

A regular meeting of the Town of Victor Zoning Board of Appeals was held on August 3, 2020 at 7:00 p.m. There was no public gathering based on the recommended precautions for limiting exposure to COVID-19. The following members were present virtually via ZOOM and the meeting was live streamed via YouTube:

PRESENT: Michael Reinhardt, Chairman; Mathew Nearpass, Vice-Chairman; Donna Morley; Fred Salsburg; Sarah Mitchell

OTHERS: Matthew Dana, 91 Victor Heights Parkway; Jeffrey Bateman-Ferry, 7755 Victor Mendon Road; Sean McAdoo, Code Enforcement Officer; Ed Kahovec, Town Board; Suzy Mandrino, Town of Victor; Kim Reese, ZBA secretary

PLEDGE OF ALLEGIANCE

PAST MINUTES:

On motion of Matt Nearpass, seconded by Sarah Mitchell:

RESOLVED, that the minutes of the meeting held on July 20, 2020 BE APPROVED.

Adopted: Ayes 5, Nays 0

PUBLIC HEARING:

Matthew Dana, 91 Victor Heights Parkway – 11-Z-2020

Applicant is requesting an area variance for location of auto repair facility whereas §211-24A(9)(b) states motor vehicle repair must be at least 1,000 feet from boundary of a residentially zoned district. The property is zoned Commercial/Light Industrial and owned by DeFelice Structures LLC.

Chairman Reinhardt – Welcome, we have two applications, Matthew Dana and Jeffrey Batemen-Ferry. First application is Matthew Dana. Is he with us today?

Mr. Dana – I am.

Chairman Reinhardt – Great. Let me just ask you a couple quick questions. Have you done a variance before?

Mr. Dana – No, I have not.

Chairman Reinhardt – Okay, so we're just going to set some ground rules just so you have an idea of what it looks like and how it works. We will generally give you an opportunity to make a presentation for your variance application. There is five criteria that the board will look at; whether or not an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties. The second is whether or not the applicant can or cannot achieve it by some method, feasible for the applicant to pursue, other than an area variance. The third is the requested area variance is or is not substantial. The fourth is whether or not it will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And, the fifth is whether the alleged difficulty is self-created.

So, we will give you an opportunity to make your presentation and then the board will ask you some questions. You'll have an opportunity to respond. Because we are doing this virtual, it is difficult for the public to make any kind of response so if there are any listening they will have an opportunity to respond and make comments and also since this application is required to go to the county planning board for referral and their meeting is on August 12. We will reconvene on this case on August 17, to make a decision.

You'll have an opportunity to respond to the county planning board advises us on what they think we should do with it. Alright with that? Any questions? So, why don't you go ahead and make your presentation and then we'll ask you some questions.

Mr. Dana – We lease this space at 91 Victor Heights Parkway to repair our own fleet Fed Ex vehicles. My company operates about 30 vehicles between Farmington and Henrietta so the need for a dedicated space to maintain them became necessary. We went to register with the DMV because the opportunity to work on other contractors' vehicles became apparent and to do that legally we have to be a registered shop and that brings us here today.

Chairman Reinhardt – When you say maintain can you give us some more specifics about what it is that you're doing to your fleet vehicles. Maintenance, what, oil changes, tires.

Mr. Dana – Basic preventative maintenance stuff. Oil changes, brake jobs and tires primarily.

Chairman Reinhardt – You doing any collision?

Mr. Dana – No. No paint work. No body work.

Chairman Reinhardt – Are the repairs and maintenance is that all indoors?

Mr. Dana – Yes.

Chairman Reinhardt – When you are repairing them indoors, is there a bay, more than one bay?

Mr. Dana – There are two bays currently.

Chairman Reinhardt – And, that's what you at least plan on working with for now?

Mr. Dana – Yes.

Chairman Reinhardt – I think I have a general idea. Probably circle back and ask you some questions. But let's start with Matt, do you have any comments, questions for Matthew?

