

Testimony of a Public Hearing of the Town of Union Planning Board held relative to a Special Permit application submitted by Bob Kashou for animal husbandry at 130 Dimmock Hill Road (Tax map # 110.04-1-37.2), via Zoom Video Conference, held November 10, 2020, at 7:07 p.m.

PRESENT:

Members present: L. Miller  
S. McLain  
S. Forster  
M. Jaros  
D. Kudgus  
S. Yalamanchili (Alternate)

Others present: Marina Lane  
Sarah Zubalsky-Peer  
Alan Pope  
Bill Walsh  
Alex Urda  
Al Vos  
Mark Wanchisen  
Students

MS. MILLER: We will open the Public Hearing, and I will read the public notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by Bob Kashou for a Special Use Permit for animal husbandry at 130 Dimmock Hill Road (tax map number 110.04-1-37.2). The intention is to have 10 or fewer female chickens within an enclosed pen and coop.

The application is available for review from the Planning Department by calling (607) 786-2926. Persons wishing to participate in the public hearing may do so via Zoom or telephone, or communications in writing regarding said application may be filed with the Planning Board prior to said hearing. In the event that the Town Hall is fully open and able to accommodate all members of the public as of November 10, 2020, the Town reserves the right to discontinue the use of Zoom for said meeting. The Public is hereby advised to check the Town of Union website for updates regarding this change prior to any scheduled meeting. Sara Zubalsky-Peer, Planning Director.

MS. LANE: So the Public Hearing is open now?

MS. MILLER: Yes.

MS. LANE: Mr. Kashou contacted me to today because he wasn't sure that he

would be able to make the meeting. He asked me if I could think of any questions that the Planning Board members might have. So I told him that I would just reiterate about the storage of chicken manure, that there are now only eight chickens and there is very minimal manure. The Code Enforcement Office said that they have not received any complaints about the chickens getting out of the pen. Mr. Kashou also told me that the coop itself, within the enclosure, has a double chamber. The interior chamber is insulated with fiberglass, and the outer chamber is also insulated but I don't know what it is insulated with. Mr. Kashou grew up with chickens and he likes chickens. He locks them in at night. I don't know how many people are familiar with the Legends at Dimmock Hill; it was a golf driving range and he got approval to put in a miniature golf course; and the chickens are within that enclosure.

MS. MILLER: Does anyone have any questions or comments?

MS. MCLAIN: I wonder about the chickens. Who is living nearby? Who is taking care of the chickens? Usually there is a farmhouse or house and then there is a chicken coop, but when I drove out there, I saw that the chicken coop is all by itself.

MR. KUDGUS: I thought the same thing.

MS. MCLAIN: Who is going to look after them to make sure that the fox doesn't get into the henhouse? Who can save them from whatever other problems might arise? It looks like they will be all alone in the house.

MS. LANE: So, they are across the road, kitty corner, from the Dome itself.

MR. KUDGUS: My thought was how much noise these chickens give off.

MS. LANE: Well, number one, this is rural residential zoning; it is the zoning district that replaced agricultural. So, noise from eight chickens is really minimal. I grew up with twenty or more chickens at my house, my daughter has four chickens, and Sara has chickens.

MR. KUDGUS: I am not familiar with live chickens.

MS. ZUBALSKY-PEER: Can you hear me Marina?

MS. LANE: Yes, now we can.

MS. ZUBALSKY-PEER: I'll just chime in and say that we have eleven chickens at my house. I don't know what breed his chickens are or anything, but you don't even know that they are here and they don't make any noise whatsoever. So I wouldn't be too concerned about noise.

MS. LANE: People complain sometime about roosters, but Mr. Kashou has no roosters. They are all hens and Mr. Kashou does not want roosters. Again, we had roosters, so they might give a little call here and there, but they are not a super loud animal. I mean this is the place to have them. He has had them for a while because he didn't apply first; he had no clue that he would have to apply. Who in a farmland thinks you have to apply to have a few chickens?

MR. KUDGUS: Yes, I would not think so.

MS. ZUBALSKY-PEER: Marina, correct me if I'm wrong, but I think that Dee confirmed that they never had any complaints from the neighbors.

MS. LANE: That is correct.

MR. JAROS: Didn't we not too long ago give a woman a variance that had three or five chickens off Watson Boulevard?

MS. LANE: No. She applied to have six chickens in an Urban Single Family zoning district, and she had to apply for a use variance. Her argument was that they were her support chickens, but on the other hand she traveled to Europe and did not have a need to bring those chickens with her. Therefore, the ZBA denied the use variance.

MR. JAROS: Okay.

MS. MILLER: And there were complaints from the neighbors.

MS. LANE: So this is the zoning district to allow chickens. It is just that they require a special permit. The main reason we have a special permit is that we want to make sure that they are property cared for. So Sue, when you went up there, did anything look unclean?

MS. MCLAIN: Well I just drove into the little turnaround by the building. I didn't see anything, so I thought, well maybe they haven't put any chickens in there yet. I didn't hear anything, but then again I was in the car. However, I looked at the houses and they seemed fairly far away. I've never know chickens that didn't have a house connected with them somehow, some owner or somebody looking after them.

MS. LANE: A fox is not going to get into that pen. The worse thing that could get them, and they could be caught the same way, for instance like Sara's house, is a hawk. A bird of prey could fly into there but they could do that anywhere. But a bird of prey is not going to do a mass killing. With my daughter's chickens, they lost one to a fox. It snuck into their enclosure, they don't know how, but they found the feathers and all. Sometimes they are going to be killed and the whole idea is to have chickens that are free range, outside versus boxed up in a little twelve-inch by twelve-inch crate where they can't move. Chickens have been running around for longer than we have. So I think that as long as it didn't look unsightly, that as long as it was not too tiny of a space for them...

MS. MCLAIN: I am no judge of how much space a chicken needs, even though I lived in the country.

MS. LANE: I had measured it. I measured the distance to the houses and that was plenty. I don't have the actual dimensions here with me unfortunately, but you can see that the enclosure that they are in takes up about the same amount of space or larger than either the former Legends building, the house across the street, or the house at Burlingames'. The pen is quite large and there is dirt so the chickens can dig around.

MS. MCLAIN: Does someone feed them every day?

MS. LANE: I am sure. I don't think that Bob has those chickens to abuse them. He wants their eggs and he got them because he grew up with chickens. He locks them in every night and lets them out every morning.

MS. MCLAIN: So they are tended.

MS. LANE: Yes.

MR. FORSTER: It's like walking the dog.

MS. LANE: Did anyone in the audience have questions about the chickens' special permit?

MR. JAROS: I drove up there and I didn't see chickens either. I don't know where they were but I didn't see anything. I thought the space was adequate. At the time, I thought he was having ten chickens.

MS. LANE: He got rid of the two roosters.

MR. FORSTER: One comment on the noise though; the job that I am at in Oneonta, one of the neighbors has chickens and the only way that you knew they had them was because you see them. It's a residential neighborhood lot, and in the back part of it there is a shed or something and you see a couple of chickens here or there and you never hear anything.

MS. MILLER: Good. So if nobody has any questions we will close the public hearing.

Public Hearing concluded: 7:16 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

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CAROL M. KRAWCZYK