
IN THE MATTER

Of

**The Application of Dorothy AGRIPPINO for a
Special Permit Pursuant to Chapter 155,
Section 155-12 and 155-27 of the Town of
Manlius Code**

**RESOLUTION APPROVING
SPECIAL PERMIT**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 26th day of June, 2013, at 7:00 p.m. The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Nicholas J. Marzola	Councilor
Vince Giordano	Councilor
Karen Green	Councilor
John R. Loeffler	Councilor
Jason Cassalia	Councilor

The following resolution was moved, seconded and adopted with the following vote:

Edmond J. Theobald	Aye
John Loeffler	Aye
Nick Marzola	Aye
Vince Giordano	Aye
Karen Green	Aye
Jason Cassalia	Aye

WHEREAS, application (the "Application") has been made by Dorothy Agrippino (the "Applicant") to the Town Clerk of the Town of Manlius for a Special Permit for the purpose of operating a dog grooming and an overnight boarding facility for dogs, cats, birds and small animals, which will also include a two story (36'x 56') building (the "Facility") on a 5.060 acre parcel (the "Premises") in an area presently zoned "Restricted Agricultural" (RA), which Premises are described as follows:

Approximately 5.060 acre parcel of land situated at 5040 Palmer Road Manlius, New York, and identified as part of tax map nos. 116.-01-22.6;

WHEREAS, dog kennels are allowed in the RA district after the issuance of a Special Permit by the Town Board pursuant to Section 155-12 (8) of the Code of the Town of Manlius (the "Town Code");

WHEREAS, the Town Board has referred the Application to the Town Planning Board for its recommendation on whether to grant the Special Permit for the Facility;

WHEREAS, the Planning Board of the Town of Manlius has made the following recommendations with respect to the proposed Special Permit to the Town Board of the Town of Manlius: (1) Noise attenuation must be addressed; (2) There will be a dog curfew and dogs cannot be outside before 8:00 A.M. or after 8:00P.M.; (3) No more than 5 outside runs; (4) maximum of 13 dogs on site;

WHEREAS, in a letter, dated May 22, 2013, the Syracuse Onondaga County Planning Board ("SOCPA") has reviewed the Application for a Special Permit, and recommend the following modifications and comments: (1) The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property; (2) The applicant must obtain a

commercial driveway permit from the Onondaga County Department of Transportation, and adequate vehicle turn-around space must be provided on site to ensure no backing into the County right-of-way per the Onondaga County Department of Transportation;

(3) Unauthorized alteration or addition to a survey map bearing a licensed land surveyors seal is a violation of section 7209, Subdivision 2, of the New York State Education Law.

WHEREAS, the Town Board held a public hearing on the application for a Special Permit on May 22, 2013 at which time the public had an opportunity to present evidence and comments either in favor or against the Application;

WHEREAS, at the public hearing, there was testimony in favor and against the Application;

WHEREAS, those voicing concerns at the public hearing were mainly concerned with community character, noise from barking dogs, odor, alleged animal cruelty violations and dogs getting loose and running free;

WHEREAS, each member of the Town Board is personally familiar with the Premises and has reviewed the application for the purpose of determining whether the Premises is appropriate for the Facility and the decision set forth below is based on this personal familiarity with the Premises and the information presented at the public hearing and in the Application and in the record;

WHEREAS, the Town Board must find that all of the following standards and conditions have been satisfied before it can issue a Special Permit:

- (a) The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of this chapter.
- (b) The location, size of the use and structure, nature and intensity of the operations involved, size of the site in relation to it and the location of the site with respect to the streets giving access

to it are such that it will be in harmony with the orderly development of the district.

(c) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.

(d) The use shall not conflict with any master plan or part thereof.

(e) The proposal will not significantly impair the safety of the general public nor unreasonably increase traffic congestion.

(f) The proposal will not significantly increase the possibility of nuisance or noise from the site.

(g) The proposal provides for adequate parking in accordance with the provisions of § 155-31.

NOW, THEREFORE, the Town Board of the Town of Manlius declares as follows:

SEQR

WHEREAS, the Board has declared itself the lead agency on indicated that this action is an unlisted action under SEQR;

WHEREAS, the proposed special use is allowed under Town Code Section(s) 155-12 and 155-15 with a special permit because it is in a Restricted Agricultural District, which District allows dog kennels as a use after the issuance of a Special Permit;

WHEREAS, the Town Board has determined that the environmental impacts on noise, community character, odor, drainage are small to moderate;

WHEREAS, as set forth in the Special Permit, those small to moderate impacts can be mitigated by the conditions set forth in the Special Permit; and

WHEREAS, the Town Board reviewed the Short Environmental Assessment Form prepared by the Applicant

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Manlius hereby issues a negative declaration for the Application pursuant to the SEQRA regulations

RESOLVED, that the Town Board of the Town of Manlius decides and declares as follows:

1. The recommendation of the Planning Board is hereby largely accepted by the Town Board and partially forms the basis for this decision;

2. The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of the Town Code of the Town of Manlius for the following reasons:

a. The Facility being proposed by the Applicant is qualitatively better than the traditional "kennel" allowed under the RA District because the dogs will be: (i) housed inside the Facility for a large portion of the day; (ii) the grooming portion of the Facility is a service that will benefit the people of the Town of Manlius and will have a low impact on the neighborhood; (iii) the restrictions set forth herein significantly address the concerns raised by neighbors;

b. The Facility will be fenced and landscaped in a way that will significantly reduce the affect of any barking by the dogs when they are outside;

c. The Facility will be constructed with sound proofing material that will significantly reduce the potential of neighboring residents hearing the dogs when they are inside;

d. The RA District allows dog kennels with a Special Permit and in keeping with case law developed in New York State such an allowance is tantamount to a finding that the use is in harmony with the orderly development of the RA District;

5. The location, nature and height of the buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value because the Parcel is large enough to accommodate buildings and dog runs and the conditions set forth in the Special Permit will prevent impacts on adjacent neighbors;

6. The use does not conflict with any master plan or part thereof because the Town has zoned the property RA and dog kennels are a contemplated and allowed use in the RA District.

