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ANSONIA PLANNING & ZONING COMMISSION
PUBLIC HEARING IN RE: ANILA VARDIK
107 SOUTH CLIFF STREET
REQUEST FOR ZONING TEXT CHANGE
JOSEPH JAUMANN, CHAIRMAN
APRIL 25, 2016

ANSONIA TOWN HALL
253 MAIN STREET
ANSONIA, CONNECTICUT

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HEARING RE: ANILA VARDAK, 107 SOUTH CLIFF STREET
APRIL 25, 2016

1 . . . Verbatim Proceedings of a public
2 hearing before the Ansonia Planning & Zoning Commission,
3 in re: 107 South Cliff Street, request for zoning text
4 change, Anila Vardak, held on April 25, 2016, at 6:00
5 p.m., at Ansonia Town Hall, 253 Main Street, Ansonia
6 Connecticut. . .

7

8

9

10

11

CHAIRMAN JOSEPH JAUMANN: Everybody please
12 rise for the Pledge.

13

(Whereupon, the Pledge of Allegiance was
14 recited.)

15

CHAIRMAN JAUMANN: Please call the role
16 please?

17

(Whereupon, roll call was taken.)

18

CHAIRMAN JAUMANN: We have a quorum. We
19 are here for a public hearing on 107 South Cliff Street.
20 There's a zone text amendment proposal. The applicant's
21 here with counsel.

22

Just so you're aware counsel, there is
23 probably going to be a few other members that are going
24 to be coming a little bit late --

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1 MR. STEPHEN SAVARESE: Understood.

2 CHAIRMAN JAUMANN: -- it's very early in
3 the evening, so -- but by all means.

4 MR. SAVARESE: Mr. Chairman, I have two --

5 COURT REPORTER: I'm sorry, you need to
6 get in front of a mike.

7 MR. SAVARESE: -- good evening, my name is
8 Attorney Stephen Savarese with a law office at 103 South
9 Main Street in Newtown, Connecticut. I submitted the
10 written application by letterhead this evening and at the
11 last meeting when this matter was set down for public
12 hearing.

13 This evening for the benefit of the
14 public, I brought two placards that are going to explain
15 the application --

16 COURT REPORTER: You have to move closer
17 --

18 MR. SAVARESE: -- I brought two placards
19 to help explain what I'm going to go over with the
20 Commission members that I thought I would place here.

21 So to demonstrate them I'm going to hand
22 out to each member a 13-page with a synopsis of what it
23 is that I hope not to take more than 13 minutes to go
24 through to be able to present the application for your

1 consideration, and then allow any members of the public
2 to comment.

3 But again, each one of those pages is set
4 forth on these placards --

5 COURT REPORTER: Do you want to take the
6 mike with you?

7 MR. SAVARESE: -- well -- and I was -- so
8 there's no need for the members to see it because you
9 have individual pages in front of you. So I'm going to
10 place them out here for anybody in the public that might
11 be interested in understanding what it is that we're
12 referring to today.

13 My clients have owned their property since
14 2004, and they received by mail a notice of violation
15 which is on page 1, the relevant terminology of the
16 letter. Rather than putting copies of the letter in,
17 I'll just raise the solid points.

18 The first letter dated November 23rd
19 opened with -- on Tuesday, November 17, 2015, an
20 inspection was conducted at your property and the
21 following violations of the Ansonia zoning regulations
22 were observed.

23 And a specific Section is set down, 720.1,
24 farming, truck, gardening and greenhouses, which reads --

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1 all structures for the keeping and feeding of livestock
2 can be open, and covered storage of manure, fertilizer,
3 lime or herbicide and pesticides and associated equipment
4 shall be at least 100 feet from any property line and 100
5 feet from any residential structure on the same lot.

6 It goes on to then quote Section C, the
7 bulk standards of Ansonia's scheduled yard, lot thing.
8 In discussing the matter with the zoning enforcement
9 officer, it was the fact that they deemed the pigeons on
10 the property a farming activity and we were less than
11 three acres. So when I protested the fact that the
12 pigeon is not livestock the comment came back that they
13 had been to court on chickens and chickens are pigeons
14 and pigeons, therefore, are the thing and the enforcement
15 action moved to zoning enforcement.

16 So on December 15, 2015, we received the
17 following letter. Please be advised that you are found
18 in violation of the Ansonia zoning regulation and
19 repeated the same two Sections. And on page 2, the
20 correction action required the removal of all pigeon and
21 pigeon coops from the above-mentioned address. Any
22 structures that may remain on the property will need to
23 be issued zoning.

24 At the time there was a partially

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1 constructed coop, that was a misunderstanding of my
2 client as to the building inspector's referring to the
3 fact that if he put it 40 feet away from the house, it
4 could stand. That was not sanctioned by zoning and a
5 partially built coop has since been removed because it
6 was not -- it did not receive a zoning permit as it
7 triggered here a farming definition.

8 The next page is a critique that comes out
9 of a publication of the Eastern Conference Resource
10 Conservation Development from June 12th, guidance and
11 recommendations -- in an effort to promote farming
12 throughout the State of Connecticut, this Agency looked
13 at municipal regulations and was telling -- on page 9
14 there's this paragraph that says a common issue in
15 municipal regulations, the lack of definition or use of
16 inconsistent definitions for certain agricultural related
17 terms.

18 Some municipalities have created
19 regulations that apply to narrowly define subsets of
20 agriculture such as livestock, very reminiscent of what
21 is being done in Ansonia. And it goes on to talk about
22 how municipalities may attempt to distinguish between
23 non-commercial, commercial definitions. This can be a
24 vague and artificial distinction in livestock farming.

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1 Farmers may not rely on the sale of their
2 livestock as their sole source of income, however, they
3 may still have the need to sell livestock or agricultural
4 products derived from their livestock. Livestock is
5 throughout, the word there, and for me to go to the
6 Zoning Board of Appeals would be to literally be fighting
7 over the terminology.

8 And I did not want to tell Ansonia how it
9 is that they have a right to define their own regulation.
10 So if you determine that a pigeon is like a chicken and a
11 chicken is livestock, then we may in fact be in
12 violation. I wanted to take a proactive approach, which
13 is to suggest that pigeons is a long custom hobby.

14 They are pets to certain parties, they're
15 a sport and they are not the -- and continuing through I
16 think you'll see the rationale for why I did not want to
17 fight with the zoning authority. I wanted to work with
18 the zoning authority to see if we can allow the pigeons
19 that have lived in this town for 10 years at 107 South
20 Cliff without any objection and suddenly we have a
21 conflict with the zoning regulations.

22 On page 3 is a redact of the much larger
23 -- I can't afford to bring the entire Stamford,
24 Connecticut zoning book in, but that is a Section of the

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1 Connecticut -- of the City of Stamford, their District's
2 regulations. And the complicated way our modern zoning
3 works is there's multiple Sections and it refuses -- tied
4 to different Districts that are created. That's where
5 the zoning concept came down that we will put into
6 various parts of town, various uses that belong together,
7 and restrict them from other avenues and then let certain
8 things float, float throughout as authorized.

9 Stamford went on to say that they were
10 going to allow the conduct of keeping homing pigeons as
11 an accessory use. The foregoing permitted use shall now,
12 however, be constructed so it's a permit to keeping of
13 pigeons of any species other than homing pigeons.

14 Well, we've got pigeons in there and
15 they're specific. Again, they're not referring to a
16 generic word like livestock that I would otherwise define
17 to be suburban horses, cows, goats, lambs and things of
18 that nature, but never reduced down to the size of a
19 pigeon.

20 Page 4 is Wallingford, Connecticut.
21 Wallingford has a slightly larger definition. Again,
22 these are purposes that are allowed in their residential
23 zones. They have zones that get as small as the one that
24 my client has -- owns on South Cliff Street, which is

1 six-tenths of an acre, which is considerably smaller than
2 three acres. So it would be virtually impossible to get
3 a variance because we're not close to the three-acre
4 rule. We're so far below it as to be prohibited if they
5 defined farming as only activities that are on three-acre
6 parcels.

