



Town of Ballston Zoning Board of Appeals Minutes
July 1, 2009

The following are the minutes of the Town of Ballston Zoning Board of Appeals hearing held on Wednesday, July 1, 2009.

ATTENDEES: Michael Lesniak, Chairman Peter Reilly, Deputy Town Attorney
Marilyn Bell, Vice Chairman Thomas Johnson, Building Inspector
Ellen Brown
Michael Groves Members of the General Public
Robin Kane
Fred Rogner
Jan VanDeCarr

Chairman Lesniak called the meeting at 7:30pm and Ms. Kane led the Pledge of Allegiance. The chairman asked for corrections to the May 6, 2009 minutes. They were as follows:

Page 9) 12th para strike Type II changes to (unlisted) and strike “and therefore exempt from review.” Page 10) 1st para; strike “in”. Page 11) 9th para; add “is” after it, add “the applicant after and.”

MOTION: Ms. Kane made a motion to accept the minutes as amended. Mr. Groves seconded the motion and all present voted in favor. **CARRIED.**

Mr. Lesniak reviewed the agenda for this evening.

NEW BUSINESS:

Louise Bublak, 186, Kingsley Road, Burnt Hills, NY 12027 for a Special Use Permit for custody of three goats. Mr. Lesniak read the applicant’s narrative as follows. I am requesting a special use permit to be able to have three daily goats. I understand it may cause some concern in a residential area; however, the breed of goat I have chosen is Lamancha known to be the most docile and quiet of all the breeds. Contrary to popular belief, does not have a strong odor, males do smell from a time during the breeding season. I would not keep an un-neutered male for any reason. All animals would be disbudded from an early age so horns would not be a problem. Housing would be a 10’x 12’ shed with a Dutch door with T-1-11 type siding. All soiled bedding would be taken away periodically throughout the year. Livestock fence or panels would be the next best choice while being the most economical. Field fencing attached to pressure treated posts would work well and easy to maintain to be 4 to 4 ½ high. All water would come from our



outside hose or be carried from our house in winter. I hope you will consider my request and allow me to become a dairy goat owner.

Ms. Bell asked why goats.

Ms. Bublak said to make cheese because she feels the milk is healthier for you and easier for her to digest.

Ms. Bublak said that it is sweeter and creamier than cow's milk and does not have an offensive odor. It is easy to pasteurize on your stove.

Ms. Bell asked why three. Ms. Bublak said one would be an un-neutered male because if you do not know the signs of when the doe is coming into heat, the neutered male will be able to tell you when to ship the doe out to be bred.

Mr. Lesniak asked if the applicant intends to breed the goats. Ms. Bublak said you need to in order to have the goats produce milk.

Ms. Bell asked the applicant is you will have a neutered male or an un-neutered male. Ms. Bublak said a neutered male.

Ms. Bell asked the applicant's preference for fencing.

Ms. Bublak said pressure treated 4 x 4 posts with galvanized woven wire.

Mr. VanDeCarr asked biologically with the male being neutered, asked how breeding will take place. Ms. Bublak said the doe will go to a farm to stay for several weeks to breed. Ms. Bublak said the babies would either be given up for adoption or will go to the auction for meat.

Mr. VanDeCarr asked if there is an investigation into whether or not there are parasites or bacteria associated with breeding.

Ms. Bublak said the goats will need tetanus and rabies vaccinations.

Mr. VanDeCarr asked how will the goats would be cared for when the applicants go on vacation. Ms. Bublak said they currently have two Great Danes and when they go away for a period of time, they have someone stay at their house.

Mr. Rogner said he spoke with Dave Lake from Cornell Cooperative Extension and said that goats are not domestic pets they are livestock that need to be fed, watered, pastured, and contained. Goats are notorious escape artists; the fence will need to be adequate to contain them.

Ms. Bublak said the yard is presently fenced to keep separate from the dogs.

Mr. Rogner said that he did not feel that the proposed pasture was adequate.

Mr. Lesniak asked the proposed pasture size. Mr. Rogner said ¼ acre.



Ms. Bublak said goats can be maintained on a small lot as long as they are supplemented with hay.

Mr. Rogner said the dogs could pose a threat and asked if the two fences would provide adequate protection. Ms. Bublak feels it would be appropriate.

