

Manno/DRJ Holding Corp: case no. 146.00-3-30.02

The meeting was called to order by Chairperson Dorothy Rathbun at 7:03 p.m. Zoning Board of Appeals (ZBA) members present in addition to Dorothy Rathbun were: William Gibson, Brennan Hoag and Lorna Wilhelm. All persons present signed a register to be filed with these minutes.

Ms. Rathbun verbally reviewed an application for a Zoning Variance relative to parcel 146.00-3-30.00.02 owned by Michael and Carol Manno, Robesonia, PA and represented by Steve Gyure of Hubbell's Real Estate per memo they signed. (Filed with these minutes) The variance would allow the proposed buyer, William Johnson, DVM to create a Planned Development District (PDD) in order to facilitate the construction of a veterinary clinic and kennel on the property within the now zoned R-80 district.

Aspects of the proposed location, dimensions, etc. were discussed with William Johnson and Steve Gyuer. A Thomas Lagan in the audience expressed he had "significant" concerns regarding the proposal. He apparently is in process of developing a project to solicit investors to build multiple single story residences for seniors. His contention is that barking dogs from the proposed kennels would deter investors and ultimately residents from accepting the project as viable. Discussion was held regarding whether the trees lines would prevent significant sound travelling to the proposed residences.

Proposed placement of the clinic and kennels seemed as central to the property as possible. It was discussed that the PDD, if the variance were approved would be required to go through a full evaluation by the Town Board and Planning Board regarding proposed usage impact on the character of the community, Environmental Assessment Form (EAF) and State Environmental Quality Review (SEQR), consideration of alternatives, etc. according to Middlefield Zoning Law Article 4, section C, specifically paragraphs 2 and 3.

In good faith, Dr. Johnson offered to remove the kennel component from the application. Discussion ensued regarding how long Dr. Johnson would need to defer such building to allow Mr. Lagan's project to come to fruition. Mr. Lagan proposed 10 years. Dr. Johnson thought 5 years should be sufficient. Agreement could not be reached. The offer was rescinded.

In that the Board demonstrated consensus that concern for barking dogs has no present negative impact to the community, that Mr. Lagan's proposal is a developing concept, not at present a reality in the community and that the proposed PDD needs to be completely reviewed by the aforementioned processes, Mr. Gibson made a motion to approve the variance request. There is satisfactory space for the proposed clinic and kennel on the rural property behind lines of trees and significant distance from existing residences. It would not, therefore, change the character of the community, and is not a self-created limitation. Mr. Hoag seconded the motion.

By way of discussion on the motion, Ms. Wilhelm reiterated understanding regarding the above consensus.

A vote was called for by Chairperson Rathbun. The vote was four to zero in favor of the motion to approve the requested variance.

The meeting was adjourned without further business at 7:45 p.m...

Respectfully submitted,

William Gibson, acting secretary