7 But if you do a certain activity within
8 your six-tenths of an acre outdoors, you might be running
9 afoul of the definition that Ansonia that has that you're
10 farming. They say pigeons and doves, there are three
11 different terms that are being used for the houses of
12 these birds. There are lofts, coops and cotes. This
13 particular city uses that term, cotes. And specifically
14 they have a five item breakdown of what pigeons and doves
15 would be restricted to, 60 birds on a lot.

16 Pigeons and doves shall be housed in
17 structures meeting yard requirements and principal
18 building restrictions. That's the bulk standard as to
19 side yards, front, rear and so forth. C, that all
20 pigeons shall be registered so a national pigeon -- you
21 can trace a pigeon back to who its owner is. And D,
22 cotes shall not exceed 300 square feet and E, all grain
23 and food storage for keeping pigeons and doves are kept.

24 And no surprise, I modeled mine after

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1 Wallingford. The suggestion on page 5, which is adopted
2 right -- and I have a separate cover letter when I
3 submitted the text, but here it is again in comparison to
4 what we just reviewed as to what's authorized. I do not
5 intend to strike the farming definition so that the rules
6 as currently governed by Ansonia stand.

7 The zoning enforcement officer's decision
8 stands, that is not my object to do that. It is to have
9 this body carve out an exception, and that goes on to
10 mean -- so using the same numbering system, you can tack
11 it to the end of the list or you can tuck it in. I
12 decided to tuck it into under farming, which is your
13 first listed item in Article 720.

14 So I then add, which you have done in your
15 own regulations, another decimal point. So I've added .1
16 that says the following farm uses. Since it has been
17 deemed a farm use I'm going to stick to what you're
18 speaking of and say that however, this can go throughout
19 the Districts which to say there is such a thing as a
20 farming use in a property that's less than three acres.
21 And then I wanted to give two major examples of them.

22 And the first one has nothing to do with
23 pigeons, but everybody would suggest that when you're
24 gardening or raising crops you're farming. But you don't

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1 necessarily need a three acre parcel to do that. There
2 are plenty of people that are gardening and therefore
3 there are some pretty healthy gardens on properties that
4 are half acre in size.

5 Beautiful tomatoes, zucchini, sunflowers,
6 corn, is all grown on small lots and you could define it
7 as farming and outlaw it under your bulk standards by
8 saying you don't have three acres. So this would allow
9 it specifically. So I lead with that and I put it in
10 there to make a point.

11 It is not in the Stamford or the
12 Wallingford, that is my creation to bring pointedly what
13 we're trying to do here, which is allow farming in those
14 smaller lots that exist in an area like my client's
15 property at South Cliff.

16 The next is the specific provision and it
17 --

18 CHAIRMAN JAUMANN: Can I just interrupt
19 really quickly?

20 MR. SAVARESE: Yes.

21 CHAIRMAN JAUMANN: Have you been cited for
22 a violation of farming?

23 MR. SAVARESE: Yes.

24 CHAIRMAN JAUMANN: In terms of gardening

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1 or the raising of crops?

2 MR. SAVARESE: Oh no, no, no, no, no. No,
3 no, just the pigeons. I showed you the letter -- the
4 reason I put that in there is how subjective it is. If
5 you're going to define a pigeon as livestock then you can
6 start arguing that somebody is not allowed to farm on a
7 property that's less than three acres because I was cited
8 for violating the bulk standards.

9 And the bulk standards say farming is only
10 reserved for properties larger than three acres. So my
11 client would have to sell one property, go buy larger
12 than three acres to even -- to try to take a second shot
13 at having a pigeon coop on his property. No pigeon coops
14 on anything less than three acres is how I define what
15 the zoning enforcement officer has proposed.

16 CHAIRMAN JAUMANN: No, that I understand.
17 But you are proposing the Section 720.1.2, which is the
18 gardening and the raising of crops.

19 MR. SAVARESE: It can be struck, it was a
20 point to be made that there's -- you're talking about
21 fertilizers and manure, those are things that are used in
22 raising crops. That was in your definition of 720.1.

23 CHAIRMAN JAUMANN: Okay.

24 MR. SAVARESE: And so therefore, if

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1 somebody has manure on their property you can then cite
2 them as violating the same Section. And they might only
3 have the manure there to fertilize their tomatoes, it has
4 nothing to do with livestock provision.

5 But the way you're reading your
6 regulations, to take a shot at going to the Zoning Board
7 of Appeals and then having to go to Milford Superior
8 Court to see who's right, I thought it was tedious and
9 rather, come forward to this body and talk about why it
10 is that we couldn't have some pigeons at this property
11 and then proposes a text change.

12 I have picked specific language that I'm
13 showing you its genesis, but any which way that we get to
14 keep the pigeons at the property I'm open to. I'm not
15 suggesting the only way that we can get pigeons at 107
16 South Cliff would be this text. This is my suggestion.

17 You have absolute discretion as -- in your
18 legislative function to be able to pick the language that
19 you want to put into your regulations. This was a
20 suggestion. The next page comes out of the manual that I
21 have provided with my original letter.

22 That manual comes from the United States
23 National Pigeon Association, and on page 5 of that
24 particular manual they give a definition that I thought

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1 was important to the thing because what was cited to me
2 is that --

3 CHAIRMAN JAUMANN: Okay, homing pigeons
4 perception versus reality?

5 MR. SAVARESE: -- that's correct.

6 CHAIRMAN JAUMANN: From the Avian
7 Assistance Council and the American Racing Pigeon Union
8 --

9 MR. SAVARESE: Right. On page 6 I refer
10 to that in the last line that's -- I've referenced it on
11 page 5, and three-quarters of the way down the page
12 you'll find there's a definition set forth. By today's
13 standards pigeons are neither fowl nor poultry according
14 to Stedman's Medical Dictionary.

15 Fowl or Galliformes such as chickens,
16 guineas, quail, peafowl, pheasants and turkeys; ducks and
17 geese are in a family called Anseriformes, which are
18 waterfowl. Poultry refers to birds that are raised to
19 provide meat and eggs for human consumption. Fancy and
20 homing pigeons are racing pigeons raised for neither but
21 for exhibition, hobby and sport.

22 Pedigreed racing pigeons are generally too
23 small a species to be raised for table use. Pigeons are
24 in the family called Columbiform. Now, that being said

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1 the pigeon eggs are too small, nobody's raising pigeons
2 for their eggs. Pigeons are not -- it was cited to me
3 that squab is another name for -- that somehow we're
4 eating pigeons, and my clients are not eating pigeons.
5 These are their pets, this is a hobby, and raising them
6 for their plumage thing and for their gentle nature.

7 The next definition is probably the most
8 telling, which comes out of Mariam Webster, the
9 definition of pigeon. I would argue that pigeon is a
10 larger class of bird and might have a negative
11 connotation because of the feral pigeons that are
12 occupying and running amuck in parks in our large cities.
13 But by comparison a dove is a well-respected bird
14 throughout history and is related to the pigeons.

15 And I just want to -- by you looking at
16 the Latin name of this class of pigeons the founder -- in
17 1492, Christopher Columbus might otherwise, if you
18 translate out of his Latin name, be called Christopher
19 Pigeon. And so the capital of Ohio would be Pigeon. The
20 country in Columbia is Pigeon.

21 MR. TIM HOLMAN: Just a question. I see a
22 reference to racing pigeons.

23 MR. SAVARESE: Yes.

24 MR. HOLMAN: Are these pigeons registered

1 as racing pigeons?

2 MR. SAVARESE: In this household, not --
3 no they are not.

4 MR. HOLMAN: So they are a hobby?

5 MR. SAVARESE: These are referred to as
6 fancy that are bred for their plumage and again, their
7 appearance.

8 MR. HOLMAN: Could you explain to me, is
9 it sort of a hobby?

10 MR. SAVARESE: It is, it's definitely a
11 hobby.

12 MR. HOLMAN: Could you explain to me --

13 MR. SAVARESE: This is a hobby that --

14 MR. HOLMAN: -- what does the hobby
15 consist of when raising the pigeons?

16 MR. SAVARESE: -- my -- yes, my client
17 grew up in Afghanistan. And it's a long tradition to
18 raise -- the homing pigeon in our country's history,
19 which is in that manual that I submitted, dates back to
20 before the cell phone, before other kind of
21 communications.

