**Present:** Scott VanAken, Steve Buerman, John Boeckmann, Lee Sanders, Julie Vanderwall, Jefferey Flower, Board members. Stuart Gwilt, Chairman, Steve DeHond Code Enforcement Officer.

**Absent:** Julie Vanderwall and Nichole Ruggles

**Also, present:** Sue Durand, Nancy Moore, David Race, Jim Moore, Steven and Donna Myers, Christine Pullin, Kenny Pullin, Tom Bagshaw, Jeff DeCook, Amy DeVito, Wayne and Cindy Poole, Jim Tears, Sharon and Scott Karge, Georgia and Vern Cooper, Jacqueline and Gordon MacCammon.

**Application # 4631-22**: Submitted by Edwin Resendiz who is requesting special use permit for 4 cattle, 2 Pigs and 2 goats and chickens on property located at 70 Stevens Street, tax map no 33.00-2-51.000 in an R-1 district pursuant to Chapter 325 section 325-51.

Stuart Gwilt, Chairman reviewed the public hearing notice along with the residents who were provided with notices.

At this time the applicant not present at the start of the meeting.

**Application #4632-22**: Submitted by Amie DeVito who is requesting to subdivide property into 2 lots, creating tow flag lots on property located 448 Field Street, tax map no. 12.00-1-55 in an A-1 district pursuant to Chapter 325 Section Chapter 275- Subdivision.

Stuart Gwilt, Chairman reviewed the public hearing notice along with the 16 residents who were notified.

Amy DeVito presented the plan at this time. The driveway is already in place and goes back to the barn in the back of the property.

Stuart Gwilt, Chaiman. I went by the place to look, she needs a variance because they are not permitted, right?

Scott VanAken, Board Member. What was the result of going back to the ZBA in 2020? Did you go back?

Amy DeVito, no because I spoke with Steve, and we discussed the meeting minutes from 2020. At that time, I requested 3 lots but would consider 2 lots if we brought it back to the planning board. So that’s why I’m here to reduce from 3 lots to 2 lots.

Stuart Guilt, Chaiman, if you’re dividing and you sell, you will now have a driveway, and no one is left to maintain. We have had issues in the past. It’s something to consider. Some people don’t like that idea.

Steve Buerman, Board Member. What’s the width of the driveway?

Amy DeVito, 33’

Steve Buerman, Board Member had discussions on the property. How much land acreage all together?

Amy DeVito, 31’ altogether

Jacqueline MacCammon, this is about the 5th time we have been here as the previous owner attempted this. Our concerns are when we purchased our home it was a piece of property that included ours and Amy’s property. We have 7.3 acers or something like that and Amy has the rest 35 or 40 acres. When we closed, we found out about the driveway in the back. It was deeded to us and filed in Ontario County. My concerns are there is a slight curve and its close to our well. I don’t believe its 33 feet away from it. It’s a huge concern. It’s been hit before.

Steve Buerman, Board Member. Review of the drawings with the board, applicant, and resident for location of the well. It looks like it’s in the center.

Amy DeVito, we haven’t had any issues where its located. We have been here about 6 years. We mow around it and keep it neat. Is it your only source of water?

Jacueline MacCammon, it doesn’t matter, its on our deed. It should also be on your deed as you were sent a letter in 2016 because the other neighbor wanted us to give that up and we said no.

Amy DeVito, so you have city water and don’t need the other source because you don’t have horses anymore.

Jacqueline MacCammon, Correct.

Georgia Cooper, how many times has this been rejected and still brought up? We Have to keep bringing this up. You can’t put a road on top of the water line, right?

Steve Buerman, Board Member. I don’t think so. At this time Steve read 325-19 subdivision code #6 and #7. These two will make it more challenging for what you want to do.

John Boeckmann, Board Member. How deep is the well?

Jacqueline MacCammon, about 80 feel I believe.

At this time the board had discussion on the Town of Manchester Code.

Amy DeVito, When I spoke with the previous owner, he mentioned he came here but never finalized anything.

Scott VanAken, Board Member. At that time the plan was different.

Steve Buerman, Board Member. This would have to go to the ZBA, nothing we can do I believe.

Amy DeVito, Can I have a copy?

Steve Buerman provided his along with information to look online.

Amy DeVito, ok thank you.

More conversation around the ZBA and how far in is the turnaround needed.

Steve Buerman, Board Member. The process would be the same as last time for the ZBA to review.

Amy DeVito, I was told I dint need to go back to the ZBA that I could just go to the planning board based on the last meeting if I reduced to the 2 lots. That was stated in the meeting minutes.

Lee Sanders, Board Member. It may make it easier for a decision, but we still don’t have the authority to rule on it. It has to go to the ZBA.

More discussion on the Zoning laws between Amy and the Board members.

The discission was made by all board members to send to the ZBA.

