.

Mrs. Miller said she wanted to reiterate what Mrs. Iankowitz stated, the Board had conversations with the applicant relating to waste management within the vicinity of a watershed. In her opinion, the proposed business is not a normal kennel. The concerns to barking require specific controls that would need to be determined. Before the Board makes any decisions they seek guidance from the Town Attorney and agrees the application be postponed.

Mr. Levine stood up to state, this is a public meeting.
Chairperson Colberg-DiMarco responded the Public Hearing has been closed.
Mr. Levine said this is a public meeting. Let the record show, silenced is happening again. The Board is not experts on waste disposal.

Too many speaking at once, tape inaudible.

Chairperson Colberg-DiMarco said “Sir please hold off”. The next step for the Board is to obtain advice from the Town Attorney before any decisions could be made, based on legal guidance and review of the code provisions.
Mr. Liquori explained the process when a Public Hearing is closed. The next step is for the Board to gather legal answers, and review the information gathered from the public hearing.

Mr. Kevin Gardner said this meeting was not noticed as a “Public Hearing”, and the agenda was not placed on the Town’s website.

Chairperson Colberg-DiMarco said the legal notice was placed in the Poughkeepsie Journal and the agenda was placed on the Town of Pawling website.

A person in the audience asked Mr. Liquori how the public would know if this application has been placed on the September 2019 agenda.

Mr. Liquori responded on the Zoning Board of Appeals process and agenda are noticed on the Town’s website. No formal notices to the neighbors would be sent out. It is up to the public to look at the Town’s website. There are questions raised by Mr. Shadur that require analysis. Following the answers, this by Mr. Shadur questions, and the Boards review of the data, public hearing response and letters and submitted. The Board of appeals must review the five criteria’s questions before making its determination. The Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. The board of appeals shall fix a reasonable time for the hearing or other matter referred to it and give the public notice of such hearing by publication in a paper circulation in the Town. Everyone is entitled to the same Zoning process.

Mr. Levine asked if the Zoning Board of Appeals is here to protect the taxpayers.

Mr. Liquori said applicants have the right to go through the Zoning Board of Appeals process pursuant to Town Law and the Code of the Town of Pawling. The Code of the Town of Pawling is on the Town’s website.

Mr. Levine said Board members are giving their opinion, once that is done, a motion should be made to reopen the Public Hearing. Mr. Levine stated he would make the Motion to reopen the Public Hearing. Someone said there is a possibility of litigation. The record needs to be clear. A statement was made on scientific conclusions, and there has to be evidence, backing up the scientific conclusions Board member said, I don’t see that said. I don’t see that in the record.

Mr. Liquori said Minutes will be transcribed of the meeting. The minutes will be available, the Public Hearing aspect is captured in audio and writing, and all the words are available to the public.

Mr. Levine responded the challenge would be based on an arbitrary and capricious decision, and now public statement has been made, in order to back up the decision that it’s arbitrary and capricious, back up has to be facts.

There was a discussion between Mr. Shadur and Mr. Liquori on use or area variance.

Chairperson Colberg DiMarco explained where the location of the Zoning Board calendar and the schedule can be found on the website. Chairperson concluded this portion of the meeting.

Motion by Mrs. Miller to postpone Hearth & Hound LLC until the September 23, 2019 Zoning Board of Appeals Meeting.

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

All were in favor and the Motion carried.

MINUTES

Motion by Mrs. Miller to approve the Minutes of July 22, 2019

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

All were in favor and the Motion carried.
NEW BUSINESS

There was no new business this evening.

ADJOURNMENT

Motion by Chairperson Colberg DiMarco and second by Mrs. Iankowitz to adjourn the meeting at 9:10 p.m., the meeting was adjourned.

Respectfully submitted

JoAnne Daley
Recording Secretary

non - approved minutes
Robert H. Shadur, Esq.

August 26, 2019

Members of the Zoning Board of Appeals of the Town of Pawling
160 Charles Colman Boulevard
Pawling, NY 12564

Re: Ing-Cheal Ang Application for Variance to Section 215-18 of the Pawling Town Code (1107 Old Quaker Hill Road)

Ladies and Gentlemen:

When reviewing Mr. Ang’s Application for Variance, please consider the following:

- Mr. Ang will not be shy a small amount of minimum acreage required under Section 215-18 for a kennel. He will have only slightly more than 80% of the required minimum acreage.

- Incessant barking will emanate from Mr. Ang’s proposed dog kennel (just as it does from all dog kennels and animal shelters). This will result: from unenclosed and unsoundproofed pens; and, whenever dogs are being exercised out-of-doors. There is no circumstance under which Mr. Ang will be able to “prevent any increase in the average preexisting background noise levels on the site.” (As required by Section 215-18 C.)