Mr. Nearpass – I don't have many. I was just reviewing what exactly is required. So, it's that we need a thousand feet from a residentially zoned district. I'm trying to find a map that has the current distance from the nearest residentially zoned area.

Mr. McAdoo – The (nearest) building is 330 feet.

Mr. Nearpass – 330 feet?

Mr. McAdoo – Correct.

Mr. Nearpass – Have you been able to find some examples of other similar establishments within that type of distancing? I know there are others. I don't know the distances at least within the last couple years it's been a fairly common type of application to the zoning board, but have you done some research to see who else is this close to a neighborhood and what conditions have been put on their variances and how they are doing?

Mr. Dana – We know that Horsepower Motorsports is a similar distance from the same parcel.

Mr. Nearpass – Okay. To your point, you're not going to have a dyno and you're not going to be doing outside work. Talk about that a little bit. Obviously a lot of the reason for the 1,000 feet is largely because of noise. You kind of think of the auto body work repair shops of the past where there was a lot of banging, things going on outside. There was storage of vehicles outside. Those kinds of things. Maybe just talk a little bit about how you intend to be a good neighbor in that regard.

Mr. Dana – We wouldn't be doing things any differently than we've been with our personal vehicles currently. We store everything inside. No one's working past 3pm. Nothing on the weekends. No additional traffic. Pretty low impact.

Mr. Nearpass – And, if there were some conditions on the variance that limited your use to how you're operating today you would be okay with that?

Mr. Dana – Sure.

Mr. Nearpass – No other questions from my side.

Chairman Reinhardt – Fred, do you have any questions?

Mr. Salsburg – I was wondering about the scale of the operation. How many employees do you think would be working, Matt?

Mr. Dana – At the shop? No more than two at a time. Most of the time it would be one.

Mr. Salsburg – You'd just be in the one building? There were two buildings on the property. You're in the one that's labeled 91?

Mr. Dana – Yes, we're only leasing the garage space of 91.

Mr. Salsburg – Sean, are you aware of any complaints from the existing operation?

Mr. McAdoo – There have been no complaints on record for this address, no.

Mr. Salsburg – Okay. From the number of vehicles that you have going through your property now, in a percentage, how much more do you think would be if you took on jobs outside Fed Ex?

Mr. Dana – It would be with other Fed Ex contractors and we don't have time to do much. We just wanted to open it up for the possibility. We're not really out there trying to bring in as much business as possible, so it really wouldn't change very much at all.

Mr. Salsburg – So, you expect to stay with one or two employees working at a time, then?

Mr. Dana – Yes.

Mr. Salsburg – Well that's a pretty small scale operation, I think. Is the parking of vehicles outside, likely to increase or decrease or stay the same?

Mr. Dana – It would stay the same. It hasn't been a problem at all.

Mr. Salsburg – Okay. I'm all set then.

Chairman Reinhardt – Sarah, any questions?

Ms. Mitchell – I guess I just have a question, he had mentioned that it wasn't going to have an impact on traffic. I was up there on a Sunday, so there wasn't much traffic and I think the site tends to be a little congested when I drove up there, so how does he plan on making sure that the congestion doesn't get worse? Is it by appointment only? They regulate the number of vehicles that are there? Those are just my questions because it is somewhat congested back there, but like I said, I was there on a Sunday, so I don't know what a Monday through Friday looks like.

Mr. Dana – Because of the scale of the operation and how we couldn't really get bigger than one or two mechanics we really couldn't increase the traffic any more than current. You don't have to worry about us having five bays in that shop. It really doesn't have room to grow at that location.

Ms. Mitchell – And, no one just comes to the site, they have appointments. No one will just show up for maintenance on their vehicles? Is that correct?

Mr. Dana – Yes, it's appointment only.

Ms. Mitchell – Alright that was really all I had.

Chairman Reinhardt – Donna, questions?

Ms. Morley – No, that was my question when I was there, too. So, all answered, thank you.

