

A workshop was held by the Town Board of the Town of Moreau on September 16, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing allowing chickens in residential zones in the Town of Moreau.

Supervisor Jenkins called the workshop to order at 6:30 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Robert J. Vittengl, Jr.	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston L. Jenkins, Jr.	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Town Resident: Thomas Speziale, Sue Peters, Angela Wadsworth, Jim Aiken, John Telisky, John McAllister, Dave Johnson, Elizabeth Lanfear, Jeremy TenEyck

Supervisor Jenkins welcomed everyone to the workshop.

Supervisor Jenkins advised that the workshop was being held so the Board Members could discuss what they want to do about re-zoning to allow chickens in residential zones in the Town of Moreau. Once they are done with their discussions they would allow the public to speak.

Supervisor Jenkins referred to two letters opposing chickens in residential zones and Councilman Kusnierz asked if there were names attached to the letters. Supervisor Jenkins said one letter was from Jennifer Dean a neighbor who lives close to Mr. & Mrs. Tom Speziale and the other was from Mr. & Mrs. James Fleury who live in an R2 zone.

Supervisor Jenkins recapped the letter from Mr. & Mrs. Fleury. In that letter he said Mr. & Mrs. Fleury expressed several concerns and they also cited a section of Agriculture & Markets Law that defines what farm animals are and what companion animals/pets are. In the definition it reads that farm animals are any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur bearing animals and fur bearing animals do not include cats and dogs. Companion Animal or Pet is defined as any dog or cat and any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. Pet or Companion Animal shall not include a farm animal as defined in this section.

Supervisor Jenkins said he received phone calls regarding this matter and some were in favor of chickens and others were not.

Supervisor Jenkins said he reviewed several laws in other municipalities that allow chickens. Some limit the number of chickens and some don't. Several municipalities require adequate housing for the chickens and several municipalities require inspections to ensure that the chickens are being maintained properly. He said there is no question that some people think of chickens as pets and they do supply fresh eggs and they eat bugs, but they also carry other problems with them as well. Some municipalities require a permit in order for a person to have chickens and some charge a fee and some don't. Most of the other municipalities don't allow roosters.

Supervisor Jenkins noted that the discussion tonight was going to be limited to chickens and no other zoning matters.

A workshop was held by the Town Board of the Town of Moreau on September 16, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing allowing chickens in residential zones in the Town of Moreau.

Councilman Kusnierz stated that this is an important issue for the Town and especially for people in residential areas who currently can't have chickens. He said one question for the Board is, do we want to classify chickens as farm animals or pets? After determining this the Board would have a direction to move forward in.

Councilman Kusnierz said there is a Right to Farm Law in the Town Code.

Councilman Kusnierz asked if chickens would be considered an agricultural practice or pets.

Councilman Kusnierz said there are advantages to having chickens as pets. They provide fresh eggs and they teach youth responsibility and how to care for a pet. In cities where the West Nile Virus is prevalent, chickens are housed for the purpose of being first line indicators for the West Nile Virus.

Councilman Kusnierz stated that he supports an amendment to the Town Code to allow chickens in residential areas with limits on the number a property owner can have and under what circumstances.

Councilwoman LeClair said she agreed with Councilman Kusnierz. She wants to make this work and make it fair for everyone, including those who don't want them.

Councilman Prendergast said he isn't sold on this yet. He doesn't know why we would change how the state defines livestock. He is afraid this will create some issues between neighbors. There are areas in the Town where chickens are allowed. He said there apparently was some thought given years ago about what certain areas of the Town should be like. The Town's population is growing and as it continues to grow there is a potential for problems if we allow chickens in a residential zone. If we consider chickens pets rather than livestock then what will be next. There are other animals out there that people will say are pets and make their case for. There was also apparently some thought given to this by the state years ago.

