

**Regular meeting of the Planning Board, Village of Lyndonville was held on Monday, August 19, 2024 at the Village Hall. Meeting. The meeting opened at 4:00 PM**

PRESENT: Planning Board Chairman: Steven Vann  
Planning Board Members: Terry Chaffee - Absent  
Justin Edwards  
Patricia Gawne  
Virginia Hughes - Absent

Clerk-Treasurer/Planning/Zoning Clerk: Teri Woodworth

Code Enforcement Officer: David Reese - Absent  
Public: Katie Hardner, Dan Gardner, Tom Rivers

**PRIVLIAGE OF THE FLOOR:**

- Nothing

**OLD BUSINESS:**

- Local Law No. 1 of the year 2003 – Article VI Regulations Applicable to All Districts – Section 618 Harboring Animals – Planning Board Chairman Vann presented the Board with a draft to amend Local Law 1 of 2003 with as follows:

**Exceptions for chicken hens.**

It shall be lawful for any person to keep, permit or allow any domesticated chicken hens in any residential district under the following terms and conditions and after having received a license to keep said chicken hens from the Code Enforcement Officer as prescribed herein under the following terms and conditions:

- A. No more than six chicken hens shall be allowed for each single-family dwelling.
- B. No chicken hens shall be allowed in multifamily complexes, including duplexes.
- C. No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.
- D. No roosters shall be allowed.
- E. Chicken hens are to be restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
- F. Persons wishing to keep chicken hens within the Village of Lyndonville must obtain a license from the Code Enforcement Officer after payment of a one-time an annual fee of \$25, and along with pictures of the coop and cage that chicken hens are to be kept in. Renewal every 3 years with no fee, submission of application, and majority from the neighbors only if there are new neighbors.

**§ 341-11.2. Chicken license application contents.**

The application for such license shall include the following information:

- A. The name, phone number and property address of the applicant;
- B. The location of the subject property;
- C. The size of the subject property;
- D. The number of chicken hens the applicant seeks to keep on the property;
- E. A description of any coops or cages that will house the chicken hens, together with a description of any fencing, barriers or enclosures surrounding the curtilage of the property;
- F. A scaled drawing showing the precise location of cages, coops, enclosures, fences and barriers in relation to property lines and to structures on adjacent properties;
- G. A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of rodents and insects;
- H. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of chicken hens as described in the license application;
- I. Pictures of the cage pictures of the coop and cage
- J. A signed statement from the majority any residents residing on a property adjacent to the applicant's property consenting to the applicant's keeping of chicken hens on the premises;
- K. The addresses of all properties within a fifty-foot radius of the subject property.

**§ 341-11.3. Chicken coop setbacks and limitations.**

- A. Setbacks.
  1. The coops or cages housing such chicken hens must be situated at least 30 feet from any door or window of a dwelling, school, church or other occupied structure other than the applicant's dwelling.
  2. The coops or cages housing such chicken hens may not be located in front or side street yard areas and shall not be located within five feet of a side yard lot line nor within 18 inches of a rear yard lot line, except where the rear lot line forms the side lot or front lot line of an abutting property, in which case the setback from such rear lot line shall be five feet. No chicken hens shall be kept in front yard or side street yard areas.
- B. Enclosures/coops and cages.
  1. The chicken hens shall be kept within both a coop and a fenced outdoor enclosure.
  2. The chicken hens must be kept in the coop and fenced outdoor enclosure at all times and shall not be allowed to run free in the fenced outdoor enclosure unless a responsible individual, over 18 years of age, is directly monitoring said activity and is able to immediately respond should said chickens need to be returned to their individual cages.
  3. The chicken coop shall be a covered, predator resistant, well-ventilated structure providing a minimum of two square feet per chicken hen.
  4. The outdoor enclosure shall be adequately fenced to contain the chicken hens and to protect the chicken hens from predators.
  5. The coop must be kept in a clean, dry and sanitary condition at all times.
  6. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
  7. The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to five six chicken hens. Coops and cages, singly or in combination, shall not exceed seven feet in height.

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8. The chicken feed or other food used to feed the chicken hens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately re-fastened thereafter.
9. The chicken hens shall be fed only from an approved trough. Scattering of food on the ground is prohibited.
- C. Sanitation and nuisances.
  1. Chicken hens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and Orleans County sanitary codes.
  2. Chicken hens shall not be kept in a manner that is injurious or unhealthful to any animals being kept on the property.
- D. Slaughtering. There shall be no outdoor slaughtering of chicken hens.