- Incessant barking will be “injurious to the neighborhood [and] otherwise detrimental to the general welfare.” (See Section 215-52 D. (2) (c) of the Pawling Town Code.)

- It is widely recognized by Realtors throughout the country that incessant dog barking reduces the value of homes located within hearing distance of the barking, with corresponding loss of real estate tax revenue derived from those homes.

- Applicant’s Appeal for a Variance to Zoning Ordinance Section 215-18 is moot, as a variance with respect to Section 215-18 is insufficient to grant the relief that he is seeking. Attachment 1 to Zoning Ordinance Section 215 establishes a Schedule of Permitted Uses in Zoning District HD. Attachment 1 to Zoning Ordinance Section 215 requires that, for a Kennel in Zoning District HD to be a Permitted Use, it must be “on a site [of] not less than 10 acres.” This Board does not have the authority to grant a variance to this Schedule of Permitted Uses by adding, deleting, or amending a Permitted Use listed on the Schedule. (Only an amendment to Attachment 1 to Zoning Ordinance Section 215 by due passage of a Local Law by the Town of Pawling can accomplish that.)

Thank you.

Sincerely,

Bob Shadur

rshadur@msn.com

5 Berry Lane
Pawling, NY 12564

(212) 257-1550
# ZONING

## 215 Attachment 1

Town of Pawling

**Schedule of Permitted Uses**


<table>
<thead>
<tr>
<th>District</th>
<th>Principal Uses</th>
<th>Special Uses</th>
<th>Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 through R-4 and CD</td>
<td>Animal husbandry</td>
<td>Accessory apartment</td>
<td>Accessory use as defined herein</td>
</tr>
<tr>
<td></td>
<td>Dwelling, 1-family</td>
<td>Airfield</td>
<td>Accessory buildings and structures customarily associated</td>
</tr>
<tr>
<td></td>
<td>Dwelling, 2-family, subject to the provisions of § 215-23</td>
<td>Bus passenger shelter</td>
<td>with the permitted uses, buildings and other structures</td>
</tr>
<tr>
<td></td>
<td>Farm, farm use and customary farm occupations</td>
<td>Carnival</td>
<td>Yards on the same lot as a dwelling may contain a private garage or open</td>
</tr>
<tr>
<td></td>
<td>Forest nurseries, tree seed gathering and extracting, gathering of gums and</td>
<td>Cemetery</td>
<td>parking area for operative passenger vehicles</td>
</tr>
<tr>
<td></td>
<td>barks</td>
<td>Church or other place of worship</td>
<td>of person residing or visiting on the premises and for not more than 1</td>
</tr>
<tr>
<td></td>
<td>Forestry services</td>
<td>Circus</td>
<td>commercial licensed vehicle, if meeting setback</td>
</tr>
<tr>
<td></td>
<td>Parks, public and private, excluding commercial facilities</td>
<td>Clubs, private, community, fraternal, recreation, rod and gun</td>
<td>requirements</td>
</tr>
<tr>
<td></td>
<td>Stable, private</td>
<td>Educational institutions of higher learning on a site not less than 100</td>
<td>Yards on the same lot as a dwelling may contain a playhouse,</td>
</tr>
<tr>
<td></td>
<td>Timber tract</td>
<td>acres</td>
<td>toolhouse, garden house or private swimming pool not</td>
</tr>
<tr>
<td></td>
<td>Wildlife preserve, private</td>
<td>Farm, cote-type poultry, on a site not less than 50 acres</td>
<td>operated for gain, if meeting setback requirements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Farm, fur, on a site not less than 100 acres</td>
<td>Customary home occupation as defined herein</td>
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<td></td>
<td></td>
<td>Funeral home</td>
<td>Signs, subject to the provisions of § 215-40</td>
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<tr>
<td></td>
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<td>Golf course</td>
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<td>Hospital, clinic</td>
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<td>Hospital, animal or veterinary clinic on a site not less than 10 acres</td>
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<td><strong>Kennel on a site not less than 10 acres</strong></td>
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<td>Libraries, public and semipublic</td>
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<td></td>
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<td>Museums, public and semipublic</td>
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<td>Nursery school</td>
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<td></td>
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<td>Nursing home</td>
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<td></td>
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<td>Pet cemetery</td>
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<td></td>
<td></td>
<td>Public and private water supply system and facilities</td>
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<td>Public and private sewage disposal facilities</td>
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<td>Public utility electrical transmission lines</td>
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<td>Public utility substation</td>
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<td>Radio or television transmission and receiving facilities with their</td>
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<td></td>
<td></td>
<td>customary appurtenances</td>
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<td></td>
<td></td>
<td>Riding academy</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Roadside stand, not more than 1 per farm</td>
<td></td>
</tr>
</tbody>
</table>

215 Attachment 1:1
Town of Pawling Zoning Board of Appeals  
160 Charles Colman Blvd  
Pawling, NY 12564

Re:  Hearth and Hound LLC  1107 Old Quaker Hill Road

Chairperson and Members of the Zoning Board of Appeals:

We write this letter in opposition of the proposed variance requested for 1107 Old Quaker Hill Road.

