

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
February 10, 2025**

APPROVED

The Town of Manlius Planning Board hybrid meeting in-person and virtual live streaming with Chairperson Valerie Beecher presiding and the following members present: Arnie Poltenson, Richard Rossetti, Judy Salamone, Erin Reynolds, Don Western and David A. Shomar. Also, present were Attorney Jamie Sutphen and Planning Board Engineer Douglas Miller.

In-Person Attendees: Barbara Emmons, Paula Ellenberg, Dirk Oudemool, Karrie Catalino, David Brittain, Danilee & Ryan Ewert, Scott Hale, Connie Endres and Dr. John Endres

Virtual Attendees: Jolene Hale, Warren Linhart, Tom Poitras and Gary Slutzky

The Pledge of Allegiance was recited.

Minutes

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to approve the minutes of January 27, 2025.

Time:6:32PM - Accessory Use Permit Renewal - Thomas Salzberg – Insurance Office - 179 West Seneca Street, Manlius, NY 13104 - Tax Map # 106.-01-05.0

Member Rossetti made a motion, seconded by Member Western and carried unanimously to approve the Accessory Use Permit Renewal for a period of 7 years to expire on February 10, 2032.

**Time:6:32PM - Woodland Hills Subdivision (Hoag Lane Development)
Recommendation to Zoning Board of Appeals (Lot Coverage for Lot 9) - 5280
Hoag Lane - Tax Map # 104.-01-39.2**

Member Western made a motion, seconded by Member Salamone and carried unanimously to send a positive recommendation to the Zoning Board of Appeals for the variance in lot size for Lot 9 be granted based upon the following reasons:

- This is a confirming subdivision except for this one lot; so, the subdivision is in substantial compliance
- The overall site is a lack of density and overall supports this layout
- The area (lot) behind this lot 9 is, in part, permanently undeveloped due to the drainage district area and is partially against other residential in the rear
- This lot size for Lot 9 is comparable to other lot sizes in the general area
- The Town Board has requested that in lieu of an HOA, the drainage district be created, which has caused the lot to be undersized.

Time:6:46PM - Danielle & Ryan Ewert - 8291 East Seneca Turnpike, Manlius NY 13104 - Public Hearing – Subdivision, Site Plan and Special Use Permit - Pawsits Doggy Daycare Same Address - Zoning Classification Restricted Agricultural (RA) Tax Map # 099.-01-27.4

Due to a potential conflict of interest, Member Rossetti recused himself and left the meeting at 6:47pm.

Greg Sgromo was present and spoke on behalf of the application. He gave a brief update on the project.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board. She stated that the proposed actions herein, which should not be segmented for SEQRA purposes are both the Subdivision, Site Plan and Special Use Permit. This Board has reviewed the SEAF submitted by the applicant as well as the Subdivision, Site Plan and Special Use Permit applications and all supporting documentation as well as the Zoning Board of appeals variance approval. The Board now answers Part 2 of the SEAF as follows:

1. Will the proposed actions create a material conflict with an adopted land use plan or zoning regulations?

The Town Board re-zoned this property from R-1 to RA in 2022 . And the Town Board was specifically aware that a potential use would be Doggy Day care. The Town Board determined in the legislative action that the change of zone was the Town Board in the zone change application specifically found that the change was “appropriate considering the surrounding land uses and the uses that might result from in the RA zone. RA would permit the use(s) already undertaken by the Applicants on the property and bring the zoning of the property consistent with the area and other properties surrounding said property; and (iii) the proposed further use of the site – as a Dog Day Care and breeding facility – would require approval of a Special Permit and Site Plan by the Planning Board.”

The use proposed by the subdivision is an allowable use in this zone, per the code, with Special Permit. The Special Permit will be separately evaluated during the review of Special Permit to determine those specific criterion.

Neither the use as presented in the Site Plan and Special Use Permit application, nor is the subdivision in conflict with the Zoning or the recently adopted Comprehensive Plan.

Finally, the zoning Board of appeals issued the two minor variances that allowed an existing structure to remain in its present location. Accordingly, with the approval of the variance, there is no conflict with zoning regulations.

