

**TOWN OF STONY POINT
ZONING BOARD OF APPEALS
Minutes of February 19, 2015**

PRESENT:

Mr. Anginoli
Mr. Keegan
Mr. Casscles
Mr. Vasti
Mr. Fox
Mr. Porath

ALSO PRESENT:

Dave MacCartney, Attorney

Chairman Wright

Chairman Wright: Good evening. I see by the clock it is 7:00 PM. I will call this meeting of the Zoning Board of Appeals of the Town of Stony Point to order; please rise for the Pledge of Allegiance.

We have a few items on the agenda. The first is the decision of the request of 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 located at 31 Blanchard Road, Stony Point, New York.

Section 19.01 Block 1 Lot 15 Zone RR

*****MOTION: Mr. Anginoli offered the following resolution; seconded by Mr. Vasti.**

In the Matter of Application # 15-01 of Kelly O'Dell for 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; and Town Law S280a, no access to an improved road, to permit construction of a one family dwelling on premises located at 31 Blanchard Road, Stony Point, New York designated on the Tax Map as Section 19.01, Block 1, Lot. 15.

The premises which are the subject of this application are located in an RR Zoning District.

The applicant represented herself and the following documents were placed into the record and duly considered:

Application; Building Inspector's denial letter dated 12/30/14; Survey and Plans dated November 18, 2014; letter from County of Rockland Department of Planning dated January 29, 2015; letters from County of Rockland Department of Highways dated November 14, 2014 and February 5, 2015; letter from County of Rockland Department of Health dated December 1, 2014; title policy; deeds and easements relating to the subject premises.

Additionally, members of the Zoning Board of Appeals personally visited the applicant's property and viewed it and the neighboring properties on January 25, 2015.

WHEREAS, the proposed action is a Type II action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, a public hearing was held on February 5, 2015, and the testimony of the following persons was duly considered: Kelly O'Dell; Adam Carano.

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact:

The applicant is the owner of property located at 31 Blanchard Road, an isolated unimproved lot consisting of .817 acres in a heavily wooded area, which lot was created pursuant to a prior approved subdivision. The applicant seeks necessary approval to construct a two-story single family dwelling on the subject lot, as indicated on the plans submitted. The preferred location on the lot would bring the dwelling within 30 feet of the rear property line, whereas 35 feet are required by code so a rear setback variance is requested. Additionally, there is no direct access to an improved road, so a variance from S280a of the Town Law is requested. The access is proposed to be provided by a driveway from Blanchard Road through a series of easements passing through several properties owned by others, some of whom have themselves previously obtained variances from S280a of the Town Law in relation to the same driveway. The driveway servicing the subject lot will not be used by any other properties and the use proposed as a modest single family dwelling will not overburden the driveway. The applicant has provided copies of the recorded easements facially demonstrating the right of access through all portions of the driveway, and there was no objection received from any property owner whose property was subject to any of the easements provided. No objections to the variances requested was received.

WHEREAS, this Board has examined the written documentation and reviewed the testimony with respect to the applicant's request for a variance, and, pursuant to the requirements of section 267-b.3 of the Town Law, hereby finds that the benefit to the applicant if the variance is granted outweighs any detriment to the health, safety and welfare of the neighborhood or community by such a grant, and has made the following findings and conclusions in that regard:

(1) "whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

There is no evidence presented to this Board that the proposed variance would produce any undesirable change in the character of the neighborhood or a detriment to any nearby properties, on the condition that the Town Fire Inspector must provide written assurance that fire apparatus can safely access the site, give the turn radii, slope, and width of the proposed driveway, and provided the Applicant follows and adheres to the conditions set forth in the letters from County of Rockland Department of Planning dated January 29, 2015; County of Rockland Department of Highways dated November 14, 2014 and February 5, 2015; and County of Rockland Department of Health dated December 1, 2014.

(2) "whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":

There is no evidence before this Board that the benefit sought can be achieved through other feasible means.

(3) "whether the requested area variance is substantial":

The variance sought is not substantial.

(4) “whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district”:

There is no evidence before this Board of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district, provided the conditions herein set forth are met.

(5) “whether the alleged difficulty was self-created”:

The alleged difficulty was not self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application for variances as set forth above are hereby approved on the condition that the Applicant follow and adhere to the conditions set forth in the letters from County of Rockland Department of Planning dated January 29, 2015; County of Rockland Department of Highways dated November 14, 2014 and February 5, 201; and the letter from County of Rockland Department of Health dated December 1, 2014, and conditioned on the Town Fire Inspector first issuing written assurance that fire apparatus can safely access the site, give the turn radii, slope, and width of the proposed driveway, and the matter is remanded to the Building Inspector for further consideration in compliance with all other applicable laws, rules and regulations.

Upon roll call, the vote was as follows: Mr. Anginoli, yes; Mr. Keegan, absent, Mr. Casscles, yes; Mr. Vasti, yes; Mr. Fox, yes; Mr. Porath, absent; and Chairman Wright, yes.

Chairman Wright: The next item on the agenda is the request of Lite Brite Signs for Tractor Supply.

Request of Lite Brite Signs for Tractor Supply - Appl #2015-0003

A variance from the requirements of Chapter 215, Article IX, Section 52-B-2: Exceeds square footage, required 40 square feet provided 108 square feet; Chapter 215 Article IX, Section 52-B-3: Exceeds vertical dimensions, required 2.5 feet provided 6.0 feet to install business identification sign on building at premises located at 150-176 South Liberty Drive, Stony Point, New York.