22 The United States Army Corps actually used
23 pigeons because of their instinct to home. You can send
24 them out and they will -- so if you take -- you can go

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1 across lines and they were commonly used for
2 communications. You could band something to their legs
3 and --

4 MR. HOLMAN: So it's sort of like a sport.

5 MR. SAVARESE: -- the ones that fly. My
6 client's pigeons have never flown out of 107 South Cliff
7 Street. They are not -- it's an analogous hobby. The
8 one that's probably more famous is the one that's raced.

9 There's a \$1 million prize that's run
10 where they fly 300 miles and the first bird that gets
11 there wins certain prize money. So it is a hobby and a
12 sport that is growing -- as our world gets smaller and
13 people's hobbies gets introduced across it, people are
14 adopting other things.

15 This has been a long-standing hobby in the
16 Middle East and my clients, who are residents of Ansonia
17 since 2004, they brought it there and they have had these
18 pigeons living at 107. This is not being introduced,
19 these are there. They have been living quietly at 107
20 South Main Street (sic) as have my clients never having
21 interfaced with any part of the Ansonia government until
22 they got this letter.

23 And then they asked me to review it and I
24 just was aghast at the definition of livestock being

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1 interpreted down to pigeons. But finding it, I'd rather
2 go with it and introduce the idea of the pigeons.

3 MR. HOLMAN: Is -- are your clients
4 entertaining the idea in the future of using them as
5 homing pigeons or a sport?

6 MR. SAVARESE: No, not my clients. And so
7 if you wanted to restrict it to not being that, my
8 clients could tuck in -- if it was only fancy or the word
9 -- again, they're not a flightless bird, okay, but they
10 have no interest in leaving the property.

11 They like each other's company and the
12 company of any -- I mean, it's not a breed that's running
13 out and exercised on a daily basis leaving the property.
14 They never leave the property, they all stay on the
15 property, they're only carried to shows. They don't
16 leave the property any more than show dogs that are shown
17 at Westminster every year.

18 MR. HOLMAN: How is the waste material you
19 mentioned dispose of?

20 MR. SAVARESE: The waste material, they
21 have a raised grate system on the thing so that it's able
22 to be culled from falling through the cracks in the thing
23 so.

24 MR. HOLMAN: In the cracks through what

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1 thing?

2 MR. SAVARESE: Through the wooded slats
3 that they --

4 MR. DAVE BLACKWELL: It's called duct
5 boards.

6 MR. HOLMAN: Okay, and then what is done
7 after that?

8 MR. SAVARESE: I don't know, I can ask my
9 client.

10 MR. BLACKWELL: From what I understand he
11 hoses it out. You know, takes the duct boards out and
12 hoses out the cage and puts them back in. The Board of
13 Health did a report and found it to be fine.

14 MR. SAVARESE: The last letter -- if you
15 flip to the last letter it's an inspection that was
16 requested by the zoning enforcement officer of the local
17 Health Department who visited the property and it
18 certifies that it is not a health violation. It's clean
19 and well maintained and they saw no problems with it.

20 The pages -- the following pages are the
21 actual pictures of the backyard from a couple of angles.
22 So page 8 is standing near the rear line and shooting
23 back at the rear of the house. The coops are those
24 structures under the deck. To the left is the one that

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1 the females are housed in, and to the right are the ones
2 that the males are in.

3 By keeping them separate we don't produce
4 more pigeons until it's called for by the breeding
5 schedule. The next picture --

6 MR. HOLMAN: This may sound stupid --

7 MR. SAVARESE: -- yes?

8 MR. HOLMAN: -- but --

9 MR. SAVARESE: No stupid questions is the
10 rule.

11 MR. HOLMAN: -- the males are here and the
12 females are here. Does it create a --

13 MR. SAVARESE: Cacophony?

14 MR. HOLMAN: -- yes.

15 MR. SAVARESE: No. They don't -- they're
16 not like roosters screaming and yelling at each other.

17 MR. HOLMAN: Alright --

18 MR. SAVARESE: Nope, the zoning
19 enforcement officer was there. I don't believe they had
20 to wear hearing gear at any time when they were visiting.
21 The big issue was the perception of 60 birds in a
22 confined area can seem like we're reliving Hitchcock's --
23 the movie as to how many birds are in the frame.

24 And essentially I think I have heard that

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1 an estimate of 300 birds were there seen on the property.
2 There have never been more than 60 birds on this
3 property. We would like to be licensed for 60, 60 is the
4 number that Wallingford allows. These coops can
5 accommodate them. We believe that that would be the
6 number that we would be willing to abide by.

7 The next picture shows from the slider
8 below of the interior doorways, the reverse angle of the
9 prior picture of the two coops. And there's a concrete
10 slab that is there which is why it's easy to maintain.
11 Now, if you go back to the original rule, 720.1, it says
12 we want it 100 feet away from the house. We don't have
13 that level of depth.

14 If we measured -- I think the entire
15 property is 723 feet -- or 123 feet in depth, so I can't
16 fit it in. We could just fit in 40 feet when there was
17 an old rule that exists in your ordinance that was
18 speaking of having the thing. And that was how he
19 thought the building inspector was inviting him to keep
20 his pigeons at an outlying coop.

21 I told him that that wasn't what was being
22 suggested and in fact he stopped that construction. It
23 was torn down, it's not there anymore. We're trying to
24 legalize these particular coops.

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1 MR. HOLMAN: Question on that.

2 MR. SAVARESE: Yes.

3 MR. HOLMAN: You refer to an older I guess
4 rule that we had. How old and how long ago was that
5 rule?

6 MR. SAVARESE: It's in your ordinance
7 book, it's an original to the city and I think it was
8 turn of the century, 19th century.

9 MR. HOLMAN: Do you know when the rules
10 were changed?

11 MR. SAVARESE: It doesn't -- it's not in
12 your zoning regulations. And I've talked to the Town
13 attorney and they said depending on what this body did,
14 they would be reworking those ordinances to be in
15 compliance.

16 It's called the swine rule and it was
17 cited by the building inspector and it uses a 40 feet
18 from the residence standard. Your standard is 100 feet
19 from the residence and the letter referred only to yours.
20 This is the action. The other letter was not pursued by
21 the building inspector. I'll have to deal with that
22 office separately.

23 But this text amendment if passed, I have
24 a commitment from your town attorney to rework it.

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1 There's some antiquated rules that are on the books and
2 that one, they were talking about swine. They were
3 worried about pig farmers being too close to the
4 residence. Here we're dealing with whether or not
5 pigeons are livestock or not.

6 MR. HOLMAN: Dave, do you know when that
7 rule was changed, do you have any idea?

8 MR. SAVARESE: Your town attorney could
9 refer to it but again, it's not in the zoning book. It
10 predates the statutory formation of Planning & Zoning,
11 which came into existence -- the first zoning regulations
12 were in the 40's and 50's and I think were adopted.

13 But this is a health regulation that's in
14 the ordinance and it's about separating human and
15 livestock. Again, there's no reason to separate our pets
16 from ourselves. These are this family's pets, the way
17 that they have grown up and lived with them. And 10
18 years is the example they have been quietly living at 107
19 South Cliff Street, Ansonia.

20 At the end of last month's meeting there
21 was a question about sizing, and so I put the next page
22 in. These are adopted off the internet, they are --
23 because there are too many languages that would be unable
24 to be deciphered by the -- if I gave you the web pages.

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1 So I used Australia because they're
2 speaking English, a slightly different twang to it, but
3 in Australia using the metric system they're talking
4 about a stock lot loft being for 74 racing birds, 6 by 7
5 by 6 feet, my client's is 9 by 10 by 6 I believe. So the
6 standards are set forth there, three different websites
7 in Australia, to be a reference.

8 The next is a copy of the site plan of my
9 client's property. You saw the picture that was taken
10 essentially from one corner shooting backwards to the
11 deck. The males are tucked under the staircase and the
12 females are on the right side of the deck. The deck
13 makes a perfect super roof system and we have a full --
14 underneath they're well placed there.