Answer: “No or small impact may occur”

2. Will the proposed action result in a change in the use or intensity of use of land?

Should the subdivision, site plan and special permit be granted, the intensity of the use of the land will change, as is usually the case when new uses and structures are introduced to a site. This parcel, newly created by subdivision, already has an existing curb cut and driveway which serves an existing home occupation use on the proposed adjacent premises. The structures proposed on the site are within the zoning ordinance setbacks, and within the allowable lot coverage of the zoning district. The property to be subdivided is of a reasonable size and conforming to the Code at one acre, and the increase in the use of that one acre parcel is not substantial considering the already existing structure on the site and driveway circulation pattern proposed. Final Site plan review and Special Use permit are pending. Within that process, the Planning Board has not seen a change in the intensity of the use of the land that is substantial such that the effects will be negative.

Answer: No or small impact will occur.

3. Will the proposed action impair the character or quality of the existing community?

The subdivision action will involve a conforming subdivision and allowed uses which will not impair character or quality of the existing community which consists of a veterinary clinic to the west, which is a commercial use, which also involves the care of animals. With the property to the west being commercial, the area is of mixed character and the corridor is a heavily traveled main corridor with mix of commercial and residential uses. Other than the residential lot to the east, owned by the applicant, the next residential properties are at least 300 feet from this property.

The properties across the street are reasonably shielded from the impacts of a small commercial enterprise. Architectural compatibility is part of the Site Plan Review.

Also, The Town Board has determined, with the re-zoning, that the doggy daycare use proposed is generally compatible with this property and area, subject to the Special Use Permit. Special Permit criterion is still available to reasonably limit the minor impacts.

Answer: No or Small impact will occur.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

This property is not in a CEA ; No impact.

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?

Route 173 is already a heavily travelled corridor. The neighboring businesses already receive a reasonable level of car traffic for its business veterinary use. The use is proposed to be for residential pet dogs, so the service on Route 173 will be of very minor impact; current local traffic may be part of the use and the number cars that will enter and exit the site will not be substantial, in relation to the general traffic in the area, and any in and out will generally be during peak business hours. Mass transit is not affected at all for this service and any biking or walking along 173 would be minor for this project, if at all, considering the relatively small size of the project, the type of business and the generally unfriendly nature of the street for biking or walking.

Answer: No or small impact will occur.

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?

No overuse of energy is involved in this project.

Answer : No or small impact will occur.

7. Will the proposed action impact existing:

a. public / private water supplies?

There is sufficient public water to that will be connected to this building/use, and it will not affect the public water supply per the Town engineer.

Answer: No or small impact will occur.

b. public / private wastewater treatment utilities ?

The project will be connected to public wastewater treatment utilities across the road and the sewer capacity can handle it.

Answer: No or small impact will occur.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?

There are no important historic, archaeological resources in or around this site. Architectural compatibility with the area will be addressed in the Site Plan approval and same has been reviewed to date as generally compatible with the area. There are no significant aesthetic resources that are affected by this project.

Answer: No impact will occur.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The relatively small site does not have wetlands, waterbodies or groundwater issues that are affected. There are no air quality issues relating to this use. No significant flora or fauna are affected. Landscaping plans will be included in the final site plan approval.

Answer: No or small impact will occur.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

The Applicant was required to submit storm water calculations and impacts on erosion, and all have been found satisfactory by the Planning Board Town Engineer.

Answer: No or small impact.

11. Will the proposed action create a hazard to environmental resources or human health?

The dog day care use is not a hazardous use to the environment and there is no evidence that human health will be affected by the use.

Answer: No or small impact will occur.

Conclusion:

All of the above answers in Part 2 SEAF having been answered no or small impact, This Board finds no significant adverse environmental impacts from the Subdivision, Site Plan or Special Permit; therefore, the Board issues a negative SEQRA declaration for the project.

Member Shomar made a motion, seconded by Member Western and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chair to sign the short form EAF.

Member Shomar made a motion, seconded by Member Western and carried unanimously to waive the reading of the Public Hearing notice.

Member Reynolds made a motion, seconded by Member Poltenson and carried unanimously to open the Public Hearing at 7:59PM.