**Application # 4631-22**: Submitted by Edwin Resendiz who is requesting special use permit for 4 cattle, 2 Pigs and 2 goats and chickens on property located at 70 Stevens Street, tax map no 33.00-2-51.000 in an R-1 district pursuant to Chapter 325 section 325-51.

Stuart Guilt, Chairman. I have already read the public notice, Mr. Resendiz can you please explain the 2 sections of the lot. Is it all one lot?

Edwin Resendiz, no, its all one but part is in the Village of Clifton and the other is in the Town of Manchester. I was approved last week in the Village for small animals for my chickens and goats. I am only coming into this meeting to see about 2 cows and 2 pigs.

Stuart Guilt, Chairman. You need fences and how will you be able to handle the manure? Have you read the code?

Edwin Resendiz, they have staked out the gas line already and the plan with the manure is my father works at Willow Crest and spoke to Bill Young. He said I can take the manure to the farm and no problems with that. But speaking with my wife today she may not want the cows anymore just the 2 pigs. And if she did want the cows, it would only be 2.

Stuart Guilt, Chairman. Did you read on how high the fence needs to be?

Edwin Resendiz, No I didn’t, maybe 4’?

Steve Buerman, Board Member. A pig is considered a large animal anything over 20lbs. Review of the Town Code with the board members and calculations on the area needed for the cows and pigs.

Edwin Resendiz, no animal will be in the front of the house, they will be located behind by the pond.

Scott VanAken, Board Member. Is that what the dotted lines represent?

Edwin Resendiz, yes. The chickens and the goats will be located on the Village side as already approved.

Steve DeHond Code Enforcement officer, reviewed the Towns Code along with review of the map with the board.

Stuart Guilt, Chairman. The place to start is how many animals and identify how much area you need.

Steve Buerman Board Member, 2.2 or so acres behind the house is needed to house animals. 200 x 587 calculated area 115, 600ft and 96, 000 is needed. For 3 large 2 pigs and 1 cow.

Edwin Resendiz, I have 4 plus acres. Its my understating its not zoned commercial anymore.

Steve DeHond, Code Enforcement officer. Its an R1 district. What about shelter? At this time read the zoning laws.

Edwin Resendiz, like I said my wife maybe doesn’t want the cows, so I would just have the goats, chickens, and pigs unless I can add a cow. As far as shelter, calf hutch 6’ by 6’

At this time the board members discussed the acers on the Town vs the Village and where the animals would be located.

Steve Buerman Board Member, what about manure clean up?

Edwin Resendiz, every 2 weeks should be plenty.

Stuart Guilt, Chairman. You would have to come back to get the permits for the buildings. Anyone else want to speak?

Christine Pullin, the livestock permit came out for 3 large animals. What is the water source? Where are the chickens and goats going? The word on the street is he was just going to fence in the back. How would you know if they aren’t defecating in the creek? I can’t see that being ok with the DEC. The other concerns are, we all know pigs reproduce as many as 10. Who is going to police that? What would you do with the others? If you give a permit for 3, how will we know if he has 53 out back? I am passionate about this as I bought in 2010 and spend thousands of dollars on our property. And we spend a lot of time year-round on the porch and deck. We have a pool and hot tub. Mullers spreading manure we can smell that about 2x year, and we tolerate it. Its bad enough. Is the livestock open ended or does he commit to permit?

Scott VanAken Board Member, it would be very specific number and policed by the zoning officer.

Christine Pullin, Is there a way down by the trees? The people next door put up a new deck and the Zoning officer didn’t know and did nothing about it, and does it even pass code? My concerns are the flies, smell and I worry about the re sale value of my home. I just feel as if you wanted a farm, you shouldn’t be in the village. I hope you take that into consideration. We follow codes as we live here and have enough to smell.

Jim Moore, where is the line? My understanding is the village line was west of the building?

Discussion with the board and the residents regarding the property line using the survey map provided.

Stuart Guilt, Chairman. The line goes through the whole property.

Jim Moore, according to this map it goes through Manchester and the pond. All large animals would be behind the pond in Manchester?

Scott VanAken Board Member, Correct and the small animals the chickens and the goats are on the village of Clifton Springs side as already approved.

Jim Moore, are the chickens free range?

Edwin Resendiz, no they will be couped.

Nancy Moore, I agree the Christine, we do deal with the manure smell quite often coming from the west. Mr. Muller used to tell us when he was spreading behind the merchandise, and we would all let him know if we had gatherings planned and when it was the best time. This has potential to blow animal smell right in our back yard into our home. I have a lot of concerns with that and all the critters it will bring.

Jeff DeCook, what was the calculation? Steve showed the map to Jeff. 100 square feet on the Manchester side? But he needs 96 square feet?

More discussions with the residents and board about the property line and Mr. Resendiz back yard. Contamination with the runoff was among the conversation.