Mr. Nearpass – The applicant mentioned earlier that it was 350 feet away from a residential. Is that what's across from Auburn Trail? Where is the residential district that it's that close to? I'm just looking at a larger map and it looks like he's right in the middle of an industrial/light industrial/commercial district, so I was curious as to where that residential impact is.

Mr. McAdoo – There is a parcel to the southwest that's a previously established residential district. It's currently vacant.

Mr. Nearpass – Eastview Manor?

Mr. McAdoo – Actually to the west.

Mr. Nearpass – Okay. But still north of Victor Mendon Road.

Mr. McAdoo – Yes, yes it is.

Mr. Nearpass – Okay. Thank you.

Chairman Reinhardt – Just some follow-up questions, Matt. If the board decides to grant the variance and let's just walk through some possible conditions. I think you mentioned that there would be no work on the weekends. Would you be comfortable with that as far as a condition to the granting of the variance?

Mr. Dana – Yes.

Chairman Reinhardt – If you can't, then it's a discussion point.

Mr. Dana – Saturdays I'd like to leave open. At least as a possibility. We're not currently using Saturdays, but that could be a possibility in the future. Sunday would not be.

Chairman Reinhardt – What kind of Saturday hours are you looking at, like 8 to 12?

Mr. Dana – I would say no later than 2pm.

Chairman Reinhardt – Alright, so if the condition was 8 to 2pm, you could live with that condition?

Mr. Dana – Yes.

Chairman Reinhardt – And then on Sunday, you wouldn't do any work on Sundays, correct? (No)
And then Monday through Friday, what are your proposed hours?

Mr. Dana – 7 am to 5 pm

Chairman Reinhardt – Alright, then I misunderstood, you said it closes at 3:30, but what was that in reference to?

Mr. Dana – We currently don't have anyone there past 3:30pm, I guess I was just thinking in the future are we kind of committing to nothing past 3:30 or nothing past 5 pm?

Chairman Reinhardt – So the Monday through Friday hours, you're looking for 7 am to 5 pm, correct?

Mr. Dana – Alright. And, then you say general maintenance, if we can put some boundaries around that, it's oil, brakes, tires, are there other types of maintenance that you can think of? Now you said no collision, and I know there's going to be some exceptions at times, but I think what we're looking for when we grant a variance is to grant as minimal a variance as possible. With that, what other kind of general maintenance, can you put some more specifics to it?

Mr. Dana – You know other than that, other than some emergency electrical work, lighting, that's really about it.

Chairman Reinhardt – You're not doing a full transmission?

Mr. Dana – Absolutely not, no.

Chairman Reinhardt – What you have is two mechanics there at any one time, is that right?

Mr. Dana – Typically one. But, at the most there would be two.

Chairman Reinhardt – Okay so if one of the other conditions were to have a maximum of two mechanics on site at any one time, you'd be comfortable with that?

Mr. Dana – Yes.

Chairman Reinhardt – Great. I think that’s all that I have. Does any else on the board have any questions, comments, concerns?

Ms. Mitchell – I actually just have one more question. Will this be part of Fed Ex fleet only or are those the only vehicles that you’ll be working on?

Mr. Dana – Yes.

Ms. Mitchell – So, that’s it, no person with a car is going to show up and have you work on it? It’s just Fed Ex fleets only?

Mr. Dana – Correct.

Ms. Mitchell – Okay. That’s it. Thanks.

Chairman Reinhardt – Anyone else? I think that we are good to go, unless Matt, you have something else, you want to add?

Mr. Dana – No, I’m all set.

Chairman Reinhardt – We’re going to wait to hear from the county planning board and hear what they have to say and then we’re going to circle back on August 17th, probably touch up a few other questions and things that sometimes the county planning board triggers for us to ask and then we will make a decision then. If there’s any other information you think that might be helpful for us by all means. Try not to do it five minutes before the meeting, but if you do it ahead of time, you want to share something we need to know, somebody’s in support of it, that should be in writing, let us know we’d like to see that. Thanks so much for your time. See you August 17th.

Mr. Dana – Thank you very much.

