

# Cazenovia Zoning Board of Appeals

## Meeting Minutes

January 28, 2013

Members present: Chris Fischer, Chairman; Louis Orbach; Richard Sheridan; David Silverman;  
Gene Smith

Members absent:

Others present: Wendy Reese, Esq.; Roger Cook; Anne Redfern; Graham Egerton; Michael Laux;  
Renee Laux, David Hazer; Penny Hazer

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C. Fischer called the meeting to order at 7:30 p.m.  
The next regularly scheduled meeting is February 25, 2013.

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C. Fischer asked if there were any corrections or comments for the December meeting minutes.

Motion by G. Smith, seconded by R. Sheridan to approve the December meeting minutes as written was carried unanimously.

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*Radelich, Richard – #12-864 – Area Variances – 3300 East Road*

No one was present to represent the application.

C. Fischer told the Board members that Mr. Radelich and his counsel, Jennifer Basic submitted a revised map. He stated they have decided to move the second accessory shed off the property line to the rear of the property. He said it eliminates the need for an area variance for a side yard setback, but they still have the application before the Board for the second accessory use.

C. Fischer said the file will be put on hold for the time being, since no one was present.

C. Fischer went back to discuss this file at 7:55 p.m. He stated the shed is still in the present location. He said if the Board agrees, he would like to adjourn the file. He said considering Mr. Radelich is out of the area, if they approve the second accessory use, a deadline has to be set for the movement from the present location to the appropriate location. He stated he would like the input of the applicant, therefore, he recommends the file be adjourned. He said he will communicate with Mr. Radelich's counsel to see if she wants to come to the February meeting.

Motion by C. Fischer, seconded by G. Smith to adjourn the file until the February meeting was carried unanimously.

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*Laux, Michael & Renee – #12-863 – Area Variance – 5742 Cheeseactory Road*

Michael and Renee Laux were present to represent their application.

C. Fischer said the Laux application is to continue to be able to have chickens and Pygmy goats on their property.

R. Laux submitted the letter she mailed to the neighbors for the file.

C. Fischer added the letters to the file.

R. Laux said the process started in August. She stated they have had the chickens for six years and did not necessarily know they were breaking any rules. She said initially they put in for a use variance. She stated they waited until the law was adopted in December and since they do not have three acres (which is required by the new law); they are asking for an area variance. She shared some of her family's background with the Board and one of the reasons they settled on Cazenovia was because of the rural character and they would be able to teach their children where food comes from. She said having animals has changed the lives of her children. She showed the Board members pictures of the goats and chickens with her children. She stated the Pygmy goats are small and they are pets. She said they got the goats because her child is allergic to dogs and they did research and found out that Pygmy goats are wonderful pets and act like dogs. She stated they also want to be able to keep the chickens and the eggs. She said the animals have taught them a lot about being green.

M. Laux stated they have 1.17 acres. He said they have six chickens and three Pygmy goats. He said six chickens is the minimum that New York State will allow to be purchased and three goats was the minimum that the dealer would allow, since they are a herd animal. He displayed a large aerial photograph of their triangular-shaped property and described the surrounding properties and the various proximities to their property. He stated they do not have many neighbors, but they do have two immediate neighbors, The Galtons and The Hazers, who completely surround their property.

R. Laux said Ms. Galton is a veterinarian and she gives the goats their vaccinations.

M. Laux talked about specifics with the new law. He stated the new law allows for a large livestock unit which is a cow or a bison and lots of small animals but the 3 acres is still needed. He said even though they only have 1.2 acres, they only have approximately ½ of a large livestock unit. He further stated they are not overcrowding the land. He said the law states you can only have a 5,000 sq. ft. fenced in area or 10% of the property and it must be completely in the backyard. He stated they have a 1,700 sq. ft. pen and it is completely in the backyard and can't be seen, unless you go up the driveway. He said there is nothing in the front yard, which is another one of the rules. He said the feed is in a Tupperware® container in the garage. He stated the law says you cannot slaughter animals and their animals are purely pets and not for slaughter. He said they meet every rule, under the new law, except for the three acre requirement. He said the New York State rule and the Town of Cazenovia rule states it cannot interfere

with the use or disturb adjacent property which is why he supplied the aerial photograph. He said all of their other neighbors have animals, except for The Galtons. He said he does have a manure plan; the chicken manure is composted in the garden in the fall and it seeps into the ground all winter long. He said the chicken manure is acidic and his blueberry bushes love acidic soil. He stated the goat manure is pelletized.

C. Fischer said at the January 3, 2013 Town of Cazenovia Planning Board meeting; they voted on a positive recommendation for an area variance.

W. Reese stated it is an area variance to allow for less than three acres.

C. Fischer said the Madison County Planning Department responded in October to the G.M.L. request which said there would be no adverse County-wide or intermunicipal impact resulting from the applicants keeping of six chickens and three dwarf goats.

C. Fischer stated it had been noticed for a public hearing and asked if anyone was present to speak for or against the application.

Penny Hazer, a neighbor of the Lauxs, was present to speak in favor of the application. She stated they support the Laux's request. She said within a ½ mile radius of their property is a variety of animals on "the hill."

David Hazer, a neighbor of the Lauxs, stated he agrees with what his wife said. He said there was a recent article written by Assemblyman William Magee encouraging youth to become part of the "agricultural world." He stated he totally supports what the Lauxs are doing and it would not bother him at all.

Motion by C. Fischer, seconded by G. Smith to close the public hearing was carried unanimously.

R. Cook said the way the law is written; they have complied with all the special requirements, such as, where the animals can be. He said the chickens would have to be in a coop and they were in the yard last time he saw them.

G. Smith said he did not have a problem with the application and it appears to fit in and they would not be bothering anybody.

C. Fischer reviewed the area variance criteria for the Board which states:

- 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 new variance.
- 2) whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- 3) whether the requested variance is substantial.
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 5) whether the alleged difficulty was self-created.

C. Fischer stated he thought everything fit into the criteria of an area variance.

G. Smith and L. Orbach stated they did not have any concerns.

C. Fischer said his only concern is; if they approve it, it will be for six chickens and three Pygmy goats.

Motion by C. Fischer, seconded G. Smith to appoint the Zoning Board of Appeals as Lead Agency for purposes of the State Environmental Quality Review Act (SEQRA), to declare the matter an Unlisted Action and to make a Negative Declaration of environmental significance, all based upon the Board's review of the Short EAF, and to approve the area variance to allow for six chickens and three Pygmy goats on less than three acres of property was carried unanimously.

R. Cook said the applicants do not need to go back to the Planning Board because with the variance it is an "as-right" use and he can issue the permit.

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C. Fischer stated there is training on February 13, 2013 at SUNY Morrisville. It is a 4-hour credit class.

Motion by C. Fischer, seconded by R. Sheridan to adjourn the meeting was carried unanimously at 7:59 p.m.

Zoning Board of Appeals Secretary – Connie Sunderman – January 30, 2013