Chair Beecher stated that the Board received letters from the following residents and that the Board has read the letters. The following is a list of residents that sent letters to the board (all letters are attached):

1. The Crowe Family - 8302 East Seneca Turnpike
2. Paula Ellenberg and Barbara Emmons – 8303 East Seneca Turnpike
3. Brian Florzyk – 8321 East Seneca Turnpike
4. Lisa K. Hammer – 4918 Hyde Road
5. Dr. & Mrs. John and Connie Endres – 8275 East Seneca Turnpike (3 Letters)

1. Dr. John Endres – Compassionate Care Vet Hospital – has concerns with the noise from barking dogs and how they will affect his business; (please see letters attached);
2. Dirk Oudemool – representing Barbara Emmons and Paula Ellenberg – concerns with the noise from barking dogs; is this project compatible with the Code; believes that this project will have a high impact on human health; wants an environmental impact study; handed out a paper with zoning information within the neighborhood;
3. Paula Ellenberg – representing her mother, Barbara Emmons –has concerns about the property being rezoned to allow this use; headlights being shone in the neighbors' houses;(please see letters attached).

Member Poltenson made a motion, seconded by Member Salamone and carried unanimously to close the Public Hearing at 8:38PM.

The Board tabled the matter for further discussion.

With there being no further business, Member Poltenson made a motion, seconded by Member Salamone and carried unanimously to adjourn the Regular Meeting at 8:51pm.

Respectfully submitted,
Lisa Beeman, Clerk

January 9, 2025

Ms. Lisa Beeman
Deputy Clerk
Town of Manlius Planning Board
301 Brooklea Drive
Fayetteville, NY 13066

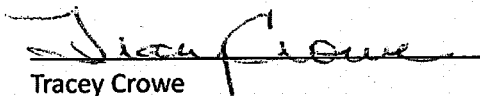
RE: Planning Board Meeting, January 13, 2025
8291 East Seneca Turnpike, Manlius, NY 13104
Pawsits Doggy Daycare

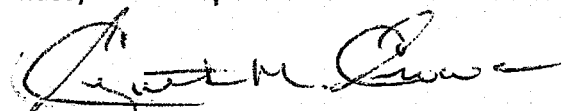
Dear Ms. Beeman:

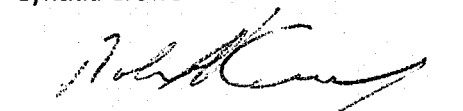
The undersigned beneficiaries of the Anne B. Costello Estate are presenting this letter to the Planning Board to give notice that we continue to be opposed to the approval of this type of business in this neighborhood. The estate owns the property located at 8302 E. Seneca Turnpike, Manlius. The proposed site is in a primarily residential neighborhood. Our family plans on opposing this business at the Public Hearing.

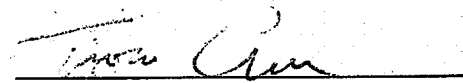
The potential for growth in the doggy daycare business is high. We have spoken to several realtors, and they believe the impact to our property values will be negative.

Very truly yours,


Tracey Crowe


Cynthia Crowe


Robert Crowe


Thomas Crowe

January 14, 2025

Ms. Lisa Beeman, Deputy Clerk
Town of Manlius Planning Board
301 Brooklea Drive
Fayetteville, NY 13066

RE: Planning Board Meeting, January 13, 2025
8291 East Seneca Turnpike, Manlius, NY 13104
Pawsits Doggy Daycare

Dear Ms. Beeman:

We own the property at 8303 E. Seneca Turnpike. We viewed the January 13, 2024, Planning Board meeting via Zoom. We are presenting this letter to the Planning Board at this time to give notice that we continue to oppose the approval of this type of business in this neighborhood as it has been presented. We plan to attend the Public Hearing on February 10. With the exception of the 7th Presentation on November 4th due to illness we have attended each presentation. We did obtain the minutes from November 4th and attended on December 9th. They have all been presentations, so we have not been allowed to speak. Our attorney, Dirk Oudemool, Esq., has attended many of these meetings with us.

We assume the variances will be granted since they directly affect only the applicant and no other neighbor. However, we feel that the Board has focused on the appearance of the buildings and landscaping and not the underlying business activity which will allow for constant movement of landscaping employees and customer traffic in and out. Coupling the landscaping business with another active enterprise does not make sense to us. We agree with Board Member Poltersen's negative assessment of the project.

We have visited five doggie daycare businesses in Manlius and surrounding area, and each is in an industrial/commercial zone. One of them is capable of housing 90 dogs. If the Board approves this business, we request that "common sense" restrictions be placed on the growth. The original application indicated the "dogs would not be left outside to bark." It is very apparent to us that there is adequate room for a play area outside. The landscaping employees will need to pass by the doggie daycare business to get to their equipment and supplies. Dogs bark at anything that moves. What kind of visual barrier will be erected to prevent this?

