

TOWN OF BENTON

38AV-20

Fee \$80

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 38AV-20 Date 3-20-20 Fee \$80

Name: Warren, Elaine Brubacher phone 315-531-9279

Address: 765 State Rt 14A email _____

Applicant is applying for the following:

- Area Variance
- Use Variance
- Special Use Permit
- Zoning Interpretation
- Subdivision
- Site Plan Review

Other _____

Location of Property 765 state Rt 14A Penn Yan N.Y.

Tax Map No. 17,04-1-13 Zoning District A R-1

Describe Action requested:

Area Variance: Dog Kennel that does not meet the
100 yard minimum from adjoining property lines
North line is 60 feet from kennel. The closest house north
of the kennel is on Buckle Rd. 1/2 mi?
South line is 170 feet from kennel. The closest house south
of the kennel is 1/2 mi.
East & West, the setback is substantially more than minimum.
Approximately 385 feet on West and more on the East.

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	_____	_____	_____
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	<u>8 acres</u>	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner _____ Telephone _____

Address _____

Signature _____ Date _____

Application for an Area Variance:

To enable the Zoning board of appeals to grant an area variance, the applicant should address the five factors listed below. Attach additional sheets if necessary. The Zoning Board of Appeals will consider these five factors when balancing two elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance were to be granted.

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.

No

We have no close neighbors. Our house blocks the view of the kennel from our closest neighbors.

Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

No because we cannot site a kennel more than 300 ft. away from property lines due to the width of our property.

Whether the requested variance is substantial.

Not really. We live out in the country.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

No. The way we built our runs is to eliminate noise in the neighborhood. See attached notes.

Whether the alleged difficulty was self-created.

No.

Applicant Signature: Warren J Brulbacher Date: 3-26-2020
Elaine R. Brulbacher

Our Commercial Kennel Plan

We request a special use permit for a commercial kennel, housing five adult dogs, including the outside runs.

The inside of the 40 feet by 8 feet kennel and the adjoining 10 feet by 10 feet entry/storage is covered with a washable, bright white plastic, and is built within an existing building, located on an 8 acre property.

The kennel is well lit with daylight lighting and plenty of windows. Ventilation will be forced-air to reduce smells and an air conditioner or heater will be used as needed to keep dogs and kennel comfortable.

Each dog has its individual pen and adjoining outside run. Each individual inside pen, also made with washable, bright white plastic, is equipped with a feeder, water nipple, and heating mat, covered by doggy carpet.

Inside pens vary from $13\frac{3}{4}$ sq. ft. for the three smaller dogs to approx. 16 sq. ft. for the two bigger dogs. Keep in mind, our small dogs weigh less than half the seventy pounds you mention. We feel this pen size is very adequate since all our dogs are minis. Each dog has more than the 6 in. headspace required. There are no stacked pens.

The adjoining outside run is accessed via see-through spring-loaded doggy doors. Each individual run has an average of 102 sq. ft. of well-drained, finely crushed stone and an average of 210 sq. ft. of grass. We chose this

as our base since we feel it is healthier, more comfortable and more sanitary for the dogs. Manure will be collected on a regular schedule and grass will be mowed regularly. The outside run dividers and perimeter are made with insulated garage door panels, over 64 in. in height. Each run has a secure gate. The panels were used for noise elimination, since they cause noise to go upward instead of out. Also, dogs are quieter, calmer, happier, and less excitable because they cannot see each other or anyone or anything outside. Each run has direct access to an individual controlled-environment shelter inside. Run sizes vary from 7 ft. by 39 ft. to 11 ft by 32 ft.

Manure, collected on a regular schedule, will be composted. Remains of dead animals will be buried in the field east of the barn.

We have read inspection requirements and agree to comply.