Section 20.04 Block 11 Lot 1 Zone BU

What we are looking to do tonight is just review it and see if it is complete enough to put on the agenda and schedule for a site visit. Does anybody from the Board have any questions and if so we'll see if there is an applicant present.

*****MOTION:** Mr. Vasti made a motion to place Application #2015-0003 on the March 5, 2015, agenda; seconded by Mr. Casscles. Hearing all in favor; the motion was carried.

Chairman Wright: The site visit on Sunday, February 22, 2015.

Chairman Wright: Does the Board have any questions from the representative for Lite Brite?

Mr. Vasti: Yes, I do.

Chairman Wright: If you could just come up and sign in and identify yourself and then I will swear you in.

Maria Rotunda

Chairman Wright: “Is the testimony you are about to give truthful?”

Ms. Rotunda: Yes.

Mr. Vasti: Maria, I've visited several Tractor Supply stores and I wanted to ask you does this sign is it typical...is it a typical size for Tractor Supply stores. Is it been used in other stores; other sites?

Ms. Rotunda: They happen to have three (3) store fronts; so it's a very big store front. So we think it's fair to ask for a bigger sign.

Mr. Vasti: Do you intend to illuminate the sign all evening; after darkness or will it be on a timer and go off at a certain time? Can you elaborate on that?

Ms. Rotunda: I'm not sure, but I can find out.

Mr. Vasti: Would you please because that could be important and also the sign – I wanted to know if it is going to flash or is it just going to be a steady illumination?

Ms. Rotunda: A steady illumination.

Mr. Vasti: Okay, thank you very much for waiting.

Ms. Rotunda: Okay, so I will find out about their intent on...

Mr. Vasti: The hours of illumination.

Chairman Wright: Any other questions for Mrs. Rotunda?

(no response)

Chairman Wright: Will anybody be available on the 22nd for a site visit we can talk to; would that be likely that they would be there or is there somebody we could just talk to...if we could just get a phone number maybe you could leave if we had questions afterward. That way you don't have to be there.

Ms. Rotunda: Okay, I will leave my number.

Chairman Wright: The third item on the agenda is the request of Stony Point Center for a continued Public Hearing.

(Mr. Casscles recused himself at this time.)

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 located 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

This is a continuation of the Public Hearing. I think where we left off last time you were going to see if you couldn't get some expert opinion perhaps consult with Cornell and then just relay some of the information that you had gathered from them back to the committee and to the public. So do you have any information?

If you could just come forward, sign in and just state your name so we have it for the record.

Will Summers
Kitty Ufford-Chase

Chairman Wright: “The testimony you are about to give is truthful?”

Mr. Summers & Mrs. Ufford-Chase: Yes.

Mr. Sumner: We put together just a little list of “Best Practices” like you all had asked for; specifically related to odor, to rodent and wildlife predator and also disease. I have one for everybody.

(handing out information)

Unidentified Male Voice: Can I have one? Can I ask who you are exactly?

Mrs. Ufford-Chase: Yes, I am the Co-Director at the Stony Point Center and Will is the student grower and educator at the Stony Point Center.

Mr. Vasti: It might be easier if you leave them there for the public so we can continue and move along.

Mr. Sumner: We were in contact with a few Extension agents. At the office here in Stony Point. They directed me to someone in Ulster County and I had a nice conversation with her. She put me in touch with...or she gave me the contact information of that who works for the Cornell Diagnostic Center which she thought would be a helpful contact to have.

Chairman Wright: So just real quick, could you provide us with some of the names of those people you were in contact with.

Mr. Sumner: The Extension agent that I talked to here in Stony Point her name is Anne Christian Rudder. She put me in touch with a woman named Erin Campbell-Craven and the doctor’s name at Cornell is Jara Jagne. She is a poultry specialist, but I haven’t spoken with her. I’ve also been...they didn’t give me a lot of resources from Extension agencies from around the country about this chicken care, everything from chicken nutrition; how to wash the eggs and clean them. It was kind of the whole gamut and the pertinent information here that I’ve kind of put together is it seems to me to entrust the major concerns that I heard here two (2) weeks ago. So I don’t know if you have any specific questions that you want to go over.

Chairman Wright: Why don’t you cover some of the open items from the last meeting and if anybody has any questions we will interject.

Mr. Sumner: Certainly. The first thing I am going to hand out is “Odor Prevention and Management Plan” which has to do with keeping the coop clean, making sure that we remove compost manure and bedding and accomplish that properly on a 1 to 2 week basis which was basically recommended on a lot of resources that I found which I’ve got in the folder here and we’ve got electronically pages and pages of chicken studies. Adding the fresh bedding necessary and in keeping the coop ventilated are all the recommended practices for releasing odors.

Chairman Wright: Just out of curiosity – do you do these...are these practices that you found that you did anyway or are these some things that you are introducing now as a result of the discovery.

Mr. Sumner: No, this is what we were doing.

Chairman Wright: Okay.

Mr. Sumner: The next thing is “Rodent and Predator Prevention and Management Plan” and there are three (3) most important things here are:

1. Proper Sanitation
2. Secure Living Environment
3. Secure Feed Storage

It’s kind of a similar thing like keeping the bedding fresh every couple of weeks/sanitizing, keeping feeders and water clean and washing those regularly once a week with sanitizing those as well. Which is something that we do already.