Mr. Rogner asked if the male would be the "Heard Guard." Ms. Bublak said he would be the protector.

Mr. Rogner asked if the breeding will be done on premise. Ms. Bublak said the doe will be shipped out for breeding.

Mr. Rogner said the Board has to be concerned about setting a precedent.

Ms. Brown has a concern for the location of the compost pile and feels if this becomes a problem, could it be moved to another location. Ms. Bublak does not feel it will be a problem because one side of the property there is a leach field and on the side is a well and said there is a possibility it could be moved closer to the shed. Ms. Brown asked if the applicant has spoken to those neighbors. Ms. Bublak said she has on an occasion, but not recently.

Ms. Brown asked how the applicant plans on disposing of solid waste so it doesn't draw flies. Ms. Bublak was not aware of that and suggested a tarp. Mr. Bublak said he has a dump trailer and could periodically remove the solid waste.

Mr. Lesniak asked Ms. Bell how much manure is created by three goats. Ms. Bell said not a considerable amount.

Ms. Bell suggested wood shavings to be placed on the shed floor to be disposed of on a monthly basis.

Ms. Brown said Lamancha goats produce about 5% of its body weight in manure; 150lbs male to 130lbs female for a total of 410lbs of animal manure and then multiply that by 5% to produce 20.5lbs of manure daily.

Mr. Lesniak asked if Great Danes are larger than goats. Ms. Bublak replied yes.

Ms. Bublak provided pictures for the Board of their property.

Mr. Rogner felt the goat waste number was very high and feels goat waste is quite insignificant (palletized) has very little odor; dogs are much smellier and there is much more of it; that is not true of goats.

Mr. Lesniak asked the height of the goats.

Mr. Bublak said 2ft. to the back.

Mr. Lesniak asked if a 4ft. to 4 ½ ft. fence will be high enough to contain the goats.

Mr. Johnson said to design a fence in such a way the goats cannot climb.

Mr. VanDeCarr asked if any of neighbors are involved in any retail activity in that corridor. Mr. Bublak replied no that we own the retail property.



Ms. Kane said that the two females will need breeding every year and asked how long the babies need to stay with the mother. Ms. Bublak said about 2 ½ to 3 months.

Mr. Reilly said that a special use permit can be subject to a limited period of time subject to renewal.

Ms. Bell asked where and how hay and feed will be stored.

Mr. Bublak said the one building on their property presently is a large storage area which will store the hay and feed.

Mr. Lesniak said the Saratoga County Planning Board recommended approval.

Mr. Lesniak opened the public hearing at 8:11pm

Mr. Lesniak read an email from Al Pirigi, 70 Lakehill Road said in the 6/20/09 Gazette is a legal notice regarding a request by Louis Bublak to obtain approval for custody of three goats (gender unspecified), neuterization not specified). Harboring goats or any form of livestock is inconsistent with any contrary to the goals of the Mixed Use Center Zoning Districts. Nothing in the code allows or encourages having livestock. (Mr. Lesniak corrected that statement because he states you are not allowed to have livestock, but you can have livestock by obtaining a special use permit). I object to the approval of this request. Further approval would open the door for additional requests, including but not limited to chickens (imagine the noise), horses (imagine the smell) etc. Please forward this message to the Zoning Board and I request that the above objection be read at the meeting and placed on permanent record, in the event I am unable to attend the meeting.

Section 3.2 of the Comprehensive Plan

Editor's Note: The Comprehensive Plan is on file in the Town offices. provides, in detail, the land use policies and goals behind the establishment of the Mixed Use Center Zoning Districts. Generally, these Districts, identified as North and South, are established for the purpose of creating a commercial and social core for the Town emphasizing a small-town feel. This requires a balancing of a variety of uses on a scale and design so that the various uses can not only co-exist but complement each other to create a vital and active community of shopping, service, social and residential opportunities. It is the intent of these Districts to encourage growth and development but on a scale and design that is pedestrian friendly, calms traffic, discourages large parking lots and promotes vertical development and integration of land uses rather than separation. The only difference between the North and South Districts is one of scale. Since much of the South District has already been developed, it is necessary to keep the scale and density consistent with existing development patterns. Thus, future development in the South District will be restricted to smaller scale buildings on a less dense basis than what is encouraged in the North District where is appropriate to have a higher density of development and taller buildings.

