



**TOWN OF PEMBROKE  
ZONING BOARD OF APPEALS  
Minutes for the regular meeting held on October 16, 2013**

**ATTENDANCE:**

- Chairman- Nathan Witkowski
- Terrance Daniels – Vice Chairman
- David Sabato
- Richard Doktor
- Ronald Kasinski
- Diane Denton-ZBA Secretary

**PUBLIC PRESENT: No**

**MEETING called to order at 7:30 pm.**

**A Motion to Approve** the Minutes was tabled until the November meeting; they were reviewed by Chairman Witkowski, but omitted from materials sent to the other board members.

**Discussion of the zoning regulation pertaining to the stabling and fencing of animals. Does the fencing need to be within 100 feet of lot line? The definition refers to a defined area for the purpose of housing and feeding. Is grazing feeding, or not; is a fence a defined area?**

- Chairman Witkowski read from the Zoning Codes regarding the stabling of agricultural animals, and the definitions of stables and stabling:
  - **Section 106 Definitions:**
    - Stable, Private:** A building in which horses or other livestock are kept for private use and not for hire, remuneration, or sale.
    - Stable, Public:** A building in which horses or other livestock are kept for remuneration, hire, or sale.
    - Stabling of Agricultural Animals:** A concentration of animals, permitted under agricultural use, private stable and public stable, within a building, structure or other defined area for the purpose of housing or feeding.
  - **Section 309 Stabling Agricultural Animals:**
    - A.** There shall be no stabling of animals or storage of manure, fertilizer, or similar odor or dust producing substance within the MDR district. Such stabling or storage shall be permitted in the AG, AG-R, or EP Districts provided the following restrictions are observed:
      1. No such stabling or storage shall take place within 500 feet of a MDR District.
      2. No such stabling or storage shall take place within 100 feet of a lot line.
      3. The stabling of a larger animal(s) including, but not limited to, horses, cows, pigs, ostriches, etc., shall not take place on a lot of less than two (2) acres.

- There are Zoning changes pending, which would permit a renewable two-year Special Use Permit for the stabling of agricultural animals specifically for 4-H projects and similar situations.
- The question for the board to consider: is it fencing that defines stabling area or a building or barn? Or both?
- Chairman Witkowski suggested that a stabling area included a barn as a minimum. Potentially someone might want to put a barn/animal housing more than 100 feet from the lot line, but also want a fenced area that is less than 100 feet from the lot line and might even go right up to it.
- Mr. Sabato commented that there should be more leeway in AG Districts than in AG/R Districts. Anyone who moves into an AG District should expect agricultural activities to take place.
- The minimum size of a lot in an AG District is 5 acres, so the issue under discussion is more likely to affect a property in an AG/R District where there are smaller lots.
- Mr. Daniels read the Webster dictionary definition of grazing: to feed on growing herbage. Therefore, grazing is feeding and is restricted 100 feet away from the lot line, mainly because of the odor.
- Chairman Witkowski concluded and the Board agreed that a pasture/fenced area must be minimum of 100 feet from all lot lines. If a resident wants a fenced area less than 100 feet from the lot line, he/she could seek a variance and the board could put on a stipulation that would require them to control any odor.

**Old Business:** A 3% raise for board members was put in to the Town Board. It has not been voted on yet.

A **MOTION** to close the meeting was made by Mr. Daniels, seconded by Richard Doktor.

Voice Vote—ALL AYES

**MOTION PASSED**

Meeting adjourned at 7:50pm.

Respectfully Submitted,

Diane Denton-ZBA Secretary

Nathan Witkowski-ZBA Chairman

*These minutes were approved by the Zoning Board of Appeals 11/20/13 and are final.*