
APPLICATION PACKET FOR
- USE VARIANCE
- AREA VARIANCE
At 3802 Clinton St. Ext.
McGraw, NY 13101
Town of Cortlandville, NY

CRAIG R. & LAURA TURNER
3802 Clinton St. Extension
McGraw, NY 13101
607.227.4278

PROJECT OVERVIEW

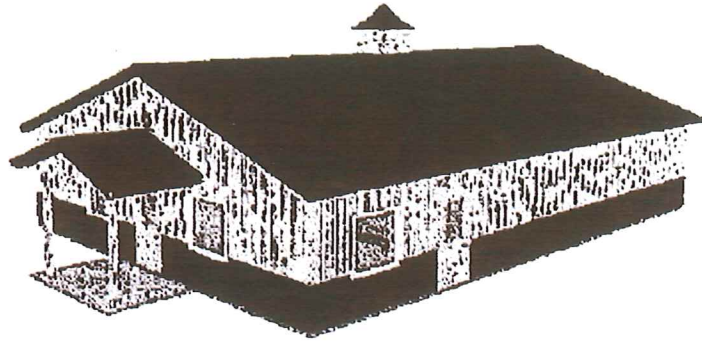
Our objective is the construction and operation of a commercial boarding kennel for dogs and cats. The facility will be co-located with our home at 3802 Clinton St. Ext in McGraw, NY. We intend to invest \$220,000 in the facility.

The building will be a 36' wide (x) 50' Morton-type building that will be a purpose built kennel facility. The facility will contain 14 dog kennels that have 6' deep interior and 8' deep exterior runs.

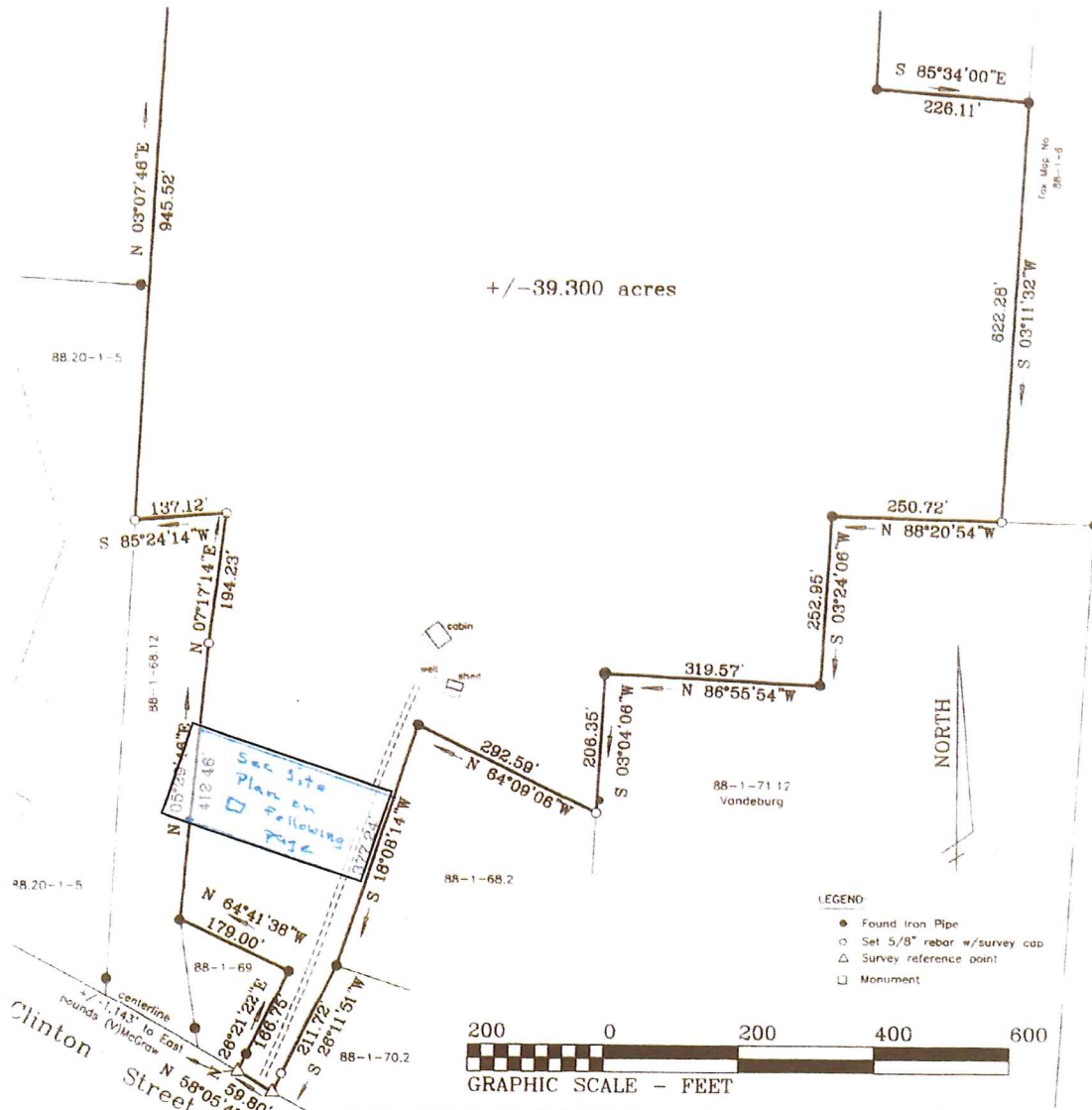
The widths of these runs vary between 3' and 6'. Both the interior and exterior runs will be located under the roof of the 36' (x) 50' building. In the kennel area the exterior walls will be pulled in 9' on each side.