15 They're on a slab. We think the idea of
16 having to displace it from the house is an antiquated
17 concept that they're somehow going to cause health
18 problems to the family from bird disease. And again,
19 there's no indication that that's ever going to happen
20 throughout the history of this family's relationship with
21 their pets.

22 The pets are well maintained, they are
23 regularly treated by veterinarians. They've been
24 quarantined when they come into this country. The

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1 original set came from I think Denmark. And again, part
2 of the numbering is that we have generations of pigeons
3 that are living there. We have the children of original
4 -- and grandchildren of the birds and slightly different
5 colorations that are being elicited by the breeding.

6 Again, I asked the Chairman for permission
7 to bring five birds for you to be able to see them being
8 handled by my client. If you would authorize that
9 they're parked in the car adjacent to Town Hall. It
10 would just take a few minutes to bring the birds in.

11 They're different plumage so you'd be able
12 to see what he is doing with his hobby where he's not
13 entertaining the sport and flying them and seeing if he
14 can get to a destination faster than others. He's in the
15 fancy business, it's more of the look, the cooing, the
16 pacification just the same way you'd put on some light
17 noise.

18 There's a calming effect to having the
19 presence of these birds. And a cousin of the pigeon is
20 the dove. Nobody would argue that we don't love the
21 symbol of the dove. The dove is the Holy Spirit, the
22 dove is the bird that Noah released that went out and
23 came back and told us the flood was over. We've had the
24 history of man interacting with the dove.

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1 And these are closer to doves than what
2 you think of as pigeon at Central Park, New York. And
3 that is my presentation except for the birds themselves.
4 I am ready to answer any questions, if I can't answer
5 them I'll try to write in. And not to hold open the
6 public hearing for anything I would ask that you we do
7 that.

8 But I -- and again, I'm not wed to the
9 particular language. That was the best example I have of
10 a neighbor -- of another municipal code in Connecticut to
11 be able to show you that we're not bringing something
12 from some foreign land here. There are many towns in the
13 United States that specifically authorize pigeons and I
14 think your Planner would have no difficulty finding the
15 code.

16 In the example at the back of that
17 brochure that I've submitted, they have a model as well.
18 So there's multiple models that can be -- not what I
19 submitted today Mr. Chairman, but what is in that -- the
20 brochure that has the definition on page 5. At the back
21 of that they had a model set of regulations, so I don't
22 know -- again, my clients are -- can speak to their
23 individual experiences.

24 But they simply are a little overwhelmed

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1 by this whole experience of having lived in this town for
2 10 years, having kept the birds quietly and all of a
3 sudden having a notice of violation and being told that
4 they must get rid of their pets. It's rather traumatic
5 for them to do that, but I've invited them here to be
6 able to speak to any questions that I can't answer.

7 So again, my client might be able to
8 address if I can't, so.

9 CHAIRMAN JAUMANN: I have a couple of
10 questions.

11 MR. SAVARESE: Yes.

12 CHAIRMAN JAUMANN: First, and maybe I
13 misheard you but I believe you said that the pigeons that
14 are currently there, the 60 pigeons, they are not
15 registered with any national organization?

16 MR. SAVARESE: They are.

17 CHAIRMAN JAUMANN: They are.

18 MR. SAVARESE: They are. They are, I put
19 that in my rule because we were intending to show that we
20 were not cavalier about it, that these are prize pigeons.
21 These are -- they paid money to import some of them and I
22 think went through a very elaborate system to get them
23 through customs and everything to come here.

24 We're now running up against the

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1 definition of farming in Ansonia and we're saying that
2 our prize pigeons that go to shows and everything,
3 they're banded and the zoning enforcement officer
4 specifically viewed them. And they're banded and again,
5 I think -- I don't know how old they get their band
6 because they're born into the family.

7 CHAIRMAN JAUMANN: Well that was my next
8 question, is that how many birds are registered? Are all
9 60 registered and when do they get registered, what's the
10 age of maturity?

11 MR. SAVARESE: My client Mirwais Rashid, I
12 think is the -- head --

13 CHAIRMAN JAUMANN: Could you spell that
14 please?

15 MR. SAVARESE: Mirwais, M-I-R-W-A-I-S,
16 Rashid, R-A-S-H-I-D?

17 MR. MIRWAIS RASHID: Yes.

18 CHAIRMAN JAUMANN: Alright, thank you.

19 MR. RASHID: Hi, my name is Mirwais
20 Rashid. And the pigeons are all registered with AU Club
21 and are banded. And someone asked for cleaning. The
22 cleaning is done every other day and the coops are going
23 away because I have an old restaurant and they're going
24 in dumpsters and always I keep it clean.

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1 And I never flied it, you know, I never
2 bothered the neighbors. I'm not sure what's the problem.

3 CHAIRMAN JAUMANN: Are the coops opened at
4 any point in time to allow the doves to roam freely?

5 MR. RASHID: No, no they're never going
6 outside.

7 CHAIRMAN JAUMANN: So they're enclosed --

8 MR. RASHID: They are closed, they are
9 gated by fencing and if I let them out for a bath, you
10 know, they are staying underneath the porch. They're not
11 going outside. And when I have time I just sit down over
12 there, I pass my time with them. My kids, my family, we
13 are just sitting around in the yard.

14 And they never fly, they never going on
15 the roof and they never bother nobody, neighbors --
16 they're not going on neighbor's roof and they're always
17 maintained inside their room.

18 CHAIRMAN JAUMANN: Can you tell me the
19 process that you have to go through in order to have the
20 pigeons registered? Is there -- do they have to be
21 checked by a veterinarian?

22 MR. RASHID: They are getting every year
23 shots and when the babies are like five months we're
24 getting all their shots. They come in from the pets and

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1 then we give them shots every year, so we give them
2 medicines every year.

3 Every three months there have rules what
4 medicine we have to feed them. And how we maintain the
5 pigeons like the dogs going every year or six months, I'm
6 not sure because I don't have a dog, and they get shots.
7 Same thing with a pigeon.

8 CHAIRMAN JAUMANN: So they see a vet every
9 year to get shots?

10 MR. RASHID: I shot them myself because
11 the pigeon and the dog is totally different. If the
12 pigeon is sick -- example is getting sick, we send them
13 to somebody, you know, like to see what the problem is.
14 And they tell me, you know, this medicine needs to be
15 done for that.

16 And the pigeon and the dogs is totally
17 different because the pigeon you not get sick, and from
18 the dog, from the cat, you get a lot of sicknesses. I am
19 with AU Club and they have a booklet -- they have a copy
20 so you can read it and it can explain everything.

21 And these pigeons is coming in from
22 (indiscernible) and quarantined and is coming to Canada
23 for one and a half months, it get checked by like
24 quarantine of Canada and is coming legally to United

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1 States. And they are not the pigeon we see in the park,
2 we don't see on the street, they are totally different
3 pigeons.

4 MR. HOLMAN: That's the question I was
5 about to ask.

6 MR. RASHID: Yes, they're totally
7 different.

8 MR. HOLMAN: They're not the pigeons you
9 see at the Milford --

10 MR. RASHID: No, you're not going to see
11 -- those is not the same pigeons. If you are going to
12 (indiscernible) you can see it, you will love it
13 yourself.

14 MS. MAUREEN McCORMACK-CONRADO: Can you
15 tell me again the value of -- like a range of the value,
16 the price value of the pigeons?

17 MR. RASHID: This pigeon is valued for me
18 a lot, but I spend \$400 to \$500 for each bird because I
19 import it. I pay only for one bird \$175 to import it
20 only for shipping.

21 And whatever I buy it from people or
22 friends, they give it to me from overseas, then it's
23 taking almost -- some of my birds take six months to come
24 to the United States. And they are not regular pigeons,

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1 they're not from the park which you see. This is totally
2 different bird.

