

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
MINUTES OF FEBRUARY 5, 2015**

PRESENT

Mr. Anginoli
Mr. Keegan – Absent
Mr. Casscles – Absent
Mr. Vasti
Mr. Fox
Mr. Porath
Chairman Wright

ALSO PRESENT

William J. Sheehan, Building Inspector
Dave MacCartney, Attorney

AGENDA

**FEBRUARY 5, 2015
7:00 P.M.**

PUBLIC HEARINGS: 2

Request of Kelly O'Dell - Appl # 2015-0001

A variance from the requirements of Chapter 215, Article V, Section 15 A-h.1-6, less than required rear setback, required 35 feet provided 30 feet; 280a of Town Law no access to an improved road to permit construction of a one family dwelling on premises location at 31 Blanchard Road, Stony Point, New York
Section 19.01 Block 1 Lot 15 Zone RR

Request of Stony Point Center - Appl #20150002

A variance from the requirements of Chapter 215, Article IV, Section 11 – Column – E-3: Keeping of more than 10 fowl, requested 40 fowl: maintain fowl closer than 75 feet from property line; Requesting 50 feet and 25 feet to permit

fowl on premises location at 17 Crickettown Road and 30 feet on 181-185 West Main Street, Stony Point, New York
Section 15.03-5-23 and Section 15.03-5-24 Zone RR

Chairman Wright: good evening. The Chairman called the meeting to order. Please rise for the Pledge of Allegiance.

The Pledge of Allegiance was recited and roll call taken.

Chairman Wright: The first item on the agenda is Kelly O'Dell.
Request of Kelly O'Dell - Appl # 2015-0001

A variance from the requirements of Chapter 215, Article V, Section 15 A-h.1-6, less than required rear setback, required 35 feet provided 30 feet; 280a of Town Law no access to an improved road to permit construction of a one family dwelling on premises location at 31 Blanchard Road, Stony Point, New York
Section 19.01 Block 1 Lot 15 Zone RR

Chairman Wright: Is a representative for the applicant here. Please come up and identify yourself and kind of give us a quick overview. I have a motion to open the public hearing.

Motion was made by Mr. Vasti, seconded by Mr. Fox to open the Public Hearing. Hearing all in favor the motion was carried.

Chairman Wright: Swearing in applicant. State your name loudly and clearly so that it can be picked up.

Adam Carano and Kelly O'dell.

Chairman Wright: Ok, now if you can kind of give us a background of what you are trying to do and why you need the variances.

Kelly O'Dell: Trying to build a house.

Adam Carano: a 2000 square foot house. Actually the variance would also be for the back lot. As far as the road goes, that's our main concern.

Mr. Vasti: Mr. Sheehan do you know if this application had prior site plan approval before the Planning Board.

Mr. Sheehan: Yes it was a sub-division many years ago; it also was before the Zoning Board. (Inaudible) probably 15 years ago.

Mr. Vasti: Mr. Sheehan can you talk a little bit about the easement of Shirley O'Dell in how the impact of this application, we do have an insert in our folder here regarding a covenant against the granters action speaks a little bit about an easement and gives bearings and distances for Shirley O'Dell in the first section its dated September 9, 2014, are you aware of this.

Mr. Sheehan: Yes I had the applicant bring in the papers for you to go over them. (Inaudible).

Mr. Vasti: So there is no hindrance from the other parcels before the applicants intention to build they are all the way at the top of the hill. They have clear access by way of easements to improve the road, is that correct.

Mr. Sheehan: It was all a family matter and it was legal right to own property but again that is way I asked applicant to bring it in so the attorney could go through the papers. To my knowledge they have legal access with the papers.

Mr. Vasti: One of my main concerns is with the slopes, and these look like very steep slopes. I was out there to look at the property and could not see any stake outs but even with stake outs; it's hard to make any kind of perception and with the snow on the ground. Are any of these slopes in excess of 25 degrees?

Mr. Sheehan: I don't know if any are any in excess of 25%, the County wanted to have the Fire Inspector or Fire Commissioner take a look at it. I can say that when it came for a variance the previous home this was also a concern and

variances were granted. I don't know if this property is even steeper, the steepest part might be the first footage off of Blanchard Road.

Mr. Vasti: Just one last question, when the sub division was approved was there environmental impact statement done prior to the approval.

Mr. Sheehan: Sequa would have been done, Yes.

