

**TOWN OF CAMPBELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MINUTES OF
SPECIAL MEETING OF OCTOBER 12, 2015**

PRESENT: Board Members: Chairman Glenn A. Vogel; James L. Miller, Albert L. Johnson II; William E. Galligan; Secretary to the ZBA: Sandra M. Austin.

ABSENT: None. [It is noted that one board seat is currently vacant.]

GUESTS: Cheryl Brewer, Jaren Brewer, Karen DeCamp, Mark Gerow, Dean Lanager, Sheila & Thomas Sparling and Albert Johnson, Sr.

Call to Order.

At 6:05 p.m., Chairman Vogel called the meeting to order at the meeting room of the Campbell Town Hall, 8529 Main Street, Campbell, New York.

Prior Minutes.

The minutes of the prior meeting of October 20, 2014, were approved and accepted by motion of Galligan, seconded by Miller. The motion passed by unanimous vote.

Cheryl Brewer—Appeal #1 of 2015.

Appeal #1 of 2015 is an application from Cheryl Brewer. She is purchasing the property on a land contract from Kelli Jo Folmar. The request is for an area variance to allow the keeping of fowl or farm animals on less than 2 acres where the requirement is more than 2 acres per Article 4 of the Town of Campbell Zoning Law *© 5118 Meads Creek Rd.*

Public hearing notices for this appeal had been sent by the Town Clerk to owners of 13 neighboring properties.

Chairman Vogel declared the public hearing open at 6:07 p.m. with the following persons speaking:

Sheila Sparling—questioned who was the owner, which was explained that Cheryl Brewer is purchasing the property by land contract from Ms. Folmar.

Karen DeCamp---says she is looking at selling her house and says that what's going on is causing properties to de-value.

Cheryl Brewer---explained that she has 3 Nigerian dwarf goats that she keeps in a pen in the back yard; also there are 4 chickens. She says that they are not noisy and there is no smell.

Mark Gerow---says that the goats whine all day long; he couldn't go out to the pool because of the goats screaming. He says the taxes are high already and he has had 10 people looking at the house, which is for sale, and 8 brought up the goats.

Dean Lanager---said he is a neighbor and he doesn't want animals getting loose and running all over his property.

Sheila Sparling---was in agreement with her neighbors.

Cheryl Brewer---said that she won't get any more animals; if she has any more kids that she will sell them. She wasn't aware of the Town's regulations when she purchased the property and she didn't mean any malice.

There was no other public comment and the public hearing was declared closed at 6:23 p.m.

Also noted, is the Planning Board referral by their September 16, 2015 meeting minutes.

FINDINGS:

The Board discussed the evidence received and made the following findings with unanimous agreement:

1. **Change Character of the Neighborhood.** It does not create a detriment to nearby properties; the appearance should not be a problem. The neighborhood is rural and agricultural and there is a trailer across the street.
2. **Other Feasible Methods.** It appears that there are other feasible methods, but no other feasible ways to accomplish applicant's current objectives.
3. **Is the Request Substantial?** The majority of the Board agreed that it is a substantial request.

4. **Effect on Physical or Environmental Conditions.** The Board agreed unanimously on the following: There is nothing to indicate an undesirable effect on the physical or environmental conditions in the neighborhood or district. There appears to be no health or safety issues.
5. **Self-created Issue.** This is relevant to the decision but doesn't necessarily preclude the granting of the variance. The Board said it was self-created.

DECISION:

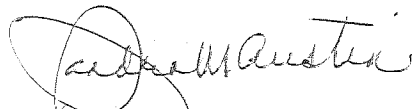
Based on these findings documented in the record, the Zoning Board of Appeals, decides as follows:

A motion was made by Miller, seconded by Galligan, that the Board hereby grants the variance as requested by Cheryl Brewer by Appeal #1 of 2015 for an area variance to allow the keeping of fowl or farm animals that she has existing which are the 3 Nigerian dwarf goats and 4 hens, on less than 2 acres where the requirement is more than 2 acres per Article 4 of the Town of Campbell Zoning Law; and applicant must make every effort to contain them. The motion passed with 3 votes in favor and 1 opposed [Johnson].

Adjournment.

There being no further business before the Board, the meeting was adjourned at 7 p.m., by motion of Galligan, and seconded by Miller.

Respectfully submitted,



Sandra M. Austin, Secretary to
Town of Campbell Zoning Board of Appeals

Dated: October 26, 2015.