The potential for growth in this business is extremely high. We are not naïve enough to believe that this business owner will not attempt to grow this business.

Very truly yours,

Paula B. Ellenberg

Paula B. Ellenberg, Co-Trustee
Barbara A. Emmons Irrevocable Income Only Trust

Barbara A. Emmons

Barbara A. Emmons, Life Tenant

cc: Zoning Board of Appeals

February 6, 2025

Town of Manlius
Town Clerks Office

FEB 10 2025

Ms. Lisa Beeman
Deputy Clerk
Town of Manlius Planning Board
301 Brooklea Drive
Fayetteville, NY 13066

Received and Filed

RE: Public Hearing February 10, 2025
8291 East Seneca Turnpike, Manlius, NY 13104
Pawsits Doggy Daycare

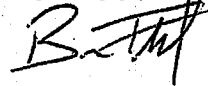
Dear Ms. Beeman:

I am presenting this letter to the Planning Board to give notice that I continue to be opposed to the approval of this type of business in my neighborhood. I own the property located at 8321 East Seneca Turnpike, Manlius, NY. On June 10, 2022, my fellow neighbors and I signed a petition in opposition to the allowance of a dog kennel in this neighborhood. I have remained in opposition to the approval of this business since that date.

This type of commercial venture carries with it serious noise concerns. What are the plans to mitigate the potential barking noise? I am not interested in listening to 8 dogs bark all at once. I, along with my neighbors, are concerned about the community impact, increased traffic, and disruption. There is a serious potential for growth in this business. Considering the fact that these neighbors have two businesses operating at the same location, the allowance of a third seems unreasonable. It is obvious to anyone driving up E. Seneca Turnpike that this is a predominantly residential neighborhood.

The trend in our area lately has been for single family houses situated on large lots, many with legacy zoning. The precedent that the town is setting is deeply concerning.

Very truly yours,



Brian Florzyk

February 9, 2025

Ms. Lisa Beeman
Deputy Clerk
Town of Manlius Planning Board
301 Brooklea Drive
Fayetteville, NY 13066

RE: Public Hearing February 10, 2025
8291 East Seneca Turnpike, Manlius, NY 13104
Dog Daycare Facility

Dear Ms. Beeman:

I am presenting this letter to the Planning Board to give notice that I am opposed to the approval of this type of business in my neighborhood. I own the property located at 4918 Hyde Road, Manlius, NY. I received the Notice of Public Hearing regarding the proposed Dog Daycare Facility to be located at 8291 E. Seneca Turnpike, Manlius, NY

There are already two businesses located at 8291 E. Seneca Turnpike and I don't feel like the introduction of a third commercial enterprise is appropriate.

We bought our property in 2024 believing that this would stay a predominantly residential neighborhood without this kind of activity. Once again, we are completely opposed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lisa K. Hammer", written in a cursive style.

Lisa K. Hammer

January 12, 2025

Members of the Town of Manlius Planning Board,

Mrs. Connie Endres and Dr. John Endres strongly oppose the proposed variance for the subdivision and special use permit to the property owned by Danielle & Ryan Ewert at 8291 East Seneca Turnpike, Manlius NY 13104, tax map number 099-01-274. We own the property adjacent to this property with the proposed subdivision and special use permit.

We have not received any notifications regarding the Town of Manlius Planning Board's prior meetings regarding this subdivision and special use permit until we contacted the Town Office last week. We finally received the agenda for the Monday meeting on 1/13/25 by mail on Thursday 1/9/25. For a decision with this much impact on the neighborhood, we are disappointed and disturbed that all neighbors were not notified and informed regarding this process.

The change in use from granting the variance will alter the essential character of our neighborhood. This change in use will also negatively affect the neighborhood's property values, poses a threat to the health and safety of the neighborhood, and poses a threat to the patients that we serve. There is also concern regarding the increased traffic at this location with the childcare, doggy daycare kennel and landscaping businesses at one location operating during the same business hours. This is especially of concern with the drop off and pick up times of the childcare and proposed doggy daycare kennel occurring during school transportation times.

When we inquired regarding being able to voice our concerns, we were informed we could not speak at the 1/13/25 meeting and there would not be a public hearing until after the decision regarding the subdivision and special use permit was decided at the 1/13/25 meeting. We are sending this letter to make the Board aware of our strong opposition regarding the proposed subdivision and special use permit and the negative effects on the neighborhood.

