

**TOWN OF CAMPBELL ZONING BOARD OF APPEALS
PUBLIC HEARING AND MINUTES OF
SPECIAL MEETING OF JUNE 28, 2016**

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

ABSENT: None.

GUESTS: Alan Barnes, Lisa Beach, Hope Fultz, Laura McAfee and Robert McAfee.

Call to Order.

At 6:00 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 April 6, 2016, were approved and accepted by motion of Baldwin, seconded by Galligan. The motion passed by unanimous vote.

Alan Barnes—Appeal #3 of 2016.

Appeal #3 of 2016 is an application from Alan Barnes; the record owner of the property is Michelle R. Phillips and Mr. Barnes is purchasing the property on a land contract from Ms. Phillips.

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. Applicant has several chickens and some ducks.

Public hearing notices for this appeal had been sent by the Town Clerk to owners of 18 neighboring properties. The public hearing notice was also printed in The Leader, posted on the Town Clerk's signboard and on the Town's website.

Chairman Vogel declared the public hearing open at 6:05 p.m. with the following persons speaking:

Alan Barnes—explained that he has the chickens for the children and they feed and care for them every day. They collect the eggs and sell a few.

Jim Miller asked if the chickens were for eggs, then why the roosters?

This was discussed. Mr. Barnes said he bought a bundle package.

Lisa Beach—asked how long he has had them because she didn't know he had them. Mr. Barnes said three years; he has about 48 birds all together. There are 6 ducks; 9 roosters.

Laura McAfee said that the care of the chicks were not the issue; it is the compliance with the law. If there are other issues with your property how can people grant a variance?

Robert McAfee---the problem is the way you take care of your property; his question was how can you grant a variance for something that has not been in compliance for 3 years. He objects to Mr. Barnes' junk. Also said that he doesn't need roosters to produce eggs. He should be limited and a disposal plan should be submitted.

Hope Fultz—agrees about the roosters; she says they are constantly crowing and she doesn't need to know when it's time to go to bed or get up. She thinks he needs more room.

There was no other public comment and the public hearing was declared closed at 6:30 p.m. Also noted was the letter of Uta-Barbara Goers [appended to the file] who objects to junk on the property.

Also noted, is the Planning Board referral by their May 18, 2016 meeting minutes.

FINDINGS:

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

1. **Change Character of the Neighborhood.** Majority of the Board felt that the chickens themselves do not create a detriment to nearby properties; the appearance should not be a problem. The neighborhood is rural and agricultural. It is not out of character for the neighborhood.
2. **Other Feasible Methods.** It was the agreement that it appears that there are no other feasible methods 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 majority agreed 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. Two members felt otherwise.
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:

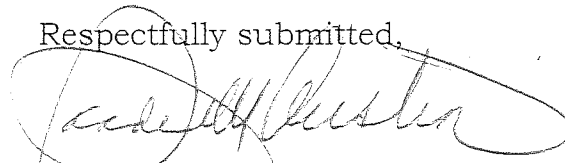
Based on these findings documented in the record, the Zoning Board of Appeals, decides as follows:

A motion was made by Galligan, seconded by Baldwin, that the Board hereby grants the variance as requested by Alan W. Barnes by Appeal #3 of 2016 for an area variance to allow the keeping of fowl or farm animals [no more than 50 birds] on less than 2 acres where the requirement is more than 2 acres per Article 4 of the Town of Campbell Zoning Law. The motion passed with 3 votes in favor [Galligan, Baldwin & Vogel] and 2 opposed [Miller & Johnson]. Mr. Vogel said the birds have been there for 3 years and is now becoming an issue because of the junk.

Adjournment.

There being no further business before the Board, the meeting was adjourned at 6:50 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: July 12, 2016.