Councilman Vittengl said he has raised chickens and goats before, but in a rural area and not in a subdivision. He said that when it comes to subdivisions, people have bought into a subdivision with a certain "continuity". He asked, what will be next? Goats, pigs, donkeys are also considered pets. He can see both sides of the issue. He said trying to keep everybody happy is one thing, but what happens if there is a complaint over a rooster crowing? Do we allow roosters?

Tom Speziale stated that they could limit the number of birds and not allow roosters. He stated that he and his wife circulated a petition around his neighborhood and got signatures from people who didn't even know he had chickens in his yard and who do not have a problem with them. He said with the exception of the two letters mentioned at this meeting, there has been zero opposition to chickens at the meetings. He said a chicken on the loose is nothing to worry about compared to a dog on the loose. He said the person who complained about his chickens has six children, three dogs and cars coming and going all the time. He asked the Code Enforcement Officer who complained about his chickens and all he was shown was a piece of paper that read "chickens". The neighbor who complained about his chickens didn't have a problem with them until they had a falling out. He said he isn't selling the eggs from his chickens or breeding and raising chickens, they are pets. He has five chickens currently. He said that it is unrealistic to think that someone is going to run a farm on two acres of land.

Councilman Kusnierz asked Mr. Speziale how large his property is and Mr. Speziale replied a little over 1/2 acre.

John McAlister of 363 Gansevoort Road said his property is seven acres and two acres are in an agricultural zone and five acres are in a residential zone. He bought the property with the premise that it was all agricultural and it was his intent to have a chicken farm with turkeys. He said chickens are "self-cleaning" and they eat varmints, ticks, ants, baby snakes, wood chucks and they are good for cleaning up your land. It was his intention when he bought the property to fence in the entire parcel and let the chickens and turkeys run free inside the fenced in area so they could eat ticks. His land is for sale now

A workshop was held by the Town Board of the Town of Moreau on September 16, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing allowing chickens in residential zones in the Town of Moreau.

and he is going to move to where he can have a chicken farm. He said it is a falsehood that chickens smell or make a lot of noise.

Councilwoman LeClair stated that she reached out to Jennifer Dean and asked if she would be willing to meet with her, but she declined.

Dave Johnson of 251 Fort Edward Road said he has five acres of land. One neighbor on one side is right on top of his property and on the other side there is about 100 feet of field between him and the other neighbor. He asked the Board what their expectations would be if they require that neighbors grant permission for a person to have chickens. How far does a person have to go to get neighbors to sign off on the chickens?

Supervisor Jenkins said maybe 500'. He said they have to respect other people's rights too that may not have expected to have this next door to them. If it is out in the country then it won't be a problem.

Jim Aiken of 2 Nancy's Way said that "out in the country" is too vague. While the Town of Moreau used to be rural, it is a growing community. There is a lot of ambiguity in the law. Other than the Agricultural Zone there are four other segments to the Town that are residential and in some people's opinion it could still be considered rural. He said the definition of poultry was mentioned. When was that definition written in 1963? The landscape of New York State has changed since then and it will continue to change as open space is filled in with homes.

Councilman Prendergast stated that it is one thing where property owners live a considerable distance from each other and another where there are neighborhoods that are living side by side in close proximity. This could be an issue. If a person have four or five acres of land then it may be hard to tell them they can't have chickens.

Dogs were mentioned and Councilman Prendergast said they weren't going to discuss dogs and Dave Johnson said to Councilman Prendergast that when he doesn't want to discuss something he shuts it down. He said to Councilman Prendergast that chickens may mean agriculture or a business to some, but to him they are pets. He said cats come in his yard and spray all over his bushes so he doesn't see why he can't equate dogs and cats to chickens.

Councilman Prendergast stated that just because some people think of chickens as pets, it doesn't make it right.

Dave Johnson mentioned dogs again and said a Rottweiler in his opinion is a piece of "military meat".

Councilman Prendergast stated that he is sure that some people think of horses as pets too, but they aren't going to be allowed in a residential zone.