7. The proposal will not significantly impair the safety of the general public nor unreasonably increase traffic because the Applicant's property is large enough to accommodate its clients and there will be a turn-around on the property so that client's leaving the site will be able to see traffic on Palmer Road.

8. The proposal will not significantly increase the possibility of nuisance or noise from the site because the conditions placed on the Special Permit will mitigate the concerns raised by neighboring properties that barking dogs will be heard on their properties.

9. The Town has determined, after discussions with the Dog Warden and the SPCA, that any allegations about animal cruelty brought against the Applicant were determined to be unfounded.

10. Based on the site plan presented by the Applicant, the proposal provides for adequate parking in accordance with the provisions of the Town Code.

and be it further

RESOLVED AND ORDERED, that the Applicant be, and hereby is, granted a Special Permit pursuant to the provisions of Section 155-27 of the Town of Manlius Code for the purpose of operating training center and kennel for dogs that will be trained to service disabled veterans, and be it further

RESOLVED AND ORDERED, that the Special Permit shall be issued by the Town Clerk upon the agreement in writing by the Applicant to the conditions imposed by Special Permit (see attached), and which conditions form the basis for the grant of approval of the Special Permit and without such conditions the Board's decision may have been different.

SPECIAL PERMIT

Pursuant to a Resolution of the Town Board of the Town of Manlius on the Application of Dorothy Agrippino (the "Applicant") which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on June 12th, 2013, permission is hereby granted to applicant, effective upon the mutual execution of this Permit, to construct a grooming and boarding facility on the 5.060 acre parcel located at 5040 Palmer Road.

This Permit will continue in full force until terminated by the Town Board for breach of one or more of the conditions pursuant to which it is granted, and the implementation thereof will be in accordance with the following conditions:

1. The Special Permit and the uses allowed pursuant thereto shall be for a term of five (5) years, through June 30, 2018.
2. This Special Permit shall be transferable as set forth in Section 155-27(G) of the Town of Manlius Code.
3. Dogs shall be allowed in the outdoor portions of the Facility between the hours of 8:00AM and 8:00PM.
4. Applicant agrees that dogs will be inside the buildings at any time the Facility is not attended by a person monitoring or supervising dogs outside in the kennel.
5. This Special Permit limits the maximum dogs on site to 13 for purposes of boarding;
6. The Applicant shall construct an opaque fence around the outside of the open dog run area as set forth on the floor plans by Koenig Architects provided by the Applicant dated March 21, 2013, at minimum height of 6'. Such a fence shall consist of material that will reduce the amount of noise

coming from the dog runs and the construction and placement will be subject to the approval of the Office of Planning and Development.

7. The Applicant shall plant evergreen trees, or plantings that provide equal or greater sound mitigation, outside the South side of the fence to attenuate sound. Such landscaping, including height and spacing shall be subject to the approval of the Office of Planning and Development.
8. The Applicant shall use sound reducing material in construction of the buildings to further attenuate noise generated internal to the building. The type and amount of material will be approved by the Office of Planning and Development.
9. The Applicant shall provide a waste removal plan, which will include frequency of removal, storage and disposal, acceptable to the Office of Planning and Development before a building permit is issued.
10. Applicant agrees to control the dogs so that dogs shall not bark, individually or collectively, for a continuous 10 minute period.
11. No breeding onsite.
12. All conditions set forth in the Syracuse Onondaga County Planning Agency approvals are met.
13. The conditions set forth herein supersede any previous agreement between the Applicant and the Town Board.
14. If any condition contained herein is determined to be in violation of any law, such condition shall be automatically removed from this Special Permit but shall not affect the effectiveness of any other condition contained herein.

15. Each of the conditions contained herein have been carefully considered as a means of addressing concerns raised by the Town and residents and if the Applicant is in violation of any one condition, or multiple conditions, the Town reserves the right to withdraw this Special Use Permit, at its discretion.

The applicant, by the acceptance of this special permit, agrees to all of the above terms and conditions, and in the event that she shall fail for any reason to perform any of the said terms and conditions on her part to be performed, this special permit can be revoked.

Allison Edsall, Town Clerk
Town of Manlius
Onondaga County, New York

The undersigned, _____ Agrippino does hereby accept the foregoing Special Permit and agrees to perform all of the terms and conditions thereof.

By: _____

Name: _____

Title: _____

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss:

On the ____ day of _____ in the year 2013 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

Notary Public

I, **ALLISON EDSALL**, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 12th day of June, 2013; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 12th day of June, 2013.

DATED: June 12, 2013
Fayetteville, New York

ALLISON EDSALL
Town Clerk of the Town of
Manlius