Thank you for taking our concerns into consideration before your decision to change the character of our neighborhood.

Respectfully,

Mrs. Connie Endres and Dr. John Endres

Compassionate Care Veterinary Hospital
8275 East Seneca Turnpike
Manlius NY 13104
(315) 682-0881

February 9, 2025

Members of the Town of Manlius Planning Board,

Dr. and Mrs. John Endres would like to thank the Board for taking into considerations the reasons why we strongly oppose the subdivision, site plan and special use permit to create the Pawsits Doggy Daycare kennel.

As we all know, this is a residential neighborhood.

We chose this location for our veterinary business because it was in a quiet, peaceful, residential neighborhood. We are a medical facility that treats many sick animals and some of our clients can be very distraught due to their pets' condition.

All of our adjacent and surrounding neighbors signed a document stating they were in favor of our veterinary hospital being built and operating at this location.

We worked hard to build a hospital that decreases the stress of the patients we provide our services to; from the quiet location, building aesthetics both inside and outside, ventilation system and odor control, noise control and decor.

Our hospital has been established since 2008. Our clientele comes not only from the Fayetteville-Manlius area, but from many areas of central NY ranging from Rochester to Herkimer. They appreciate the quiet, low stress, and nonhospital-like environment that defines our hospital.

Our first appointment is at 8:45 AM.

Almost all of our appointments are for 45 minutes to 60 minutes in length, so about 1 patient per hour is at our hospital at a time.

Our last scheduled appointment is at 5:00 PM.

The obvious exception is for emergencies that we can't control.

Dogs, cats, rabbits, pocket pets (such as hamsters and guinea pigs) and birds have been treated at our hospital.

We obviously have healthy pet visits, but many are sick and critical ill.

Some patients are sick enough to require hospitalization for diagnostics and treatment.

When healthy animals get stressed, they can have an increased temperature, increased heart rate, increased breathing rate, elevated blood pressure, become fearful and become agitated. It can also affect blood chemistry values, complete blood counts and hormone levels.

For the critically ill patient (especially for a cat, bird, or pocket pet) keeping stress minimized is important for their survival. A stressful event by itself can be enough to kill a critically ill animal that is struggling to live.

We provide outdoor seating for our clients in front of the hospital.

On nice days, some examinations will occur outside. Lameness exams, gait analysis and neurologic exams can be more complete when watching dogs move outside.

There are also times when clients say good-bye to their beloved family member, and quite often the euthanasia can be peacefully performed outside.

On nice days our staff and myself often go outside for breaks to relax and help relieve the stress of the day. Staff members often sit outside, including on seating in front of the hospital and under the trees by our driveway, to enjoy lunches.

On days off during the week, it is nice to be able to enjoy our property. It may be to just peacefully sit outside for a cup of coffee or reading, doing yard work, for completing paperwork, or writing up charts.

And on days after nights with little or no sleep due to critically ill patients or nighttime emergencies, it is nice to be able to get a few hours of sleep in the morning before starting appointments or surgery.

According to the State of New York, "boarding kennel" means an establishment operated and maintained for the care or custody of pet animals for boarding, training, or similar purposes, for varying periods of time, for profit or compensation.

Therefore, a dog daycare business is a boarding kennel business.

Granting this subdivision, site plan and special use permit to create a dog daycare kennel into our residential neighborhood will change the essential character of this neighborhood and greatly affect our veterinary practice.

This subdivision would create the only property in neighborhood that does not have a residence on it.

It will no longer be a quiet neighborhood. Noise is one of the main reason dog kennels are located in commercial zones or out in the country away from residential neighborhoods. If you are not familiar with dog daycare kennels, the dogs are not caged and are free to roam. This allows for more dogs per square foot than traditional boarding kennels equipped with dog runs. A dog daycare kennel of the size on this proposed site plan can board at least 50-70 dogs.

Traffic will increase, especially during school bus hours and during the busiest work traffic times. Most dogs are left at dog daycare kennels in the morning at the beginning of work and are picked up at the end of the work day. Another concern with increased traffic is that since this is a residential area, students walk and ride bikes on the side of the road going to and from school. There are no sidewalks at this location.

Noise is a major problem with dog kennels of all types. Most noise in dog kennels is produced by dogs. Barking by one dog may become a self-reinforcing behavior (so that dog barks more) and also stimulates other dogs to bark. A 1997 study by Sales et al. reported that the bark of a single dog can reach 100 dB. And in kennels, the recorded sound levels can range between 85 and 122 dB. A major welfare concern in animal shelters is excessive barking from kenneled dogs. This contributes to noise pollution, can cause hearing damage in both dogs and humans, and has a negative effect on all animals within earshot.