We have lived in our home, located at 546 N. Quaker Hill Road, since we built it in 1993. We were attracted to the quiet, tranquil setting of Quaker Hill. We have been good, quiet neighbors and have paid our share of high property taxes. We cannot remain quiet any longer!

As you can see from this photo, our home is in direct earshot of the property in question. We find it unbelievable that this board would even consider allowing a commercial kennel to operate in our residential community. Worse yet, to even consider outdoor pens for approval.

When we previously had a pet dog who was outside barking for 15 minutes, the former neighbors called the Town and we received a ticket. How is it now possible, for the Town, to consider permitting numerous dogs to bark and howl at all hours of the day and night?

How is it possible for the Town to change the zoning from a residential area to a commercial area without neighbor notification? We found out by chance. If our neighbor had not alerted us, we would not be here tonight. There are plenty of commercial parcels available in the Town that could accommodate such a business that Hearth and Hound is proposing.

The average dog barks at 80-90 decibels. Just imagine 10 or more dogs barking simultaneously. There is a noise ordinance for lawn mowing, which the average mower is 90 decibels, the same as a dog. Yet, the Town is considering approving this zoning request. Who will enforce Code 65-9 of the Dog Control Ordinance? Which states that a dog, one dog, cannot be allowed to engage in one-half hour of habitual and loud howling, barking, crying, or whining. Imagine 10 or more dogs.

If approved, our quality of life will greatly be impacted. No more sleeping with the windows open on a crisp evening for a restful night sleep. No more relaxing in our backyard serenaded by the wonderful chirping of the birds and crickets. No, instead we will have the constant barking, howling, crying of dogs leading to the barking, howling and crying of our neighboring pets. Our property values will also be effected. If you change the zoning to commercial for one property owner, you’ll have to change it for others. Thus leaving quiet, tranquil, beautiful Quaker Hill to be a fond memory from time past.

Again, we implore you to deny this request.

Christine Monteleone  
546 N Quaker Hill Road
August 26, 2019

To the Planning and Zoning Board of Appeals of the Town of Pawling:

My name is Patricia Panigrahi, and I reside at 569 N. Quaker Hill Road in Pawling with my husband, Dr. Dev Panigrahi. On Saturday, August 24th, 2019, it was brought to our attention that a possible new resident of our neighborhood was applying for 3 variances with the Town of Pawling regarding a commercial kennel operation being opened at 1107 Old Quaker Hill Road.

We want it to be known from this point forward that we are greatly opposed to any such commercial operation being opened anywhere the zoning is residential.

It is our belief that all three variances should be denied individually and collectively.

The variance requesting that the minimum acreage be changed, if passed, will, going forward, have dire consequences should other landowners request variances for projects that would impact the aesthetics, the noise level, the privacy, and the property values of the surrounding homes in the neighborhood. There is already a huge problem with land values and real estate sales being well below what they should be on N. Quaker Hill and the adjacent roads. We all pay extremely high taxes for the “privilege” of living on “The Hill”. If lot size requirements for any projects are constantly to be disregarded, for people to use the land for what was NOT intended, then why have any zoning or restriction laws set forth at all?

This kennel is to apparently have 3 outdoor pens, none of which are to be soundproofed or enclosed. Our property is a total of approximately 21 acres. Our house is set back almost a ¼ mile from N Quaker Hill Road. We have a buffer of approximately 12 acres behind us. We are also at the very top of N. Quaker Hill Road. We can safely state, and we encourage anyone who would like to come listen at our home, that we can clearly hear the train as it passes through Pawling at all hours, the traffic on 22, especially trucks and motorcycles, the rooster that crows every morning at 6AM, which is behind our home, said bird being located either on or near Byrds Hill Road, which is a good distance from us, incidentally. We can also hear the barking of dogs from homes located across from us, and beyond, and a good distance down from us off N. Quaker Hill, as well.