The building will have radiant floor heating throughout, trench drains in the kennel area and will house, at maximum capacity, around 21 dogs and 6 cats.

Dog boarding capacity is sorely needed in Cortland County. Currently, our research indicates that there are approximately 8,500 households in the County that own dogs. Capacity currently exists to board between 60 and 80 dogs on any given night. During peak periods, "no vacancy" and waiting lists are the norm.



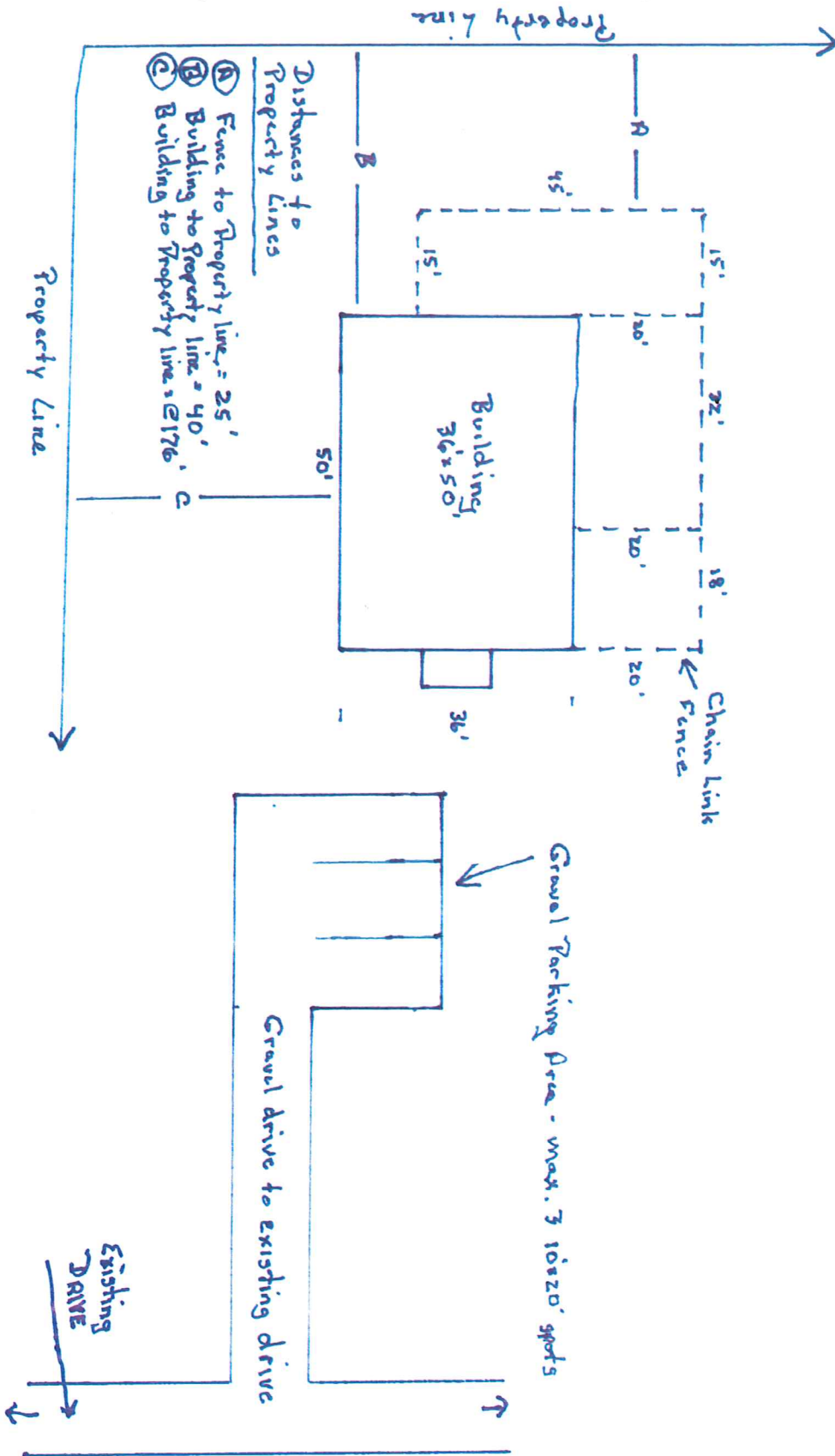
OUR PROPERTY



Warning: It is a violation of Section 7209, Sub-division 2 of the New York State Education Law to enter, in any way, a map bearing the original seal and signature of a licensed professional. Only maps bearing such a seal and signature may be considered valid.

| | | |
|-----------------------|-------|---|
| NOV 18, 2005 | LANDS | Martin & Heidi Cressman and |
| 88-1-68.11 | OF | Mickael & Sarah Cringle |
| 2010/1352 | | 3802 Clinton Street Extension (Mil. Lot 80) |
| GGD/CAD | | (T)Cortlandville, Cortland Co., N. Y. |
| update May 5, 2017 | | To: CFCU Community Credit Union, P.A.D.A. Craig R. Turner and Laura L. Turner, Chicago Title Insurance. |
| | | <i>Debra J. Cressman</i> 5/5/17 |
| | | DAVIDSON L.S. 49601 |
| | | 21 NORTH CHURCH STREET |
| | | CORTLAND, N.Y. 13845 PHONE (607) 752-8085 |
| | | 05-070 |

SITE PLAN – expanded view of area noted on the tax map.



USE VARIANCE FORM & PROOF

TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045

USE VARIANCE FINDINGS & DECISION

Applicant: Craig R. & Laura L. Turner Phone #: 607.227.4278

Address: 3802 Clinton Street Ext. Fee: _____
McGraw, NY 13101

Property Owner: Craig R. & Laura L. Turner

Appeals Concerns Property at the following address: 3802 Clinton St. Ext, McGraw, NY

Tax Map Number: 88-1-68.11

Zoning District Classification: 241 - Ag

Use for which Variance is requested: location for a commercial
boarding kennel (dogs & cats)

Applicable Section of Zoning Code: Article 3, Section 178-11

Signature: Laura Turner SR Date: 5/12/2019

TEST: No Use Variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following test must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?
Yes _____ No _____

Proof: Please see attached

2. Has the Applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood?
Yes _____ No _____

Proof: Please See Attached

Use Variance Findings & Decision

3. Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood? Yes _____ No _____

Proof: Please see attached

4. Has the Applicant demonstrated that the alleged hardship has not been self-created?
Yes _____ No _____

Proof: Please see attached

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statues.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statues. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE) _____

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner

Page 1

TEST QUESTION #1: Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?

PROOF: Our 39.3 acre parcel is comprised of 37.5 acres (95.4% of the parcel) that is not capable of being tilled and/or farmed, these 37.5 acres are fully wooded and drop a cumulative total of 280 feet in elevation.