3 CHAIRMAN JAUMANN: And how often do you
4 breed your birds?

5 MR. RASHID: I don't breed a lot sir
6 because I know I have to maintain it and I don't want to
7 bother nobody. And maybe every other year, maybe one
8 pair if something happened to it or something. I lose
9 one, then I breed from that breed. I'm not breeding
10 every year.

11 CHAIRMAN JAUMANN: Okay, and what is the
12 -- when you do breed what's the age of maturity that a
13 bird needs to be tagged and licensed with the AU?

14 MR. RASHID: Because we getting tagged
15 before the bird's baby gets born we order the band from
16 AU, we tell them how many bands we need. When the baby
17 hatch from the eggs, then after 10 days we can put a band
18 on their legs.

19 CHAIRMAN JAUMANN: Did you build the coops
20 to any specifications?

21 MR. RASHID: Yeah, this is built on 2014
22 or 2015 they're built, and this is -- this has been --
23 I've been living in this town more than 15 years and I
24 living in this house from 2004. So now we're living in

1 the same house.

2 Even I ask my neighbors and my neighbor
3 doesn't have a problem with it. They don't even know I
4 have the pigeons because I never let them out and nobody
5 sees it.

6 CHAIRMAN JAUMANN: Right, so my question
7 was in terms of the specifications of the coops
8 themselves that are under your porch. Did you build them
9 to any specifications? Did the AU provide you certain
10 guidelines to build the coops in order to maintain them,
11 clean them?

12 MR. RASHID: Yeah because -- yes. The
13 coops is as built by them. You know, like we know how
14 much space we need for that much bird. And the bird is
15 comfortable in there and the birds -- you can see. If
16 you all come and visit my house you're welcome to see it.

17 My bird is not sick, my bird never have a
18 problem, all healthy. I have a lot of friends, sometime
19 they come in to see my birds. They are loving it. They
20 are -- on American Racing Club they are racing their
21 birds for long-term and they have a 50/60 years they been
22 there with the birds.

23 But everybody that see my bird, they said
24 is healthy, they are -- I maintain it very clean in my

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1 house. I don't have any issue with that.

2 MR. SAVARESE: Mr. Chairman, your question
3 -- again, he customized it to the deck so it was not a
4 stock system. So it traces the outline of the slab and
5 the overhanging deck. So it fully encompasses the
6 pictures to show you that those are not -- those are
7 custom built coops to fit into that deck space.

8 CHAIRMAN JAUMANN: Okay, because my other
9 question --

10 MR. SAVARESE: Okay, and the sizing of
11 them as to what the capacity for the birds, that is why I
12 included the Australian material which you can cross
13 reference on their website. That that is their
14 recommendation for the size of the birds.

15 Now if you notice, I did not adopt
16 Wallingford's limit 300 roughly because we're bigger than
17 that. So we would be non-conforming as to the 300 square
18 foot because again, our measurements are -- the ones that
19 are recommended, the Australians, are talking about 6
20 times 7 times 6.

21 If you do the math it's like 252 square
22 feet, which would fit under. Ours are over 300, so I
23 wasn't going to propose --

24 MR. BLACKWELL: You're talking square feet

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1 or cubic feet?

2 MR. FRED D'AMICO: Cubic feet.

3 MR. SAVARESE: Converting it to square
4 feet is you would just keep multiplying them across. So
5 the Australians are using metric systems that we can't
6 correlate but --

7 CHAIRMAN JAUMANN: Well, that was my next
8 question. My next question is what is the entire space
9 of the coops as they exist?

10 MR. SAVARESE: We have two systems -- we
11 have two, a male and a female and both of them exceed --
12 both of our coops exceed 300 square feet, which was
13 Wallingford's limit.

14 MR. BLACKWELL: Square feet or cubic feet?

15 MR. SAVARESE: Square feet. We are 9 --
16 what is it, 9 by 10 by --

17 MR. RASHID: One coop is 9 by 12 by 10
18 high, and one of them is 8 by 6 and 11 height.

19 MR. HOLMAN: How much do you have in each
20 coop?

21 MR. RASHID: All the birds?

22 MR. HOLMAN: Not total, what do you have
23 in one coop versus the other coop?

24 MR. RASHID: All total I have 60, and one

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1 of them is maybe 40/45 and one of them is 15 or 14.

2 MR. HOLMAN: Okay, would that be the
3 female?

4 MR. RASHID: The male is more than
5 females.

6 MR. SAVARESE: Would you like to see the
7 birds?

8 MS. McCORMACK-CONRADO: I'd like to see
9 the birds.

10 MR. HOLMAN: I would.

11 MR. BLACKWELL: I would.

12 MR. SAVARESE: Go get the birds.

13 MR. BLACKWELL: I have one question --

14 MALE VOICE: What is the lifespan of the
15 average birds?

16 MR. SAVARESE: The -- within the 10-year
17 -- he's not lost any to old age. So the literature I
18 read, and I believe it's in your -- the homing pigeon
19 thing, I think 20 years is their thing, but.

20 MS. McCORMACK-CONRADO: Do you know if --
21 can the manure be used like as a fertilizer?

22 MR. SAVARESE: Excuse me?

23 COURT REPORTER: Can you turn that mike
24 around?

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1 MS. McCORMACK-CONRADO: Can the pigeon
2 droppings be used as fertilizer?

3 MR. SAVARESE: We don't. I mean, we're --
4 again, because -- Mr. -- he owns and operates the Subway
5 on Thomaston Avenue in Waterbury. And he referred to the
6 fact that he uses his commercial dumpsters to do it and
7 that's the -- he's getting rid of the thing.

8 I don't know that they have that -- it's
9 not iguana or bat doo that has something -- we are not
10 harvesting manure.

11 MS. McCORMACK-CONRADO: I'm speaking about
12 it in terms of other people who may have this in town, if
13 that might be an issue --

14 MR. SAVARESE: I don't know that -- I
15 really don't know as to whether anybody would brave the
16 numbers. It's because of his heritage that he can handle
17 and has the instinct for that number of birds.

18 I don't know that other people would want
19 to have more than five or 10 or anything. Again -- but
20 the numbers can get difficult but birds are easier to
21 maintain than if you will a 60 cat population or 60 dog
22 or any other kind of animal.

23 Certainly you'd have -- if you had 60
24 cattle you're a rancher, you know, and you better have

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1 the thing. So it changes dynamically, but the genesis of
2 this proceeding was a notice of violation that we are
3 farming, we are livestock, we need to quit doing this.

4 And I just -- I don't want to fight over
5 it, so I'm just suggesting these pigeons live peaceably,
6 my client lives with them peaceably. So if you pass a
7 regulation my coops may become non-conforming, okay,
8 preexisting, non-conforming and it may limit others.

9 But it would at least authorize us and be
10 clarity to your rules that it's not probation and I'm not
11 fighting a use restriction because under 8-13a, our coops
12 are now legal for being there for more than three years.

13 So there are statutes of repose that
14 authorize it but never a use thing and therefore, the
15 interpretation there, so.

16 MR. BLACKWELL: I have one quick question.

17 MR. SAVARESE: Yeah.

18 MR. BLACKWELL: Actually two. He said his
19 neighbors have no problem with this.

20 MR. SAVARESE: Right.

21 MR. BLACKWELL: Okay, why are we here?

22 MR. SAVARESE: Because the party that was
23 being foreclosed next door I think feared whether or not
24 there would somehow get knowledge of the pigeons being

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1 there and they had the same questions you did as to what
2 are the pigeons.

3 But they never once cited pigeon
4 droppings. They never say I believe it was a noise
5 complaint. And do you hear any noise? There's never
6 been a noise and you've been at the property. We think
7 it was just a specious complaint. They happen.

8 People call in zoning complaints because
9 they don't like the way you pulled out of your driveway,
10 you know. So the point is, we've lived there for 10
11 years with these pigeons and all of a sudden we get a
12 zoning complaint? And the whole authority of the City of
13 Ansonia is coming down on this family now and not
14 allowing their hobby, their pets, so.

15 MR. HOLMAN: Is the Commission aware of
16 any complaints that have been filed against this family
17 in the 10 years that they've had the pigeons?

