

TOWN OF GREENFIELD
ZONING BOARD OF APPEALS

March 5, 2024

REGULAR MEETING

A regular meeting of the Town of Greenfield Zoning Board of Appeals is called to order by D. Eskoff, Chair, at 7:01 p.m. On roll call the following members are present: D. Eskoff, A. Wine, T. Flynn, S. MacDonald, and B. Etson, alternate. K. Taub is absent. J. Reckner is present. B. Etson has full voting privileges for the entirety of the meeting.

Minutes

February 6, 2024

MOTION: A. Wine

SECOND: T. Flynn

RESOLVED, that the Zoning Board of Appeals waives the reading of, and accept the corrected Minutes

VOTE: Ayes: D. Eskoff, A. Wine, T. Flynn

Noes: Noes

Absent: K. Taub,

Abstain: S. MacDonald and B. Etson

Old Business & Public Hearing

Patrick, D. Case #1068
 TM# 126.-1-31.22

Area Variance
 2 Brookstone Drive

Daniel Patrick is present. D. Eskoff states that Mr. Patrick received a violation for not having enough acreage to have poultry on his property. She states that this project is a Public Hearing and opens the Public Hearing at 7:04 p.m. K. McMahon presents proof of publication. D. Eskoff reads correspondence from C. Joseph, Brookstone Dr., who is not in favor of the Applicant having Guinea Hens, they are extremely noisy. D. Patrick states that when he purchased the property in 2016, he talked to the Town about having poultry. He states that there are Right to Farm signs all over Town. Since he purchased the property, he has cleaned the yard and no permit was needed for the fence that he installed. B. Sharpe, Brookstone Dr., states that when he decided to purchase his property it was his dream home and all of a sudden, he heard a rooster and it was going off all day and it was extremely loud and roosters don't go off all day long. After hearing squawking and screeching he went and investigated he found that the Guinea Hens got loose and were making all the ruckus. When he Googled them the first thing he read was that they are very loud. They start going off between 4:15-5:00 a.m. and it lasts all day. He feels his quality of life is being compromised and that no one would ever purchase his house if he was to put it on the market. A. McKelvey, Brookstone Dr., states that his home is the most effected by sound. He worries about the Guinea Hens, because his dog

gets feisty. He is concerned with his dog going after the Guinea Hens and possibly having a vet bill. He states that if he was to list his house for sale it would not sell, because of the noise from the Guinea Hens. A. Toivonen, Brookstone Dr, states that he agrees with the Right to Farm law and he does not see this as a problem they eat insects. He buys and eats the eggs from the Applicant. J. Ruhmel, Wilton Road, states that he has lived there for 17 years. Guinea Hens are wild birds and they are not included in the Code of animals that are allowed. He states that he is in favor of Right to Farm. Guinea Hens have a loud call especially when they are loose. It is a specific noise and it is frequent. He states that he is adjacent to his property. He states that his quality of life has been affected. He states from June through August 2023, the Guinea Hens were on his property at least four times. He asks that the Zoning Board of Appeals to maintain the Code. G. Vetter, Wilton Road, states that he has had chickens for 24 years, and he only has chickens. He states that if the neighborhood is being impacted then it is a problem and there is no need for it. T. Stablein, Brookstone Drive, states that he appreciates the Right to Farm Law, but the noise is a problem. The neighbor should be trying to control the noise. D. Patrick states Guinea Hens are not exotic and NYS Law has defined them as domestic and that as farmer he is engaged and keeping them for hobby farming. D. Patrick states that a tree fell on the property and the fence broke and the poultry has not been out since. He states there is a need for the rooster so the eggs can be fertilized. A. Wine asks what year did he purchase the home. D. Patrick states 2016. A. Wine asks what is the breakdown of how many chickens he has. D. Patrick states 11 chickens, 2 are roosters, and 6 Guinea Fowl. S. MacDonald asks if they are fenced in during the day. D. Eskoff clarifies with D. Patrick that they fence goes around his yard. A. Wine asks what kind of trees are on the property. D. Patrick states cedar, hemlock, and evergreens. There being no one else present wishing to speak and no further correspondence, D. Eskoff closes the Public Hearing at 7:36 p.m. She states that D. Patrick received a violation in September and in October of 2023. T. Flynn asks about the Code for Personal farming. D. Eskoff states that we pulled the Town Board minutes from 2009 and 2011 regarding these local laws. She states that Article 1 in Chapter 51 states Right to Farm refers to Commercial Farms which does trickle down to the Hobby Farmer section. The little signs that are all over Town that say "Right to Farm" do not necessarily mean a Right to Farm, it is misleading. She explains that there are presently 13 properties listed in an Agriculture District in Town. Mr. Patrick's property is not one of them. Applications for those who want their properties in an Agricultural District apply at the county level through the county board. Those properties that are in an Agricultural District fall under the Right to Farm section which involves private nuisance complaints and Alternate Dispute Resolution. This is also discussed in the Town Board minutes from when the Right to Farm was put into Town Code. Hobby Farmer is not part of the Right to Farm section. She reads the wording of the Code and how many/types of animals for Hobby Farmer. A. Wine asks if this is pre-existing non-conforming for the coop. Maintenance is still required. T. Flynn asks if this is an Area Variance. D. Eskoff explains that at this point this is an Interpretation request in response to the violation. She refers to the Code and reads the sections of the Use and Area Tables that apply for Personal Farm Activities. She states that there is a minimum of 4 acres for Hobby Farm but since there is no sewer he would need six acres. A. Wine agrees. She states that not all farms make money every year. She states that the Town is reviewing this section of the Code. A. Wine states with reviewing the Code 105-42 Guinea Fowl are not allowed by the Town. D. Eskoff states that the Board is here for an Interpretation of the violation only. T. Flynn asks if there are any other animals on the property. D. Patrick states a dog and a cat in the house. T. Flynn asks where in the Code it states that need for income for the farm. D. Eskoff states this would be supplemental income. A. Wine asks if the Roosters protect the 9 hens. D. Patrick states that he has 11 chickens and the Roosters are for protection of the chickens and to produce more chickens. A. Wine states that D. Patrick could potentially have more than 11 chickens at any time. D. Patrick states that he could, he raises poults to sell. A. Wine states that if the Board closes the Public Hearing the

time kicks in and the Board has 62 days to make a determination. A. Wine asks then the Board does not need dimensions. D. Eskoff states no, not to determine Area Variance. T. Flynn reads the Code and the language is very clear that NYS Agriculture and Markets has the determination. D. Eskoff agrees determining Agriculture Districts are not in this Board's purview. The term Right to Farm is very misleading it refers to a level of commercial farming. T. Flynn agrees. D. Eskoff states that the Town also has Special Use Permit requirements for some other levels of farming. B. Etson reads the Code and states that this should not be a public nuisance. D. Eskoff states yes, and there are proper ways to care for animals. T. Flynn states that the Code clearly states the amount of acreage that is required. The Board agrees to table their decision until the next meeting.

MOTION: D. Eskoff
SECOND: T. Flynn

RESOLVED, that the Zoning Board of Appeals hereby tables a decision on the Application of Daniel Patrick for an Interpretation for property located at 2 Brookstone Drive (LDR), TM# 126.-1-31.22, Case #1068, until the ZBA's April 2, 2024 meeting.

VOTE: Ayes: D. Eskoff, A. Wine, T. Flynn, S. MacDonald and B. Etson
Noes: None
Abstain: None
Absent: K. Taub

Correspondence

None

Other Business

None

Meeting adjourned at 8:03 p.m. All members in favor.

Respectfully submitted by,

Kimberley McMahon
ZBA Executive Secretary