The best, and most economically viable option, in our opinion, to generate revenue with the remaining 1.8 acres of land is a pet boarding business providing overnight boarding of dogs & cats.

The existing ordinance seems to allow for the boarding of virtually every animal except for dogs. Dogs are the one animal that makes the economics of the boarding business work and it would seem to us that property zoned agricultural is right where a dog boarding business should be located.

The nature of the pet boarding business is that pet owners are trusting the kennel operator to provide 24/7 care for their pet. This is not done best in a business district but in an area where the boarding facilities owners are co-located with the facility allowing for 24/7 monitoring and care of the pets. Furthermore, the opportunity to provide suitable exterior space for dog exercise and play would be very difficult in an area zoned for business. Placing a kennel in an area apart from our home would result in incremental, and crippling, personnel costs that are illustrated at the end of this section.

The only possible reason that we can imagine for dogs to be specifically excluded from the animal boarding options on our property as it is currently zoned is noise ... barking dogs.

The \$200,000 facility that we would build is a 36' wide (x) 50' Morton-type building that is purpose built for boarding dogs and cats. The building will be fully insulated (both walls & ceiling) and this will attenuate the sound of barking dogs when they are inside no different than the neighbors dog barking while it is inside the neighboring house. Dogs will be monitored when they are in exterior runs and not allowed to bark excessively. Dogs will be accompanied by an attendant and supervised during play any time that they are outside of their kennel.

Furthermore, we will locate the facility as far from the three neighboring houses as possible. Approximate distances will be 197', 303' and 375'.

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner

Page 2

Our business will be a good corporate citizen within the community:

- We intend to offer the Cortland County SPCA discounts that they can share with pet adopters to help make the cost of owning pets a little more manageable.
- We will become members of the Chamber of Commerce.
- We'll generate incremental property tax and sales tax revenue.

Dog boarding capacity is sorely needed in Cortland County. Currently, our research indicates that there are approximately 8,500 households in the county that own dogs and the capacity to board between 60 and 80 dogs (less than 1%) on any given night. During peak periods "no vacancy" and waiting lists are the norm.

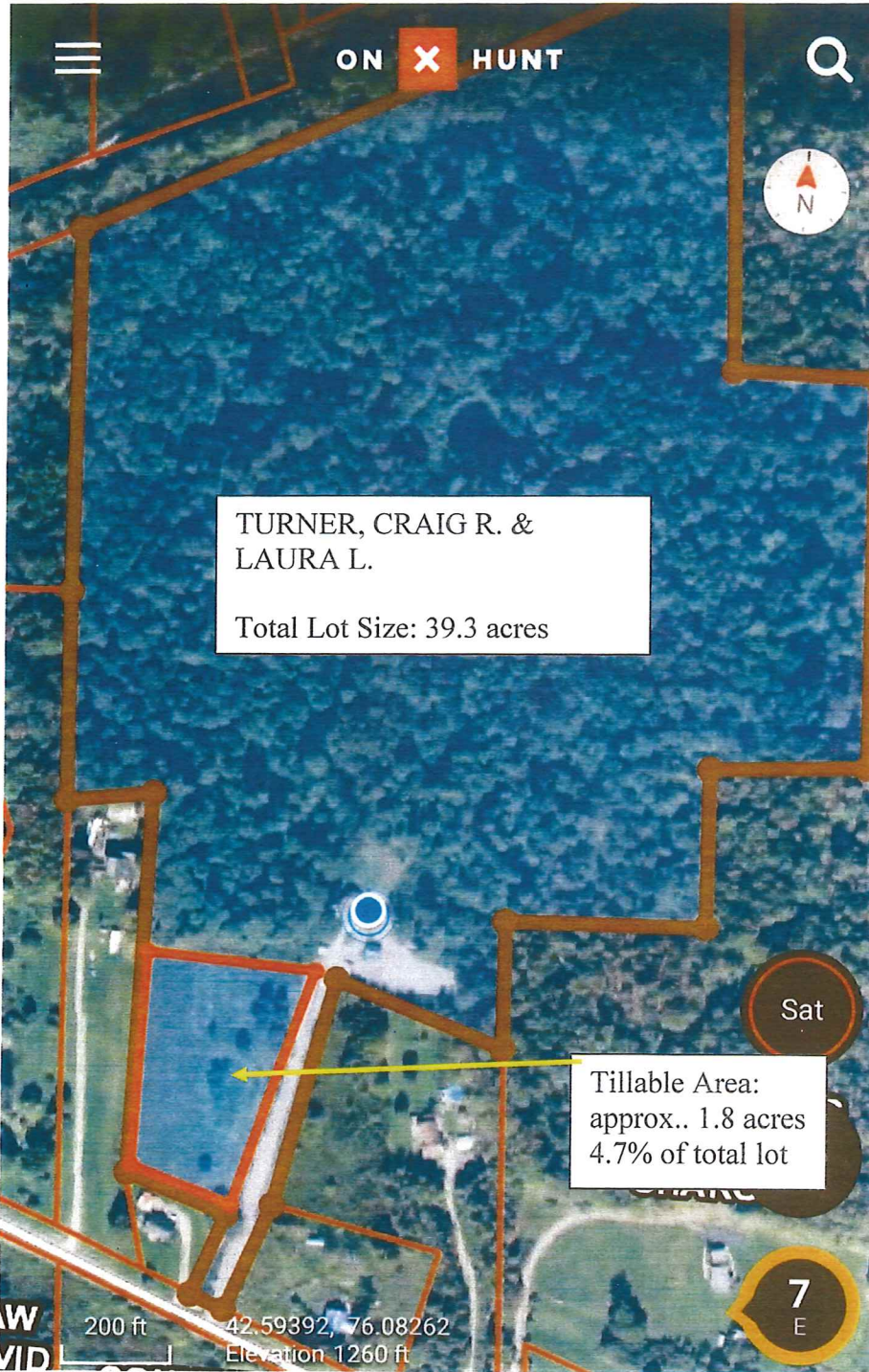
Incremental financial costs associated with a pet boarding kennel located in a business district