The secure living environment – making sure that the coop doesn’t have any openings large enough for rats or pests to get into. The recommended size is a ¼ inch. So that is for any ventilation for (inaudible). And keeping the perimeter fencing where the gardens are secured with chicken wire at the base which will help keep out predators and finally keeping their coop in sort of the middle of the field or just away from bushes and shrubs which would provide cover for other wildlife and predators and then the netting over the top which we talked about last time to keep away foxes and things like that.

And then finally, “Secure Feed Storage”. This is a practice we are already doing where the feed bags are kept indoors away from the coop and the feed near the coop right next to it that is like sort of a metal trash can and secured with a bungee cord which has never been opened by anything besides us.

And then finally the “Disease Prevention and Management Plan”. This is mostly just about them understanding symptoms. There is extensive resources from, the one I found this that was helpful was the University of Florida where it listed several diseases that are possible for chickens to get, but it had like a check list and the main symptoms, and this is something that when I talked with Erin at the Ulster County Extension, she just kind of listed the major symptoms which are coughing and sneezing, water discharge from the nose or eyes, diarrhea, abnormal growths on the skin or combs and then shell-less eggs as a major warning signs that their birds are ill. So those are the things that we observe on a regular basis and we check the chicken coop atleast twice a day to observe and make sure that everything looks good.

If we see these things, the first thing would be to separate any hens that was having these symptoms and keep them separate from the flock and then go to the resources to see what’s wrong while also contacting either the veterinarian and the Extension office. I talked to a vet, he is in Haverstraw, he’s name is Dr. Ian Wetherly and I was actually surprised he seemed to have experience with birds, particularly pigeons, which I thought was interesting, but so he has...I have to contact him and if we wanted to bring in a bird that was demonstrating symptoms he could help us diagnose what was going wrong and help us treat the problem.

So that is all the contact information of those folks that is listed on the bottom so we have these numbers in our files to make those calls if necessary.

Chairman Wright: Would you...so these are good and I’m sure we have other questions, but would the Center turn these into policies and standard operating procedures to follow then?

Mr. Sumner: Yes, I think so. We are going to pick up other people and we can post them. People will be trained and there were other recommendations that...I will definitely add a few things and when it comes to things like handling the eggs...so we are going to post them at the egg washing station.

Chairman Wright: Can you supply us with some of the details of how they come into that – things like how to handle eggs; is that in here or is that within part of a larger...

Mr. Sumner: That's not in here; it's part of our policy. It's mostly just about water temperature for washing them; washing them before refrigerating and those kind of things that...I felt it was pretty straightforward. There are recommendations on...the one thing I came across to, just in terms of space and how much space is recommended for chickens for a lot of backyard manuals would say 5 square feet per hen and what we are proposing would be for 40 chickens they would require a minimum of 200 square feet and the areas we are talking about are more like 4,000 or 5,000 square feet. It is considerably more space. So I think in terms of feeling overcrowded it wouldn't work out that way at all.

Chairman Wright: Any other questions from the Board.

Mr. Vasti: If this variance is granted, what impact would it have on your sanitation requirements. Do you see yourself requiring an extra dumpster or extra sanitation containers around the property?

Mr. Sumner: Definitely not. It would all be composted and so that is something that we are doing in the corner of the property that...to my knowledge it hasn't ever been a problem for anyone, so that's...we are just going to be handling all of that.

Mr. Vasti: My second question is, if this variance is granted what policy would you put in place with regard to meeting with neighbors on the perimeter property, being receptive to them, being sensitive to their needs, being flexible let's say for issues of noise or worries about/concerns about disease or rodents and things of that nature, would you be open...maintain an open door and be receptive and responsive to neighbors that have issues as this progresses in time.

Mr. Sumner: Most definitely. I think that that's...Kitty will probably see to that in terms of, I think that's our policy with the neighbors...

Mrs. Ufford-Chase: We want to be a good neighbor. Absolutely.

Mr. Sumner: and I think that we probably have a pretty good track record up to this point.

Mrs. Ufford-Chase: And the buildings that house our guests, they come, are close to the gardens too so if there is any issues we would be aware of those too and we don't want those issues and yet the property isn't so big that Will isn't present at all the different garden spaces everyday...and with chickens every day I really think for none of the issues that potentially could come up are things that we want to see happen and we don't want our guests to deal with it and we don't want our neighbors to deal with it.

Mr. Vasti: I'm very pleased to hear that because what I heard at the last meeting from the neighbors I'm very concerned about them. They've raised very legitimate concerns and the issues here, aside from attracting rodents and insects is there is a possibility of communicable diseases being spread; so I'm glad to hear that you would be responsive and take the necessary action to mitigate any issues that may come up in the future.

And my last question is, there was a concern raised by the Board the last time with regards to continuation of these policies should either of you go on to a different job and leave the operation, but this is going to be a policy that is set in place and be followed in continuance as long as the additional fowl are on the premises; do you have those mechanisms in place?

Mrs. Ufford-Chase: We do have policies and we plan to add this to them and I think it would be okay if you want to make that explicit in the variance.

Mr. Vasti: I think it would have to be. It has to be followed.

Mrs. Ufford-Chase: That's what we talked about last week and we are fine with that.

Mr. Vasti: It can't be something that we say yes to now and then six (6) months or a year down the road the operation changes and people say well I wasn't aware of this and we are not going to do it this way. We have...I have to be satisfied that there are going to be safeguards. That there is going to be policies. That there is going to be adherence to best practices so that the community is at ease; the community is safe and they have knowledge and trust in your operation. There is a lot of trust here that is being requested and you know this is something that if it's not handled properly/controlled properly it could lead to a lot of problems down the road. So that is a major concern of mine and I'm sure to your neighbors.