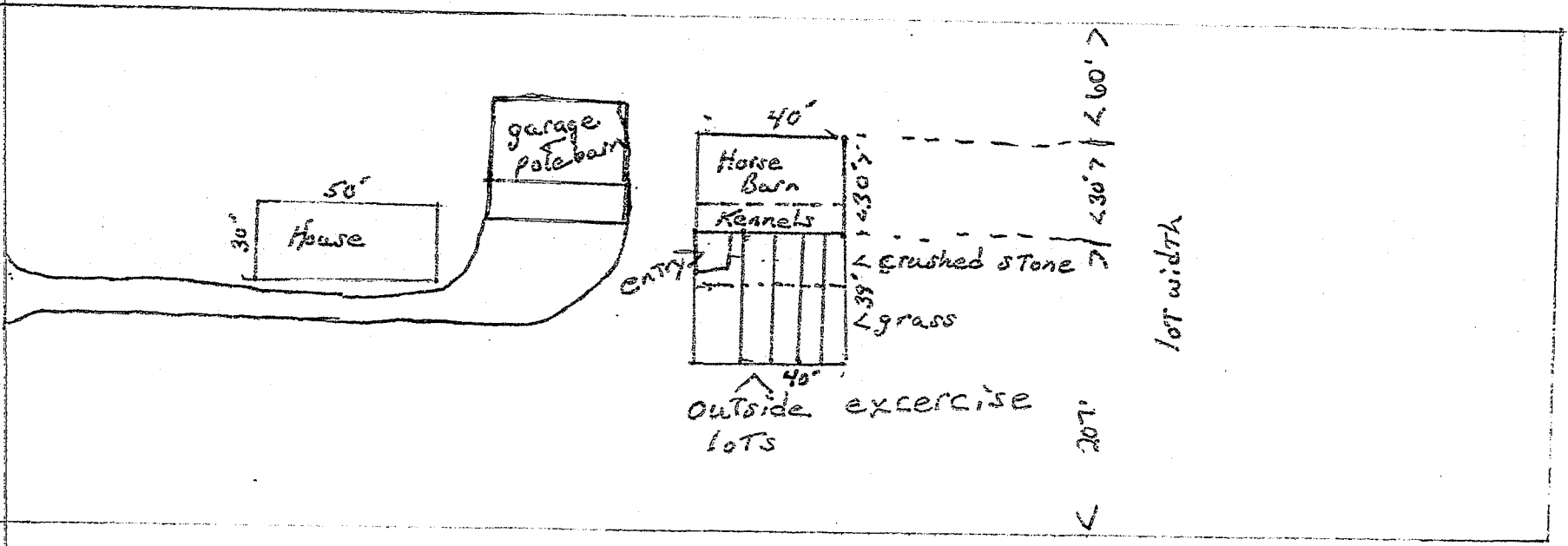
We apologize for overstepping laws and for any inconvenience it caused. We were told if we have only four females we need no permit.