To have open kennels, with a good number of dogs at any given time, “voicing their opinions”, so to speak, will most definitely be heard at our home. We can’t imagine what the sound will be like for those residents directly bordering this commercial property. We would like to know how often Pawling Animal Clinic will respond to noise complaints, since they are listed as the Animal Control Office/Dog Warden for Pawling on the Dutchess County SPCA site, once the variance has been granted? Or will said variance then make any noise complaints about this address a moot point. Will it nullify any recourse on the part of the neighborhood when there is a problem? Certainly, it is a question that requires further research by the Town and its Zoning Board.
It is our understanding, and please correct us if wrong, that NYS has certain laws regarding anti-cruelty provisions. These laws cover the appropriate shelter of dogs left outdoors, and the laws cover from clear, sunny weather to inclement weather. They address from the type of shelter required in terms of roofing, all the way to the safety of the structure, insulation, size of structure, and ease of removal of waste, inside and outside, which includes general sanitation and possible health hazards.

We would like to know who will be running, maintaining and answering to all issues pertaining to this commercial kennel. Are they experienced? Is there a vet on duty, or a licensed vet tech? Who will be living there and overseeing all of these operations? If the dogs are there overnight, who will be available to handle noise complaints, or any other issues/problems which could, and most likely will, arise. Will the dogs staying there be fully vaccinated for rabies, and all other required disease as per NYS laws? How will the possible infestation of rodents, and other disease carrying animals, which regularly roam through this area, be kept to a minimum? Cleanliness is essential—we have horses and I spend every day making sure our property is maintained at an extremely high level of care. If the property is not maintained and the animals not properly handled and cared for, will the Town be willing to intervene? Especially after all the laws and codes have been changed to allow for this facility?

One last question, and we believe it is a very important one. If the Zoning Board does allow for the variances for this facility to go through, can anyone tell me if any of the Zoning Board members reside next to or near this location? You need to ask yourselves how you would react to and handle this situation on a personal level. We honestly believe there is not one person sitting on the Board who would endorse this application or the requested variances, if they were living next to or near this property.

Respectfully,

Dr. Dev Panigrahi

Patricia Panigrahi

569 N. Quaker Hill Road

Pawling, N.Y. 12564
ANIMAL CONTROL AND HUMANE LAW

HUMANE LAW ENFORCEMENT

Suspect Animal Cruelty?
Call (845) 452-7722, ext. 431 or your local police department.

The Humane Law Enforcement Department of Dutchess County SPCA upholds the organization's mission of making the community safe and humane for companion animals and people in Dutchess County. The Humane Law Enforcement Officers of DCSPCA routinely save animals that are deprived of food, water, shelter, rest, sanitation, or veterinary care. Working collaboratively and compassionately with animal owners, they explore situations where animals have endured malicious torturing, maiming, or mutilation.

The DCSPCA's Humane Law Enforcement Officers are certified NYS Peace Officers trained in accordance with the requirements set forth by the NYS Division of Criminal Justice Services. These officers are empowered to enforce all the laws of New York State and specifically those relating to animal cruelty.

DCSPCA has enforced Animal Cruelty laws in Dutchess County since 1871 and provides Humane Law Enforcement services seven days a week.

ANIMAL CONTROL SERVICES

Dutchess County SPCA has the contract to provide Animal Control Services for Hyde Park (includes Staatsburg), LaGrange, Pleasant Valley (includes Salt Point), and Red Hook (includes Tivoli and Barrytown).

Animal Control is responsible for handling loose or stray dogs, barking complaints, rabies enforcement, etc., based on town ordinances. They do not handle wildlife, animals stuck in trees, or dead animals on roadways. If you have questions or concerns regarding wildlife, please contact the DEC at 1-845-256-3000 or 1-877-457-5680

https://dcspca.org/programs-services/animal-control-and-humane-law/
or [CLICK HERE](https://dcspca.org/programs-services/animal-control-and-humane-law/) to find a wildlife rehabilitator. Dead animals are handled by the various departments of transportation, either state, county or local municipality, depending on the road. Contact the appropriate Highway Department.

Animal control services are provided on a town-by-town basis and you may reach the Animal Control Office/Dog Warden on the following towns at the corresponding numbers:

<table>
<thead>
<tr>
<th>TOWN</th>
<th>HOLDING FACILITY</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenia:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>Beacon:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>Beekman:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>Clinton:</td>
<td>Pine Plains Animal Hospital</td>
<td>518-398-9494</td>
</tr>
<tr>
<td>Dover / Wingdale:</td>
<td>Town of Dover</td>
<td>845-656-2361</td>
</tr>
<tr>
<td>East Fishkill:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>Fishkill:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
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<tr>
<td>Hyde Park:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>LaGrange:</td>
<td>Arlington Animal Hospital</td>
<td>845-473-0301</td>
</tr>
<tr>
<td>Milan:</td>
<td>Pine Plains Animal Hospital</td>
<td>518-398-9494</td>
</tr>
<tr>
<td>Millbrook:</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>Millerton / Northeast</td>
<td>Millerton Veterinary Practice</td>
<td>518-789-3440</td>
</tr>
<tr>
<td>Pawling</td>
<td>Pawling Vet Clinic</td>
<td>845-350-0443</td>
</tr>
<tr>
<td>Pine Plains</td>
<td>Pine Plains Animal Hospital</td>
<td>518-398-9494</td>
</tr>
<tr>
<td>Pleasant Valley</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
<tr>
<td>City of Poughkeepsie</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722 Ext. 431</td>
</tr>
<tr>
<td>Town of Poughkeepsie</td>
<td>Arlington Animal Hospital</td>
<td>845-473-0301</td>
</tr>
<tr>
<td>Red Hook / Tivoli</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722 Ext. 431</td>
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<tr>
<td>Rhinebeck</td>
<td>Town of Rhinebeck</td>
<td>Day: 845-452-7722</td>
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<td>After Hours: 845-876-2465</td>
</tr>
<tr>
<td>Stanford</td>
<td>Pine Plains Animal Hospital</td>
<td>518-398-9494</td>
</tr>
<tr>
<td>Union Vale</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
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<tr>
<td>Wappingers Falls</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
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<tr>
<td>Washington</td>
<td>Dutchess County SPCA</td>
<td>845-452-7722, Ext. 431</td>
</tr>
</tbody>
</table>
**SAY NO to a Dog Kennel at 1107 Old Quaker Hill Road (By Friends of a quiet Quaker Hill)**

I oppose a variance by the Town of Pawling Zoning Board of Appeals for a dog kennel at 1107 Old Quaker Hill Road, Pawling NY 12564