Mr. Sumner: I would also just like to add something...when you bought up the disease, I scrutinized and spoke to Annie at the Ulster County Extension, I asked her about if any certain diseases have been a problem in this region/this area and she that has not been the case. There have been no reported cases of any diseases I've heard of that I've read about when I asked her and I would (inaudible) It hasn't been an issue up to this point.

Mr. Vasti: Thank you.

Chairman Wright: Anybody from the community have any questions? If you could just come forward and sign in and then identify yourself.

Bill Cooper
18 JF Kennedy Drive
Stony Point, New York

Chairman Wright: "Is the testimony you are about to give truthful?"

Mr. Cooper: Yes. My residence is basically about 500 yards from the location. I have a lot of concerns. First of all, I wasn't here at the last meeting; and I apologize Mr. Chairman, but my first question was – I'm not...I've been a Stony Point resident for 21 years now. My understanding that the Stony Point Center is a religious center; am I correct or am I incorrect?

Mrs. Ufford-Chase: It is owned and managed by the Presbyterian Church.

Mr. Cooper: Okay – does the Town support that by giving them tax breaks on their lots?

Chairman Wright: I don't know.

Mr. Cooper: Neither do I. We are talking about 4 lots that you could be raising chickens for the purpose of raising chickens for this what on these four (4) lots...

Mr. Sumner: Egg production.

Mr. Cooper: Egg production...

Chairman Wright: Mr. Cooper could you please address those...

Mr. Cooper: The egg production is for who?

Mrs. Ufford-Chase: For the guest of our Center.

Mr. Cooper: And there is approximately how many chickens on the property now for this.

Chairman Wright: They are looking to have 40.

Mr. Cooper: I know there is 10 on the property now.

Chairman Wright: There is 10 now; they are looking to 40. There is 10 on there now; there is four (4) lots there; so legally they could have 40 on there without even coming to us.

Mr. Cooper: Correct.

Chairman Wright: What they are looking to do is putting 40...

Mr. Cooper: They also have horses. Do you know that sir?

Chairman Wright: It is not germane to this case. I'm not judging what they have on there...

Mr. Cooper: But by Town they can have animals...when did this cropping become a co-op for a farm.

Chairman Wright: I don't know Mr. Cooper. We are dealing with the variance of just getting some chickens in here. Anything beyond that is beyond this scope...

Mr. Cooper: Do you live on the street, sir?

Chairman Wright: I live on Walter Drive, so I'm close. I know the area well.

Mr. Cooper: Do you live on the street, sir?

Chairman Wright: No, but where I live isn't germane.

Mr. Cooper: But, where I live it is germane because now I have a farm next door to my residential property. It affects the value of my property. I pay to this Town over \$15/16,000.00 a year in taxes. As a taxpayer to this Town, I am entitled to a bigger complaint about this and this is what the whole experience is about. I don't want this in my neighborhood. I think it is going to cause more problems than just one of these. There are birds in this area right now. It is next to a bird sanctuary. It is back in the property anyway which you now have fox, gophers, ground hogs and other animals; a black bear was spotted up there, and I think if there is more fowl up there it will cause more attraction.

And once again, my last thing is I would like Council to find out about the tax breaks because if it is being listed as a property that is religious why is it suddenly becoming a Woodstock or a commune. I don't understand this and I think I'm entitled as a taxpayer to get these questions answered by the next meeting.

That is it, sir.

Chairman Wright: Thank you. Anybody else in the community have anything to say. Just come forward, sir. If you could sign in and identify yourself.

**John Forkin
1 Regina Court
Stony Point, New York**

Chairman Wright: "The testimony you are about to give is truthful?"

Mr. Forkin: Yes. As I mentioned last time, my concerns were the possible decline of my property value because basically it is a residential neighborhood and with proximity to farm animals it could be a possible detriment to me when I go to sell my house. People might not want to be next to a mini-farm.

Stony Point Center is a retreat and conference center. It has a religious mission and purpose. Now it may be confusing its mission by taking on the trappings of a mini-chicken farm. Is the Center prepared for all that that entails.

Some of the other problems, are first of all the Center is asking for an increase of 400% in the number of chickens. They are going from 10 to 40 and 40 chickens in one (1) chicken coop with chickens pecking at each other caused by overcrowding can cause general stress and with the potential for diseases and illnesses.

Although the chicken droppings may be considered good fertilizer for their gardens; chicken droppings can also be dangerous to human beings who handle the chicken droppings. We have many young children who wonder into the Center that would be attracted to these chicken pens. How would you plan to address this potential problem? And I can tell you from firsthand knowledge that where my property is I do see many children going into the Center who live in the neighborhood or come to visit children in the neighborhood and they wonder into the Center. So a chicken coop with 40 chickens could be a great attraction to them as well. The chickens have natural predators; hawks, raccoons, foxes, coyotes among others. A large number of chickens kept together would be a much greater attraction to these predators. In addition, the possible presence of coyotes in the neighborhood represents a danger both to adults, children, and their pets; such as dogs because there have been known cases and reports of, I'm not saying this area yet, that coyotes going after dogs. You hear quite a bit of it in Bergen County and Harriman State Park is at the top of our street above Kennedy Drive. You go up Kennedy Drive into the woods you're particularly in Harriman State Park. So it is easy access for these predators to come down.