Jeffrey Bateman-Ferry, 7755 Victor Mendon Road, Victor, NY

Applicant is requesting an area variance for chicken coop location whereas §211-19A(4) states housing of poultry is not permitted within 100 feet of any lot line. The property is zoned Residential 2 and owned by the applicant.

Chairman Reinhardt – Next is Jeffrey Bateman-Ferry, 7755 Victor Mendon Road.

By any chance were you listening to the first application? So, you know the basic drill. We’re going to let you do the presentation and we’re going to walk through the criteria, circle around for probably a few more questions and in this case, because again we’re going virtual we’d like to have the public an opportunity to comment so the likely result here is going to be is we’re going to circle back on the next meeting to see if they have any other comments. If you have questions, by all means ask them. Otherwise, go ahead and make your presentation and we’ll ask some questions.

Mr. Bateman-Ferry – I was hoping to be outside for this to kind of give you a look at what we’re planning, but basically what we want to do is put a chicken coop in the southeast corner of the lot, kind

of tucked away in the back corner. It's actually one of my buddies, he's moving out of town, so he wanted to get rid of it. He's got six chickens, no rooster. It's totally enclosed. I submitted some pictures, I don't know if you all have the pictures. It's just a coop with an enclosed grazing area. At his house, he has a fence around it, but I'll probably keep it contained to just the coop and the grazing area. We're all looking forward to it. I think it will help the kids with some responsibility and have something fun to do. I've spoken with the surrounding neighbors besides, I've learned his name is also Jeff, who has submitted that he would not approve it, but all the other neighbors are excited and we're all kind of looking forward to it. I'm open to suggestions if there's a better place to put it or if there's any way we can make this happen.

This is my first time doing this.

Chairman Reinhardt – That's ok, you're doing great. Anything else you want to add before we ask you some questions?

Mr. Bateman-Ferry – No I think that's it.

Chairman Reinhardt – Sarah, do you have any questions?

Ms. Mitchell – My concern is noise. I understand there's not a rooster, but chickens themselves can be noisy, so I can understand concerns from your neighbors due to noise or even the scent a chicken might leave behind. Do you have plans in place for that?

Mr. Bateman-Ferry – We've done a bit of research on the noise in terms of when. What we've read is when they lay the eggs and if they are being attacked. But speaking with my friend where the chickens are coming from and it's about the same distance from his house, he doesn't hear them at all. As for the smell, what we found from some other friends who have chickens, they use a compost pile or bin and that kind of contains it, but also if you look at the lot there there's a lot of woods behind it. That neighbor is in full support and I could like of clear an area in the woods to keep the compost even farther from houses so it would be contained. And then the one neighbor again that had written in, the coop will actually be that 100 feet from the property line on his side, so again he'll have that buffer for smell and noise and then there's still some trees and brush between us, so again add a buffer.

Ms. Mitchell – Okay. That is what I had for questions or concerns.

Chairman Reinhardt – Donna, questions, comments?

Ms. Morley – The neighbor that doesn't want it, looking at the back of your house is he to the left or the right?

Mr. Bateman-Ferry – So if we're in the backyard looking at the house, he would be to the left.

Ms. Morley – So your coop is on the other side is what I'm getting. Are you in the opposite corner of the chicken coop?

Mr. Bateman-Ferry – The chicken coop would be the farthest corner from him.

Ms. Morley – Alright. And you will never have a rooster, because that is where your noise is coming from?

Mr. Bateman-Ferry – Never. We are also concerned about smell and noise. We have a baby, so the coop is buried kind of back behind the garage in that back corner and we don't smell it.

Ms. Morley – And, I think with the traffic on that road you wouldn't hear a chicken anyway.

Mr. Bateman-Ferry – Those cars drive by and hit that rumble strip the whole house shakes.

Ms. Morley – That was my only question is if it was in the opposite corner. Thank you.

Chairman Reinhardt – Fred, you have any questions?

