

TOWN OF GRANBY PLANNING BOARD

Meeting Minutes

August 1, 2023

A regular meeting of the Granby Planning Board was held at the Granby Town Hall, 820 County Route 8 Fulton; and was called to order at 7:00 pm by Chairman Jane Crego.

Meeting Attendance as follows:

David Crockford

Erin Palmitese

Jane Crego, Chairman

Carl Nysten, Vice Chairman

Rhonda Nipper

Tom Anthony

Lori Blackburn

Lisa Somers, Clerk

Also Present: Aneissa & Corey Brownell, Cheryl Anthony, James & Elaine Best, Cathy & Rob Loperfido, Fred Driscoll, Tina Sawyer, and Town Planning Attorney Jamie Lynn Sutphen.

**PUBLIC HEARING**

SUP and Site Plan Review

**Aneissa Brownell – Pine Creek Canine Kennels**

*Proposal for a Major Home Occupation to operate a dog boarding facility in the A-1 Zoning District.*

Property address – 154 Ritchie Road, Fulton, NY

Tax Map # 300.00-03-02.01

Chairman Jane Crego opened the Public Hearing and asked Aneissa Brownell to explain her home occupation business proposal. Mrs. Brownell stated that she operates a dog boarding facility by herself on rural property where she lives. The existing pole barn is well off the road and behind the residence, and was previously used for a dog breeding business so that the kennels, runs and fencing already existed. Double fencing for containment, wood fencing for visual buffering along the front, and low volume music and TVs calm the dogs, therefore providing buffering for the neighboring properties. Aneissa Brownell provided a full survey map of the property that the Board members reviewed and found that the property was acceptable. The Board suggested that she obtain an updated survey of the property with her and her husbands names for their own benefit. The original site plan was amended with addition of exterior lighting on building, solar lighting on the roadway sign, and the parking area was identified. The sign, as was discussed at the July meeting, is non-compliant to the code because it is 32 sqft instead of the allowed 16 sqft, and will require ZBA variance to remain. Attorney Sutphen stated that the ZBA process had not been scheduled as of yet to allow the Planning Board process to finish and possibly provide a recommendation.

SEQR:

The short EAF Part I was reviewed at the July meeting without benefit of the EAF Mapper which added the following information:

~ Question #13a – Yes, wetlands located in proximity to the property – north, Ox Creek.

~ Question #15 – Yes, threatened or endangered animal in the area – Indiana bat.

Member Carl Nysten read aloud Part 2 as the members answered that no or small impacts are expected. A determination was made in Part 3 that no significant adverse environmental impacts are expected from this action. Agricultural Data Statements and letters were prepared and mailed to active operating farms located within 500-feet of the property in accordance with NYS Ag & Markets Law Section 305-a.

GML 239 Review:

A referral package was prepared and submitted having been triggered by the active farming operations in the area. The County determined that *'no significant countywide or intercommunity impact is involved'* for this project in a letter dated 7/25/23.

A motion was moved by Member Rhonda Nipper to open the Hearing for public comments, the motion was seconded by Member David Crockford, all were in favor and the motion carried.

- 1) Rob & Cathy Loperfido – Adjacent neighboring property owners stated that they are in favor of approval, and that they never hear the dogs. They also stated that the sign is excellent because the public never asks them for directions which was a problem when the Hafner's ran the breeding business – no one could ever find them because of the long driveway and no visual from the road.

With no other comments from the public, the Hearing was closed at 7:11 pm on a motion by Member Erin Palmitese, which was seconded by Member Lori Blackburn, all were in favor and the motion carried.

At the meeting in July, the Board had asked for a revised floor plan that excluded the additional 400 sqft of space that can not be used by the business per the Home Occupation regulations which only allows a maximum area of 1,000 sqft. The provided floor plan contained bubbled areas with dimensions that represent areas blocked off from the business and meant to be used for personal storage. Attorney Sutphen questioned whether this was acceptable to the Board, and whether it met the standards for eliminating usage of the space greater than the 1,000 sqft allowed. She added that a singular space blocked off made more practical sense than scattered areas with no obvious delineation. Members Nipper and Blackburn responded that the applicant provided what had been discussed in July, and that they felt it was adequate. Member Tom Anthony stated that the building dimensions are needed to determine whether the size of the spaces blocked off are compliant. He also stated that the Town has several horse boarding facilities that do not comply with the dimensional requirements and doesn't understand why a dog boarding facility is any different. The Attorney countered that the application under Board review is the only property being considered at this meeting. She added that there are several non-compliant properties within the Town that are being investigated by the proper Town Department and not within the purview of this Board, this Board is authorized to review and approve submitted applications in accordance with the Town's Zoning Ordinance.