Incremental staffing of the kennel would be required during the overnight period, seven days a week. These costs, as estimated below, would destroy the financial viability of the business.

Staffing with part-time employees between 6pm and 6 am represents 84 hours per week. At a rate of \$15/hour this represents \$1,260/week. Annually this is \$65,520 plus another \$5,000+ in payroll taxes. The \$70,000+ annual incremental expense represents over 70% of the projected average annual cash flow and would preclude the financially viable operation of the business.

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner



Overall Property with "tillable" acreage shown.



Approximate location of the pet boarding facility and distances to neighboring homes.

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner

Page 5

TEST QUESTION #2 Has the Applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

PROOF: The properties on Clinton Street Ext, heading out of McGraw toward the Solon town line tend to be far more open and tillable.

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner

Page 6

TEST QUESTION #3: Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood?

PROOF: The essential character of the neighborhood will not be altered:

From the road, our building will not be immediately visible as it would be @ 375' off the road. However, when seen it will look like a well-kept agricultural outbuilding a 36' (x) 50' Morton-type steel building.

Signage will be limited to a maximum 4' wide (x) 2' tall sign on the street right by our mailbox. No higher than 6' off the ground with no lighting.

Traffic will be less that that generated by a good quality farm stand and will be "by appointment". On average, in our third year of business (using figures from after the business ramp-up phase) it is projected that we'll account for less that 5 customer visits per day.

USE VARIANCE FINDING & DECISION FORM PROOFS

Applicant: Craig R. & Laura Turner

Page 7

TEST QUESTION #4 Has the applicant demonstrated that the alleged hardship has not been self-created?

PROOF: We have not altered the nature of our piece of property nor the percentage that is applicable to agriculture and farming.

AREA VARIANCE FORM & PROOF

TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Craig R. & Laura L. Turner Phone#: 607-227-4278

Address: 3802 Clinton St. Ext. McGraw, NY 13101 Fee: _____

Property Owner: Craig R. & Laura L. Turner

Appeal Concerns Property at the following address: 3802 Clinton St. Ext. McGraw, NY

Tax Map #: 88-1-68.11

Zoning District Classification: 241-Ag

Use for which Variance is requested: reduction of set back for the construction & operation of a pet boarding facility.

