

Town of Torrey Zoning Board of Appeals
Public Hearing
September 14, 2020

Present: Chairman Chris Hansen, Tony Cannizzaro, George Dowse, Mark Gifford, Robert Constantine
Others Present: John & Martha Nolt, Samuel Zimmerman, Katie Groet, Dwight James, Code Officer

Chairman Hansen opened the public hearing at 7:00 He asked the secretary to note all members present.

Special Use Application # 20-5 Martha Nolt 2500 Hazard Rd 901 Rte 14

Secretary please make a note in the minutes that written notice of this Hearing was sent to the following property owners directly affected by Special Use application # 20-5

Margaret Henderson Attn: James Henderson 2655 Rte 14A Penn Yan, NY 14527
Arthur & Arlene Zimmerman 2375 Hazard Rd Penn Yan, NY 14527
Anthony & Julie Hostetler 2390 Hazard Rd Penn Yan, NY 14527
Samuel & Lois Zimmerman 2407 Hazard Rd Penn Yan, NY 14527
Nathan & Mary Alice Burkholder 2382 Hazard Rd Penn Yan, NY 14527
Rufus & Katie Burkholder & New Conquest Church 2420 Hazard Rd Penn Yan, NY 14527

STATEMENT OF THE CASE

This Public Hearing has been called upon the Special Use Permit application # 120-5 of Martha Nolt 2500 Hazard Rd 14 Town of Torrey. Mrs. Nolt is presently operating a bulk food store on her property.

A special use permit is required for retail sales in an agricultural district per Torrey Zoning Law § 98.33 k

*Copies of this application was given to the Town Planning Board for review.
Torrey Planning Board recommended approval of this application 8/17/20.*

Mr. & Mrs. John Nolt appeared on this application.

Mrs. Nolt would like to operate a bulk food store on Hazard Rd. Her store has been operating for about 2 years already. Did not know that the town required permits.

Samuel Zimmerman spoke in support of this application. A grocery store is needed in the area and is a good service to the community.

No one spoke in opposition of this application.

Mr. Constatine asked if she already has any licenses.

Mrs. Nolt stated she licensed with NYS Ag & Markets. She has a home processing license.

There being no further discussion Chris closed the hearing on this application at 7:15pm.

Special Use Application #20- 4 Samuel Zimmerman 2407 Hazard Rd town of Torrey

Secretary please make a note in the minutes that written notice of this Hearing was sent to the following property owners directly affected by Special Use Application # 20-4

Margaret Henderson Attn: James Henderson 2655 Rte 14A Penn Yan, NY 14527

Arthur & Arlene Zimmerman 2375 Hazard Rd Penn Yan, NY 14527

Anthony & Julie Hostetler 2390 Hazard Rd Penn Yan, NY 14527

Nathan & Mary Alice Burkholder 2382 Hazard Rd Penn Yan, NY 14527

Rufus & Katie Burkholder & New Conquest Church 2420 Hazard Rd Penn Yan, NY 14527

STATEMENT OF THE CASE

This Public Hearing has been called upon the Special Use application # 20-4 of Samuel Zimmerman to operate a commercial dog kennel with 48 pastures on his property. A Special Use Permit is required in an agricultural district per Torrey Zoning Law § 98.33 f

*Copies of this application was given to the Town Planning Board for review.
Torrey Planning Board recommended approval of this application 8/17/20.*

Mr. Zimmerman has a commercial dog kennel constructed with 48 grass pastures for each dog. He presented professional photos of his operation. He has been raising dogs for sale for over 16 years. He discussed the size of each pasture to be 48' x 64'. Each dog house has a fresh water supply and is climate controlled. He has an onsite Vet available. All puppies are micro chipped and receive vaccines/shots from this Vet

When the puppies are gone the mother is placed with a companion animal, for socialization. Presently he has some puppies and older dogs on site.

John Nolt spoke in support of this application.

Katie Groet appeared with concerns for the dog's care. She stated the Commercial Dog Kennels aka "Puppy mills" she has visited, the conditions are deplorable. She works with Dog Rescue out of Monroe County.

She asked what happens to the females when they are "retired" from breeding.

Mr. Zimmerman stated the females are either given away or adopted out.

Ms. Groet reviewed photos of his dog kennel provided by Mr. Zimmerman. She is relieved that the dogs are not kept in cages. She asked if the dogs are auctioned.

Mr. Zimmerman stated no, auction dogs have higher risk of carrying diseases. He does not supply pet stores either.

Ms. Groet asked where he gets his breeders,

Mr. Zimmerman stated he only buys pure bred, no hybrids and that 90% of his stock are AKC.

