

**TOWN OF LYSANDER
PLANNING BOARD
8220 LOOP ROAD
BALDWINSVILLE, NY 13027**

October 17, 2024

Kevin Rode, Supervisor
Town of Lysander
8220 Loop Road
Baldwinsville, NY 13027

Re: Recommendation—Amendment to Farm Animal Law
Chapter 320, Article XX, Section 320-51.1

Dear Kevin:

Per the request of the Town Board, the Planning Board at their meeting of October 10, 2024, made the following recommendation to the Town Board regarding an Amendment to the Farm Animal Law:

FINDINGS:

The current Law was enacted to ensure that no farm animals could be kept or harbored on land zoned R-10, R-12.5 or R-20. No exceptions were intended to be allowed. The Amended Law, if adopted, would not only create an exception to the Law's intent, but would also establish a precedent for potential future exceptions.

As written, the Amended Law provides the Town with no process to identify people who might acquire chickens or when they acquired them nor if in fact they are removed by the thirty (30) day limit. As a result, the proposed Amended Law cannot be monitored or enforced.

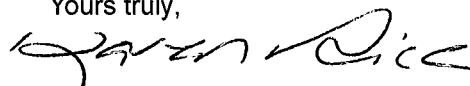
RESOLUTION #3 -- Motion by Corey, Second by Kimball

RESOLVED, that at the request of the Town Board, and having considered the proposed Local Law that would amend Section 320-51.1 Farm Animals in order to allow, as defined by 320.51.1(b) of the proposed Amended Law, the keeping of chickens in high density (R-10, R-12.5 and R-20) Residential Zones, the Planning Board hereby recommends that the Town Board should **NOT ALLOW** the adoption of the proposed Amended Law.

4 Ayes -- 0 Noes

I have attached a copy of the discussion in its entirety that took place at the meeting. Please let me know if you need anything further.

Yours truly,



Karen Rice, Clerk
Planning Board

cc: Dina Falcone, Town Clerk
Town Board Members
David Herkola, Town Attorney
Al Yager, Town Engineer

Planning Board Meeting: October 10, 2024

II. OTHER BUSINESS

1. Recommendation to the Town Board:
Amendment of Section 320.51.1. "Farm Animal Law"

John Corey, Chairman, stated that the Town Board has asked the Planning Board for a recommendation regarding an amended law that would replace the current Farm Animal Law, Section 320-51.1. You all received copies of the current Law, plus the proposed Law, I believe, and at this time I would like to get whatever comments, concerns or questions you may have with regard to us putting together a recommendation.

Doug Beachel stated that he doesn't see the need for this Law. I don't know how you would manage it. I don't know what the public outcry is to do this. I don't have that background.

Mr. Corey stated that he is also unaware of the public desire for this.

Hugh Kimball stated that he doesn't want to adopt the Amendment or approve the Board's doing it; obviously they can do it even if we say no, but I want to say No. I would add a couple of things: The Amendment would not preclude residents from doing this on their own even if there was not a company involved doing it and in fact if it became Law and the company went out of business or did not live up to their agreements resident's would wind up having to come up with ways to get rid of the chickens...I think also there are flaws in the proposed Amendment. There is no limit to the number of chickens there that could be put into a house. The proposal is written to say that the chickens must be kept on the property; in my property opinion they should be kept indoors so they don't get loose; and the title of the Amendment is misleading because it has rooster in the title and rooster's do not become sexually mature until at least 16 weeks, so 30 days is much less than that so there's nothing but chickens at that point. So, I think the word rooster should be taken out even if they do pass the Law. I also have concerns about the possible transmission of Bird Flu and other diseases between the chickens, possibly wild birds and humans. To me it just seems like, 'why do you want to do this'? I think Jack, from what you wrote, potential future exceptions raises a valid concern about ducks, rabbits and who knows what else. It's a slippery slope once you start making exceptions in a very simple law.

Mr. Corey...I take it you are not in favor of it.

Mr. Kimball...I am not in favor of it.

Steve Darcangelo stated that he's not in favor...I did miss one thing, I read the regulation and then it referred to something else and the definition of Farm Animals and I didn't read that regulation, somewhere Farm Animals are defined? Why do we need a Law that says you can't have farm animals, which defines chickens, and another Law specifically for chickens.

Mr. Kimball stated that this would change the Law, it's an amendment to the existing Law...

Mr. Darcangelo...allowing just for these young ones, but for a period of time.

Karen Rice, Clerk, provided a copy of the definition:

FARM ANIMALS

Includes all farm animals (horses, mules, donkeys, sheep, goats, pigs, cattle, livestock, geese, fowl and poultry, etc.) and wild or dangerous animals.

[Added 8-2-2018 by L.L. No. 5-2018]

Mr. Darcangelo stated that the idea is you couldn't have a group of young chickens for a period of time in your home if you are in one of these Districts, regardless of what the intent is, even if the intent is for educational purposes. This Law doesn't allow you to and they're trying to write something that would allow you to. It wasn't clear to me, so I would say no. I'm in the same attitude/camp as everyone else.

Mr. Kimball stated that we're unanimous.

Mr. Corey added that basically without getting into too much detail, this was an idea that was borne out of a situation that occurred in a household in Lysander where grandparents bought this service and inadvertently put an individual in a situation where he was in violation of the Law and that is what sort of spawned the idea and it's sort of been built around this idea that this is a good thing to do because it provides an opportunity for children to learn about the process of the chicken eggs hatching, etc... The original Law, the one that is in the books now, was written with the very clear and direct intent to prohibit any form of farm animals from being housed or hoarded in high density/residential zoned areas. No exceptions to it. It was very clear when it was passed. I share the concerns of my three colleagues. I think it's a precedence that has the potential of really creating some issues. Once you make an exception to a Law you basically have said 'I am willing to consider other exceptions, there can be other exceptions' and in this case you don't want to go down that road.

Mr. Darcangelo...no, because then there will be other animals. 4H is designed around the idea that raising animals is educational.

Mr. Corey concurred stating that children can get that same education from 4H without having to raise chickens.

Mr. Darcangelo...someone else can come back and say it's educational to raise a cow as well.

Goats for Yoga, etc...

Mr. Corey stated that it sets a precedent that I think personally can open up Pandora's Box down the road. I am adamantly against it. I agree with the comments my colleagues made and in the notes that I drafted I pointed out the fact that the way the Law is written it basically has no way of being monitored and therefore it has no way of being enforced. It might as well not be in the books. The intent is to keep farm animals out of the high-density residential areas and I am very strong in my opposition to the adoption of this proposed amended Law. I have prepared some notes which you all received a copy of. Karen was kind enough to have been put in resolution form for the Board to vote For or Against. I will say this, when I wrote this I recognized a couple things that Hugh said, that didn't spell out that they have to be indoors...that's a matter of how to correct the Law but still pass it. I am trying to focus on this...on things that say this shouldn't be a Law no matter how it is written, so that is why I didn't write that in there.

FINDINGS:

The current Law was enacted to ensure that no farm animals could be kept or harbored on land zoned R-10, R-12.5 or R-20. No exceptions were intended to be allowed. The Amended Law, if adopted, would not only create an exception to the Law's intent, but would also establish a precedent for potential future exceptions.

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4 Ayes -- 0 Noes

The Lysander Planning Board does not recommend the approval of an amendment to the Farm Animal Local Law.