18 CHAIRMAN JAUMANN: Well, there was the
19 complaint that brought them here today.

20 MS. McCORMACK-CONRADO: Just the one
21 complaint?

22 CHAIRMAN JAUMANN: Just the one complaint
23 as far as I am aware.

24 MR. SAVARESE: And it was an

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1 interpretation that they acted on that then brought in
2 implications of whether we're farming, whether we are
3 violating a three-year --

4 CHAIRMAN JAUMANN: Well just to be clear
5 counsel -- I mean, you've already elaborated on the fact
6 that you've chosen to come here before this Commission --

7 MR. SAVARESE: Yes.

8 CHAIRMAN JAUMANN: -- rather than go to
9 ZBA to challenge that interpretation.

10 MR. SAVARESE: That's correct. I believe
11 that it's easier to work with the body that does the
12 authority than to try to challenge your own
13 interpretation that this is how you want to control
14 chicken farms or some other where poultry and eggs are
15 getting out of hand.

16 A much bigger bird, a chicken, and
17 different habit and different thing, so I didn't want to
18 strike any part of your regulations, which means it stays
19 intact with your zoning enforcement and the entire
20 history of how you prosecute that.

21 CHAIRMAN JAUMANN: Well, my point is
22 you're not here challenging the zoning enforcement
23 officer's interpretation.

24 MR. SAVARESE: No, not at all.

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1 CHAIRMAN JAUMANN: You're asking for --

2 MR. SAVARESE: I am letting it stand and
3 asking that we tuck in an exception, either put it at the
4 end of the list and strike the gardening aspect or tuck
5 it into your definition of what farming is about that
6 might otherwise be a violation if you're under three
7 acres.

8 MR. BLACKWELL: The other question I had

9 --

10 MR. SAVARESE: Do you want to take one of
11 them out or just walk them around?

12 MR. RASHID: Just pick him up or --

13 MR. BLACKWELL: -- the other question I
14 had is during your presentation you said pigeon business.
15 Is he operating a business out of his home?

16 MR. SAVARESE: No, there's no business.
17 If I used the word business I was not -- he's not selling
18 or reselling the birds. He's -- it's simply for his
19 personal enjoyment and the family.

20 MR. RASHID: This is all white and one
21 hand is black.

22 MR. SAVARESE: So the plumage is the
23 distinguishing factors between these birds.

24 MR. TONY PELLEGRINO: They don't even look

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1 like pigeons.

2 MALE VOICE: They look like a bi-racial
3 dove.

4 MR. HOLMAN: Do you mind turning around
5 just to show the audience? Thank you very much.

6 CHAIRMAN JAUMANN: Oh, nice looking birds.

7 MR. SAVARESE: One of the questions
8 Mirwais when you left the room was how long do they live.
9 Do you have the ages of them?

10 MR. RASHID: Like 10 to 12 years, 13
11 years. Like dogs, like cats.

12 MR. PELLEGRINO: Really. Do you have the
13 age for all of them?

14 MR. RASHID: No, they are a lot of age and
15 in my culture --

16 MR. PELLEGRINO: So do you sell them as
17 well?

18 MR. RASHID: -- no, we don't sell it. You
19 know, sometimes my friends have like a --

20 MR. PELLEGRINO: Okay.

21 MR. RASHID: -- but we never sell it. And
22 this is the yellow one. And then I never fly them. I'm
23 not sure why the neighbors can complain about my
24 (indiscernible). They do whatever they want, nobody say

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1 anything. I can show them -- you know, they taking their
2 grasses, they drop it to another side of the neighbor.
3 Nobody say nothing.

4 I have all pictures, everything for them.
5 They taking their garden and cut it and they put them on
6 other side of the fence.

7 MR. SAVARESE: They would not fly around
8 the room would they?

9 MR. RASHID: No.

10 MR. SAVARESE: They would walk within the
11 thing but we might follow --

12 MR. RASHID: They might fly to the table,
13 yes, but they are not --

14 MR. SAVARESE: -- they might jump onto the
15 table, okay. The easiest remedy for my client is a text
16 change to clarify that pigeons are not absolutely
17 prohibited in Ansonia, whether it's a longer version that
18 is more scripted and everything, because it becomes a new
19 rule.

20 Our pre-existence might mean that we have
21 certain exceptions to any of the broader rules that you
22 impose. If you're thinking about how it would affect the
23 town, the city at large, and whether your neighbor might
24 end up with a chicken coop and so forth. So the point is

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1 this is maybe a model of how to do it. But the reason
2 that we put in the banding requirement -- and a key part
3 of it is to have that level of responsibility so that
4 your zoning enforcement officer could go down a checklist
5 and say it's not -- you know.

6 If you do put a size limit on it we're
7 bigger than that already. We pre-exist, a 300 square
8 foot limit, if you chose to follow what -- the Section
9 that I dropped out of Wallingford's and everything. But
10 I didn't want to be a hypocrite by saying that we're
11 somehow in compliance for 300 square feet. We're not.

12 But if you were to put that someone else
13 would have to comply. But they might argue they can
14 prove they pre-existed in the rule, that they themselves
15 might be at 540 square feet to 300, but anybody in the
16 future would have to comply with your rule. We would be
17 the last of the oversized if you will coops.

18 I believe that's the proper --

19 MR. DAVE ELDER: But I think most of the
20 questions I had for -- and maybe I missed this and I
21 apologize. But this -- did you provide this?

22 MR. SAVARESE: Yes I did.

23 MR. ELDER: This was very informative,
24 thank you.

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1 MR. SAVARESE: Yes.

2 MR. ELDER: I read this, it was
3 interesting, and they recommend one square foot for every
4 bird. You exceed that.

5 MR. SAVARESE: By quite a bit.

6 MR. ELDER: One of the questions I had,
7 and I think it was asked but I don't think I understood
8 the answer, was what are you going to do to maintain the
9 population at 60? If they live 10 to 12 years how do you
10 intend --

11 MR. SAVARESE: It's like every other
12 zoning, it's on your honor to follow and abide by the
13 rules. If you put a 60 foot thing, we will abide and
14 everything.

15 And again, if a complaint comes in that
16 there's squawking and a valid request comes out -- now,
17 are they going to start hiding pigeons under the coop
18 when the inspector comes out --

19 MR. ELDER: Well, what do you do I guess
20 is the question? What do you do, they're going to
21 reproduce, they will --

22 MR. SAVARESE: They don't reproduce if
23 they're not put together.

24 MR. HOLMAN: They're separated.

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1 MR. SAVARESE: If they're not put together
2 -- this is an organized effort when we're asking. And
3 Rashid only said that he seeks to reproduce if he loses
4 one or --

5 MR. ELDER: Alright, so --

6 MR. SAVARESE: -- gives one away.

7 MR. ELDER: -- they reproduce more than
8 one offspring with one mating cycle. So let's say you're
9 replacing five and you end up with seven. You have two
10 more birds, what are you going to do with those two extra
11 birds? I just -- I would like to know that there's a --

12 MR. SAVARESE: His intention would be to
13 give them away.

14 MR. ELDER: -- okay.

15 MR. SAVARESE: To perpetuate the hobby by
16 introducing it. His family as they move away --

17 MR. ELDER: Okay.

18 MR. SAVARESE: -- he's going to gift one
19 of his --

20 MR. ELDER: That's what I wanted to
21 understand, so there is a method in place to dispose of
22 the birds --

23 MR. SAVARESE: -- yeah.

24 MR. ELDER: -- should they exceed 60.

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1 MR. SAVARESE: Absolutely.

2 MR. ELDER: Okay.

3 MR. SAVARESE: There's a large community
4 and they're not illegal throughout the United States.
5 There's no black market and everything. Greenwich hosted
6 last November a national show and everything, and they
7 are one of the municipalities that also allow pigeons in
8 their -- within their town.

9 So there are many -- Danbury allowed them
10 but it got tricky in trying to follow whether they had a
11 bulk standard that ran with it or so forth. But unlike
12 your regulations other regulations spell out pigeon with
13 either a restriction or something. Yours, you left it to
14 an interpretation that it is a livestock.