Warren & Elaine Brubacher 765 St. Rte. 14A Penn Yan NY 14527



Site Plan

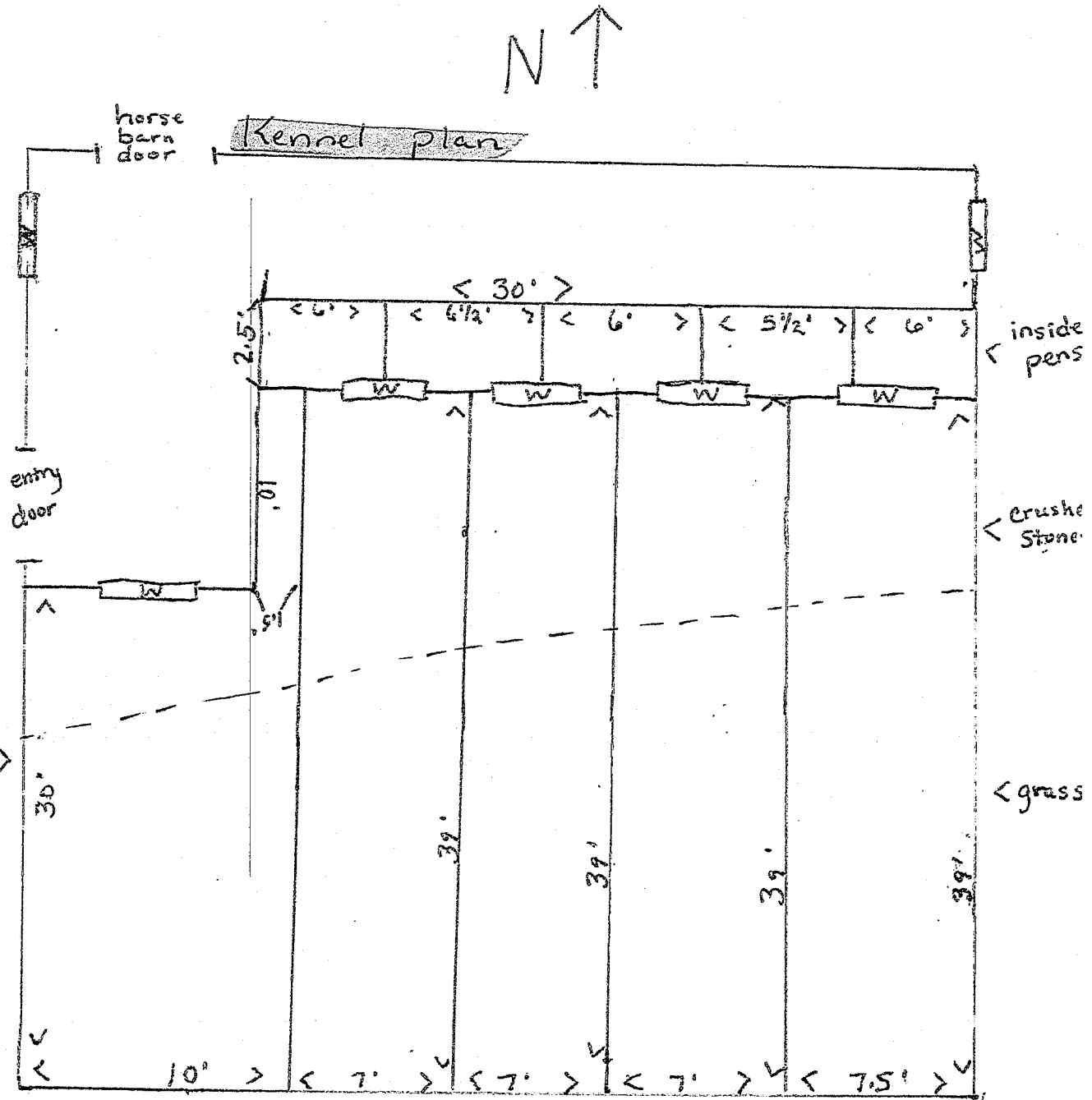
St. Route 14A



Warren + Elaine Brubacher 765 St. Rte. 14A Penn Yan NY 14527

Warren + Elaine
Brubacher
765 St. Rte. 14A
Penn Yan NY 14527

Outside
exercise
lots



EASTVIEW
VETERINARY
CLINIC_{PC}

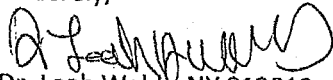
1260 State Route 14A, P.O. Box 237
Penn Yan, NY 14527
Phone: (315) 536-9871
Fax: (315) 536-8297
www.eastviewveterinaryclinic.com

To Whom It May Concern:

May 5th, 2020

On April 7th, 2020 I was asked to come out and review the kennel owned by Warren & Elaine Brubacher, located at 765 State Route 14A in Penn Yan, New York 14527. Upon review I found a newly constructed kennel that is built with easy to clean material, and large runs. Only one adult dog was/is in each run. The outside yard space for each kennel exceeds both USDA and New York State Ag and Market kennel regulations. They are not required by NYS Ag and Market nor USDA to have a kennel license due to number of breeding females (4 and under) that are on site and the average number of puppies sold on site. There appears to be ample space for exercise, whelping, and care of young pups. We also reviewed vaccination protocols, health care concerns and de-worming protocols and have created a kennel program that both USDA and NYS Ag and Markets would approve. If you have any additional questions, please feel free to contact me at 315-536-9871.