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrea Jessica Bradd</td>
<td>[signature]</td>
<td>1141 Old Quaker Rd.</td>
</tr>
<tr>
<td>Rick Varnum</td>
<td>[signature]</td>
<td>47 Summer Lane, Pawling, NY</td>
</tr>
<tr>
<td>Heather Litchi</td>
<td>[signature]</td>
<td>42 Summit Lane, Pawling, NY</td>
</tr>
<tr>
<td>Scott Farkas</td>
<td>[signature]</td>
<td>58 W. Quaker Hill Road, Pawling</td>
</tr>
<tr>
<td>Fred Olson</td>
<td>[signature]</td>
<td>3 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Rich Mikert</td>
<td>[signature]</td>
<td>16 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Tyler Raymond</td>
<td>[signature]</td>
<td>16 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Jeff Albert</td>
<td>[signature]</td>
<td>12 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Nancy Gang</td>
<td>[signature]</td>
<td>13 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Haver Schmied</td>
<td>[signature]</td>
<td>604 Old Quaker Hill Road, Pawling</td>
</tr>
<tr>
<td>Matthew Kavanagh</td>
<td>[signature]</td>
<td>1445 N. Quaker Hill Road, Pawling</td>
</tr>
<tr>
<td>Lloyd Crossley</td>
<td>[signature]</td>
<td>27 Hi View Dr, Wingdale</td>
</tr>
<tr>
<td>Nick Dufer</td>
<td>[signature]</td>
<td>55 Quaker Lake Road, Pawling</td>
</tr>
<tr>
<td>Nicole Buzacchelli</td>
<td>[signature]</td>
<td>16 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>DEVI Panagrothi</td>
<td>[signature]</td>
<td>PO Box 1193 Carmel, NY 10512</td>
</tr>
<tr>
<td>Patricia Panagrothi</td>
<td>[signature]</td>
<td>559 Old Quaker Hill Road, Pawling</td>
</tr>
<tr>
<td>Holly Clark</td>
<td>[signature]</td>
<td>578 Old Quaker Hill Road, Pawling</td>
</tr>
<tr>
<td>Captiva Aires</td>
<td>[signature]</td>
<td>5 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Peter Aires</td>
<td>[signature]</td>
<td>7 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Angelina Ruisi</td>
<td>[signature]</td>
<td>1 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Charles Ruisi</td>
<td>[signature]</td>
<td>1 Berry Lane, Pawling, NY</td>
</tr>
<tr>
<td>Anne Harris</td>
<td>[signature]</td>
<td>54 Gristmill Ln, Pawling, NY</td>
</tr>
<tr>
<td>Alex Greenwood</td>
<td>[signature]</td>
<td>95 South Quaker Hill Road, Pawling, NY</td>
</tr>
<tr>
<td>Robert H. Osborne</td>
<td>[signature]</td>
<td>112 S. Harmony Hill Rd, Pawling, NY</td>
</tr>
<tr>
<td>Christine Monteleone</td>
<td>[signature]</td>
<td>574 W. Quaker Hill Road, Pawling, NY</td>
</tr>
<tr>
<td>Pete Monteleone</td>
<td>[signature]</td>
<td>84 W. Quaker Hill Road, Pawling, NY</td>
</tr>
<tr>
<td>Allison Mignon</td>
<td>[signature]</td>
<td>1109 Lowell Thomas Drive, Pawling</td>
</tr>
<tr>
<td>Dennis Pawek</td>
<td>[signature]</td>
<td>574 W. Quaker Hill Road, Pawling, NY</td>
</tr>
<tr>
<td>Mindy Palazzolo</td>
<td>[signature]</td>
<td>826 Old Quaker Hill Road, Pawling, NY</td>
</tr>
<tr>
<td>Laura Oken</td>
<td>[signature]</td>
<td>1 Strawberry Hill Rd.</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Comments to Town of Pawling Zoning Board of Appeals</td>
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<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Peter &amp; Christine Ruisi</td>
<td>1 Berry Lane</td>
<td>This is a residential area and the disruption this will cause will bring down the value of my home and the privilege of being able to live on Quaker Hill. Houses are not being sold as it is and this will definitely deter people further.</td>
</tr>
<tr>
<td>Julie Anixter</td>
<td>5 Berry Lane, Pawling, NY 12564</td>
<td>This sets a terrible precedent.</td>
</tr>
<tr>
<td>Jeff Forbes</td>
<td>470 N Quaker Hill Road, Pawling NY 12564</td>
<td>I am opposed to the variances appealed for placement and configuration of outdoor pens, structure to property line proximity and minimum lot size as currently codified within the Town of Pawling Zoning Ordinances.</td>
</tr>
<tr>
<td>Tony Alberotanza</td>
<td>470 N Quaker Hill Road, Pawling NY 12564</td>
<td>I reside a hair mile from 1107 Old Quaker Hill Road and am concerned about the operation of a dog kennel so close to my property. I disagree with a variance to Zoning Ordinance 215-18 of the minimum of ten acres, outdoor pens not to be soundproofed or enclosed and the kennel building or other quarters to be located within 250 feet of a public highway or property line.</td>
</tr>
<tr>
<td>Kevin Gardiner</td>
<td>18 Tracy Road, Pawling, 665 Old Quaker Hill Road</td>
<td>Quaker Hill should be strictly residential. A dog kennel is out of character with the neighborhood and could start a dangerous trend towards commercial development of a quiet and rural community. Dog kennels are noisy and cause disruption and congestion in a pristine area... One of the most beautiful roads in the Harlem/Hudson Valley.</td>
</tr>
<tr>
<td>Elizabeth P. Allen</td>
<td></td>
<td>I am opposed to a variance for a dog kennel at 1107 Old Quaker Hill Road.</td>
</tr>
<tr>
<td>Ronald M Caplan</td>
<td>955 Old Quaker Hill Road, Pawling NY</td>
<td>I am a neighbor of the property at 1107 Old Quaker Hill Road. The proposed variance raises very serious health and sanitation issues, including disease and dog bites. I believe you are attempting to address the noise issue. Despite possible attempts at mitigation, there will invariably be increased van, car, and commercial traffic. There is the almost inevitable danger of dogs with varying amounts of training, no training, or attack training (or indeed dogs that have been subjected to abuse) getting loose.</td>
</tr>
<tr>
<td>Celeste bevikacqua</td>
<td>711 Old Quaker Hill Rd, Pawling, NY 12546</td>
<td>This is problematic on a very quiet street where children play and bicycle, and neighbors routinely jog, walk, and run. The large acreages (by zoning law) means that very few of the neighbors, including myself, got sufficient, or any notice in time for a meaningful response.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Although I was only made aware of this issue this morning, I believe that the property being considered for this purpose does not have the requisite sideline requirements. In my view, this variance should not be granted. Time should be given for all the neighboring residents to be made aware of this potential commercial use.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I thank you for your consideration.</td>
</tr>
</tbody>
</table>
I am the owner of Hammersley Hill Farms, which includes Parcel ID 134089-7156-00-400183-00 -- approximately 800 feet from the proposed kennel operation. I object to the hearing for this variance without having received proper notice and time for preparation. The town’s standard of requiring notice to neighbors within 300 feet is inadequate, because the nature of this nuisance is not visual -- rather, it will be primarily auditory pollution that will extend for miles. Regardless, no variance should be given for this property-value killing and environment destroying potential public nuisance.

Kennels and Dog rescue operations are acceptable activities, but NOT for residential settings where the chief amenity is peace and quiet. Academic research indicates that dog kennel noise reaches between 95 - 115 decibels, above the OSHA regulation for hearing protection. From 800 feet, according to OSHA, the noise of kenneld barking dogs is equivalent to a jet takeoff from roughly the same distance. When helicopter pads have been approved on Quaker Hill, usage was limited to one landing and takeoff per day; decibels from a kennel operation are the equivalent of a helicopter hovering less than 500 feet overhead constantly -- year round. There is almost no way to ensure noise remediation, as dogs require access to the outdoors.

