

ZONING BOARD OF APPEALS
TOWN OF STUYVESANT
STUYVESANT, NEW YORK 12173

MINUTES OF OCTOBER 16, 2012

****Approved at the 1/21/14 meeting****

MEMBERS PRESENT:

Ms. Patricia Casey, Chairman
Ms. Amy Abbati
Ms. Margaret Pino
Mr. Paul Harpis
Mr. Kent Keller
Mr. Steven Taylor
Mr. Jeff Jensen
Mr. Steve Montie, alternate

MEMBERS ABSENT:

OTHERS PRESENT:

Attorney William Better, on behalf of the Zoning Board

Chairman Pat Casey called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

A motion was made by Kent Keller and seconded by Margaret Pino to accept and approve the minutes of the September 18, 2012 meeting. All members voted in favor.

Chairman Casey opened the meeting for discussion on Mr. Pflaum's appeal to the ZBA of a Citation issued on 8/9/10 by the ZEO, Gerry Ennis for neighbor complaints concerning barking dogs.

Steven Taylor stated that there were neighbor complaints about the barking dogs and ZEO Gerry Ennis tried to work with Mr. Pflaum to resolve the issue without success. Mr. Taylor didn't recall anything from neighbors saying there was no noise. Since the applicant did not meet the burden of proof to overturn the violation and the neighbors were credible in their testimony concerning the barking dogs, he felt there was consistent proof to uphold the violation notice.

Margaret Pino agreed with Mr. Taylor. She stated Mr. Pflaum did not provide a record of the number of dogs on a given day and neighbor testimony indicated there was constant dog barking.

Jeff Jensen indicated Mr. Pflaum did provide information on the monthly number of dogs at the kennel which gave a sense of the averages. He did not feel there was proof offered that the dog barking exceeded the limit of a normal noise level.

Chairman Casey stated when people spoke they commented on the constant annoyance of dog barking but not the decibel level.

Kent Keller stated there were about 30 dogs present during a sound study he conducted during a ZBA visit to the kennel. He states the noise level of barking dogs is the same no matter the number of dogs present.

Paul Harpis stated he was in favor of a person being able to do what they want on their property but a dog kennel is a commercial business better suited for a commercial area. He did not feel the applicant met the burden of proof to overturn the violation.

Amy Abbati stated she had sympathy for people who had to hear the dogs barking. She felt it was a "he said, she said" issue and Mr. Pflaum had produced evidence and neighbors that there was no problem with the dogs barking.

Steve Montie stated he was for people doing what they want with their property as long as they met the town zoning requirements. He stated neighbors testified to constant noise and noise affects people differently. He also stated he was very disappointed with the lack of respect shown to the ZBA during this process.

Bill Better stated the ZEO issued a violation notice on 8/9/10 and the Board should consider what happened at that time and the evidence provided.

The Board was presented with a resolution upholding the decision by the ZEO to issue a violation notice. Chairman Casey read the resolution into the record. (Copy of Resolution is attached). Members voting in favor of the resolution were: Paul Harpis, Margaret Pino, Steven Taylor, Patricia Casey and Steve Montie, alternate. Member voting against the resolution were: Jeff Jensen, Kent Keller and Amy Abbati. The resolution was adopted by majority vote.

The next meeting is scheduled for Tuesday, November 27, 2012 at 7:00 pm. A motion to adjourn the meeting was made by Steven Taylor and seconded by Kent Keller. All members voted in favor.

Respectfully submitted,

Shirley Narzynski
Secretary to the Board