Mr. Salsburg – I'd like to see the plan view of the lot that has the chicken coop sketched in it. So the chicken coop is to the right and the complaining neighbor is to the left.

Mr. Bateman-Ferry – Correct.

Mr. Salsburg – The neighbors on the right hand side are okay with this?

Mr. Bateman-Ferry – So this is actually part of the family of the people who sold me this house and it's a 90 year old woman who is deaf, so she will be completely unaffected by any noise. But yes, they are completely on board.

Mr. Salsburg – Well that may change. The residents in that house. My interest is the next decade or so. If the chickens are still there, will that make the neighbor be isolated? Because it's not showing where that neighbor is, where the house is.

Ms. Morley – If you go to the other map it shows. That house is way back behind it. It's a long ways away.

Mr. Bateman-Ferry – So there is the neighbor behind us, but the neighbor to the right I think would be about the closest, but they still have at least that 100 foot buffer and plus it's pretty dense trees and brush there between us.

Mr. Salsburg – Okay, I see the house now. I have no more questions. Chickens are getting pretty popular I notice.

Mr. Bateman-Ferry – I think it would just be fun for the kids and we love eggs.

Mr. Salsburg – I guess that's where the rooster comes in. I'm all set.

Ms. Morley – Don't need a rooster to have eggs.

Mr. Nearpass – I don't think you'd want the rooster, then you'd have a lot of chickens.

(Chairman Reinhardt not on zoom meeting for a period of time.)

So, Jeff I read quite thoroughly the letter from your neighbor and I actually wouldn't call it a denial. His very last statement says without sufficient safeguards I respectfully request the application be denied and I think he does a very good job and this is Jeff Hennick. Do you have a copy of the letter?

I don't know much about birds or about chickens and we have had a couple of these come in front of us over the last couple, several years. I kind of looked at the links he sent and I thought he did a really good job of pleading his case a little bit – talking about six chickens is kind of the limit. You've got to worry about the run off of chicken manure, noise and the smell and all that and I get that your lot is really in a residential type of area and really isn't conducive to having a chicken coop. But kind of with that said I've been trying to go through and certainly I believe all of your neighbors, even the one that wrote this letter is willing for some kind of compromise. It didn't sound like a flat out, I don't

want to have a single chicken near the property line. Are you willing to maybe have three chickens and then maybe three chicken dinners a couple times? It's really a want, not a need, right? I get it you want something for your kids and you get eggs out of it, there's a benefit there, but I mean is there some kind of compromise you maybe limit the number of chickens to three? You'll see if we had to read that particular letter recommending that not only this board, doing our due diligence before we all say hey, let's just bring a whole bunch of chickens into the neighborhood. I want to make sure we really do have some sound guidance and understanding because you are in the residential neighborhood. It's not like you're hundreds of feet from your nearest neighbor, so I do feel like we have to constrict it a little bit and also bring up maybe what's unique about your site again, so this just isn't something that everyone in a commercial or residential district can just say, hey if I just go and ask for three chickens, I'm going to get it. To the point that Fred was saying earlier, that today you have five neighbors and one, two five, ten years from now, all those neighbors could change and this is something that's going to stay with the land, so we really need to take a little bit of a long term vision or view so I'm totally open to working with you. I think like all of your neighbors are. One thing that I think we have some time in that I don't think the decision can be made tonight because of the nature of the online and giving the public time to comment. I think it would be good for you to communicate with Jeff Hennick a little bit and maybe see where you think that happy medium may be and maybe bring him up to speed with where you want to put it and why and those kinds of things. I do personally minimally think that the number of chickens should be probably no more than three. You know again reading some of the literature that's on line and six kind of seems to be the max so to me if six is the max and that's really with a 100 feet, you probably want to be down to maybe half of that and that's just my two cents of the whole thing, but I think Jeff Hennick here, I think it would be worthwhile to see if you can bring him around a little bit. Regarding the water flow and those kinds of things do you have that similar concern like where is the flow of the surface water going to be? You can probably look out your window and see in now.

