

**Town of Austerlitz
Columbia County
New York**

Chairman Jay Engel, Richard Madonia, Deborah Lans, Perry Samowitz, Lee Tilden

**Planning Board Meeting
July 5, 2018
7:00 p.m.**

*******AGENDA*******

1) Public Hearing

Susan Bandy - Site Plan Review for Kennel on Downing Rd

2) Close Public Hearing

3) Call Meeting to Order

4) Minutes

Approve June Minutes

5) Unfinished Business

Susan Bandy - Site Plan Review for Kennel on Downing Rd

6) New Business

7) Public Comments

8) Adjournment

*******Next Regular Planning Board Meeting August 2nd, 2018*******

Town of Austerlitz
Columbia County, New York
Planning Board meeting June 7, 2018

Chairman: Jay Engel, Deborah Lans, Richard Madonia, Lee Tilden, Perry Samowitz

Public Hearing;

Chairman Engel opened the public hearing at 7 pm.

Susan Bandy and Engineer Pat Prendergast were invited to inform the public of the Kennel and Crematorium project. designed for use on Susan's property on Downing Rd. A map showing the location, the extent of the property, Susan's house and the proposed shed for the crematorium was exhibited.

There will be a small office, a well and septic system for a small bathroom.

Susan Bandy was able to inform the public of the process in an animal crematorium, as is presently used in Stockport, open to animal owners, veterinarians, as well as the Police Department. This included numbers of crematoriums a month, the make of the furnace; that there is no noise, no smoke, no smell, that the required DEC air permit is in place. Susan indicated she has the certification needed to operate this business.

Two members of the public present expressed their support of the project. A letter from Louis and Mary Wambach was read and addressed publicly. One concern, the possibility of particles emerging from the furnace being carried by strong winds to nearby neighbors, brought out the fact that a two burner crematorium, the one to be used, does not allow particles to emerge. The DEC will inspect the machine, see to its monitoring and review its use annually.

Susan will speak with Louis and Mary to give them specific data on the issues raised.

The crematorium as an accessory to the kennel will generate income. For that reason it is not in keeping with the zoning law in Austerlitz and will require a meeting with the Zoning Board of Appeals with a public hearing.

A discussion followed on the need for a separation of the crematorium from Susan Bandy's application and the next steps in Susan Bandy's Site Plan Review. The Public hearing from tonight's meeting will be extended until the plans for the ZBA meeting are in place.

Susan Bandy's Site Plan review will consider all the aspects related to kennel use, no. of animals to be sheltered, monitoring noise when dogs are outside the house, etc.

The crematorium will be addressed by the ZBA as a permit for an accessory use in a kennel.

Motion made by L. Tilden and seconded by P. Samowitz, that the present Site plan be amended to request a special permit for a crematorium shed as an accessory use to a kennel.

Approved 5:0

No new Business, no Public Comments

Motion to adjourn

Adjournment: 8:30

Respectfully submitted

Constance Mondel



Columbia County, New York
Planning Board



20 June 2018

Mr. Jay Engel, Chairman
Town of Austerlitz Planning Board
P.O. Box 238
Spencertown, NY 12165

RE: Referral #18-034 – Susan Bandy, Site Plan Review and Special Use Permit

Dear Chairman Engel:

Pursuant to the provisions of New York State General Municipal Law (NYSGL) §239-l and §239-m, please find the Columbia County Planning Board (CCPB) recommendation concerning the request of Susan Bandy for Site Plan Review and Special Use Permit. The proposed action is to establish a kennel with an animal crematorium as an accessory use. The site is located at 65 Downing Road in the Town of Austerlitz, NY.

Pursuant to NYSGL §239-l and §239-m, the CCPB reviews proposed actions for inter-community or county-wide considerations and shall recommend Approval, Modification or Disapproval of the proposed action, or report that the proposed action has no significant county-wide or intercommunity impact. Upon recommendation of Modification or Disapproval, "...the referring body shall not act contrary to such recommendation except by a vote of majority plus one of all the members thereof". The CCPB may make informal comments to the referring body on the proposed action with any of the recommendations made.

