

**TOWN OF NEWSTEAD – ZONING BOARD OF APPEALS**  
**MINUTES of September 27, 2007**

Present: Bill Kaufman  
Dave Wakeman  
John Klodzinski  
Peter Randall  
Corky Keppler  
John Good – Code Enforcement Officer  
Jennifer Heberling – Recording Secretary

Bill called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the American flag.

**Use Variance Request – John Randall – Christian Airmen, John Street**

To allow the construction of a 4500 square foot airplane hangar to house one airplane on a 100' x 100' portion of land owned by the Christian Airmen.

Proof of public notice read by Zoning Board Clerk.

Fred Pask appeared to speak on behalf of Mr. Randall. Mr. Randall had some personal problems last year and was not aware of the fact the variance was good for only one year unless construction had been started.

Since no one appeared to speak, the public hearing was closed at 7:34PM.

Discussion by board. Bill spoke about the work that went into the original variance and the conditions that were set. Bill recommends that the same conditions apply to this variance request if granted.

A motion was made by Corky to approve the variance request to allow the construction of a 4500 square foot airplane hanger with all the previous conditions set by the ZBA, 2<sup>nd</sup> by Peter.

Bill – Aye  
Dave – Aye  
Peter – Aye  
John – Aye  
Corky – Aye

Variance request granted.

Bill stated that if this project were again not started within the proper time frame, the board would not waive the variance application fee again.

Discussion by the board on the minutes from the previous meeting. Motion made by Peter to accept the minutes of 08/23/2007, seconded by John and all in favor.

**Use Variance Request – Patrick Galla – Boarding Kennel in C-2 (bordering property all zoned R-A)**

Proof of public notice read by Zoning Board Clerk.

John Good spoke and gave some background on this property to the Board. All the property on Barnum Road is zoned R-A except for this property which is C-2. John asked that if this variance is granted, the applicant be required to obtain a special use permit with site plan approval. This would require yearly approval.

**Larry Badgley – 5445 Barnum Road** – appeared to speak. Mr. Badgley lives right next door to Mr. Galla. He moved out here for the peace and quiet. He doesn't want to have barking dogs and a commercial operation right next door. His property has a high assessment and he does not want to lose value due to a dog kennel being next door.

Mr. Badgley asked the board if there is a specific amount of acres required to run a kennel. Mr. Galla's dogs have already been wandering loose on Mr. Badgley's property. The Badgley's are concerned about not being able to enjoy their back yard and their deck.

**Mike Coppola – 5393 Barnum Road** – has the same concerns as Mr. Badgley. Mr. Coppola presented the board with a list of people who are also against the dog kennel. The backs of all these properties are an open field with nothing to block the noise.

**Joe Rotundo – 5814 Barnum Road** – Board is in a tough position. Welcoming people into the Town of Newstead who take very good care of their property. They are also harassed by businesses who don't take good care of their properties. Neighbors should not have to be subjected to barking dogs. These people have day jobs and need to sleep at night. He already has to deal with ADESA's lights being on all night long and doesn't feel that the neighbors should have to suffer any more.

**Patrick & Linda Galla – 5475 Barnum Road** – Mr. Galla spoke to the board as to how a dog kennel is run. Kennels have specific hours of operation and specific times during the day that the dogs are left outside. A well run kennel would never leave the dogs outside all night long. Mr. Galla currently has 3 dogs of his own and occasionally

has his parents 2 dogs when they go out of town. Mr. Galla also is certified in animal rescue and is involved in “fostering” dogs out.

Mr. Galla asked if the Badgley’s were aware when they purchased their property that his property was zoned commercial.

Mr. Galla has already installed a stockade fence for privacy and for sound reduction.

He spoke about the research they have done as to how to run a successful kennel and be considerate to the neighbors. They have already addressed lighting with the Planning Board and have decided that after 9:00PM, the lights would be turned off. They are looking into berms and fences to make everything look more pleasing.

Mr. Galla is interested in knowing if any of these people were opposed to Melissa Liddick’s variance request. He also understands there is a lot of static right now over the re-val, but he doesn’t think that Mr. Badgley has more rights because he may pay more taxes than Mr. Galla does. Mr. Galla asked the Zoning Board to grant his variance and allow him to open his kennel.

**Elizabeth Badgley – 5445 Barnum Road** – Mrs. Badgley stated that she does know how kennels are run. Every time she picks her dogs up from their kennel, they all start barking. She can hear Mr. Galla’s dogs barking now, even when they are in the house.

Since no one else appeared to speak, the public hearing was closed at 8:10PM.

Bill stated that whenever he is given a petition, he verifies the signatures and calls the residents to speak to them about their concerns. He is recommending tabling the variance request for 30 days. Bill also wants to look at the kennels that the Gallas are planning on modeling their kennel after. He also wants some clarification as to why this parcel was never reverted back to an R-A zone.

Dave asked the Gallas about the store that they are planning on opening on the same parcel of property. He would like to know what percentage of the business the store would represent. Mr. Galla stated that they would carry dog/cat supplies and also bird feeders, baths, food, etc. If Mr. Galla’s variance request was approved this evening, he would be out working on the project tomorrow.

Dave also asked about whether they would offer dog grooming. Mr. Galla stated that most successful kennels offer dog grooming services.

Bill stated to the Galla’s that their proposed store would generate traffic any time of the day. More than the hour drop off in the AM and the hour pick up in the PM. Mrs. Galla stated that Saturday would most likely be just a pick up and retail store day.

Bill recommended to the Galla’s that they come back to the board with a complete list of services they would like to provide.

Dave asked Mr. Galla how many dogs they would be able to board at a time. Patrick stated that it would depend on how much money he had to spend on the actual kennels. Mr. Galla stated that he is not going through this entire procedure to do a hap-hazard job. They are trying to do a good job and run a good business.

Bill stated that the job of this committee is to do what is fair for the community, for the property owner and the neighbors. He also read aloud the criteria they have to use to decide on the variance request.

John Klodzinski asked the Gallas if they can provide the board with a written business plan. Mr. Galla said he will do that. He also said that there are a few neighbors in his area that are in favor of his kennel.

Bill said the board will have to look at the future use of this property. Future owners might not run a business as well as Mr. Galla may.

The list of allowed uses in a C-2 zone was read.

John made a motion to table the variance request for 30 days, 2<sup>nd</sup> by Peter.

Bill – Aye  
Peter – Aye  
John – Aye  
Dave – Aye  
Corky – Aye

Dave motioned to adjourn the meeting at 8:30PM, seconded by Bill and all approved.

Respectfully Submitted,  
Jennifer L. Heberling  
Recording Secretary