**§ 341-11.4. Review, expiration and renewal of chicken license.**

- A. Initial review.
  1. Upon receipt of a chicken license application and the requisite license fee, the Village Clerk shall immediately notify the Code Enforcement Officer of said application, including the number of chicken hens sought to be licensed and the location of the proposed chicken coop or cages.
  2. If the Village Clerk receives written comments evidencing opposition to the proposed chicken coop and cage within 20 days of receipt of the application, he or she shall file with the Common Council the complete chicken license application and all comments received regarding the application for its consideration thereof.

The Board discussed the proposed draft ordinance. Chairman Vann summarized the setbacks and the fee. Village Resident Katie Hardner inquired if this has to be reapplied for every year. The Board discussed renewing every three years at \$25.00. Planning Board Member Edwards inquired if this would be up to Code Enforcement to enforce. Village of Medina Code Enforcement Dan Gardner noted there will have to be some sort of enforcement as they have to be held to the ordinance. The Board noted this is just a recommendation back to the Village Board. Planning Board Member Edwards recommended it be one time and done on the application. Chairman Vann recommended waiving the fee after the initial application fee paid and would require getting neighbors permission. Village Resident Hardner noted she doesn't like the neighbors' approval. Planning Board Member Edwards noted either neighbor permission or 20 days to receive complaints. Chairman Vann noted if you're removing neighbors' approval then have to make it 60 days for a complaint to come in. The Board discussed reasoning on neighbors "no". Village of Medina Code Enforcement Gardner noted there should be verbiage on if violate then there should be a fee and license revoked. The Board discussed the enforcement concerns. Planning Board Member Edwards noted the answer can't be Code Enforcement isn't here enough hours. Village Resident Hardner inquired how many families do you think are actually going to get chickens. Chairman Vann recommended that it's a majority of the neighbors approval. Village Resident Hardner recommended the Village sends letter to all the neighbors asking them if they are ok with chickens. Village of Medina Code Enforcement Gardner noted the Village will notify the residents when the public hearing is happening. Village Resident Hardner inquired why 50' radius of neighbors. The Board discussed the current fines and fees. Tom Rivers asked for clarification if in 3 years would only new neighbors vote count. Tom Rivers inquired if both the husband and wife would have a vote. Chairman Vann noted the property owners would have a vote. Village Resident Hardner asked if can't meet setbacks then can they get neighbors permission. Village Resident Hardner noted 32 square feet is a little small for 6 chickens. Village Resident Hardner noted standard is 4 square feet per bird. Planning Board Member Edwards expressed concerns on the neighbor's permission part. Village of Medina Code Enforcement Gardner noted the neighbor thing could be an issue. Tom Rivers inquired why neighbors' permission would be needed if it's for something that's is allowed. Village of Medina Code Enforcement Gardner agreed. Village Resident Hardner noted the current law is outdated and needs to change. Village Resident Hardner noted she doesn't agree with having to get neighbors permission for something she wants to do on her own property. Chairman Vann noted you should be able to do whatever you want on our own property.

**PLANNING BOARD - RESOLUTION 2024-2**  
**RECOMMENDATION – LOCAL LAW NO. 1 OF THE YEAR 2003**

**ON MOTION** of Planning Board Member Gawne, seconded by Planning Board Member Gawne, to send the proposed recommendation to the Village Attorney for review and to the Village Board for consideration as presented.

Vote: 2 Ayes (Gawne, Vann); 1 Nays ( Edwards); 0 Abstain

**NEW BUSINESS:**

- Nothing
- Clerk-Treasurer Woodworth recommended the Planning Board do a resolution to change the regular meeting day from the 3<sup>rd</sup> Wednesday of the month to the 3<sup>rd</sup> Monday.

**PLANNING BOARD - RESOLUTION 2024-3**  
**REGULAR MEETING DAY**

**ON MOTION** of Planning Board Member Vann, seconded by Planning Board Member Edwards, to change the regular meeting day from the 3<sup>rd</sup> Wednesday of the month to the 3<sup>rd</sup> Monday of the month.

Vote: 3 Ayes (Edward, Gawne, Vann); 0 Nays; 0 Abstain

**ON MOTION** of Planning Board Member Vann, seconded by Planning Board Member Gawne, to adjourn the meeting at 4:52PM.

Vote: 3 Ayes (Edwards, Gawne, Vann); 0 Nays; 0 Abstain

*Teri M. Woodworth*  
Clerk-Treasurer, Planning/Zoning Clerk