Recommendation: The CCPB finds that this proposed action has no significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Austerlitz Planning Board may take final action with a simple majority vote. However, the following informal comments are offered for consideration:

Comments:

1. Primary Use: The CCPB notes that the proposed "Kennel" use is a permitted use requiring a Special Use Permit (Code of the Town of Austerlitz, Chapter 195 Zoning, Article IV: § 195-13 Allowable Use Groups Chart: uses subject to site plan review.) However the proposed "animal crematorium" which is identified on the application as an "Accessory use", is not listed in the table of permitted uses. An "Accessory Use" is defined as

Any use which is customarily incidental and subordinate to a permitted use and located on the same lot and under the same ownership.

Referral #18-034 – Susan Bandy, Site Plan Review and SUP

2. Kennel: The CCPB suggests that the location of the proposed “kennel” be delineated on the site plan.
3. Animal yard: The CCPB suggests that the location of any proposed outdoor animal yards, exterior dog runs, fencing, animal fecal waste storage areas, etc. be delineated on the site plan.
4. Water & Septic: The CCPB notes that Columbia County Department of Health (CCDOH) review and approval is necessary for the proposed on-lot well and septic system.
5. Crematory Regulations: The CCPB notes that the New York State Department of Environmental Conservation (NYSDEC) regulates facilities operating cremation equipment. The CCPB suggests that the applicant provide information on the status of any required permits, registrations, inspections, training, certification, etc. associated with the establishment of an animal crematorium.
6. License: The CCPB notes that the establishment of a pet crematorium requires licensure from the New York State Department of State.

Please note that within thirty (30) days after final action is taken, the Town of Austerlitz Planning Board shall file a report of the final action it has taken with the CCPB. Please contact Columbia County Planning Department at 518.828.3375 or patrice.perry@columbiacountyny.com for additional information.

Sincerely yours,



Timothy Stalker
Chair

Cc: Mary Davis, Clerk – Town of Austerlitz Planning Board

Project Tracking History

Project Type : Site Plan Review

Application Date :

Project Identifier : PL-2018-02

Status : Void

Pet Crematorium

<u>Date</u>	<u>Entry Type</u>	<u>Refers to Group</u>
06/25/2018	Letter Received	none received response from county planning board
05/03/2018	Minutes	none Susan Bandy- Site Plan Review for Animal Sanctuary on Downing Road Engineer, Pat Prendergast from Stockport described the location of Susan's home, the shed to hold a crematorium, and its distance from the road and borders of property surrounding Downing Rd. Susan Bandy introduced her guest, Karen Walker, present owner of a crematorium in Stockport. Ms Walker is to retire and Susan bandy wishes to purchase and relocate that business to Austerlitz. Questions of Board members were answered as to odors, none; exhaust from the furnace, only heat maze, storage of the animals, ashes from animals returned to owners or vets on the same day as burning ; traffic to and from, not excessive. The business is DEC regulated. Susan intends to have both a license and certification before opening. The Planning Board obligation is to ascertain that this site plan is one congruent with the Austerlitz zoning code. There are presently 23 animals in care on Susan' property which Susan refers to as a sanctuary. This care is that described and allowed under kennel service . That description indicates that accessory services for that business are allowed under special use permit. The crematorium service would be considered an accessory service. This description was acceptable to Ms Bandy. The following motion was made by Lee Tilden. Motion: That the present submitted site plan be amended to request a special use permit for a crematorium shed, as an accessory service to the established present animal care service and a public hearing be scheduled for the June meeting. All present approved. This amended site plan will be presented for approval at the next Planning Bd. meeting on June 7th. 2018, as well as a public hearing prior to the meeting for Board approval. Susan Bandy will obtain, from clerk, Mary Davis, a copy of letter to be sent to adjoining neighbors for a June 7th public hearing.