Mr. Vasti: I going to ask for a copy of that to review it, if that's available.

Mr. Sheehan: I'm sure it is.

Mr. Vasti: I just wanted to make sure.

Mr. Sheehan: I will check it out.

Mr. Vasti: I mean it's not, if it can be done, if it can't I'm fine, I'm comfortable with the answers you provided, and I thank you. I just wanted to know if there was anything in there that jumps out, that would be the concern. It looks like a very simple situation here and I think it was well thought out and there are easements, and the way I see it on the map, its looks feasible.

Mr. Sheehan: Yes and I think in a situation our main concern is always emergency vehicles. Obviously I'm sure they are going to get a mortgage and with Title Insurance they make sure they have legal rights.

Mr. Vasti: And the only other issue I would have and of course it's not the (inaudible) of this Board would be erosion control and I do see that. Thank you.

Chairman Wright: Any questions. Any other members of the community have any questions about this application. Ok, thank you, you can go ahead and sit down now. I will take a motion to close the public hearing.

Motion was made by Mr. Fox to close the public hearing, seconded by Mr. Vasti. Hearing all in favor the motion was carried.

Chairman Wright: The next thing on the agenda is a request of the Stony Point Center. Section 15.03-5-23 and Section 15.03-5-24 Zone RR

Request of Stony Point Center - Appl #20150002

A variance from the requirements of Chapter 215, Article IV, Section 11 – Column – E-3: Keeping of more than 10 fowl, requested 40 fowl: maintain fowl closer than 75 feet from property line; Requesting 50 feet and 25 feet to permit fowl on premises location at 17 Crickettown Road and 30 feet on 181-185 West Main Street, Stony Point, New York.

Chairman Wright: A representative for the applicant here. Come forward and state your name.

My name is Catherine (Kitty) UffordChase and I am a co-director with my husband.

My Name is Will Summers and I am the food grower at the Stony Point Center.

Chairman Wright: Is the testimony you are about to give truthful. I ask the committee if they have any questions for the applicants.

Mr. Vasti: Ok, I just wanted to just ask are the fowl in their entirety, the proposed forty (40) are they going to be kept in one centralized area or various areas on the property.

Will Summers: They will be kept in one centralized area but there will be multiple area where they will be kept over the course of different parts of the season or different parts of the year.

Mr. Vasti: Would you explain why is that.

Will Summers: Yes, if there on the property we will turn a lot of the grass into a garden spaces so this is part of the property that would increase fertility for our soil so the chickens manure is pretty ideal as a fertilizer for crops for subsequent years and they dig around a little bit and work the soil a little bit. So the idea is that there will be we have our birds divided into different sections, so every 4 years these garden spaces would be chicken instead of crops, so that would replenish some of the nutrients.

Mr. Vasti: Have your worked or are you presently working with the Cornell Cooperative site on this project.

Will Summers: We have met with some of them and they are not specifically related to this. Ann came to visit about a year ago.

Mr. Vasti: So with this project which you are endeavoring to do, is there research on similar projects and what is the feasibility of that research, what does it indicate.

Will Summers: I haven't experienced any scientific research but I technically have experience visiting lots of farms in the area in the Rockland community here in the Hudson River Valley.

Mr. Vasti: So this model is implemented in other areas. I have one last question and that would be chickens just like farm animals are prone to diseases, and viruses, and certainly they can become contagious. How do to propose to deal with those issues if they should develop.

Will Summers: I have experience raising chickens and every once in a while one come up with one that we would give to Cornell for an autopsy and Cornell has this kind of service for crops and diseases and I am pretty sure they have some kind of program for animals to see the severity of something, a major concern or something that commonly happens to chickens. I think that with a lot in terms of illness and disease, we currently have ten (10) hens that are allowed under the variance for the Town ordinances, and we haven't viewed any problems. I think it's the kind of thing that by observing them on a regular basis and if we see anything out of the ordinary we would take action. They are more like farm pets, then pet pets.

Mr. Vasti: Due you have a Veterinarian visiting the site on a regular basis to monitor the foul.

Will Summers: No we don't, but it something that we can look into.

Mr. Porath: Thank You. At one point I was the President at the board of Cornell Cooperative Extension and they have tremendous amount of resources upon demand should you ever need them. They suffer from budget constraints like everybody but right in there wheel house, they will dive right into should you need those.