A kennel or dog rescue operation is better suited for industrial or commercial neighborhoods that are not only already adapted to traffic noise, but also where there are no residents to be disrupted by intense and constant noise disturbances 24 hours a day, 7 days a week. 1107 Old Quaker Hill Road is also located on one of the highest ridges in the area, where noise in the winter will travel far beyond the immediate vicinity.

In addition to noise disturbances, a kennel/rescue operation would also disrupt the ecological balance of Quaker Hill. The presence of so many canines on one of the smaller lots in the neighborhood, would absolutely disturb wildlife in the surrounding woodlands - including my 19 acre woodland lot 800 feet away. While the operators of the kennel presumably want to allow their dogs to enjoy the pastoral setting of Quaker Hill, it will be at the cost of not only the human residents, but all wildlife in that forest corridor.

I respectfully insist that this variance not be allowed as it will represent an immediate public nuisance, with no positive value to the neighborhood, and surely diminish property values. It is not lost on me that this is the SECOND variance request in the last year to ask for the installation of a highly disruptive, negative, commercial nuisance on Quaker Hill. First, it was a piggery. Now, it's a dog kennel. Why has Quaker Hill become the go-to place to ask for zoning board approval for activities that no one in his/her right mind would want to live near? Given the astonishing number of homes for sale in the neighborhood and sky high property taxes, Pawling town leaders must ask why they continue to try to kill the golden goose.

I urge the Zoning Board to reject this proposal, not only to save the bucolic nature of our community, but also to avoid the lengthy, expensive, and divisive litigation that I, as the owner of over 400 acres in the immediate vicinity, can guarantee will happen in order to protect the area.

It seems this property owner does not meet any of the requirements outlined by the zoning regulations for a kennel and as such I believe that their request should be denied as a kennel will infringe on neighbors' rights.

This not an area where commercial business should be conducted, especially a kennel. Furthermore, a kennel, by its nature, is a very noisy place. (I should know - I lived near one once!)

We love dogs, but a quiet residential area is not the right place for a kennel.

Henry and Ekibat 286 n Quaker Hill road

Thank you.
Good morning,

I received this email this morning... I did not respond, not sure how to properly handle.

Please advise,
Margaux

---------- Forwarded message ----------
From: Ronald Caplan <rcplanmd@gmail.com>
Date: Mon, Aug 26, 2019 at 10:15 AM
Subject: Proposed Variance for Dog Kennel : 1107 Old Quaker hill Road
To: margauxjmiller@gmail.com, kevin gardiner <kkeys@yahoo.com>

Good Morning Margaux:
Our mutual friend Kevin Gardiner was kind enough to give me your email address.
I am a neighbor of the property at 1107 Old Quaker Hill Road where a variance has been proposed for a commercial kennel with the requisite noise, health issues, possible dog bites, increased van, car, and commercial traffic, and danger of all breeds and crossbreeds of dogs with varying amounts of training or no training (or indeed dogs that have been subjected to abuse) getting loose.
Although I am a close neighbor, the law only requires neighbors within 300 feet to be notified, which is problematic on a very quiet street where children play and bicycle, and neighbors routinely jog, walk and run. The large acreages (by zoning law) means that very few of the neighbors, including myself, got sufficient, or any notice in time for a meaningful response.
Although I was only made aware of this issue this morning, I believe that the property being considered for this purpose does not have the requisite sidelines. This variance should not be granted. Time should be given for all the neighboring residents to be made aware of this potential commercial use.
I thank you for your consideration
Best
Ronald Caplan

--
Email  rcplanmd@gmail.com
Phone  917-806-4083

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--
Margaux Miller 845-416-6226 Sent from Gmail Mobile
Dear Chairperson Colberg-Dimarroco and Members of the Town of Pawling Zoning Board of Appeals (the “ZBA”):

By way of introduction, I am the 2d Vice President of Quaker Hill Country Club, Inc. (“the Club”). I am writing to the ZBA concerning the above-captioned matter, and I am doing so at the request of the other Officers of the Club. The Club is in receipt of a Notice of Public Hearing (the “Notice”) for this matter, which indicates that the hearing is to be held this evening at 7 p.m. at Town Hall. I regret that I cannot attend tonight’s public hearing, but offer the following written comments and concerns to the ZBA on behalf of the Club:

1. As the Notice indicates, the Club is the record owner of the 30 acre vacant parcel directly contiguous to the subject premises to the South, which is currently being actively listed as a residential property by Houlihan Lawrence/MLS. The Club’s other property/properties, including the golf course, tennis courts and clubhouse, are also in close proximity to the subject site.

