

Preston Rd Kennel Variance

September 10, 2026

Zoning Board of Appeals

Town of Lindley, NY

Meeting called to order at 7pm by Richard Biggio and public hearing opened for Area Variance submitted by Sarah Finrock

Board Members Present: Rich Biggio, Steve Ritter, Jennifer Cisco

Public Attendance: Sarah Finrock David Finrock Hannah Finrock Hope Finrock Kaitlyn Carpenter

Others present: Jim Bixby, Town of Lindley Code Enforcement

Overview

- Public hearing for an area variance at 9046 Preston Road to allow kennel/boarding use for an existing house; hearing included public comment and site photos.
- Applicant proposed boarding up to 10 dogs (daytime) and 3–5 overnight; applicant currently keeps 3–4 dogs.
- Key setback constraints: required 150 ft, actual 120 ft (front) and 85 ft (side to pond/hedgerow); board found the overall variance substantial but front reduction less significant.
- The requested area variance was approved subject to two conditions noted below (see Decision). The matter has now been referred to the Planning Board for the CUP review/approval process.

Purpose & application

- The applicant requested an area variance to classify the existing house as a kennel/boarding facility (boarding and limited overnight stays).
- Application materials stated boarding operations with up to 10 dogs at a time (day use) and a practical overnight cap of 3–5 dogs; applicant clarified intent: day care up to 10, overnight max 3–5 and keep dogs inside (basement crates) at night.
- Pickup/drop-off logistics: a van will transport dogs; yard is fully fenced and an accessory building exists for storage/ancillary uses.
- Neighbors raised noise, traffic, and property-value concerns (one neighbor estimated 20–25% drop).
- Letter submitted by Patrick King
- Pond condition: board noted algae and existing runoff issues; livestock (~10 cows, 2 horses) already contribute to pond influences.

Board deliberation & decision

- Property size and lots: total property 11.89 acres: discussion included a separate 2 acre parcel with a pond (.58 acre) and a wetland area (.02 acres) that reduce the usable buildable area.
- Measured distances: house-to-road = 120 ft (front), house-to-pond/hedgerow = 85 ft (side), house-to-rear property line ~ 350 ft.
- Required setbacks: table shows 150 ft requirement; board discussed reducing front from 150 → 120 ft (variance 30 ft) and side from 150 → 85 ft (variance 65 ft).
- Parcel shape, wetlands and existing drainage lines limit feasible alternatives and create unavoidable setback issues for any new construction or reclassification.

- Board assessed environmental impact and concluded no additional adverse environmental impact expected from limiting commercial overnight boarding to 5 dogs and requiring dogs be housed overnight (planning board will handle waste/runoff stipulations).
- Kennel/boarding falls under agricultural/animal uses and may require a kennel license and a conditional use permit from the planning board; state regulations for kennels are becoming more restrictive.
- Multi-step approval path: this board rules on the area variance (setbacks); the application and this board's recommendation will be forwarded to the Planning Board (meets 21st of the month) for the conditional use decision and possible specific stipulations (waste/runoff, licensing).
- The board discussed the five standard variance questions: feasibility of alternatives (none feasible), substantiality (majority agreed variance is substantial overall), environmental/adverse impact (no significant adverse impact found given existing livestock), and whether difficulty was self-created (board concluded yes — self-created).
- Motion by Steve Ritter to approve the requested area variance subject to two recommendations to the Planning Board; seconded by Jennifer Cisco; All in favor. Rich:Aye Steve: Aye Jennifer: Aye
- Two recommendations forwarded to the Planning Board: (1) recommend a commercial overnight cap of maximum 5 dogs, and (2) require no dogs be left outside overnight.
- Planning Board will review, may add conditions (waste/runoff, licensing) and issue final decision on the conditional use permit; applicant was advised state licensing requirements could change and impose higher standards in future.

Outlook

- The area variance grants setback relief so the applicant can proceed to the next step; the Planning Board will evaluate operational and environmental conditions and finalize any limits (overnight caps, waste control).
- Board emphasized enforcement will fall to local officials (planning/enforcement) if conditions are violated; neighbors can lodge complaints which can trigger enforcement follow-up.

Action Items

Rich Biggio Send application materials to Planning Board

Email/send the meeting materials, site photos, and the board's variance recommendation to the Planning Board so they can place the conditional use application on their agenda for the next meeting.

Jennifer Cisco Ensure Planning Board receives package and agenda item

As Planning Board clerk, verify the Planning Board receives the materials from the ZBA, confirm the item is posted to the Planning Board agenda (meeting on the 21st), and circulate the packet to Planning Board members. As well, be sure all materials are forwarded to Jim and Callie for inclusion in Public Records.

Meeting adjourned at 7:48pm