

A regular meeting of the Village of Victor Planning Board was held on Wednesday, May 25, 2016, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT: Chairperson Meg CHaides
Member Charles Criss
Member Steven Van Dyke
Member Peter Kowal
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

OTHERS PRESENT: Melissa Lynch, Sean Riemer, Nicole Riemer, Donna Kramer, Randy Shea

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #12-16PB
Acceptance of Minutes

On a motion made by Steven Van Dyke, seconded by Charles Criss, the following resolution was ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Peter Kowal was absent)

Resolved, to accept the minutes dated March 23, 2016.

Sean & Nicole Riemer/25 Tareyton Drive
Special Use Permit for 3rd dog

On a motion by Peter Kowal and seconded by Jeff Swan Ms. CHaides opened the Public Hearing

Chairperson CHaides read the legal notice into the record:

“A public hearing will be held before the Village of Victor Planning Board on Wednesday, May 25, 2016, at 7:00 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

1.) The application of Nicole & Sean Riemer, for a special use permit at 25 Tareyton Drive based on the Village of Victor Planning Board and Building Department’s requirements and referral. The applicant proposes to add a third dog to their household where code 69-6j states that a special use permit is required for three or more dogs for a continuous period in excess of 30 days. The property is situated in the R-2 District.

Chairperson CHaides read the comments from Code Enforcement into the record:

“The Planning and Building Department has received an application for a special use permit to allow a third dog at 25 Tareyton Drive. The parcel is located in the R-2 zoning district. I have reviewed the application and have the following comment.

1. The applicant presently has two dogs and is requesting a third dog. §69-12A(1) indicates that only two dogs are allowed at an address in the Village of Victor unless the resident applies for a special use permit reviewed by the Planning Board and approved. The Planning Board may set conditions as they feel necessary.
2. The applicant should familiarize themselves with the restrictions of the special use permit if granted as there may be a condition of granting the special use permit as well as other regulations outlined in §69-12.

§69-12, Amendments.

The Village Board may from time to time amend, supplement, change, modify or repeal this article pursuant to the provisions of the Village Law thereof.

A. The harboring of dogs within the Village as a special use permit. [Added 12-3-2012 by L.L. No. 8-2012]

(1) No person shall be allowed to harbor three or more dogs within any district in the Village except upon the issuance of a special use permit by the Code Enforcement Officer after approval by the Village Planning Board upon the terms and conditions set forth in this section and in conformity with the procedures provided by § **24-2C**, regarding special use permits of the Code of the Village of Victor ("the Code").

(2) The property shall be regularly cleaned on a schedule to be determined by the Planning Board so as to keep the property in a safe, sanitary condition and to minimize the potential for offensive odors, flies, or other nuisances which might affect neighboring properties.

(3) No person shall allow the dogs to create noise or other disturbance which shall seriously annoy or disturb the comfort and repose of any neighbor. Noise or disturbance which is audible at any neighboring residence for a continuous period of 15 minutes between the hours of 9:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this subsection.

(4) No special use permit shall be issued except upon payment of the required fee to the Village of Victor which shall be fixed from time to time by resolution of the Village Board. The fee shall be due at the time of application.

(5) The holder of the special use permit shall be deemed to have given his or her consent to periodic inspections by the Village of the premises to insure compliance with the conditions of the special use permit.

(6) The special use permit shall continue to be valid unless revoked by the Planning Board. The special use permit shall not be transferable.

(7) The special use permit may be revoked by the Planning Board for a violation of any of the conditions of the permit. The holder of the permit shall be served with a written notice of the alleged violations, either personally or by regular mail, and shall be given 15 days from the date of delivery or mailing of the notice to correct the violation(s). Upon the permit holder's failure to correct the violations, the Planning Board shall hold a public hearing upon at least 10 days' notice to the permit holder. The permit holder shall be allowed to appear at the hearing in opposition to the charges. If the allegations of violation are proved to the satisfaction of the Planning Board, the Planning Board may revoke the special use permit or impose such conditions upon the permit holder as the Planning Board determines just and appropriate under the circumstances. If the special use permit is revoked, the owner must immediately

remove the dogs from the premises and may not apply for a new permit for a period of one year from the date of revocation.

(8) In addition to the conditions specifically identified in this section, the Planning Board may attach additional conditions to the special use permit, which, in its discretion, it reasonably believes are necessary to promote and protect the public health, safety, and welfare and to further the objectives of Chapter 69 (Dogs and Other Animals) of the Code.”

Sean Riemer – 25 Tareyton Drive (Applicant)

Mr. Riemer stated that the reason he has requested a third dog is to rescue a puppy from a kill shelter in Rochester. Mr. Riemer explained that he currently has an older dog and a puppy and the older dog is slowing down and this new puppy would take the burden off the older dog and be a playmate for the puppy. Mr. Riemer stated that all of his dogs are spayed or neutered and the puppy is scheduled to be neutered in 3 weeks. Mr. Riemer stated that he does not breed or buy as there are plenty of dogs that need loving homes. Mr. Riemer stated that they have lived at 25 Tareyton for over a year and have never had any complaints from neighbors. Mr. Riemer stated that all of his dogs attend classes for obedience training.

Mr. Van Dyke asked what kind of dogs Mr. Riemer has. Mr. Riemer stated that his older dog is a Hound dog, a Lab/Shepherd/Retriever mix and the new rescue puppy is a German Shepherd. Mr. Riemer stated that they have a fully fenced in back yard and that they do not let their dogs out late and if they do they go out with them.

