



**TOWN OF PEMBROKE
ZONING BOARD OF APPEALS
Minutes for the regular meeting held on April 15, 2015**

ATTENDANCE:

- Nathan Witkowski — Chairman
- John Kadziolka
- Terrance Daniel
- Donald Dylag
- Diane Denton — ZBA Secretary

MEETING called to order at 7:31 pm.

A Motion to Approve the Minutes from January 21, 2015 was made by Mr. Daniels; second to motion made by Mr. Kadziolka.

Voice Vote—**ALL AYES—MOTION PASSED.**

Discussion

Use Variance/Double D Kennels/Deborah Kirkum

2436 Beckwith Rd., Town of Pembroke

(Tax Map # 13.-1-6.2; Zoning District: Agricultural)

Requires Referral to Genesee County and Public Hearing

- TM# on application needs to be corrected—should be 13.-1-6.2.
- Applicant Deborah Kirkum and owner of property in question, David Bartloft, were present.
- Deborah Kirkum explained that she has been involved with mini Dachshunds since she was a child, as it was a family hobby to show for performance and conformation at American Kennel Club events. She would like to continue to do this from the family farm.
- The average length of a mini Dachshund is under a foot long.
- Ms. Kirkum acknowledged that she also breeds mini Dachshunds. She explained that as a general rule the entire litter stays with her for up to six months. The last litter she had was four puppies and only one of those four left her. The litters for mini Dachshunds are small, anywhere from 1-4 puppies. So, on average for a calendar year, breeding might produce fifteen puppies.
- She discovered that she needed a use variance and permit when she came in for licenses for her dogs. A total of 41 have been licensed to her but not all of these dogs are at the kennel at any one time. If she keeps a puppy, often there is a dog that is retiring that would go to another family.
- She hasn't had any complaints from neighbors. There are open fields all around the property. Dogs go out during the day and are cleaned up after on a daily basis. They are all kept inside at night
- She currently has four puppies listed to sell.

- If she was in AG/RES district and on an arterial highway, she would have to go to the Planning Board for a special use permit. In the Zoning regulations, kennels, as listed in the definitions, are only mentioned in the AG/RES district.
- In an agricultural district, dogs don't strictly fit the definition of an agricultural animal.
- The application has to go to County. There could be some potential other issues with it: not only does it require a change in the zoning but also more than one variance—at minimum a retail business because of the sale of dogs (not a Home Occupation, which specifically prohibits kennels) and another variance for the use of the building (not an accessory building for an Agricultural business).
- The ZBA isn't allowed to create law, only interpret existing law. Mr. Daniel suggested that the Planning Board work with the Town Board to allow a kennel in an Agricultural district.
- Mr. Kadziolka wondered if it could be classified as a hobby rather than a business. Mr. Daniel felt that because of the Kennel's internet presence it would be better to be up front with its status as a business.
- The board needs to wait for County's recommendation and there needs to be a Public Hearing at the ZBA meeting in May. It is likely that County will disapprove it. Chairman Witkowski stated that it probably wouldn't be as simple as the Zoning Board making their own decision no matter what County recommends, but would need the Town Board to include kennels in an Agricultural district or change the definition of "kennel" to include retail sales.
- Chairman Witkowski said that once County makes its recommendation, it could be brought to the Town Board to address, where Chairman Witkowski and Chairman of the Planning Board, Tom Schneider, would be present to help explain the application. In the meantime, Chairman Witkowski will have some conversations with Chairman Schneider about it. This application may take a couple of months to resolve.

Old Business: None

New Business: None

A **MOTION** to close the meeting was made by Mr. Dylag, seconded by Mr. Daniels.

Voice Vote—ALL AYES

MOTION PASSED

Meeting adjourned at 8:25pm.

Respectfully Submitted,
Diane Denton-ZBA Secretary
Nathan Witkowski-ZBA Chairman

These minutes were approved by the Zoning Board of Appeals 5/20/15