**6-9-2016 – PUBLIC HEARING ON FIRE PROTECTION CONTRACT**

Present:

Councilman Cheryl L. Earl

Councilman Leonard R. Hochadel

Councilman Douglas J. Morrell

Supervisor Beverly Gambino

Absent:

Councilman Mandy Quinn-Stojek

Also Present:

Attorney for the Town David DiMatteo

Town Clerk Betsy A. Marsh

Approx. 15 guests

The Sardinia Town Board held a Public Hearing on June 9, 2016, to hear comments on an application for a Special Use Permit for a dog kennel by Kenneth and Tammy Lindquist of 10300 Rt. 39. Notice of the Hearing had been published in both the Arcade Herald and the Springville Journal.

 Supervisor Gambino called the hearing to order at 6:15 PM, with the Pledge of Allegiance, led by John Marsh.

The Supervisor stated that Dog Control officer Duane DeGolier made a site visit to the Lindquist home and reported that there are 16 dogs and some puppies on the premises, and also 7 or 8 peacocks. Supervisor Gambino stated that the Code Enforcement Officer, Gene Degman had also made a site visit yesterday and sent a brief letter stating that the owners were not home, but a dog sitter was on site, and he did not see any apparent violations of Town or NYS Codes on the exterior of the premises. The letter also stated that they have a kennel with chain link fencing and 5 runs adjacent to the house that had 2 dogs in them, and he saw 3 more dogs in the house. A picture of the kennel was attached. The CEO’s letter was read into the record by the Town Clerk.

A letter from the neighboring property owner, Michael Kaleta, was also read into the record. Mr. Kaleta and his wife were also in attendance. The letter stated that he is not here to oppose someone from using their property, however when that use affects the neighbors normal and reasonable enjoyment of their property, it is up to the Board to determine what is normal and reasonable. The letter stated that he is currently living with the annoying noise of peacocks which are allowed to roam, and ended by stating that if the Board decides to approve the Lindquist’s Kennel Special Use Permit, he hopes they can set enforceable conditions to minimize the effect on the neighbors.

Mr. and Mrs. Lindquist were in attendance, and Councilman Earl asked how many puppies they have and what breeds. The Lindquists stated they have mostly poodle mixes and Chihuahuas, and have approximately 20 to 25 puppies per year. Ms. Earl asked if they have a NYS Breeders license, and was told that they do not have one at this time, thinking that they would get a kennel permit first, and then get the Breeders license, which is required when having more than 25 puppies per year.

Councilman Morrell asked if they have ever been inspected by the SPCA. Mr. Lindquist stated that they were at their residences a couple of months ago and were okay with everything, even stating it was a pleasure. Mrs. Lindquist stated that they have a veterinarian on call, and that the dogs live with them, in the house. She stated that the runs have concrete floors, and they have 16 dogs right now. Councilman Earl asked for a list of dogs with their names and breeds, and Mrs. Lindquist made and submitted the list. She also stated that they have about 6 litters of puppies each year, and she hooks up with Elyse Abel and a couple of other people who help find homes for the puppies. Mr. Lindquist stated that the dogs live in the house with them and are all part of the family.

Supervisor Gambino stated that the Kennel Special Use Permit is not on the agenda for this evening because the Board would like to have time to think about it, and legally has 62 days to act. She stated that it will be acted upon at the July 14, 2016 meeting.

**Supervisor Gambino called three times for further comments, and there being none, on a motion by Morrell, seconded by Hochadel, the Public Hearing was closed at 6:32 PM. Carried 4 ayes, 0 noes, and 1 absent.**

 Respectfully Submitted,

 Town Clerk