The fence that would contain dogs from the proposed dog daycare kennel is about 35 feet from the edge of our driveway. This is near where our staff enjoys lunches, euthanasia occur, and clients are parking with their sick and critically ill patients.

And the fence is 75 feet from the master bedroom that faces the driveway across from the proposed kennel.

Since our house does not have central air conditioning, the windows are open in warmer weather.

The main entrance to the hospital is 100 feet from the fence.

The proposed new kennel building to be built for the dog daycare kennel also has a garage door that opens directly facing our house, directing the noise from inside the kennel towards the driveway, house and hospital.

The amount of sound reduction over distance can be calculated by using the inverse sound law as described by Acoustical Control Engineers & Consultants. By moving from the sound source to 10 metres (32.8 feet) away, the sound is reduced by 6 dB, and for every doubling of distance, the sound level reduces by 6 dB. The next 6 dB reduction means moving from 10 metres (32.8 feet) to 20 metres (65.6 feet). But the next 6 dB reduction means moving from 20 metres (65.6 feet) to 40 metres (131.2 feet), then from 40 metres to 80 metres for a further 6 dB reduction.

This calculates that if the sound is 100 db at a source 32.8-feet inside the fenced in portion of the kennel property that faces our house, the sound is 94 dB at the fence/property line. Then at 65.5 feet from the source, 32.8 feet onto our property at the edge of the driveway, the sound is 88 dB. At 131.2 feet from the source, 98.4 feet onto our property, the sound is 82 dB. The fence to the house is only 75 feet away and the entrance to the clinic is about 100 feet from the fence.

The fencing is of inadequate design to significantly reduce the noise.

The risk of hearing loss starts at around 70 dB.

Exposure to sounds at 85-decibel levels and above damages your hearing.

Noise comparison levels:

1. Heavy traffic, car honking 80 dB
2. Lawn mower 80-85 dB
3. Food processor, power tools 95dB
4. Single dog bark can reach 100 dB
5. Motorcycle 100 dB
6. Concerts, sporting events 110 dB
7. The loudest dog bark recorded 113 dB
8. Noise levels in kennels can be between 85 to 122 dB
9. Jackhammer 125 dB

Prolonged exposure to noise pollution can have significant negative effects on both physical and mental health. Research from the Environmental Protection Agency shows that excessive noise can lead to:

- Increased stress and anxiety
- Sleep disturbances
- Hearing loss
- Cardiovascular issues (increased incidence of arterial hypertension, myocardial infarction, heart failure, and stroke)
- Decreased cognitive performance
- Can pose a serious threat to a child's physical and psychological health, including learning and behavior

NPR did an installment of their production *In Good Health: How Chronic Noise Exposure Affects the Human Body*. It discussed the growing body of research that states that chronic noise exposure is putting nearly a third of Americans at heightened risk of hypertension, stroke, and heart attacks.

And the NYC Noise Code states that the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people.

The high noise levels will negatively affect everyone working at our hospital by being forced to listen to the noise pollution that has been created. My staff and myself are being forcibly subjected to the EPA proven damaging physical and mental health effects of noise pollution. It also will not allow us to reduce our stress and enjoy the outdoor area during the day. It will interrupt my sleep after working overnight or on days off.

It will negatively affect clients in many ways. They will be forced to listen to barking dogs on their arrival and departures. They will no longer be able to enjoy the outdoor seating we provide. They too will be subjected to the negative physical and mental health effects of the noise. Many are already stressed over the sickness of their pet, so this noise makes their situation worse.

We will not be able to do some of our exams outside. And clients would no longer be able to say good-bye to their beloved pet in a peaceful outdoor setting.

The high noise levels will increase the stress levels of our patients, both the healthy but especially the sick. Our patients; cats, rabbits, pocket pets (such as hamsters and guinea pigs), birds and even dogs; have evolved as the prey of dogs. This fact greatly increases their stress when they hear barking dogs. Many of those pets have not been exposed to dogs, which only heightens their anxiety. That increased stress will make animals more difficult to handle and restrain once in the hospital, especially since the barking will still be able to be heard inside the building. Science has proven that cats generally have better hearing than dogs, and both have better hearing than people. Cats can detect sounds from further away and hear a wider range of pitches than dogs. And dogs can detect sounds from further way than people. So even when inside, the barking from outdoor dogs will be stressful especially for a cat, but will also be stressful for dogs.