Mr. Anginoli: I don't know too much about chickens. Are you going to have a mixture of hens and roosters and if so; how many of each.

Will Summers: We won't have any roosters.

Mr. Anginoli: No roosters.

Will Summers: No. It's going to be all hens, which means it will be much quieter. Essential what we are trying to do is have egg production and we want all egg laying hens, so we have eggs for our kitchen.

Mr. Porath: Is the main motivation egg production for like say for eating or some educational elements that you're going to do.

Will Summers: Yes I would say the eggs are all part of it but it's for the whole farm system as a fertilizer is part of it and educations is certainly a big part of it. This could be a public source for the community. Areas of New York welcome school groups to do tours and talk about the chickens. We pretty much have an open door policy at the Stony Point Center.

Catherine (Kitty) UffordChase: We going to put signs up what were growing there and we had chickens for almost a year, the ten that we have now, and they really are a draw and many people come out from the city and they go walking and they are just happy and they really enjoy watching them. Because

of that it is a learning opportunity to talk about what is there goal here in the farm system.

Mr. Forkin: In the garden that runs along Crickettown road, I live at John F. Kennedy Drive so I am very familiar with it, I walk by there and drive by all the time. It's wonderful to see the use of the land like that.

Will Summers: We do have dog walkers and people walking on the property and I had several conversations with lots of people about it and some of the children would help gather the eggs.

Mr. Fox: How are you going to keep the foxes out of the hen house?

Will Summers: So far we have a fence and netting, chicken wire, the foxes, and raccoons have a hard time getting through that and we also have netting across the top to prevent the fox from swooping down in there.

Mr. Anginoli: Have you had any problems with rats?

Will Summers: No, Rats, no rats at all, by the chickens or the compost.

Mr. Porath: Ten or fifteen is manageable so now you're going to go to forty in the same area, is there an increase likely hood that you would have more predators and more rats if you have more chickens.

Will Summers: I don't think so, in my experience, I worked on some farms that had fifteen chickens in one and fifteen in another and a less secure structure that what we have and you know, they haven't been a problem. The fox are the predator I worry about the most and because we have a netting that we tie, its visually there, frankly you know raccoons are more interested in the dumpster. I never even have seen them around the chickens.

Mr. Porath: The (inaudible) you go up to forty is that you have four parcels that would each individually allow ten, so you can say, I could have forty out here in maybe ten different locations all the time. It would never exceed forty, it's now you're really talking about concentrating them a little bit more.

Catherine (Kitty) UffordChase: Put them all together in one little garden spaces just to work it and then put them in another garden space just to work it. Wherever they are that's were we not growing yet.

Will Summers: And I don't think that any garden spaces where were planning on rotating them, are pretty large spaces roughly 100 feet by 50 feet which I think is ample space for the chickens to have their space in our coop. They huddle together at night they don't need a whole lot of space. I don't feel like their number is more that we can handle with some of the structures we built. It's a really nice number for our operation.

Mr. Porath: I believe I know the answer to this, I just want to ask so it's on the record. Are there any plans to slaughter chickens, you know to create meat production?

Will Summers: No. Just for eggs.

Mr. Porath: I just wanted that question for the record, in case someone would ask that question.

Chairman Wright: The things we talk about here as kind of guidelines, if this is to be approved these are things that contingent for the approval. We might make these part of the recommendations and if approved.

Will Summers: Residences of Stony Point who are interested in raising chickens, it an educational opportunity, consulting work that we would be willing to do.

Chairman Wright: Any questions from the board. Ok, is there any questions the community has about this. Come on up and identify yourself.

John Forkin: I live at 1 Regina Court, the chicken coop has to be 75 feet from the edge of the property, is that correct.

Chairman Wright: Right now it has to be 75 feet, at least 75 feet or more from the property line.

Catherine (Kitty) UffordChase: We started the gardens and situated the gardens before we were thinking about the chickens. The idea that we would move from that garden space at least once a year and they would be in that gardens for the season and working the soil. They all stay together.

Will Summers: We have a coop that is on a trailer that we can drag around the property. And we close them up.

Catherine (Kitty) UffordChase: It's a trailer that's about as big as these chairs.

Mr. Porath: Say for example if you went on Kennedy Drive, if you put the trailer back where the maintenance shed is, I think that would be a service to the people on Kennedy Drive.