Applicable Section(s) of Zoning code: Article 3, Section 178-11

Signature: [Signature] Date: 5/15/2019

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes _____ No X

Reason: Please see attached

2. Whether benefit sought by applicant can be achieved by feasible alternative to the variance: Yes _____ No X

Reason: Please see attached

Zoning Board of Appeals Area Variance Findings & Decision

3. Whether the requested variance is substantial: Yes _____ No X

Reason: Please see attached

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes _____ No X

Reason: Please see attached

5. Whether the alleged difficulty was self-created: Yes _____ No X

Reason: Please see attached

DETERMINATION OF ZBA BASED ON THE ABOVE FIVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

_____ The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

_____ The benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reason: _____

AREA VARIANCE FINDING & DECISION FORM REASONS

Applicant: Craig R. & Laura Turner

Page 1

TEST QUESTION #1: Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties: YES ___ NO X

The character of the neighborhood will not be materially changed:

- The reduction in set-back from property lines is on the western side of the property. The building will still be 40' from the property line and the adjoining property is our neighbor's driveway, with their house located approximately 300' beyond the building.

TEST QUESTION #2: Whether benefit sought by applicant can be achieved by feasible alternative to the variance: YES ___ NO X

This area of our property is the only location for the pet boarding facility that is suitable when considering customer access and the maximization of the distance of the facility from neighboring homes.

TEST QUESTION #3: Whether the requested variance is substantial:
YES ___ NO X

The variance requested amounts to a reduction of the rear setback from 100' to 40' for the building. As we understand the required setback we will meet those for front, back and the other side.

TEST QUESTION #4: Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: YES ___ NO X

From a physical standpoint the building will look like a well-kept agricultural building, in keeping with the character of the neighborhood.

From an environmental standpoint we are introducing @ 1,800 feet of land covered by a roof and no paved parking areas or driveways.

TEST QUESTION #5: Whether the alleged difficulty was self-created:
YES ___ NO X

We are attempting to work within the confines of the lot as they existed at our time of purchase.

SHORT ENVIRONMENTAL ASSESSMENT FORM

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|---|--|---|-------------------------------------|
| Part 1 - Project and Sponsor Information | | | |
| Name of Action or Project: kennel Construction | | | |
| Project Location (describe, and attach a location map): 3802 Clinton St. Ext., McGraw, NY | | | |
| Brief Description of Proposed Action: Construction and operation of a pet boarding facility. (dogs & cats). Building will consist of a 36' (x) 50' Morton-type building on a concrete slab foundation. | | | |
| Name of Applicant or Sponsor: Craig R. & LAURA L. Turner | | Telephone: 607-227-4278 | |
| | | E-Mail: turneroutdoors@twcny-rr.com | |
| Address: 3802 Clinton St. Ext. | | | |
| City/PO: McGraw | | State: NY | Zip Code: 13101 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | NO | YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? | | NO | YES |
| If Yes, list agency(s) name and permit or approval: TIO Cortlandville - building permit CLO Cortland Health Dept. - septic system approved | | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 39.3 acres | |
| b. Total acreage to be physically disturbed? | | less than 1 acre | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 39.3 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | | |
|---|---|---|---------------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO <input checked="" type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>Meets</u> | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Either connection to an existing well or establishment of a new well.</u> | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>septic system</u> | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area? | NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | YES <input type="checkbox"/> <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> | YES <input type="checkbox"/> <input type="checkbox"/> | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban | | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 16. Is the project site located in the 100 year flood plain? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> | |

| | | |
|---|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ | NO | YES |
| _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ | NO | YES |
| _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ | NO | YES |
| _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: <u>Craig R. & LAURA L. Turner</u> | | Date: <u>5/18/2019</u> |
| Signature: <u>[Handwritten Signatures]</u> | | |

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | <input type="checkbox"/> | <input type="checkbox"/> |
| a. public / private water supplies? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input type="checkbox"/> | <input type="checkbox"/> |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input type="checkbox"/> | <input type="checkbox"/> |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

| | |
|--|--|
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. |
| _____ | _____ |
| Name of Lead Agency | Date |
| _____ | _____ |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| _____ | _____ |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

PRINT

Thank you!