

**TOWN OF STERLING  
ZONING BOARD OF APPEALS  
Minutes of Meeting**

DATE: February 14<sup>th</sup>, 2012  
TIME: 6:30 pm  
LOCATION: Butterick Municipal Building

**Board Members Present:**

Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson

**Alternate Members Present:**

Matthew Campobasso, Jerry Siver

**Agenda**

- 6:30 pm Discussion Of Minutes
- 6:35 pm ZBA Business
  - a. Meeting with Katarina Jablonski, 15 School Street, asking to waive application fees for a kennel case she wants to submit, and other questions.
  - b. FY 2013 Budget Update
  - c. Revisiting ZBA Forms

[Also other issues to be discussed may include: Budget-Bills-Administrative Issues-Memos-Comments From the Public]

**Proceedings:**

- 6:45pm Mr. Joseph Curtin opened the meeting with a roll call attendance.
- Board members discussed submitted Minutes of January 10<sup>th</sup>, 2012.
- 6:46pm *Mr. Matthew Campobasso* moved to accept the minutes of January 10<sup>th</sup>, 2012 as presented. Motion seconded by *Mr. Jerry Siver*. Motion carried. All in favor, Yeas 5: (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, Matthew Campobasso, and Jerry Siver*) Nays: 0.

**ZBA Business**

- Board members postponed discussions with Ms. Katarina Jablonski until she arrives at the meeting.
- Mr. Richard Hautaniemi discussed the FY13 budget. He noted that the budget includes the annual increase for the ZBA Administrative Assistant. However, the overall ZBA FY13 budget is much less than last year's.
- Mr. Hautaniemi also said that he is looking into creating a special accounting spreadsheet for Northgate Meadows in order to better track any expenses and income.
- Mr. Curtin added that it will be helpful to check accounting sheets with regards to available escrow money.
- Mr. Curtin explained to Mr. Donaldson that the review of the ZBA forms has been postponed from the last meeting so he gets the chance to review them as well. Mr. Curtin added that the ZBA is trying o make the forms easier, and as simple as they could be.
- Ms. Naglaa Elshamy, ZBA Administrative Assistant, explained to the Board that the forms need to be updated with the relevant new information, and also to avoid any confusion to the public.
- Mr. Donaldson said he could help with this task and check the drafts of the new forms that Ms. Elshamy submitted.
- Mr. Curtin pointed out to the Board that the ZBA received a request form the DPW with regards to updated utility plans for Stonegate. He noted that he asked Ms. Elshamy to check with the Building

Department if there has been any records on that and if not, then to send them a letter requesting all those plans.

- Mr. Hautaniemi commented that they must submit the “as built” plans as per the terms of the comprehensive permit.
- Mr. Curtin agreed and said that according to the comprehensive permit, there is a set of plans to be submitted to the Board.
- Mr. Curtin explained to the Board members the background for Katarina Jablonski’s issue with kennel licenses (15 School Street). He said that Ms. Jablonski came to the Town Clerk’s office to license her dogs and could not because they have more than 4 dogs on the property. Ms. Jablonski is disabled and has 4 service dogs and she lives with her parents on that property.
- Mrs. Mary Jablonski noted that there are a total of 8 dogs on the property, 4 of which are her daughter Katarina Jablonski’s service dogs and the rest belong to her and her husband. The house is owned by Mr. and Mrs. Jablonski’s Trust.
- Mr. Curtin asked Mrs. Jablonski to inform the Board with the background.
- Mrs. Jablonski stated that they had a neighbor who complained about the noise of barking dogs then he moved away the day he filed the complaint.
- Ms. Katarina Jablonski asked the Board to explain to her what has been discussed.
- Mr. Curtin explained to her that the ZBA is not the designated Board to deal with licenses or with noise. He added that the Town Clerk’s office is the office which is designated to deal with licensing and when the number of dogs becomes more than 4, then this trumps the requirement for a zoning special permit or an exemption from it.
- Ms. Jablonski explained that she has been getting licenses in previous years but this is the first time she has gotten this request for a Kennel license. She added that she was not supposed to even pay for licenses for service dogs and any person who is over 70 years should not pay as well.
- Mr. Donaldson explained that there needs to be a differentiation between licensing and zoning, because their residence lies in a zone where she would need a special permit to have this number of dogs.
- Ms. Jablonski commented that the ACAB (Animal Control Advisory Board) sent her a letter saying that they will not license her dogs unless she comes to ZBA.
- Mr. Donaldson stated that this is just because there is a zoning issue.
- Ms. Jablonski argued that she does not have the money for the fees and explained that her service dogs will just be there until the end of the year when she moves out.
- Mr. Curtin noted that there is animal control in zoning and there is animal control with ACAB. He added that there is a process to apply for zoning kennel special permit which includes public hearing and notifications. However, the issue is that Ms. Jablonski is only there temporarily.
- Ms. Jablonski replied that her parents were in compliance and they only have 4 dogs, one of which is very old.
- Mr. Siver commented that Ms. Jablonski could still get her licenses without paying. It is really in the number of licenses.
- Mr. Curtin asserted that from a strictly zoning perspective, Ms. Jablonski has to file for a special permit for the 8 dogs, pay the application fees and postages required for the application process.
- Ms. Jablonski replied that she does not have such money since she lives on disability.
- Mr. Donaldson explained that the Sterling Protective Bylaws are meant to protect her by allowing or disallowing things in zoning areas. It is a Town judgment to be given by special permit and she has been in violation of the zoning by laws.
- Ms. Jablonski repeated that she does not have the money for an application.
- Mr. Campobasso said that the penalty would be to reduce the number of dogs in the residence.
- Mr. Curtin commented that as a Board, they may not have authorization to waive fees.
- Mr. Donaldson said that from a licensing perspective, she will be paying more for individual licenses vs. kennel license.

- Mr. Curtin explained the process to Ms. Jablonski and that the application she filed with the ZBA is incomplete and she has been notified of the incomplete paperwork.
- 7:50pm. *Mr. Jeffrey Donaldson moved* to adjourn. Motion seconded by *Mr. Jerry Siver*. Motion carried. All in favor, Yeas 6: (*Richard Hautaniemi, Joseph Curtin, Jeffrey Donaldson, Matthew Campobasso, and Jerry Siver*) Nays: 0.

Attachments:

1. ZBA forms with suggested changes (Content Form and Instructions Form)