Sincerely,



Dr. Leah Webb -NY 013912

CERTIFICATE OF VETERINARY EXAMINATION

REQUIRED FOR NYS ARTICLE 35-D – ANNUAL EXAMINATIONS

Owner/Breeder/Dealer Warren Brubacher

Address 765 Rt. 14A
Penn Yan NY 14527

ID	Species	Breed	Color	Sex	DOB	Adverse Conditions
Natalie	Canine	Cornish Spaniel	Red/White	F	01/23/14	NSF
Zoe	"	Mini Golden Retriever	Golden	F	11/16/18	NSF
Indigo	"	Mini Golden Retriever	Golden	F	11/16/18	NSF
Lindsay	"	Cocker Spaniel	Red/White	F	5/30/19	NSF
Poodle	"	Poodle	Red/White	M	08/25/14	NSF

The above described animals have been examined this day and found to have no apparent medical conditions that adversely affect their health. Those animals that are 18 months of age or older are also free of diagnosed congenital conditions that adversely affect their health.

Leah J. Wicklo NY 013912
Print Name of Veterinarian Issuing Chart and NY License number

[Signature]
Signature of Veterinarian Issuing Chart

1260 Rt. 14A Penn Yan NY 14527 315-538-9871
Address and Phone Number

04/07/2022
Date of Examination



Agriculture and Markets

New York State Department of Agriculture and Markets
 Division of Animal Industry
 10B Airline Dr.
 Albany, NY 12235

VETERINARY CARE PLAN

A PROGRAM OF VETERINARY CARE HAS BEEN ESTABLISHED BETWEEN: /

LICENSEE/REGISTRANT		VETERINARIAN
1. NAME: Warren Brubacher		1. NAME: Leah J. Webb
2. BUSINESS NAME:		2. CLINIC NAME: Eastview Veterinarian Clinic
3. BUSINESS ADDRESS: 765 St. Rte. 14A		3. BUSINESS ADDRESS: 1260 Rt. 14A
5. CITY, STATE, AND ZIP CODE: Penn Yan NY 14527		5. CITY, STATE, AND ZIP CODE: Penn Yan NY 14527
6. TELEPHONE NUMBER (Home): 315-531-9279	TELEPHONE NUMBER (Business): 315-531-9279	6. TELEPHONE NUMBER (Business): 315-536-9871

According to Article 26-A §401.5; Licensed pet dealers "shall designate an attending veterinarian who shall provide veterinary care to the dealer's animals which shall include a written program of veterinary care and regular visits to the pet dealer's premises". **Veterinary visits to the pet dealer's premises must occur at least once a year.**

The signing of this form means that you have reviewed the program of veterinary care and understand your responsibilities. The business address of the licensee is the address that will be visited per this plan. If the information contained within this plan is altered by either party, the plan must reflect the change within two weeks.

This sheet must remain attached to the current plan at all times, completed in its entirety and signed by both parties to be valid.