And unfortunately for the critically ill patient, that barking could be stressful enough to cause death.

The approval of the Pawsits Doggy Daycare kennel would be a public health hazard. As stated by the American Public Health Association in *Noise as a Public Hazard*, published in 2021: Noise is unwanted and/or harmful sound, first recognized as a public health hazard in 1968. The Noise Control Act of 1972 declared that "it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare."

The proposed kennel would also be a nuisance under property law. A nuisance occurs when a landowner engages in an activity that significantly interferes with the use or enjoyment of another's property, or that affects the health, safety, welfare or comfort of the public at large. This would create a public nuisance that affects the health and safety of more than one person. This includes excessive noise from a business or construction site that disrupts the peace and quiet of a neighborhood.

Quiet enjoyment is a fundamental assurance in property law. Quiet enjoyment encompasses several rights ensuring a homeowner's ability to thrive without undue disturbances. This right includes freedom from excessive noise and disruptions from surrounding areas, such as unreasonable disturbances from neighbors. Therefore, this proposal would also create a private nuisance, a nuisance that violates our right to quiet enjoyment of our land.

In addition, there are multiple real-estate articles stating that quieter areas are generally deemed more desirable, and real estate prices tend to reflect that. One article stated that neighbors bringing down property value happens every day across all regions, from middle-class suburban subdivisions to urban streets in cities of all sizes. One of the four most common factors cited that contribute to property value decreases include neighboring properties that contribute to area noise pollution. Another published article contained the following comments from relators regarding neighbors having a barking dog.

- "If the dogs barks incessantly while showing the home/yard, clients become concerned about their privacy and it can be a big turn-off.
- "I can tell you from years of selling homes, anytime there is a barking dog my heart just sinks (especially if this is "the perfect" house for my client!). It is definitely a negative from the initial "bark" as you know this will impact your client's backyard quality time even if they are dog lovers."
- "When a prospective buyer hears the barking, it's not always a matter of reducing price, it's often losing a buyer altogether. Nobody wants to walk into that noise or feel like a prisoner to how they can or would enjoy their outdoor living space."

Thus, there is a real threat that the value of our business, our property and the property of others in the neighborhood will all suffer negative economic consequences. This will affect the future sale of the neighborhood properties, especially ours which will receive the most harmful negative effects and the most direct noise pollution.

Furthermore, TOWN BOARD OF THE TOWN OF MANLIUS 2nd day of December, 2020

The following resolution was moved, seconded and adopted: Local Law 2020-____, entitled "A Local Law Further Amending Chapter 86 entitled Noise Control of the Code of the Town of Manlius,"

86-3 Prohibited noises

No person shall make, continue or cause or permit to be made any unnecessary noise.

Decible Maximum. The making or operation of any source of sound on a private property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth as follows: between 7:00 a.m. and 10:00 p.m., seventy (70) dBA and between 10:00 p.m. and 7:00 a.m., fifty (50) dBA when measured at the adjoining property line.

Remember, a single barking dog at our property line can bark up to 100 dB! Let alone a large group of barking dogs!

The problems of Danielle and Ryan Ewert and their desire for the subdivision, site plan and special use permit to create the Pawsits Doggy Daycare kennel are not due to circumstances unique to their property, but have been self-created and self-inflicted. This request is not in harmony with the general purpose or intent of the zoning ordinance.

This subdivision, site plan and special use permit to create the Pawsits Doggy Daycare kennel will negatively impact the essential character of the neighborhood. It will be a nuisance and a health hazard. Why should the residents of the neighborhood suffer, our clients suffer, our patients suffer, our staff suffer, our business suffer and our family suffer due to the negative, harmful effects of forcing this business on us? We have nothing to gain and everything to lose. How many of you are willing to have this noise polluting business, with its significant negative effects on both physical and mental health, and its devaluating effect on the value of your property, operate within 75 feet of your homes and workplaces?

Therefore, we have no choice but to strongly oppose the subdivision, site plan and special use permit to create the Pawsits Doggy Daycare kennel.

Thank you for taking our concerns into consideration.

Respectfully,

Mrs. Connie Endres

Dr. John Endres

Compassionate Care Veterinary Hospital

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