Mr. Bateman-Ferry – It definitely collects down in that back corner.

Mr. Nearpass – Obviously he's got some legitimate concerns. Where is that going to go? Where is that going to end up? Is it going to go in the ditch and then end up crossing over his lot? Those kinds of things. I think it would be good to have a discussion with him and also just kind of have a plan for us too on how you're going to mitigate that.

Mr. Bateman-Ferry – Can do.

Chairman Reinhardt – Mike Reinhardt again, I lost connection. I caught most of that. It was a good discussion. So do I understand it correctly that you would be at least open to a minimum of three chickens or maximum, sorry. No roosters.

Mr. Bateman-Ferry – Yes. Anybody that knows more than I do about chickens they can look at the area and this is all new to me, so I'm open to suggestions however we can make it work.

Mr. Nearpass – I also hope your kids are better at taking care of the chickens than my kids are at taking care of the family dog. I know exactly who's going to be taking care of the chickens – I think I'm looking at him. I know how it would be in my house.

Mr. Bateman-Ferry – I'm not expecting much.

Chairman Reinhardt – If I understand it, from my limited knowledge of chickens there are chickens that are really primarily for egg laying and others for eating. The ones that you primarily eat they are not around very long. Is that accurate? Or you don't know?

Mr. Bateman-Ferry – I couldn't tell you.

Mr. Salsburg – I think you're right, Mike.

Ms. Morley – You're accurate, Mike.

Chairman Reinhardt – So these are going to be chickens that lay eggs?

Mr. Bateman-Ferry – Correct.

Chairman Reinhardt – I agree with Matt on Jeff Hennick. Do we know is the distance of the proposed location of the chicken coop greater than 100 feet?

Mr. Bateman-Ferry – Yes. If you look on that survey it's 130 feet.

Chairman Reinhardt – I agree with Matt and I believe you but as far as the record goes and what the file looks like, given that we have some time if you could do a little more homework and go to your neighbors and say look here's where it's going to be, here's the location, can I have something in writing that you're okay with this? That would at least give us some idea especially plugging in that fact into the criteria especially the character of the neighborhood and that would really go a long way.

Mr. Bateman-Ferry – I've gotten that from the surrounding other neighbors, but Jeff is in Florida I'm told. He got stuck down there so I didn't have a chance to speak to him. I never met him.

Chairman Reinhardt – I didn't see any other letters.

(Neighbor petition in dropbox.)

Mr. Nearpass – He did provide his email and phone number in that letter, if you've got it.

Chairman Reinhardt – So if you could do a little homework with Jeff Hennick and if you could talk to him and lay it out a little clearer about where it's going to be and we're thinking about a maximum of three chickens. You're going to really assist the children in keeping the chickens in order as best as possible. I think that's going to go a long way.

Mr. Nearpass – One other thing that is important is you are 100 feet away from his lot line, correct?

Mr. Bateman-Ferry – Yes. More than.

Mr. Nearpass – That might help you with him.

Mr. Bateman-Ferry – Like any neighbor, he's just concerned about upkeep.

Chairman Reinhardt – It's sounds like you'd be willing to do the best you can especially it looks like it's in a pretty buffered area. There's woods and shrubs and things around all your neighbors and your proposed location seems to be relatively guarded and that might help some of the noise. Is the trees and brush are the primary deciduous? Are there any evergreens in there?

Mr. Bateman-Ferry – I'm not sure. We haven't been here a full season. I don't see many evergreens.

Chairman Reinhardt – I think we've covered just about everything. Unless someone else on the board has any other questions. I'm not hearing any so what we have and I think Matt was alluding to it. We really can't make a decision because a couple of reasons. One I think I'd like to get it pinned down, Jeff's concerns addressed. Being good neighbors is probably worth some time to spend with him and we can circle back in a couple weeks at the next meeting hopefully you and Jeff can come to some kind of understanding and if there's any kind of public comment we'll hear it and at that point we'll go through the criteria and get a decision for you on this variance. That sound alright?