Catherine (Kitty) UffordChase: We keep the trailer in the gardens, where the chickens are, so it wouldn't be back by the maintenance shed at all.

Mr. Porath: What about the property line on Kennedy Drive, what about that.

Will Summers: The proof itself would be about 100 feet from the property line. We would be within the 75 feet.

Mr. Porath: Would you put them back in the coop.

Catherine (Kitty) UffordChase: The coop would actually stay within the big garden. It would stay in that spot during that whole season and the chickens would run around in that garden. They actually go back themselves.

Will Summer: The hens are very quiet, it's the roosters that make a lot of racket.

Chairman Wright: What if we said we would come back in a month and we would continue a public hearing and in the meantime put together as part of the plan to continue the care and in the meantime have a meeting with the Cornell group and give the information they want to provide and help sustain

the operation on a permanent basis and at the next continuation meeting use that as a platform for us to make a decision.

Mr. Porath: Yes I think these questions are legitimate. Is there a rodent plan, an infection plan, an odor plan, things like that I think would make everybody at least to go a long way I would imagine to address these open ends.

Chairman Wright: Anybody else in the community have any other input.

Margaret O'Dell: My daughter lives on 191 West Main Street and I own a house that backs Stony Point Center and I seem to be the closest. My house is right down the hill and where is this going to be on the property line. I have grandchildren and I am concerned with the rats and the noise, where is it going to go; down the hill by my house. Forty chickens is a lot of chickens and if someone wants to resell their house, what am I going to do with all these chickens. And I think I am the closest one to it right now and I am concerned. I am concerned what more is going to come.

Will Summer: This is the only kind of live stock we are planning for.

Margaret O'Dell: I am concerned because my property is right there. If I want to eventually sell that property what am I going to say? I am just saying, I want to know what else is going to happen. Forty chickens is a lot of chickens in that space.

Will Summer: This is the closest it would be to your property. So this is approximately 25 to 30 feet and this is the property line here so your property I am sure is more than a 100 feet. And we could go out and measure it.

Margaret O'Dell: Well I could not get up the hill with the snow, I was going to walk up it to see. I am concerned I have three grandchildren.

Will Summer: I am really surprised that rodents are a big part of this conversation, I never seen a rodent near the chickens, at all. We haven't had any rodent problems, the feed container would not change.

Margaret O'Dell: Let me just go back for a minute, I worked at Crickettown for 29 years and there has been rats. There has. I worked at the nursery school for

29 years and there have been rate. So my concern now is more feed and precautions need to be taken. There rats right in the parking lot. And you haven't been there all those years and the gardens are beautiful and I am not saying that. I am just really concerned that forty chickens is a lot of chickens.

Chairman Wright: Thank you, anything else. So that sounds like we are looking at a motion where the applicant comes back with a plan and maybe with some information from Cornell and we continue the public hearing. Does that sound right to the members. Do we have a motion on that.

Mr. Fox: I will make that motion.

Mr. Porath: I will second that, that we keep the public hearing open with the conditions set forth we get more information on this so we can make a proper judgment on this.

Margaret O'Dell: Will we be notified about the next meeting.

Chairman Wright: We will continue the public hearing here and if we do that, will we send anything out then.

Dave McCartney: Well if the public hearing is open, it's open. When is the next scheduled meeting, two weeks?

Chairman Wright: We will continue the public hearing at that meeting. So will two weeks or a month be better for you. So the public hearing will be continued here in two weeks. So the one motion is that for the next meeting will be the nineteenth, do I have a second.

Mr. Porath: I'll second.

Chairman Wright: All in favor, Aye. And at that meeting the Stony Point Center will bring the chicken coop section plans, best practices and anything Cornell has to that meeting. Do I have a second for that?

Mr. Fox: Second.

Chairman Wright: Alright, anything else on this. Ok so with that the Stony Point Center, on the nineteenth (inaudible). Now we're going into executive session, do I have a motion.

Mr. Porath: Second

Chairman Wright: all in favor, Aye.

Chairman Wright: Motion to come out of executive session.

Mr. Vasti: I make the motion Mr. Chairman.

Mr. Fox: I will second.

Chairman Wright: All in favor, Aye. Anything else you want to bring up. I will make a motion to adjourn.

Mr. Fox: I will second it.

Chairman Wright: All in favor, Aye. All right meeting adjourned.

Respectfully submitted

**Clerk
Zoning Board of Appeals**