Elements of the Site plan was discussed as follows:

- Chairman Crego asked what material the driveway consists of. Aneissa Brownell replied that it is a mix of old pavement and stone currently. She added that until the farming tractors usage of the shared ROW (driveway 30-foot wide) is resolved, the material will remain the same, but if and when the tractors no longer have access then they have plans to pave it.
- Attorney Sutphen asked what size and material the parking area consists of. Member Rhonda Nipper stated that it didn't matter because it's a rural business on private property – the Town has much bigger issues than nit-picking people who want to have home businesses. She asked why – Attorney Sutphen replied that all applications need to be reviewed consistently regardless of the size or nature of the individual business. Aneissa Brownell stated that the parking extends along the full width of the building and is gravel with some asphalt. Chairman Crego asked the applicant to add it to the site plan.
- Floor plan – The applicant's husband, Corey Brownell, had left the meeting earlier to measure the interior size of the pole barn – 36'x60' or 2,160 sqft. After much discussion by the members on how to eliminate more than half the area of the pole barn, rather than only the 400 sqft that was believed to be adequately sized previously, the applicant was asked to provide a new revised floor plan with new plan specifics for delineating the space. The plan discussed was to build a walkway corridor around the perimeter to allow access to the kennels and doorways while separating the interior area for personal (not business) use. The building dimensions were also added to the site plan. The floor plan may be submitted for Administrative Review.
- Future lighting along the driveway to consist of ground solar lights were added to the site plan. If permanent lighting is planned after the ROW issue for the tractors is resolved, then the applicant will need to return to the Planning Board for Modification Approval.
- As discussed at the July meeting, an area variance will be required to retain the current sign. The applicant has already submitted an application to the ZBA.
- Discussion regarding access for the CEO to ensure compliance and perform yearly fire inspections for issuance of operating permits ensued. The applicant explained that she has no problem with providing access for the Town BUT that prior notification is a must in order to provide safety to the dogs and the Town personnel. She frequently boards dogs that have been in domestic violence situations that are easily triggered by men, in fact, her husband is not allowed within the building most of the time. Chairman Crego agreed that wording for prior notification can be added to the access condition of the resolution of approval.

A motion was moved by Member Lori Blackburn and seconded by Member Rhonda Nipper, to allow the issuance of a Special Use Permit for a Major Home Occupation to be operated so as to be compatible to the character and use of the surrounding community, and in accordance to the provisions of the Home Occupation Regulations within the Zoning Ordinance. All were in favor without further discussion and the motion carried.

A motion was moved by David Crockford and seconded by Erin Palmitese, to accept submitted **Site Plan** and narrative dated 8/1/23 to be in accordance with the applicable provisions of Section VII (C)(3) of the Town of Granby Zoning Ordinance for Site Plan Review. All were in favor without further discussion and the motion carried

#### **Resolution #2023-06**

*BE IT RESOLVED, by the Planning Board for the Town of Granby, upon the facts presented and the determination made, upon adequate and substantial evidence presented by the applicant, the Planning Board does find that the application to operate a dog boarding facility known as Pine Creek Canine Kennels on property within the A-1 Zoning District and*

located at 154 Ritchie Road, Fulton, NY 13069; Tax Map #300.00-03-02.01, is hereby **GRANTED with the following express conditions:**

1. Applicant must either request a variance for the non-compliant size of the business sign located along roadway, or remove current signage; maximum allowed is 16 sq.ft.
2. Applicant shall provide an updated floor plan for the 36'x60' structure depicting the 1,000 sq.ft. allowable floor space to be used for the home occupation, including spaces not used and the method for the separation of those spaces.
3. The Applicant shall maintain the property so as to be within compliance of all Town of Granby Codes, and NYS Building and Fire Codes.
4. The Town of Granby Codes Enforcement Officer is to be granted access to the Property during business hours, with prior notification made to the owner by the CEO to facilitate the safety of both persons and dogs, to ensure compliance with the conditions of this Special Use Permit Site Plan Approval.
5. An annual Fire Inspection shall be performed by the Granby Codes Office, with the issuance of an Annual Operating Permit.
6. Future proposed ground solar lighting along driveway as depicted on site plan is allowed. Site Plan Modification Approval will be required for the installation of permanent lighting.
7. NO further changes to the property are allowed without Site Plan Modification Approval from the Granby Planning Board.