Mr. Bateman-Ferry – So, to submit something to you is the same as to email it to Kim? Just kind of type up our conversation kind of thing or? Say we do go through it and everything is covered?

Mr. Nearpass – I think ideally either a document from him like he did saying you two spoke or something you put together and send to him and he signs or I think anything that really comes from him would probably have the most weight right then just saying hey I talked to him and here's what he said.

Chairman Reinhardt – That's right. You want to get it directly from the person, this being Jeff Hennick. He understands where it is and what's going on and he's comfortable with it and so we can press forward.

Mr. Bateman-Ferry – Or on the other end, we spoke and he still not comfortable from it, just anything from him basically.

Chairman Reinhardt – If that's the case then we know where he stands and you've done your due diligence to explain to him where it's going to go and what you're going to do and there's only going to be three chickens and it's a good exercise for your kiddos. All those warm, fuzzy things.

Mr. Bateman-Ferry – Say, in our meeting or our conversation that as long as he's comfortable with the upkeep, do we have to limit it to the three?

Mr. Nearpass – I'll speak for myself. I think there's going to have to be some negotiation with us as a board to do that and this my personal opinion. Right now, just doing the little research I've done just that if you were 100 feet away from all lot lines I don't even know what the code limits you to. Sean, does the code limit to a number?

Mr. McAdoo – As long as you're stabling with 100 feet or beyond 100 feet there's no limit to the number.

Mr. Nearpass – I got the number six from Jeff's letter that referred to Wikipedia where it said kind of once you got more than six you have all sorts of other issues. The amount of manure becomes sufficient. So I had that number six in my mind, I'll even go back and I'll say to you and the other board members and maybe read the same thing or find some other data to support it, but I do think there's going to have to be some kind of bounds. To me since they're going to be pets for your kids. You're not going to create a farm operation, income and all that, it seemed like a fair trade-off to really only let you have a few of them. And I think again for your discussion with Jeff that if he just doesn't want it, that's his prerogative. He has an opinion like everybody else, but I think from his perspective and your conversation with him, with his lot line, you're compliant with the code. In terms of 100 feet from his lot line. It's really the one where you're 15 or 30 feet away on the other side to where we really have be concerned about. And, again it's largely because those people come and go over the years and we just don't want to create a situation, so I do think we're going to need to bound it.

Chairman Reinhardt – Just for reference I think Matt might recall we had an application where a woman wanted a chicken coop and we limited to a couple of ducks and a couple of chickens and she was okay with that. I don't remember if it was two and two, or two chickens and one duck and a pig. But she treated them more like pets and she seemed to be okay with limiting it to just those specific animals.

Mr. Salsburg – And, she lined up the neighbors came in. And, they said they didn't have any complaints. She did a great job with it.

Chairman Reinhardt – Getting the cooperation of the neighbors I think is going to be very important on getting this through. It doesn't mean that they get their way and you don't, but it just puts a perspective on the character of the neighborhood.

Mr. Bateman-Ferry – Right. So question for you guys. One of the things Jeff had said in his letter was that his bedroom faces the backyard, so in my conversation with him if he'd feel better if I put a fence around it. Is that something I'd need a different permit for or? Can I do that? Can I just put a fence around it? If that makes him feel better.

Mr. McAdoo – You can put a fence behind the front line of your house up to your property line no more than 6 feet in height.

Mr. Bateman-Ferry – Okay. That should about cover the coop. So, then it would be out of site. Again, it's whatever Jeff wants or whatever I can do for Jeff, really.

Ms. Morley – Well to me, three chickens or six chickens I raised chickens, so there's not really much difference between three and six.

Mr. Salsburg – Well my daughter's got 15 and I don't think six is very many myself.

Ms. Morley – Six isn't very many and New York State only sells you six. You have to buy a minimum of six. So, if he was going to replace them, he'd have to buy six. So, I don't have a problem with that number and if you look where he wants to put it, when I went down through there it's very wooded. I don't have a problem with where he wants to put it, but that three to six doesn't make much difference and as far as manure three to six, it's not that big of a deal with chickens. That's my opinion.