And, of course, the failure to maintain a clean environment could (inaudible) I is 4 feet which I know as the gentlemen mentioned would result in the traffic of rats, mites, flies. The public health hazards potentially associated with chicken farming need to be weighed against the benefits derived from it. Is it really worth the effort or would it be cheaper for the Center to go down to Aldi's in Stony Point and purchase the eggs for \$1.89 a dozen; when they are on sale.

This zoning change request is a potentially unknown problem waiting to happen. What can we compare this potential situation to in Stony Point area. Where else has it worked in a bedroom community. Who will enforce the variance as to the number of chickens being no more than 40 at any given time at the Center. Now this may sound silly, but we know that pigs have been lodged there illegally at the Center in the past and that appears not to been bought to the attention of Town officials.

The present leaders of the Center may have all the best intentions of expanding their mini-farm and doing the right thing, but what protection do the surrounding property owners have should a new owner not follow their precedent. What recourse do we have after the variance has been granted. This variance could take us down a very slippery slope.

If the variance is even considered, possibly one compromise could be to grant the variance of maybe an additional five (5) chickens at the start. We need to tread very slowly for the sake of all concerned.

Thank you.

Chairman Wright: I just have one question for you though. I'm really looking for your thoughts on this one because they wouldn't even have to come to us if they put four (4) spots; they wouldn't even be here. They would still have 40 chickens on the property; nothing we could do about it. Would that have an impact on the things you are talking about?

Mr. Forkin: You are saying that they didn't have to come in the first place...

Chairman Wright: They have to come because they are going to put 40 on one lot.

Mr. Forkin: In one spot.

Chairman Wright: But, they've got four (4) lots. So theoretically they could have four (4) lots and put 10 chickens out there; we don't even see them. So there is still 40 chickens on the property and that's already allowed.

Mr. Forkin: I was under the impression that the zoning says 10 chickens per lot, but you are saying there is four (4) lots. So why didn't they do it in the first place? That would be my first...

Mr. Fox: I think the intention is work the gardens basically, clean them up bug wise and re-nutrients for the soil; using the compost if I'm correct and then move them to the next garden for the following year, I think what they said, is what the intention is. So they wouldn't be staying in one particular place more than the year. They would be moved to the next, and the next, and the next. So every four (4) years that's the intention.

Mr. Forkin: It just seems that we are heading towards a mini-farm and that was not the intention.

Chairman Wright: I understand that. Unfortunately that's the way the law...we have no control over that. That would have to be...the Town would have to change that law, but right now as it stands they would be able to do that and it wouldn't even come before us.

Mr. Forkin: So there could be 40 chickens anyway.

Chairman Wright: Yes.

Mr. Forkin: So you put 40 chickens, let's say for example, at the west end of the Center there's a garden...let's go down to Crickettown Road and you put 40 chickens in that fenced area, it's going to be an attraction no matter where they are. Forty chickens together are they going to be silent. It just seems if you go back to the basic premises is that, if we chose to live next to a farm I would have no complaints. I wanted to live near a farm. This is not a farm....maybe it was once farm area, but it's not. Even when I look at the zoning laws and you are allowed two (2) horses as long as they are six (6) months old or some crazy...

Mr. Fox: You have to have enough property to do that.

Mr. Forkin: Well 75 feet.

Mr. Fox: You have to have atleast an acre from what I understand; atleast an acre of property for a horse.

Mr. Forkin: Maybe I misinterpreted it. (reading the law) It says here: "Keeping domestic animals as follows: Not more than a total of five (5) cats or dogs over one (1) year old; not more than two (2) horses over six (6) months old; not more than 10 fowl and not more than two (2) of any other species of domestic animals excluding, however, pigs and cattle." It just seems that the whole intent of the Stony Point Center was started out as a retreat and conference center and we heading towards a mini-farm.

The pigs were there; nobody maybe possibly reported it, but they were there. That was a violation. So who's to say that someone is going to say well okay 40; whose going to keep a head count of 40 chickens. If the Zoning Board doesn't want it, the housing inspector doesn't want to come up here every week and county them and I'm saying, like I mentioned here, it is a

slippery slope. We are going towards – now we have 40 chickens and we can have five (5) dogs and maybe two (2) horses and maybe we will slip a pig back in it. I'm not saying that these people would do that, I'm just saying it's a slippery slope. They have very good intentions and I don't doubt their intentions and we talked about who was going to come after them and will they abuse the spirit of the zoning law. I've thought about – if I had a piece of property on Kennedy Drive and I had 75 feet from my next door neighbors property, I could have 10 chickens; couldn't I.

Chairman Wright: Yes.

Mr. Forkin: Ten chickens in Regina Court or on Kennedy Drive; 10 chickens would I do that to my neighbor. It opens up a whole can of worms. I would say to them well they should say to me why did you move here if you wanted to keep chickens; why don't you go buy a piece of land and make a farm or mini-farm and that's the problem – what obligation do I have to my neighbors if I had 75 feet. So because a particular property is large enough it could have chickens and horses and dogs and cats.