15 MR. ELDER: So -- and then if I could just
16 -- because I know -- so just to move the public hearing
17 along if there are no other questions, this was
18 informative and I think it actually provides some -- I
19 don't know if all the Commissioners had a chance to read
20 it, but there are some definitions in here that I think
21 --

22 MR. PELLEGRINO: There is some clarity in
23 there.

24 MR. ELDER: -- that the Commission should

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1 . consider adding in addition to what the applicant is
2 proposing if the Commission is considering adopting the
3 regulation change. And what I would suggest is that we
4 add a number of the definitions including the definition
5 of a pigeon, that it excludes a feral or common pigeon.

6 Also when they mature and breeding age a
7 pigeon is, because that's part of the definition of a
8 square foot area, as well as the requirements if in fact
9 someone wanted to add a homing pigeon. So if the
10 Commission chose to do this, it would -- it could allow
11 for homing pigeons.

12 But even there, there is some definitions
13 to talk about -- when the pigeons can be let out, how
14 often, where they're fed. And I think that what I would
15 suggest is, if the Commission is interested, that I would
16 take what the applicant is proposing and add these
17 definitions to it or consideration of a package.

18 And it will not address pens or non -- I
19 forget the name, Colum --

20 MR. SAVARESE: Columbidae.

21 MR. ELDER: -- what is it?

22 MR. SAVARESE: Columbidae, yeah.

23 MR. ELDER: Columbidae, so it would only
24 address Columbidae bird species.

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1 MR. SAVARESE: And again, all of these --
2 these are Latin names and again, it's just a great
3 coincidence that we're talking about Christopher Columbus
4 whose last name --

5 MR. ELDER: And the only other two that
6 were not in the application that I think the Commission
7 may want to consider is that the coop not be located in
8 the front yard and that it not be visible from the street
9 in addition to what the applicant has proposed.

10 MR. WILLIAM MALERBA: I'd like to add
11 something here too. I'd like to add a yearly inspection
12 because of the droppings by the Health Department.

13 MR. HOLMAN: Is that not standard?

14 MR. SAVARESE: It's not so widely -- most
15 of the regulations that go to animal husbandry is in
16 kennels and those are commercial outlets. Again, this is
17 a hobby. This is like keeping your goldfish in a bowl or
18 an aquarium.

19 And there's nobody regulating how you keep
20 your aquarium and the Health Department doesn't come in
21 and tell you whether you should be -- you're overfeeding
22 your guppies or something, you know. This is new
23 territory but we bumped up against a farming definition
24 where the city had legitimate reasons not to invite farms

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1 into downtown Ansonia, keep the farms on the larger
2 properties.

3 And so the three acre definition, I don't
4 challenge. What I'm asking is that the hobby be
5 recognized and fitted in and see how the operations work
6 at 107 South Cliff Street and therefore, it shouldn't be
7 feared by the fathers and mothers here of Ansonia.

8 MR. HOLMAN: I think not only the fact
9 that it's a hobby, it's the fact that you're clarifying a
10 definition between a pigeon and a livestock.

11 MR. SAVARESE: Yeah, so thanks for your
12 time.

13 CHAIRMAN JAUMANN: Are there any other
14 questions? Thank you counsel.

15 MR. SAVARESE: Yup.

16 CHAIRMAN JAUMANN: Now I'll open it up to
17 public comments. Mr. Flaherty.

18 MR. BARTHOLOMEW FLAHERTY: Good evening
19 Mr. Chairman --

20 CHAIRMAN JAUMANN: Good evening.

21 MR. FLAHERTY: -- honored members of the
22 Planning & Zoning Commission. For the record, my name is
23 Bartholomew Flaherty. I reside at 28 Pine Crest Avenue
24 and I'm here this evening to just voice a little concern

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1 about this proposal. And I'm here -- first there's a
2 disconnect between the attorney's letter of fancy pigeons
3 and then the proposed regulations of honing pigeons and
4 doves.

5 We're six square miles and about 20,000
6 people. The proposed regulations disallow it anywhere,
7 on any lot in the City of Ansonia. Some lots in Ansonia
8 are 7,500 square feet and some of them have two/four
9 family houses on them, and I'm not so sure that 60
10 pigeons would be a good idea on those type lots.

11 The other problem I see is that there's a
12 recognition that it should meet the requirements of the
13 principal building on the property. And this zone on
14 South Cliff Street I believe is a B zone, so you have 10
15 feet. So you could very easily locate a coop within 10
16 feet of your neighbor and I don't think that that's
17 necessarily a good thing for -- in many, many
18 neighborhoods where there's very, very small lots.

19 I've had a lot of experience -- well, I'm
20 familiar with pigeons, particularly homing pigeons. My
21 grandfather used to race them. He has a number of
22 trophies for it. This says pigeons and doves, so it
23 could very well be homing pigeons not necessarily fancy
24 pigeons as he's portraying. Sixty -- limiting for 60

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1 birds of a breeding age, squab, and he mentioned it.

2 Somebody could be raising 60 birds and
3 have squab and the definition of squab is a domestic
4 pigeon about the age of four weeks. A pair of pigeons
5 can produce about 15 squab a year, so what you don't want
6 is someone raising pigeons for food and profit.

7 I don't think that's the intent. This is
8 supposed to be a hobby not some economic venture that
9 somebody might start doing. So I think that you have to
10 look at the proposed regulations and really, really
11 narrow them down. Homing pigeons aren't necessarily bad,
12 but 60 pigeons is a hell of a lot of pigeons.

13 I know my grandfather had them, they make
14 a mess. They're dirty. If you have a parakeet and you
15 don't clean the cage for a week, you know what you have.
16 Well, take 60 of them and multiply that. It should be
17 handled -- now, this gentleman probably does -- he's very
18 judicious and keeps his things clean, but your
19 regulations aren't for these people.

20 These regulations are for everyone who
21 might possibly want to raise pigeons for squab, pigeons
22 for racing. And homing pigeons, they home, they take
23 off. I mean, we used to load up a cage and go down to
24 Seaside Park and unload them and they'd beat us back to

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1 Shelton actually. And that's how we had determined which
2 were the racers and which weren't, were the ones that
3 made it back to the coops.

4 But they used to be up in the trees, they
5 were up on top of -- next to a school. They were up on
6 top of the school, they go all over. So when you're
7 talking homing pigeons, it's significantly different than
8 what he brought in here on these fancy pigeons.

9 So I think that you better define -- much
10 better define what you want -- what type of activity you
11 want. I don't think you want 60 homing pigeons, but I
12 don't think that 15 homing pigeons would be bad. I mean,
13 I don't think they'd be too bad in a neighborhood.

14 But 60, no -- you know what, you don't
15 need 60 pigeons flying around trust me. These don't fly
16 -- do you clip their wings or something so they don't
17 fly?

18 MR. RASHID: No they're not.

19 MR. FLAHERTY: They can't fly. They're a
20 bird that physically fly, okay. Because I know chickens,
21 they clip the wings so they can't fly. So, you know,
22 those are my comments.

23 That we're a very densely populated
24 community that if you start looking at the numbers you

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1 could have -- out of 60 birds you could have 900 squab a
2 year. It's scary when you say 60 birds of breeding age,
3 that doesn't limit at all the number of birds you're
4 going to have. So those are my concerns.

5 Otherwise -- you know, I mean it's not a
6 bad hobby. It's a lot of birds, 60. But it doesn't
7 mention fancy pigeons at all in his proposal, it says
8 homing pigeons and doves. And finally, the disease isn't
9 in -- it's not in the birds it's in the droppings.

10 That's where you encounter the problems
11 with the -- especially respiratory problems, pneumonias
12 and things like this. So it's not -- the birds
13 themselves that I know of don't transmit any disease,
14 it's usually in the droppings. So it's an awful lot on
15 care because -- you know, flies are a problem.

16 Flies are a problem, rodents are a
17 problem, vermin is a problem. If they keep the place
18 spotless and clean there aren't problems, but your
19 regulations are for general applicability. I think that
20 you should turn them over to your Planner and have him go
21 online and look up a lot of this.

