

TOWN OF EDEN
ZONING BOARD OF APPEALS
2795 EAST CHURCH ST, EDEN, NY 14057

PUBLIC HEARING DATE: September 17, 2020

BOARD MEMBERS PRESENT: Kristin Kent, Chair
Joseph Winiecki
Drew Riedel
Curtis Neureuter
Doug Scheu

BOARD MEMBERS EXCUSED: Phil Muck
Candice Pineau

TOWN BOARD: Gary Sam

CODE ENFORCEMENT OFFICER: Dave Rice

APPLICANTS: Charles & Scott Privitera

RESIDENTS PRESENT: David Rumsey
Herman Magavero
Angelo & Judy Palleschi
Janice Schlierf
Edward Sroda

RE: **Appeal No. 2020-3**
Charles Privitera
3588 Yochum Road

Ms. Kent called the hearing to order at 7:00 p.m. and asked for comments on the February minutes. **Ms. Kent moved to approve the minutes from the February 20, 2020 meeting; seconded by Mr. Neureuter; all members present voted "Aye". Minutes approved.**

Ms. Kent then read the Legal Notice for the first hearing published in the "The Sun":

Privitera: Privitera: Application for a variance at 3588 Yochum Road, under Code section 225-10 B (8), to allow a proposed commercial dog kennel in violation of the 5-acre minimum lot size. (The required special permit application for a kennel, under Code section 225-32 E, would be made to the Town Board at a later date.)

Ms. Kent stated that this is not an application for a dog kennel; that is a matter for the Town Board. Tonight, we are discussing the application for an area variance only. There is a five-acre minimum lot size required for a dog kennel, and the Privitera lot is just under one acre.

Ms. Kent confirmed with Ms. Crowe that the property notice list was in substantial compliance with the requirements.

Mr. Privitera was then asked to explain the reasons he applied for the variance, and he read a letter to the board (attached) that states the following:

Their family's passion is raising and training hunting dogs. Both Charles (the property owner) and Scott Privitera (his son) are hunters and use the dogs for hunting rabbit, racoon and coyotes. In this sport, when a dog reaches a certain age, it will be retired. After years of bonding, training and hunting, the dogs become part of the family and they do not want to get rid of them. They also bring in younger dogs to train with the retired dogs. The Priviteras have friends from all over the country who visit to train with their dogs and hunt with them. All of this is done as a hobby that they fully enjoy, there is no financial gain.

When asked how often they host hunting weekends with additional dogs at the property, Mr. Privitera replied "On average, two or three weekends per month." When their own dogs (usually 4) are joined by visiting dogs, the average total on hunting weekends is 7 dogs. Currently he said they have 6 dogs of their own, though.

The application for a variance for a dog kennel was started because of a neighbor's complaint about the dogs barking, he said. When the dog warden responded he noted the need for a kennel permit because the number of dogs exceeds the Town limit of 3 dogs per property.

Ms. Kent requested comments from residents in attendance. Janice Schlierf 3529 Yochum Road, complained of frequent howling and barking throughout the day. Edward Sroda, 3623 Yochum Road never hears the dogs at the Privitera residence. He does hear dogs at the other dog kennel at 3504 Yochum Road. (This breeding kennel was approved about 15 years ago, for a parcel of less than 1 acre, the board was told.) Angelo and Judy Palleschi, 3561 Yochum Road, live across the street. They hear dogs barking all day, and called the dog warden to complain. When the warden came, the Priviteras had 7 unlicensed dogs on the premises, Mr. Palleschi said.

Mr. Privitera was then asked questions by the board related to the requirements for variances *(his answers are in italics):*

Will this create an undesirable change in the neighborhood? *No, there will be no change. The dogs are under control. And I purchased better quality anti-bark collars.*

Is there an alternative method that could provide a solution? *No, these hunting groups need a place for their dogs to stay.* Mr. Scheu asked whether other dog kennels in the area could accommodate the visiting dogs, and Mr. Privitera indicated he didn't know; also, if his friends arrive late in the evening, other kennels might be closed.

Would you consider this a substantial variance? *Yes, we have a one-acre lot and a five-acre lot is required to operate a dog kennel.*

Will the variance create an adverse effect on the environment? *No. There will be no change to the environment.* Neighbor Herman Magavero stated that he feels there is an issue of noise pollution with the barking and howling dogs. This creates a negative impact on the neighborhood.

Is the need for a variance self-created? *Yes, this is a hobby that has resulted in us owning and hosting a lot of dogs.*

The board noted that if the variance is granted, it could be limited to the current property owner only, and that if the variance is denied, Mr. Priverita can appeal to the NY Supreme Court.

After further discussion by the Board, including a) the substantial nature of the variance, b) the stated undesirable impact on neighbors and c) the lack of information about the reasons the breeding kennel on Yochum was approved by the Town Board, **Mr. Neureuter made a motion to deny the variance at 3588 Yochum Road. Motion seconded by Mr. Scheu. Ms. Kent, Mr. Winiacki, Mr. Scheu and Mr. Neureuter voted in favor of the denial, and Mr. Riedel voted against the denial. Motion to deny was approved.**

Meeting was adjourned at 7:50 pm.

Respectfully submitted,
Jen Crowe, Secretary Eden Zoning Board of Appeals September 28, 2020

The above minutes were reviewed and approved on _____, 2020 by