Mr. Vasti: Going back to what the Chairman was saying before, granting a variance there are various conditions and if you've come to these meetings you've heard them recited repeatedly. One of them is the hardship...is the variance being sought self-created. In this case it is. Is the variance being sought can it be achieved in some other way. Well we heard it can be. So if we don't grant the variance they can go back, they can still get 30 more chickens and divide them out among the parcels. But, the jest of the matter is here, the focus of the matter is here, they want to combine these chickens into one (1) group and I'm not saying I'm pro or con at this point, I'm just giving my viewpoint to this and I'm sharing with you and the community – they are doing this because they are following a model. A model of taking these chickens on an annual basis and moving them around to four (4) different parcels of land and they are doing that under a controlled condition. They seem to be knowledgeable. They could walk out of here tonight and say you know what forget it; we don't want the variance. Go out and buy 30 more chickens; put 10 on each lot and that would be the end of it. That's not what they are seeking here to do. They are here because they seem to want to follow a model, they want to work with the community and they basically want to get input from us as a Board to grant relief and that is what we are here for. We are sort of a "sudo-legal group". We don't really have legal jurisdiction, but we do have the authority to grant relief and try to work out a compromise with an applicant and the community that seeks the best and most rational modality that satisfies the variance. So, again they could walk out of here, get 30 more chickens and be done.

Mr. MacCartney: Just as a point of clarification – there are two (2) different variances that are being requested. One is the number of chickens, but the other one is also in three (3) locations the proximity of the location to the property lines. So you are correct, but there is a proviso that even if they wanted to put the 10 chickens that they would be entitled to on the one lot, for example, in the one location over on Crickettown Road that location would seek to happen its within 25 feet of the property line so they would still get the variance for that proximity even if they only had 10 is my understanding.

Mr. Vasti: Thank you Counselor.

Mr. Forkin: So the only reason they are here – if they are allowed 40 anyway it's just the question of can I put 40 in the same spot at the same time for a year.

Chairman Wright: Correct.

Mr. Vasti: And within the proximity of this property line that is the second variance.

Mr. Forkin: Again you go back to the spirit of it and the intent is that 40 chickens – you know they said they would do it anyway we are just trying to be good citizens, but the point being is that we are going down a slippery slope and maybe the next year the variance will say we want to put another 40 more and we want a variance on that because we didn't need your variance the first time, but now we do and now we want 80 and is this going to be a business or is it going to be a retreat/conference center.

I don't question their intent, they are good intentions the thing is that what's good for them might not be good for the people here and I go back to I'm not trying to be a wise guy and say wouldn't it be cheaper to go down to Aldi's and buy them at \$1.89 a dozen, but that's how cheap it was this morning.

Chairman Wright: I appreciate it Mr. Forkin. I appreciate your input. Anybody else in the community have anything to say. Can you just come up and sign in and just identify yourself.

Mary Barden-Maffei
3 JF Kennedy Drive
Stony Point, New York

Chairman Wright: "The testimony you are about to give is truthful?"

Mrs. Barden-Maffei: Yes. By reviewing the past practices for block management at the Stony Point Center and I have some safety concerns. You are talking about putting the (inaudible) chicken wire base. We just heard that there is children that frequent the Stony Point Center. There's visitors that have children. Wouldn't this (inaudible) chicken wire be a hazard – a safety hazard?

Chairman Wright: Please address your questions to the Board that way we can resolve same.

Mrs. Barden-Maffei: Would they be sharp in nature.

Mr. Fox: I don't believe chicken wire is like barb wire. It comes in a roll-out and is usually 3 foot high, I believe.

Mrs. Barden-Maffei: Okay and there would be no safety hazard of children getting stuck in that type of wire.

Mr. Fox: I don't think they could fit through that.

Mr. Vasti: No, it's a very tight woven type of wire configured it is usually galvanized and its smooth over the top. If its installed properly, there should be no...its also extremely fragile. So if you fell on it it would crush almost like aluminum foil. It's not anything like other types of fencing that would be more rigid. It is made specifically to keep birds confined in an area.

Mrs. Barden-Maffei: So if it is that flexible and it does collapse it would be easy for predators to...

Mr. Vasti: No, not so easy for a predator. It would have to have a substantial amount of weight to collapse it.

Mrs. Barden-Maffei: I see you consulted a veterinarian. Is there going to be an on-going veterinarian visits to the site on an ongoing basis.

Chairman Wright: I think we will take it as input to the decision, but it is a good point.

Mrs. Barden-Maffei: And also has the Department of Health been contacted about this to see if they have any concerns?

Chairman Wright: Okay. Thank you very much.

Mr. Vasti: I would like to address Mr. Cooper. He had a question before about whether or not the applicant's property pays taxes. That certainly can be...its public information. It's as simple as calling the Tax Assessor's Office or visiting the Town Hall and looking in the Tax Assessor's book. It will have that information available free of charge to anyone in the community who seeks to want to know that information.

Mrs. Ufford-Chase: It is my understanding is that Stony Point Center is owned and operated by the Presbyterian Church. It is a non-profit organization so I don't believe it pays property taxes. It pays other kind of taxes; payroll taxes, employs local people, uses local vendors, adds to our community, but I don't believe it pays property taxes.

Chairman Wright: Thank you. Any other comments from the community? Ma'am did you want to speak. Can you just come forward and identify yourself and sign in.

**Daria Baeze
18 Crickettown Road
Stony Point, New York**

Chairman Wright: "The testimony you are about to give is truthful?"

Mrs. Baeze: Yes. I did not come to the last meeting and I'm sorry I am late for this one as I got home late so thank you for allowing me to speak. I do work in this community. I do a blood bank often and I was raised in Thiells and moved back to Stony Point because I was born in Stony Point. It was a very different place back then. To me, I'm very grateful to see this. I'm grateful to see that there is a place here that not only are people friendly, they are very accepting, extremely responsible, helpful. When Sandy occurred, these lovely people here housed people that had no homes. That's the kind of things I remember. I think about the sense of community. It's just not that they take people in, their own, they accept any.