Mr. Nearpass – I will defer to Donna and Fred for the chicken count. I will stand corrected on the three. You don't have to worry about me, it's Donna and Fred now, you have to please with the count.

Ms. Morley – Hen laying chickens are not noisy. The only time pretty much is at nighttime and the road that he lives on the traffic is so noisy, I don't think you would ever even hear the chickens. He's right where, there's a strip there and it's very noisy.

Chairman Reinhardt – So it sounds like Jeff you have your homework with Jeff. It would be easier if you two had different names, but that's okay. Sounds like we have some board members that six is a possibility so have a conversation with Jeff and say what do you think about six and I could fence them in and tell them where it's located and do the best you can to be a good neighbor, but that doesn't mean again that he's going to get whatever he wants. What we'd like to see is that you're, and it sounds like you are, you'd like this to happen and you've got some flexibility so let's see if we can make all the neighbors in the neighborhood happy and get a good result for you. But we'd really like to see what Jeff has to say and how that conversation you have with him. That sound okay?

Mr. Bateman-Ferry – Absolutely, I can do that.

Chairman Reinhardt – Anyone else on the board have any other questions?

Hearing none, Jeff if you're all set, we will see you in a couple weeks and hopefully that you've had a chance to talk to Jeff Hennick and we can find some middle ground.

Mr. Bateman-Ferry – So say I talk to him tomorrow, we go over everything, he's good with it, we can't do anything sooner than a couple weeks?

Chairman Reinhardt – No, because of the procedure for our next open meeting. There's an open meetings law we really can't make any decisions without having a scheduled, publicized open meeting. You have to give the public an opportunity to be heard. We try to do everything by the book, follow the procedures so that whatever the outcome good or bad, we've followed procedure.

Ms. Morley – Mike, is there anybody on following tonight?

Ms. Mandrino – There are five people watching.

Chairman Reinhardt – So that tells me that we have some interest and I would like to invite them if they have some kind of comments, concerns certainly to make them known. Write in and we will take a look at them. Any other questions, comments from anyone?

Mr. Nearpass – A question for Donna, how do you dispose of the waste?

Ms. Morley – We made a compost pile.

Mr. Nearpass – Again that might be a concern on such a small lot.

Ms. Morley – We never had a problem with it. For six chickens it's not a lot of manure but we just did that and straw and within the following year it pretty much is dirt, good dirt for gardening. It is what it is. It is manure.

Mr. Nearpass – Jeff's got some homework

Chairman Reinhardt – Any other questions? Hearing none. Jeff I think you're all set. We'll see you in a couple weeks and we'll look forward to seeing you and you have homework to bring us.

Mr. Bateman-Ferry – Will do. Thank you everyone.

Chairman Reinhardt – Very good. Thanks so much. You did a great job.

Any other matters before the board? Concerns, question, comments? Ed, do we have any start date on when we're going to go live?

Mr. Kahovec – You mean in person meetings? Apparently, we're waiting on the Governor who is supposed to make an announcement on open meetings somewhere in this first week of August. We're hoping around August 5, but again we haven't heard anything officially, so we just carry on for now until we know something more. Town Hall is open, but it's not open to everyone. There were several groups that used to meet in some of the meeting rooms and they are not being allowed to use them currently until we get some information from the Governor on open meetings law about how far we are going to go with this. So for now we're doing the same thing with planning board, the town board meetings. We're still on zoom until you hear otherwise.

Mr. Nearpass – I was going to ask Sean the question, I'll wait 'til two weeks from now.

Chairman Reinhardt – Alright, sounds like we're all set. Motion to adjourn.

Ms. Morley – I'll make that motion.

Mr. Nearpass – I'll second.

Chairman Reinhardt – All in favor? (Aye) Carried. Have a good night everyone. See you in a couple weeks.

It was unanimously agreed and RESOLVED that the meeting was adjourned at 7:53 pm.