Donna Kramer Rosman – 21 Tareyton Drive

Ms. Kramer Rosman stated that there are dogs who constantly bark in the neighborhood. Ms. Kramer Rosman stated that she doesn't know who owns the barking dogs and does not think that it is the Riemer's dogs. Ms. Kramer Rosman stated that she has called the cops about the barking but that they have not done anything about it. Ms. Kramer Rosman stated that she thinks that two dogs per household are enough. Ms. Kramer Rosman stated that she notices constant barking late at night. Mr. Criss suggested that she call Ontario County Animal Control. Ms. Kramer Rosman asked what happens to households who already have three dogs without a special use permit. Ms. CHaides stated that a complaint must be reported to the Code Enforcement Officer to investigate. Ms. CHaides explained that anyone with three dogs must apply for a special use permit in order to be compliant. Ms. CHaides stated that this is the first case that the Planning Board has heard requesting a third dog and that the code requiring a special use permit for a third dog came into law December of 2012. Mr. Van Dyke stated that most people don't know that the code limits each resident to two dogs. Mr. Criss stated that all dogs must be licensed.

Randy Shea – 50 West Main Street

Mr. Shea stated that the issue seems to be a situation where there are barking dogs in the neighborhood that are bothering people but that the applicant's dogs are not necessarily the ones barking. Mr. Shea stated that without knowing who owns the barking dogs he doesn't believe in punishing people who are doing things right. Mr.

Shea stated that he is a dog lover and knows some people who don't take care of their dogs at all and gave some examples of people in the Village who are irresponsible pet owners. Mr. Shea stated that based on what he has heard from the Reimer's such as their fenced yard, training and love for their dogs that he would side with giving them the permit.

Nicole Riemer – 25 Tareyton Drive (Applicant)

Ms. Riemer stated that she was not aware that there was a code limiting each household to two dogs and that the only way that she found out was through the adoption agency who phoned the Village to find out the code. Ms. Riemer stated that she does not like the barking dogs in the neighborhood either and will keep her dogs quiet. Ms. Riemer stated that she loves animals and that all 3 of their dogs are rescues that they try to provide a loving home to.

1 person spoke in favor of the application and 1 person spoke against the application.

On a motion by Peter Kowal and seconded by Charles Criss Ms. CHaides closed the Public Hearing

Ms. CHaides asked the Planning Board members if they have any questions.

Mr. Criss asked the Riemer's if they have had any complaints. Ms. Riemer stated that she has asked surrounding neighbors and has not received one single complaint. Mr. Riemer stated that if someone had a complaint he would address it right away. Mr. Riemer stated that he is disgusted by people in the neighborhood that leave their dogs outside all of the time even in winter. Mr. Riemer stated that his dogs are never left outside alone.

Discussion regarding barking dogs in the neighborhood

Ms. CHaides asked the Planning Board members if conditions should be placed on the special use permit.

Mr. Van Dyke stated that if one of the dogs passes away that the Riemer's would have to re-apply for the special use permit. Mr. Kowal agreed and stated that the Riemer's are the first people to come before the Planning Board for a special use permit for a third dog and thanked them for being responsible pet owners. Ms. CHaides stated that the special use permit stays with the land and if the conditions are not met that the special use permit is null and void. Ms. CHaides stated that if the Riemer's move that they would have to re-apply for the special use permit. Mr. Kowal gave examples of other special use permits to help clarify the need for conditions on the special use permit. Mr. Swan voiced concerns about the special use permit staying with the land.

Discussion amongst Planning Board regarding conditions of the Special Use Permit

Resolution #13-16PB
Sean & Nicole Riemer/25 Tareyton Drive
Special Use Permit for 3rd dog

On a motion made by Peter Kowal, seconded by Steven Van Dyke, the following resolution was ADOPTED 5 AYES 0 NAYS

WHEREAS, an application was received by Roseanne Turner-Adams, Planning Clerk, for the Planning Board, from Sean & Nicole Riemer; on April 11, 2016, requesting a special use permit to add a third dog to their household at the property at 25 Tareyton Drive; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Village of Victor on the basis of Section 69-12A(1) ; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on May 10, 2016; and,

WHEREAS, all adjacent property owners were timely notified of the hearing and the purpose of the hearing by mail; and,

WHEREAS, a Public Hearing was held on May 25, 2016, at which time all those who desired to be heard were heard and 1 person spoke in favor of the application and 1 person spoke against the application; and,

WHEREAS, the special use permit was granted with conditions.

NOW, THEREFORE BE IT RESOLVED to issue the special use permit with the following conditions:

- If one of the three dogs passes away, the special use permit will need to be re-applied for prior to obtaining another dog.
- If the conditions of the special use permit are not met, the permit is null and void.
- If the applicants are to move to another location in the Village they must re-apply for the special use permit.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

MEMBER REPORTS

Mr. Swan stated that there is an abandoned home on Main Street and the grass is very high so the neighbor has mowed the lawn.

Ms. CHaides stated that the June Planning Board agenda will include a public hearing regarding the Gullace Project and that until Ferris Terrace gets through the variance process with the Zoning Board and submits new plans to the Planning Board that it will not be on the agenda.

Mr. Criss shared his concerns with the proposed Ferris Terrace Project.

Mr. Kowal asked who the lead agency for the SEQR process is for the Gullace project. Ms. CHaides stated that the Town is lead agency for SEQR on that project.

Mr. Van Dyke asked when Tim Horton's will be starting the repair to the retaining wall. Ms. CHaides stated that Chatfield reviewed the plans but that the repair has not begun yet. Mr. Kowal stated that Tim Horton's has a new owner.

ADJOURNMENT

Meeting adjourned on a motion at 8:02 PM

Roseanne Turner-Adams, Planning Clerk