My daughter is sitting right there. We've been there for the last 11 years. We go over there with our dog and we just really enjoy ourselves. We visited the chickens many times and I am glad to say she's very happy.

As far as the health situation, I can tell you that I've never looked over there and saw a piece of garbage around the property. I've never seen someone neglectful or not taking care of something. We walk over there and it is pristine. We walk through the cafeteria. You can walk anywhere you want. Everything is right.

I think it is a wonderful thing to have. I'm actually a member of the P.T.A. for Farley and we are hoping that maybe we can have classes come out and see what it is like to have sustainable fun. To see what it's like to have chickens being raised. See what it's like to...you don't have that opportunity that much anymore. I think it is a wonderful thing.

Thank you so much.

Chairman Wright: Thank you. Any questions from the Board. Any other questions from the community?

(no response)

Mr. MacCartney: The only important thing just in keeping with my last comment; the one thing I haven't heard, I know the Board expressed interest and the applicant came back with the best practices and things with keeping the chickens in consultation with Cornell Cooperative Extension, etc., but I don't know...I think the Board talked about in the beginning of the last meeting coming back with the issue of buffer or protection because of the second variance request. I just wanted to remind the Board that that was something that someone mentioned early last meeting, but I don't think the Board came back to it. If you wish to address it with the applicant, or anybody else.

Chairman Wright: Okay, anybody.

Mr. Vasti: Well, I will ask the applicant is there any other means feasible that you could offer us to deal with that second variance to make it either reduce it or make it go away. What could you do to work your request of 40 fowl and not require the second variance?

Mr. Summer: The second variance is being the 25...

Mr. Vasti: The 25 foot buffer.

Mr. MacCartney: One is the 50 foot by Regina Court; instead of 75 feet and there is one 25 foot by Crickettown and then there is the internal one that is 30 feet, but that is on internal property line. It's not bordering the properties; it's between the two lots.

Mr. Summer: The one by Regina Court – we would definitely be able to put up a fence, more of a temporary fence to keep the chickens from going any closer. We can say we are 75 feet on Regina Court from the property line to a temporary place where the chickens will be fenced.

Mr. Vasti: So then you would modify your application? Counselor is that what the applicant would need to do?

Mr. MacCartney: Yes. They don't have to do it in writing, but they agree verbally on the record in the minutes that they are formally amending their application to no longer require that by agreeing to fence that in so that side will be in compliance by Regina Court. The chickens will not come within 75 feet of the property line and the variances requested at all...not required.

Mr. Summer: The property that is along Crickettown Road, I'm not sure that that is possible based on the dimensions of the...the drawing you can see the proximity to the property.

Mr. Vasti: How would we know...Counselor can we keep the Public Hearing open?

Mr. MacCartney: Yes.

Mr. Vasti: Can you by the next meeting come up with a plan to address this or minimize it at least.

Mr. Summer: I actually don't think so. The orientation of that property, or that garden on the property, is...I think that the fence line of the garden is probably 85 feet to the road to the property line. So if it is 25 feet from the first fence to the whole garden is only, I want to say, 65 or 70 feet wide. So I don't think there would be way on that particular garden space to...

Mr. Vasti: How detrimental would it be to keep the chickens off that garden space and just keep it on the other three (3) lots? You have 40 fowl on three (3) lots instead of four (4).

Mr. Summer: That would definitely be a possibility since it is closer to the interior property because the one garden...

Mr. Vasti: And that would make the variance literally disappear; the second variance.

Mr. MacCartney: As a point of clarity, I see on the map there is five (5) spots.

Mr. Summer: Yes. (looking at the map) These are marking just garden spaces. This area here is where the chickens are being kept now. Which is not necessarily like...I'm sure that that's not within 75, that's well within 75 feet of the property line.

Mr. Fox: That's not a garden.

Mr. Summer: It's a garden and this one here...I'm not sure what that distance is but I'm guessing it might be somewhere we can "wall off". Both of these I think could be "walled off" and the chickens could be kept there. We would more than likely keep them there since it is a bigger space. That would be entirely based on the recommendation about talking in the rear. This one is big. It's only close to our property line so I included it just because I know it's a property line.

Chairman Wright: Just out of courtesy – did anybody from the Crickettown area have any issues of that so far because Crickettown seems, I drive by there, you've got roadway, you've got the property line, you've got roadway. There's not houses that I can see they really are all that close. You actually have another, I'm not sure if anybody has bought up anything from the Crickettown side.

Mr. MacCartney: So is there any kind of foliage between the garden and Crickettown in that location...

Chairman Wright: There's a rock wall.

Mr. Summer: Although the garden spaces themselves are fenced.

Chairman Wright: Yes. Based on Mr. Vasti's question on the...we will still need the variance then for the Crickettown regardless.

Mr. MacCartney: Yes and technically for the 30 foot near the internal property line.

Chairman Wright: So I am going to ask the applicant – would it be helpful to you if we kept the Public Hearing open and then if you wanted to modify any of your, you have a couple of weeks to think about it, if you wanted to modify anything to kind of reduce some of the size of the request for the variance or you are pretty much this is what we have to do.

Mr. Summer: If it's not enough to just verbally...other than just like drawing a line on that map and saying we'll measure and it won't be 75 feet, we'll keep them closer to 75 feet from Regina Court; we can do that. To just come back with a proposal two (2) weeks later, I mean, I can say it now that I know (inaudible).