2. At the outset, it should be noted that the Notice does not indicate what types of variances are being sought (area vs. use), although the recently posted agenda for tonight’s meeting just says “area variance”. Moreover, the Notice does not specifically set forth the actual distance between the proposed kennel and Old Quaker Hill Rd/Property line for the proposed variance from the 250’ requirement under Section 215-18 C.

3. Frankly, I don’t see how a variance from the soundproofing/noise requirement for outdoor pens can be properly characterized as an area variance. It would either have to be treated as use variance, or the applicant would have to seek a zoning text amendment from the Town Board to permit such a change.

4. If a use variance, a self-created hardship is always fatal to the variance request (i.e. purchasing the property with the applicable zoning restrictions in place), not to mention the requirement that the applicant must show that a reasonable return cannot be realized on the property (which must be a substantial amount and proven by competent financial evidence, supported by “dollars and cents proof”), as well as the requirement that the use variance not alter the essential character of the neighborhood, among other strict requirements. Has the applicant attempted to offer such proof to the ZBA? Regardless, I don’t see how this application could ever meet these lofty standards for such a use variance, and it should therefore be denied.

5. With respect to any area variance being sought, “self-created” is still a factor that must be considered by the ZBA, along with undesirable change in character of the neighborhood/detriment to nearby properties, benefit sought cannot be achieved by some other feasible method, substantiality, adverse effect or impact on physical or environmental conditions in the neighborhood/district, and it must be the minimum necessary. I don’t understand how the application meets these standards either, since the variances appear to be self-created, create an undesirable change in the character of the neighborhood, are detrimental to the Club’s properties and
other nearby properties, have other feasible methods to achieve the benefit (i.e. like purchasing a complying property), are substantial (although the information about the variation from 250’ requirement is not provided in the Notice), and will have adverse physical/environmental impacts on the neighborhood. In short, the ZBA should review all five (5) factors under the statutory test and find that the detriment to the health, safety and welfare of the neighborhood or community outweighs any benefit to the applicant by the granting of these variances, with potential harm and detriment to neighboring properties created by noise, odors, human health hazards and other adverse impacts on this quiet, low density residential neighborhood.

6. In terms of SEQRA, the Notice does not disclose what, if anything, has transpired, but at the very least, this should be a coordinated review with the Planning Board as Lead Agency (for the Special Use Permit) and the Dutchess County Department of Health and the NYS DEC as potential Involved Agencies. Due to the sensitive nature of the location/setting for such a commercial enterprise, the applicant should be required to complete a Full EAF, with the requisite “hard look” coming from a thorough review of Part II thereof (and potentially Part III), before any Determination of Significance is issued.

7. Has the application been referred to the County under GML 239-m?

8. At the very least, the public hearing should be left open and continued until all questions and comments are satisfactorily addressed.

Thank you for your consideration of the foregoing in your deliberations this evening. If you have any questions, or if more information is needed from me or the Club, please do not hesitate to email me at this address, or call at 914-837-0896.

Very truly yours,

Dan Leary

Daniel F. Leary, Esq.
Partner

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Ms. Daley,

I so appreciate the time you spent with me via phone this past Friday. I hope you’re enjoying this beautiful weekend.

As per our conversation I’d like to log three concerns related to the potential kennel at 1107 Old Quaker Hill Road. I do love dogs, and I certainly appreciate the intent of the applicant - I’ve no doubt they are kind and well meaning. I also plan to protect our investment - to not disrupt the peaceful and beautiful area we’ve come to love.

My specific concerns include:

1) Street signage. Old Quaker Hill Road itself is one of the features of our property - the approach is peaceful and uncluttered. Any street signage would detract.

2) Noise. I understand that there will be areas that are not soundproofed as per the application. I’m concerned about the potential of barking dogs.

3) Traffic. Clients coming and going to retrieve their dogs will increase traffic and noise on the hill.

It should be noted that the applicants came to my home to discuss this several weeks ago, and I appreciate the effort they made to deal with this in person. They seem like lovely people. However their visit was unscheduled, and thus I had no time to think through the implications. I did share the concerns related to noise, signage and traffic. I only recall that they said there was a soundproofed barn, and thus the noise wouldn’t be an issue. No other solutions were clarified vis-a-vis traffic and signage.

Having searched for years for our bucolic retreat, I’m sure the applicants will understand the concerns outlined herein. I’m sure I’ll come to learn more over the coming weeks.

I’m unclear on the process going forward. If this is a matter taken to vote I will not approve this until I carefully consider the answers to the aforementioned issues.

Thank you very much,

Cameron Hedrick
1125 Old Quaker Hill Road
972-841-8089