A vote was taken:

Jane Crego, Chairman,	Aye
Carl Nysten, Co-Chairman	Aye
David Crockford, Member	Aye
Rhonda Nipper, Member	Aye
Erin Palmitease, Member	Aye
Tom Anthony, Member	Aye
Lori Blackburn, Member	Aye

7 AYES 0 NAYES 0 ABSTENTIONS – **APPROVED.**

## **BUSINESS**

### Fred Driscoll –Sketch Plan Conference

Mr. Driscoll presented paperwork to the Board members for present usage of his residential property at 1232 State Rt 176, Fulton, which he recently purchased. He was informed by his realtor that he was located within the Agricultural District where fowl and farm animals are allowed. He recently discovered that he is in fact within the A/R District, and contacted Codes for verification of the district and what is permitted. He was told he is in the A/R and will require SUP and site plan review approval from the Planning Board for keeping of fowl and farm animals. He presented a small sketch of the property and a written narrative of the animals he has and plans to purchase. The Board directed him to provide a larger and more detailed site plan, as well as complete an online application before returning to a future meeting.

### Tina Sawyer - Axe Chuckers

The owner of the commercial business known as Axe Chuckers, Tina Sawyer, asked the Board what they need from her to obtain their requested liquor license. Chairman Crego responded that she needs to provide documentation of the changed uses of the property that is not represented in their original approval SUP and site plan. Mrs. Sawyer responded that she didn't know that they had a SUP or even what it is. Mrs. Sawyer was clearly frustrated with the Planning Board and voiced the fact that the Town doesn't want their business and that they are trying to relocate, but in the meantime would like to pursue the advancement of their growing business by adding a liquor license. Chairman Crego disagreed with her statements and explained that the paperwork she applied for several years ago (survey/site plan, written description of the activity and floor plans of the two structures) constitutes the SUP to operate Axe Chuckers and the Gym. Chairman Crego further explained that she needs to revise the original documents to reflect the changes of use – alcohol/bar, kitchen/food prep, overflow use of patrons into the gym, exterior use with picnic tables... and any other changes in the activities the business is engaging in. Tina Sawyer responded by stating that they will not be a "bar", but rather a family-oriented business that allows alcohol consumption. She asked if being labeled as a bar will impact their ability to do other things? The Board responded that they don't authorize liquor licenses and do not believe serving alcohol comprises their ability to pursue various entertainment choices for their business. However, a Town approved SUP and site plan is required by the Liquor Authority to approve the Sawyer's request. Tina Sawyer stated that they planned to add family friendly games to

the business such as an escape room and bocce ball. Ms. Sawyer concluded that she has been unhappy with the Town processes, finding the departments difficult to work with or reach; she asked who the Codes Office reports to. The Board responded that the Town Board governs the Town Offices, and that the Planning Board had scheduled, advertised and prepared for a Public Hearing in 2022 for their Use Modifications in a timely manner to accommodate the applicants, but that the Sawyers decided not to move forward a few days before the Hearing.

James Best

James and Elaine Best were present to support local businesses in the Town. They have lived here, raised their family in Granby, and look forward to people enjoying the Granby that they love. Mr. Best stated that he has been Supervisor in the past and is very familiar with the work Boards perform and realizes that its difficult to balance the residents request with the regulations of the Town. They hope that as the Town moves forward, more businesses and families are welcomed by the Offices.

**PRIVILEGE OF THE FLOOR**

~ Discussion ensued amongst the Board members regarding the pros and cons of the home occupations regulations and the strictness of the limitations placed on home businesses. The fact that the objective of the regulations is to curb the occurrence of commercial activity that can/has negatively impacted the residential neighborhoods was also mentioned. Unfortunately, the efforts to change the zoning errors made in the past is a slow and tedious process which the planning board will continue to deal with by consistently reviewing one application at a time in accordance with the regulations approved by the Town Board.

**MINUTES**

A **motion** to approve meeting minutes for July 11, 2023 was **moved** by Carl Nylén and seconded by David Crockford, all were in favor, and the **motion carried**.

**ADJOURN**

With no other business before the Board a **motion** to adjourn at 8:35 pm was **moved** by David Crockford and seconded by Lori Blackburn, all were in favor, and the **motion carried**

Respectfully submitted by:

Lisa Somers  
Planning Board Clerk