Mr. Lesniak said the Towns zoning allows this use with a special use permit and the Comprehensive Plan is used as a guide from it has been written, but the code overrides the Comprehensive Plan.



Fred Willett, 25 Long Creek Drive said containment, noise, smell, breeding, and waste were addressed. Mr. Williett has a concern with the location of the location of the shed. Mr. Willett asked how much noise the goats make. Mr. Lesniak asked is it louder than a dog? Ms. Bublak said they have a quiet bay and the only time she has ever heard the goats get loud is when something is wrong.

Dorothy Hopkinson said the lots are narrow on both sides of that property and feels there are too many single family residences in that vicinity for goats. Ms. Hopkinson said she has heard that Billy goats have an awful odor compared to Nanny goats. Ms. Hopkinson said unless you can fence the area in she disapproves of goats in this area.

Sonya Olsen, 25 Long Creek Drive asked if the goat's milk will just be for personal consumption. Ms. Bublak replied yes.

Mr. Groves went through the four criteria of the special use permit.

1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts. Ms. Bublak replied yes

2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, and its relation to streets giving access to which shall be of such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. Ms. Bublak replied yes.

3) The location and height of buildings, the location, nature and height of walls and fences, and that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof. Ms. Bublak replied yes.

4) The public convenience and welfare will be substantially served and appropriate use of neighboring property will not be substantially or permanently injured, subject to appropriate conditions and safeguards as determined necessary to promote the public health, safety and welfare. Ms. Bublak replied yes.

Ms. Bell said this is an unlisted action under SEQR and will make a motion to proceed to make the determination under the SEQR process.

Mr. Lesniak went through Part II of the impact Assessment

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD Mr. Lesniak replied no.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED Mr. Lesniak replied no.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, Potential for erosion, drainage or flooding problems? Explain briefly: Mr. Lesniak replied no.



C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: Mr. Lesniak replied no.

Ms. Kane disagrees with the environmental considering the weather we are having now; there would be run-off of waste.

Mr. Reilly said the whole scenario here is they are headed for a positive declaration; they are not looking for an environmental impact statement for harboring three goats. Mr. Reilly said this will not have any positive impact on the environment under SEQR.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: Mr. Lesniak replied no.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources: Mr. Lesniak replied no.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action: Mr. Lesniak replied no.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5: Mr. Lesniak replied no.

C7. Other impacts (including changes in use of either quantity or type of energy): Mr. Lesniak replied no.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA? Mr. Lesniak replied no.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? Mr. Lesniak replied no.

Ms. Bell asked if this property is serviced by municipal water. Mr. Bublak replied yes.

MOTION: Ms. Bell moved to issue a Negative Declaration, with the basis that there is not a potentially significant environmental impact. Mr. Rogner voted in favor, Ms. Kane voted not in favor, Ms. Brown voted in favor, Mr. VanDeCarr voted in favor, Mr. Groves voted in favor, Ms. Bell voted in favor, and Mr. Lesniak voted in favor. **CARRIED.**

MOTION: Ms. Bell made a motion for the property located at 186 Kingsley Road in Burnt Hills pursuant to 138-9 to harbor up to a maximum of three adult goats and the male has been neutered any kids may remain for a period for up to three months. A woven wire fence at least 4 ½ feet high that is maintained to ensure that the goats stay in and keep dogs and other wild animals out. There is no breeding on the premises. All feed storage is maintained in containers inside the buildings. The waste be removed no less frequently than monthly. The special use permit will expire 24 months from today.

The animals be located in fenced (in the southerly property) as shown on the map. The applicant will comply with all New York State Agricultural sales and regulations of agricultural dairy products. Applicant will return to ZBA for any retail operation. Three Lamanche Goats. Special Use Permit will be subject to review in 24 months if the applicant does not return, it will expire. Mr. Groves seconded the motion. Ms. Bell voted in favor, Mr. Groves voted in favor, Mr.



VanDeCar voted not in favor, Ms. Brown voted in favor, Ms. Kane voted not in favor, Mr. Rogner voted in favor, and Mr. Lesniak voted in favor. **CARRIED.**

MOTION: Mr. Rogner made a motion to adjourn. Mr. Groves seconded the motion.

CARRIED.

Meeting adjourned at 8:50pm.

Respectfully submitted,

Michelle L. Dingman