Mr. MacCartney: That would suffice. If the applicant is agreeing to that verbally...

Mr. Vasti: I would be satisfied.

Chairman Wright: Okay.

Mrs. Ufford-Chase: Our hope is to have these chickens and have them do their chicken thing in these gardens and be part of our food system to get us eggs that we can give our guests and to have them eat the bugs and do the gnawing the scratching and all the great things that chickens do and so that's why we are here. If we can verbally say that, then we are here asking for that variance and so it sounds like you are asking us to say no don't ask for that variance. Because I'm not too...so don't ask for the variance and so if we ask for the variance and you all say no then we comply with what you say and we would make sure that things are not part of it...75 feet and all that kind of thing...

Chairman Wright: Just offering you the flexibility to give it some thought; so that is fine. You can do that.

Mrs. Ufford-Chase: We really...

Mr. MacCartney: You have an alternative to propose if you want to go to the next meeting or think of it now other factors that might litigate the proximity to the property line; foliage, buffer...I don't know what it could be...I think that is another thing the Board might look into.

Chairman Wright: The difference would be – I don't know how this is going to flush out, but one thing would be is that we would come up and say what we think is the right thing to do; which may not necessarily be the best thing for you, but if you were to offer something where you mitigate it you might have more control over how it finally plays out rather than have us make that decision. That's the only difference. I don't know if it's going to be meaningful in the end, but it was just an opportunity to say if you want to kind of think about it we will be more than happy to keep the Public Hearing open, but if not if you want to let it stand and let us decide we are more than willing to do that.

Mrs. Ufford-Chase: It's really funny on what we can do.

Mr. Vasti: If you wanted to take your plan to the Cornell Extension site or some other entity that would have familiarity with this type of application that you are seeking, they can maybe offer some helpful suggestions to reduce some of the sizes of the variances being sought and offer you alternative methods to achieve the same effect that you want to achieve by having the fowl graze on a certain volume of land; acreage of land that maybe beneficial to you. That is what we are saying. It would achieve two things: it would help you to achieve what you are seeking and it would help us by reducing the magnitude of the variances being sought. That's all that we are trying to do here tonight.

Mr. MacCartney: Or not just not the magnitude the affect on the neighbors giving their concern.

Mr. Vasti: Yes, thank you Counselor; certainly that, too.

Mrs. Ufford-Chase: I mean we could make sure that the chickens aren't within 75 feet and then the ground that is within 75 feet would not get the benefit of the chickens and so that would be that.

Mr. Vasti: Right, but it would get the benefit of the neighbors not having it as close to their property.

Mrs. Ufford-Chase: Right, absolutely.

Mr. Vasti: They would benefit and you would benefit.

Mrs. Ufford-Chase: Well our hope was that we could somehow help people to understand that there wasn't going to be a major impact. That even with hording chickens that they don't think there would be a noise incident, because we don't want a noise incident for our guests. We don't think there will be an odor problem because we don't want odor problems for our guests. We have the public on our property all the time and so we were...there is wildlife around there as well. Right before we had chickens and there is wildlife here and we do everything that the best practices are all about preventative and mitigating and trying to make sure and that we haven't with our 10 chickens have any issues and so we were hoping that our neighbors wouldn't feel threatened and so it's...I'm learning and I'm understanding that maybe no matter how many experts and how many information we bring to you all that it's not going to make a difference and in so...

Chairman Wright: That is fine. We can take with what we have and we will...

Mr. Summer: The other thing, too I mean that's all the property...even the property that touches Regina Court is also the property that touches Crickettown Road. So we still will be asking for a variance for that – the front garden.

Mrs. Ufford-Chase: The parcel?

Mr. Summer: It's the same parcel.

Mrs. Ufford-Chase: Is it the same parcel?

Mr. Summer: Yes.

Mrs. Ufford-Chase: It's the same parcel. I don't remember what the parcels look like.

Chairman Wright: Anything else from the community?

(no response)

Chairman Wright: If not, then I will take a motion to close the Public Hearing.

*****MOTION: Mr. Vasti made a motion to close the Public Hearing; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.**

Chairman Wright: Last two items – thank you everybody, I appreciate your input and participation, we have minutes from September 4, 2014.

*****MOTION: Chairman Wright made a motion to accept the minutes of the September 4, 2014, seconded by Mr. Fox. Hearing all in favor; the motion was carried.**

Chairman Wright: We also have the minutes of January 15, 2014.

*****MOTION: Mr. Vasti made a motion to accept the minutes of January 15, 2014, seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.**

Mr. Summer: So you all make a decision in two (2) weeks...

Chairman Wright: 62 days we have. You will be notified.

Mr. Summer: Okay, thank you.

Chairman Wright: Before we go to adjourn, does anybody want to go into Executive Session to discuss the legal aspects of any of these cases. So I will take a motion to go into Executive Session.

*****MOTION: Mr. Fox made a motion to go into Executive Session, to confer with Counsel for legal advice; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.**

*****MOTION: Mr. Keegan made a motion to reconvene to the regular Zoning Board of Appeals meeting; seconded by Mr. Fox. Hearing all in favor; the motion was carried.**

*****MOTION:** Mr. Fox made a motion to adjourn the meeting of February 19, 2014; seconded by Mr. Anginoli. Hearing all in favor; the motion was carried.

Respectfully submitted,

Minutes taken by Cathy Finnerty
and transcribed by Kathy Kivlehan