Tom Speziale said he and his wife have taken the path that they felt was right in trying to convince the Town Board. He said that it was mentioned that they needed to hear a voice and that "voice" hasn't appeared at the meetings, with the exception of two letters referred to at this meeting tonight.

John McAllister stated that he understands the concern over resale value of properties as he is trying to sell his property right now and said that nobody wants to come into a neighborhood where there are dozen chickens. He said maybe regulations should be drafted to include that a six foot stockade fence will be required. He said they should set standards that everybody can live with.

Supervisor Jenkins said that is what the Board is trying to accomplish and he recapped for Mr. McAllister what he said at the beginning of the meeting about laws in other municipalities. He said that he doesn't see a huge barnstorm of people wanting to have chickens. He said the Board has to try and put together a change that everybody can agree on, because we all have differing opinions. He said the Town's

A workshop was held by the Town Board of the Town of Moreau on September 16, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing allowing chickens in residential zones in the Town of Moreau.

comprehensive plan is seven years old and we may have to revise that and combine it with any re-zoning that is done.

John McAllister offered to volunteer his time to help the Town Board write up a set of regulations.

Councilman Kusnierz said that while some people may characterize chickens as livestock, one of the biggest issues facing New York State Agriculture is the fact that the average farmer is age 57 and there aren't many succession plans out there. It is the goal to get more people interested in agriculture and this dovetails into chickens. He said it takes a lot of investment to raise a cow, but not to raise a chicken. He said that areas like Beacon, Binghamton, Brooklyn, Buffalo, Rochester and Huntington, Long Island allow chickens. He said chickens have a zero impact on the quality of life for neighbors.

Councilman Prendergast stated that he could move in the direction of allowing chickens if there was a restriction put in place regarding setbacks from neighbors. He still has a concern over areas that are zoned residential where the houses are close to one another.

John McAllister said they could restrict the number of chickens allowed and restrict them to a certain number of acres.

Elizabeth Lanfear of 161 Gansevoort Road that is located in an agricultural zone said she has 58 acres of land and she could, if she wanted to, put chickens and pigs right next to her neighbor.

Councilman Prendergast said they aren't talking about the agricultural district. He said that people have bought into an area based on what is allowed or not allowed. They may have bought into an area where livestock is not allowed. If it is not allowed, then it is not allowed.

Elizabeth Lanfear said that people bought properties not expecting to have an apartment complex in their back yard, but the Town Board changed the zoning to a PUD to allow the apartments. This changed their way of life. Yet the Town Board is balking at people who want chickens.

Supervisor Jenkins suggested that the Board Members give the Attorney for the Town a summary of what they would like to see in the re-zoning and then the Attorney can draft a local law for the Town Board to review, change and comment on and then if they all agree a public hearing could be scheduled. Maybe this way they could accomplish something, rather than having meeting after meeting and going over the same thing over and over again and not accomplishing anything. He some of the things they could consider would be whether or not chickens would be defined as pets and maybe they should be defined as pets, because he doesn't think anyone wants a person to be able to sell eggs in a residential zone. Maybe a permit should be required and a fee. Maybe a decent storage area for the chickens should be required and limit the number of chickens allowed. He thinks that per Agriculture & Markets Law a person has to buy a minimum of six chickens so they could start with that number. People wanting chickens could be required to get a release from their neighbors.

Jim Aiken stated suggested a permit process with a time limit to ensure that the rules and regulations are being followed and if not then the permit could be revoked.

John McAllister asked if they could include something for a person who has a piece of property that is partially in an agricultural zone and partially in a residential zone.

Councilwoman LeClair welcomed suggestions and comments.

A motion was made by Councilwoman LeClair and seconded by Councilman Vittengl to close the workshop at 7:30 p.m.

A workshop was held by the Town Board of the Town of Moreau on September 16, 2014 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York, for the purpose of discussing allowing chickens in residential zones in the Town of Moreau.

Roll call vote resulted as follows:

Councilman Vittengl	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

Workshop adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk