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Town of Clifton Park Zoning Board of Appeals
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Zoning Board of Appeals

June 18, 2024

Present: Chairman Michael Dudick, John Klimes, Lisa McCoy, Juliano Febo, Mark Brockbank (alternate)

Absent: Christopher Lemire, Chad Gregory, Scott Styles

Also Present: Scott Reese, Zoning Administrator
Paula Cooper, Secretary
Neil Weiner Esq., Attorney

The meeting was called to order at 7:00 p.m.

All stood for the Pledge of Allegiance. Roll call was taken.

Mr. Dudick told the applicant that per Town Code that the applicant would need 4 out of 7 of the Board members to vote in favor of the application to pass. He let the applicant know that there are 5 voting members of the Board here tonight, so that 4 of 5 members need to vote in favor tonight to grant the variances. He asked the applicant if they would like to come back at a later date or if they would like to proceed knowing the Board tonight needs to vote in favor of the application with at least 4 votes.

The applicant stated they would like to continue tonight knowing 4 of 5 votes need to be in favor of the application tonight.

Old Business:

None

New Business:

An application from Irene Cullagh requests and area variance from Town Cod Chapter 208-10 B. (1)(a){1} the keeping of livestock, poultry, such as hogs, cows, horses, goats or chickens, with a lot minimum of five acres. Existing lot size 0.50 acres. Variance requested 4.50 acres. The property is located at 17 Oakwood Blvd, Clifton Park, NY.

Applicant:

Ms. Irene Cullagh stated they are here tonight because they want to have goats for pets along with the dogs and cats that they currently have. Ms. Cullagh showed pictures of the goat to the Board and stated they would be in areas designated to them and showed photos as well. She stated they have all been seen by a vet and the males will be castrated in the following weeks. Ms. Cullagh stated the goats will be kept in the home like the other animals. She stated they took the goats home already due to the conditions of where they were living and they had concerns for them. She stated she has letters from neighbors supporting them keeping the goats as pets and they will keep up with the grooming and they will be followed by a veterinarian.

Ms. Rita Heffern stated she also lives in the home with her son. She stated these are dwarf goats and would be between 30-40 pounds and would be 75% living in the home as a domesticated pet. She stated these would not be farm animals and her son is 11 and he helps care for them as well.

Public:

No public comment tonight. Mr. Dudick stated he would like to keep the public hearing open until the next hearing of the application.

Board:

Mr. Dudick asked how many goats the applicant was planning to have. Ms. Cullagh stated they were planning on 2 and they have 3 due to conditions of the breeder.

Mr. Brockbank asked the genders of the animals. Ms. Cullagh stated there are 1 female and two males. Mr. Brockbank asked what the square footage of the rear yard was. Ms. Heffern stated she is unsure but they just put in a 200' fence. Mr. Brockbank asked how many sq. ft. the animals need. Ms. Cullagh stated they are not big so they do not need too much space, she stated the goats' will roam in one area of the yard while the dogs are in another until they get acclimated with each other. Ms. Cullagh stated that both of the owners are familiar with farm animals. Mr. Brockbank asked if the goats would help with the lawn. Ms. Cullagh stated the goats eat large weeds not grass. Mr. Brockbank asked if the Board could limit the specific number of goats that

could be kept on the property. Mr. Weiner stated they might with conditions, and he could look into this.

Mr. Reese stated the lot is documented at 0.50 acres and the rear fenced in area is about 7,500 sf. Ms. McCoy stated then $\frac{3}{4}$ of the property is fenced.

Ms. McCoy stated the variance runs with the land and not the owners so the next owner could get a cow if this is not looked at properly. Mr. Weiner stated this could happen depending on the wording of the variance and he would need to look into a sunset clause.

Ms. McCoy stated she had read the goats could get from 40-75 pounds. Ms. Cullagh stated the parents of these are small so they should be as well and their horns have been polled so they have none.

Ms. Cullagh stated that these are not therapy animals, but her son has Bell's Palsy and this has helped calm him. She stated that they have heat and air conditioning in the garage for them as that is where they are staying now.

Ms. McCoy stated that they have seen applications for chickens in the past and this falls under the same code and provisions. Mr. Reese stated they are a non-domesticated animal so they are under this portion of the code. Ms. Cullagh stated that the dogs spend as much time indoors and out as the goats and with talking with Mr. Reese they feel confident.

Mr. Brockbank asked if the goats make noises louder than the dogs. Ms. Heffern stated they are quieter than the dogs and neighbors don't hear them.

Mr. Febo stated that he can take into consideration that they are 75% indoors but if the homeowners want to build a shed and take back their garage there is nothing the Board can do if they approve this. He stated that he would like to see something conditioning them to the garage. Mr. Weiner stated that the conditions are to be something they can police and this does not seem feasible. Mr. Reese stated they could condition to the specific animal such as their breed, Nigerian dwarf goats.

Mr. Febo stated that it might be worth looking into them becoming support goats for the child. Mr. Weiner stated these are herd animals. Mr. Weiner asked what the applicant would do if the application is denied. Ms. Cullagh stated that they would possibly move.

Mr. Dudick stated that Code is generally set up as a minimum and they need to look at the actual space that is available to the animals and need to find a balance between the law and the protection of the neighbors. Ms. Cullagh stated they have no manure smell and have small poop like rabbits. She stated they drink water and eat hay. Ms. Heffern stated that they have great neighbors and could probably get more to support them. Ms. Cullagh stated they keep up with the dogs now and the goats have a swimming pool with shavings that they change regularly.

Mr. Reese stated that the number of animals per acre is not specified except for horses, and this is like a proposal for pigmy pigs, farm animals are becoming more popular as pets and the Town does not have codes to address this. He stated homework can be done on sunset provisions and domestication of livestock. Mr. Reese stated that this is a Type II action according to SEQRA,

the Saratoga County Planning Board waived the review of the application, and the neighbors have been notified but he has not heard from them.

Mr. Febo asked if the animals would survive outdoors if there was no shelter available. Ms. Heffern stated that they could.

Mr. Weiner stated that they could condition that the applicant could not replace any goats they have with future ones but he would have to look into it more.

Mr. Klimes stated he agrees with Mr. Weiner and asked if they could condition the animals be licensed with the Town like other pet as he is not sure how it works. Mr. Reese stated that he had a conversation with Animal Control and they may need to question them more on this.

Mr. Febo stated he understands the concerns but he questions conditions and then trying to police the restrictions placed. Mr. Reese stated Town Code has a noise ordinance as well and dogs barking are a part of this.

Mr. Brockbank asked the applicant if they would be ok limiting the goats to 3.

Ms. McCoy asked if they have ever approved something like this before. Mr. Dudick stated they did many years ago, about 15 and there was 2.5 acres of land that bordered Town land and the area was less developed than this application. He stated this was for goats and sheep.

Mr. Febo asked if there is case law history on this. Mr. Weiner stated he can look to see what can be found. Ms. Cullagh stated she appreciates the Board looking to work with them. Mr. Febo asked if Mr. Reese was comfortable with the goats being at the home while they look into the application more. Mr. Reese stated that he did not know they were in the home already but he is fine with the suggestion of them keep them until a decision on the application is made. Mr. Febo stated he is empathetic but code and history need to be looked at before making a decision.

Mr. Dudick stated that the internet stated the goats could get up to 70 pounds but there are dogs larger than this. Ms. Cullagh stated she is fine with tabling the application tonight but the 62 days needs to be followed and she has concerns with this.

Mr. Reese stated if there is consent between the Board and the applicant, the application can go beyond the 62 days. Mr. Dudick stated that the goats are there already and they are asking for 3 months to extend. Ms. Heffern stated that they saw the baby goats in the conditions they were in and could not leave them there. She stated they were not supposed to bring them home until after this meeting but due to the conditions she could not leave them and took an extra as to not have them kept where they were.

Ms. Heffern stated that some dates don't work due to vacations and their marriage. Mr. Febo asked if the applicants could attend virtually. Mr. Reese stated that there is no rule for or against this so he does not see a problem. Mr. Dudick stated he has no concerns with this either. Ms. Cullagh and the Board agreed that the application would be tabled until the August 20, 2024 meeting and they would attend virtually.

Ms. Heffern stated they can provide vet records for the next meeting as well.

The chairman made a motion to approve the minutes from the June 4, 2024 meeting. All who were present at the June 4, 2024 meeting voted in favor and the meeting minutes were approved.

Mr. Dudick, Chairman, made a motion to adjourn the meeting, Ms. McCoy second, all voted in favor and approval was unanimous. The meeting was adjourned at 7:57 p.m.

The next scheduled ZBA meeting will be held on July 16, 2024.

Respectfully submitted,

Paula Cooper

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Secretary, Zoning Board of Appeals