SIGNATURE OF LICENSEE/REGISTRANT: Warren J. Brubacher	LICENSE #	DATE: 4-7-20
SIGNATURE OF VETERINARIAN: Leah J. Webb	LICENSE # 013912	DATE: 04107120

EMERGENCY CARE – DETAIL PROVISIONS FOR EMERGENCY, OR WHEN FACILITY IS CLOSED FOR EXTENDED PERIODS

Eastview Veterinarian Clinic 24171865

• **VACCINATIONS – TYPE & FREQUENCY (AGES) OF VACCINE ADMINISTRATION FOR THE FOLLOWING:**

	CANINE		FELINE	
	1st Dose	Booster	1st Dose	Booster
DISTEMPER	7wks	9-12wks (then 1wks yearly)	RHINOTRACHEITIS	
ADENOVIRUS	7wks	9-12wks (then 1wks yearly)	CALICI	
PARVO	Swiss - Neoper 7wks - 5wks	"	PANLEUKOPENIA	
PARAINFLUENZA	7wks	"	RABIES (Req'd btwn 12w-4m)	
RABIES (Req'd btwn 12w-4m)	12wks	1st year then 3 year	LEUKEMIA (FELV)	
LEPTOSPIROSIS	optional 7wks	optional yearly		
BORDATELLA	Swiss optional	yearly optional		

• **PARASITE CONTROL – FREQUENCY OF SAMPLING OR TREATMENT FOR THE FOLLOWING:**

ECTOPARASITES (Fleas, Ticks, Mites, Lice, Flies):

See attached

INTESTINAL PARASITES (Roundworm, Whipworm, Tapeworm, Hookworm, Coccidia, Giardia, Fecals & Deworming):

See attached

SKIN CONDITIONS (Ringworm):

call eastwood veterinarian

BLOOD PARASITES (Heartworm, Babesia, Ehrlichia, Other):

See attached

• **SICK/INJURED CARE & MEDICATIONS— ANY TREATMENTS PERFORMED ON SITE (MEDICATION & DOSAGES), EXTENT OF TREATMENT BEFORE CLINIC VISIT IS MADE:**

RESPIRATORY (Coughing, Sneezing, Soiled Nose or Eyes)

call eastwood veterinarian

INTESTINAL (Vomiting, Diarrhea, Anorectic)

call eastwood veterinarian

ABNORMALITIES (Limping, Limb Favoring, Failure to Thrive)

call eastwood veterinarian

• **OBSERVATION — DESCRIBE SCHEDULES OF DAILY MONITORING. Indicate all areas where animals are housed.**

- 1) Morning - dogs are fed + provided with water
- 2) Outside lots are cleaned in A.M.
- 3) Evening - dogs are fed + provided with fresh water

Leah Webb, DVM
Eastview Veterinary Clinic
1260 Rt. 14A, Penn Yan, NY 14527
315-536-9871
NYS Lic. # 013912

D. Leah Webb
4/7/20

Vaccines:

Neopar: 5 weeks old

Canine Distemper(5-way) with Corona: 7 weeks old (repeat every 3 to 4 weeks for 3 doses), then yearly

Rabies: 12 weeks, 1 year booster then every 3 years

Optional vaccines (we discussed when to use them)

Leptosporis- recommended but not required for all dogs yearly

Bordatella- recommended but not required for stud service

Deworming protocol:

Pyrantel: 3wks and repeat 10 days after

Ivermectin: 5wks

Mitex: 5wks

Fenbendazole: 3 days at 7wks

Marquis: 8wks

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Dr Leah Webb

417120

Medications Dosages and Protocols for Kennels:

Medications	Reason	Dose
Fenbendazole (safeguard/ panacur)	Round worm Whip worm Hook worm Giardia	Give 1ml per 4lbs body weight once a day for 3 days or as directed
Ivermectin (Ivermax)	Ectoparasites, heartworm	Give 1ml per 100lbs body weight subcutaneously (under skin). If given monthly, helps prevent heartworm. The pour-on large animal can be placed between shoulder blades at one drop.
Marquis	coccidiosis	Give 0.3ml per 5lbs body weight once daily for 2 days
Metronidazole 250mg	giardia	¼ tablet per 10lbs body weight once a day, can combine with Fenebendazole (safeguard/panacur) once daily for 3-5days. Avoid in pregnant animals
Pyrantel Paomate	Roundworm hookworms stomach worm	Give 1 ml per 20 pounds body weight orally and again in 7 to 10 days.