There is a lot of concerns with the surrounding neighbors.

Scott VanAken Board Member read a letter that was submitted by Mr. and Mrs. Gately who was unable to attend the public meeting, The letter states as follows:

To whom this may concern:

I am the resident of 48 Stephens Street Clifton Springs, NY. I am writing to tell you that my family are against the livestock being permitted at 70 Stephens Street. We have small children, and I am concerned with the possible harmful effects due to smell and air quality. I strongly disagree to allow such livestock in the village limits.

Thank you

John Boeckmann Board Member, the first lady had a good question on the source of water, and I didn’t hear the answer.

Edwin Resendiz, the plan is Mark Colf hauls water all season so that would be used for most of the source.

Tom Bagshaw, the smell is a concern, we already have enough. Would you people want to live on Stephens Street? We get a lot shoved down our throats on Stephens Street.

Resident, Part of the reason we all live on Stephens Street is we all have back yards that are enjoyable and now we have a farm shoved down our throats. That stream that runs by Clifton Hospital wouldn’t look pretty if it was brown.

Stuart Guilt, Charman. Majority of people are against this.

John Boeckmann Board Member, what is your feelings after hearing all you neighbors speak?

Edwin Resendiz, it goes both ways, if it was accepted or not. I am just here to see. I would keep the animals in the back.

Resident, we live in the village for a reason its not livestock.

Edwin Resendiz, the application was there so I filled it out and it was ok either way.

Scott VanAken Board Member, the code does mention consideration of the neighboring properties. The law is the law in my opinion. It is one lot outside of the village in the Town that doe meet the code after calculations. The property we evaluated in the town has enough to do what he wants.

Steve DeHond Code Enforcement Officer, you have to consider the neighboring properties.

Scott VanAken Board Member, speaks about the fencing and the water. Where will they be housed?

Edwin Resendiz, way in the back of the property, showed using the map and we will not be using electric fencing.

Christine Pullin, how would you remove the manure?

Edwin Resendiz, by a tractor and I am not even sure we will have cows.

David Race, would you withdraw the cows and only have 2 pigs? Would this be considered?

Steve DeHond Code Enforcement Officer, for the record I don’t think this is a good idea.

John Boeckmann, I agree with Steve DeHond.

Edwin Resendiz, if its not approved can I just have the permit for the goats and the chickens?

Stuart Guilt, Chairman. That’s already approved. You can change the request and come back just with a couple goats, pigs, and chickens. Or take out the pigs.

Steve Buerman Board Member, Special use permit applies. At this time the board discussed on removing the cattle and pigs and only have 2 goats and 10 chickens. The math works.

Edwin Resendiz, I am ok with 10 chickens and 2 goats. I would then use water from the outside spicket. All fencing would be behind the pond. No animals would be in the front, all in the back of the property.

A motion was made by Steve Buerman to approve special use permit for 2 goats and 10 chickens with weekly manure removal and enclosure to the north of the pond. on property located at 70 Stevens Street, tax map no 33.00-2-51.000 in an R-1 district pursuant to Chapter 325 section 325-51.

Motion seconded by Stuart Guilt. All voted “Aye.” Motion carried.

**Application # 4630-22**: Submitted by Steven Myers who is requesting to subdivide 1 lot into two with a shared driveway on property located at 489 State Route 21, tax map no. 11.00-2-47.110 in an A-1 district pursuant to Chapter 325 Section 275.0.

Stuart Guilt, Chairman read the public meeting notice.

Scott VanAken Board Member, how large is the lot?

Steven Myers, 1 acre and the deed intent is to remain in the family permanently if sold.

Jefferey Flower Board Member, is the total lot about 4 acres?

Steven Myers, Yes

Steve DeHond, Code Enforcement Officer. Can you drive to the other side of the house?

Steven Myers, not really because of the steep bank.

Scott VanAken Board Member, can you apply for 25’ rite of way to the lot and deed use of driveway. At this time there was a lot of discussion back and forth with the owners and the board members.

Steve Buerman Board Member, approval as noted conforming flag lot. Next month you should return based on the code.

There were a lot of conversations with the owners and the board, due to the amount of talking and background noise, the recorder didn’t pick up all the discussions.

At this time the owners agreed that it is a good plan to come back and will look into it.

**Previous Minutes:**

A motion was made by Lee Sanders to approve the meeting minuets, which took place on April 19, 2022. Motion was seconded by John Boeckmann. All voted “Aye.” Motion carried.

A motion was made by Lee Sanders to nominate Scott VanAken for Vice Chairman. Motion was seconded by Steve Buerman. All voted “Aye.” Motion carried.

At this time the meeting was stopped at 8:22pm.

Respectfully submitted,

Stuart Gwilt Nichole Ruggles

Planning Board Chairman Recording Secretary