Ms. Groet asked what happens to the puppies that do not get purchased.

Mr. Zimmerman stated due to Covid, there is a shortage of puppies, many people have the time to train puppies while at home during the pandemic. If he had puppies older than three month's he would reduce the price on them.

Mr. Gifford inquired as to state licensing for the kennel.

Mr. Zimmerman stated he is licensed with USDA who inspects the facility and NYS Ag & Markets.

No others appeared on this application therefore Chris closed the public hearing at 7:50pm.

Respectfully submitted

Betty Daggett- ZBA Sec.

Town of Torrey Zoning Board
Regular meeting
September 14, 2020

Present: Chairman Chris Hansen, Tony Cannizzaro, George Dowse, Mark Gifford, Robert Constantine

Others Present: Dwight James, Code Officer

Chairman called the meeting to order at 7:55PM

Motion by Tony 2nd George to approve the minutes of July meetings carried by all.

New Business- Special Use application 20-5 of Martha Nolt 2500 Hazard Rd
Special Use application 20-4 of Samuel Zimmerman – 2407 Hazard Rd

Special Use application of Martha Nolt

Motion by Tony 2nd by Bob to accept the application 20-5 as complete carried by all.

Chairman read the SEQRA short form questions to the members for decision.

Each item read and a negative findings was determined.

Motion by Mark 2nd Tony to accept the completed SEQRA and declare that the proposed action will not result in any significant adverse environmental impacts .carried.

Tony offered the following resolution 2nd by Mark,

WHEREAS, as an application SU # 20-5 was received on 8/4/20 from Martha Nolt of 2500 Hazard Rd for a special use permit to operate a bulk food storage business on premise in an Agriculture District per Torrey Zoning and was filed with the Town of Torrey Zoning Board of Appeals (hereinafter ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on September 14, 2020 in the town meeting room at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicant's behalf, and

WHEREAS, at said hearing, all present were allowed to speak in favor or opposition of this application, and

WHEREAS, This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

THEREFORE BE IT RESOLVED that the application Special Use # 20-5 of Matha Nolt 2500 Hazard Rd to operate a bulk food store on her property in a Agriculture District is **GRANTED**. with the following stipulation

- 1. Full compliance with all New York State, Yates County and Town of Torrey: Laws, Regulations, Licenses and Permits regarding operating a bulk food store.*

This by roll call vote: Hansen-Aye Cannizzaro- Aye, Gifford – Aye Dowse- Aye, Constantine - Aye
5 Ayes 0 Nays **SUP # 20-5 Granted**

Special Use application of Samuel Ziimmerman

Motion by Tony 2nd by Bob to accept the application 20-4 as complete carried by all.

Chairman read the SEQRA short form questions to the members for decision.

Each item read and a negative findings was determined.

Motion by Tony 2nd George to accept the completed SEQRA and declare that the proposed action will not result in any significant adverse environmental impacts carried by all.

Chris offered the following resolution 2nd by Bob,

WHEREAS, as an application SU 20-4 was received on 7/7/20 from Samuel Zimmerman for property at 2407 Hazard Rd for a special use permit to operate a commercial Dog Kennel Zoning in an agricultural district per Torrey Zoning Law § 98.33(f) and was filed with the Town of Torrey Zoning Board of Appeals (herein after ZBA) and,

WHEREAS, after due public notice of such, a public hearing on said application was held by the ZBA on September 14, 2020 in the town meeting room at 56 Geneva Street, Dresden, Yates County, New York, at this time information was presented on the applicants behalf, and

WHEREAS, at said hearing all desiring to be heard on this application, were heard, and

WHEREAS: This application involves a Type II action as defined by the State Regulatory for Environmental Quality Review so that no further Environmental Assessment is required, now

THEREFORE BE IT RESOLVED that the application SU 20-4 of Samuel Zimmerman for property at 2407 Hazard Rd for a special use permit to operate a commercial Dog Kennel Zoning in an agricultural district is **GRANTED with stipulations.**

1. Full compliance with description in application
2. Maximum of 48 Adult Dogs on premises
3. Full compliance with all New York State, Yates County and Town of Torrey: Laws, Regulations, Licenses and Permits regarding Commercial Dog Kennels

This by roll call vote:

Hansen-Aye Cannizzaro- Aye, Gifford – Aye Constantine- Aye, Dowse - Aye (5 ayes 0 nays)

SUP # 20-4 Granted

There being no further business before the board, Chris made a motion to adjourn 2nd by George carried at 8:01 PM.

Respectfully submitted,
Betty Daggett- ZBA Sec.