22 There's an awful lot of information online
23 on homing pigeons, on fancy birds, and there's a lot of
24 commercial ventures in different parts. Some of the ones

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1 he mentioned -- some of the towns he mentioned have sites
2 where they're selling birds, so.

3 So that's -- thank you very much for
4 listening to me, I appreciate it. And whatever you
5 decide is fine, thank you.

6 CHAIRMAN JAUMANN: Thank you. Yes sir,
7 just please state your name and address.

8 MR. ABDUL AHAD: My name is Abdul Ahad, I
9 live on 4 Valentine Court, Ansonia City.

10 CHAIRMAN JAUMANN: Can you spell your name
11 for the record please?

12 MR. AHAD: A-B-D-U-L, A-H-A-D.

13 CHAIRMAN JAUMANN: Thank you.

14 MR. AHAD: And I live on 5 Valentine
15 Court. I don't have any comments, I just want to give
16 you generally ideas about the pigeons that he has. He's
17 my cousin. I have seen a lot of pigeons all over the
18 world.

19 I have been in Afghanistan, Pakistan,
20 India and United Kingdom. I have seen a lot of these.
21 The way he has it and he maintain it is totally different
22 from them. He has every pigeon that he said -- he
23 mentioned that he maintain them. He do the shots and
24 then he keeps them clean. The way he works, he's a busy

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1 guy and the pigeons are his hobby.

2 He plays with them, he's doing the sport.
3 And the pigeons are basically for my grandma and my
4 family. They come all over. We play with them. They
5 never fly, believe me brothers. Like the way he said at
6 60, if whoever said it's 300 -- if you look at 300
7 pigeons, it's more than even you would think, something
8 like that.

9 If you look at the mikes you have around
10 here, if you look at them you say like 50 but if you
11 counted it it's not more than 15 right? So what I say --
12 what I suggest, I'm not supporting something illegal.
13 I'm not doing that thing.

14 The way he said he's not flying them,
15 nobody -- I've been with him like for three years in the
16 United States. I never seen any of them on the roof of
17 his house or the neighborhood, nobody. When I came here,
18 for three weeks I didn't even know he has pigeons in his
19 house -- in my cousin house.

20 He said let me show you something. When I
21 went downstairs in the backyard I saw -- he surprised me.

22 I never know he has it, so even -- I'm his cousin. I
23 live with the family, I meet him every two/three days, I
24 didn't see them and I have no idea how they did see them.

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1 As he say from 2004 he live in that space
2 and mine is like two years in the United States. So I
3 didn't have any comments, I just wanted to tell you that
4 our country and my country, all over the world not just
5 Afghanistan. If you go to Middle East, every two or
6 three houses they have it. They fly it. They play with
7 them and then they sell it.

8 It's a big business in Middle East. He
9 doesn't do that like the business or he fly them. He
10 just uses as a hobby. My grandma, she's at home with her
11 kids -- I mean her grandsons. All she has to do is play
12 with them and take care of the pigeons. He works a lot
13 in Subway. He has three or four days in week to maintain
14 the pigeons.

15 So the area that I see, I know about the
16 pigeons and the space that he made it. As I told you I
17 see a lot of them but I never seen a space specifically
18 for the pigeons. I used to have pigeons back home but it
19 was a little -- just a tiny house for them that I made by
20 my hands.

21 But he made like -- incredible, the place
22 that he made it. It's like more than -- I can live in
23 that place instead of the pigeons, it's that clean. And
24 he takes care of all the dust or whatever he think. Like

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1 the way he use that sprays and stuff like that in the
2 area in the place, I never see that.

3 So, that was all for me. Thanks a lot.

4 CHAIRMAN JAUMANN: Thank you very much.

5 Is there anybody else from the public? Yes sir.

6 MR. BILL PHIPPS: My name is Bill Phipps,
7 27 Johnson Street in Ansonia. It was a very enlightening
8 and informative presentation by the applicant. I was
9 brought down here when I heard in the street, you know,
10 that we were going to be monkeying around with proposals
11 to allow farming activities in residential areas and
12 livestock and so forth.

13 And I was concerned that we're not playing
14 around because in this town we have serious problems with
15 density. And it's the way it is and it's the way we have
16 to live with it. And we can't allow it to be compromised
17 by changing regulations and loosening them up for the
18 purposes of one particular applicant because we know
19 these wonderful pigeons today, and tomorrow somebody else
20 figures out the way the regulations are presented to
21 bring in the homing pigeons, or he's a slob and he's got
22 400 pigeons and you've got some serious issues.

23 So all I would caution you on -- and I'm
24 sure from what I've heard and from your direction that

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1 you're sensitive to it too, that if you want to grant
2 this gentleman his hobby and take Mr. Blackwell off the
3 hook so he doesn't have to serve him nasty letters, that
4 you do it very judiciously and very narrow in
5 applications so that we don't leave the back door open in
6 the future.

7 In fact, you heard the attorney talking
8 already. You know, I mean somebody could come in with a
9 silver tongue and nobody could grow tomatoes anymore
10 because they didn't have three acres. And that's the
11 point that we have to be very cautious of as we go
12 forward, especially in this town when it's so close.

13 Even where they live up there -- I mean,
14 you know when your neighbor is flushing the toilet
15 because you're so close to each other. So we've got to
16 be very sensitive to that situation and I'm sure you are
17 and that's why I'm here.

18 And just one other aside. I wasn't quite
19 sure what the proposal was tonight so this morning I took
20 a walk down to the Town Clerk's office and wanted to look
21 at the application. And all I saw was the notice of the
22 public hearing and there was no other information
23 available. So I came in here flying by the seat of my
24 pants tonight trying to find out what was proposed.

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1 And I thought that that was very unusual.
2 I thought that the packet that's being proposed is
3 attached to the public hearing notice that's available in
4 the common repository, in my mind which is the Town
5 Clerk's office.

6 CHAIRMAN JAUMANN: Well, I don't know why
7 the -- the application that was initially filed prior to
8 last month's meeting is downstairs. I don't know if it's
9 on file with the Clerk's office, but we'll rectify that
10 and make sure --

11 MR. PHIPPS: Well that's my point, I don't
12 know where the downstairs is. And you know, Joe Bananas
13 comes walking in and he wants to look, you go to the Town
14 Clerk's office.

15 CHAIRMAN JAUMANN: Yup.

16 MR. PHIPPS: That's where you do your
17 business. And to have it anywhere else is a disservice
18 to someone if they want to be informed and come in and
19 look at this kind of information.

20 So that's my two cents, thank you.

21 CHAIRMAN JAUMANN: Thank you sir, thank
22 you. Is there anybody else from the public that wishes
23 to speak? For the second time, is there anybody else
24 from the public that wishes to speak? And for the final

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1 time, is there anybody else from the public that wishes
2 to speak?

3 MR. HOLMAN: Motion to close.

4 CHAIRMAN JAUMANN: Do I hear a second?

5 MR. PELLEGRINO: Second.

6 CHAIRMAN JAUMANN: All those in favor?

7 VOICES: Aye.

8 CHAIRMAN JAUMANN: Any opposed? Abstain?

9 Okay, we'll close then.

10 What's the Commission's pleasure? I mean,
11 at this point I think with the proposed change other than
12 --

13 COURT REPORTER: Chairman, are you through
14 with the public hearing?

15 CHAIRMAN JAUMANN: -- yes, I'm sorry.
16 We're finished with the public comment section, I
17 apologize.

18 Other than the initial proposal that was
19 set forth in the application, the proposal that we've
20 heard tonight that's in the package that was presented to
21 us, and I'm speaking out -- and I'm thinking out loud
22 here and maybe Dave, you can help me out here.

23 But if there -- the proposed language that
24 was proposed tonight from that initial proposal, so I

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1 think that if we were to accept or propose this text
2 change we would have to have another public hearing on
3 the actual language of the text change.

4 MR. ELDER: That is correct, and we would
5 have to send it to the Regional Council of Governments
6 for comment.

7 CHAIRMAN JAUMANN: Right.

8 MR. ELDER: So -- and depending on the
9 length of time that we've received the application, what
10 I would suggest we do is we continue this public hearing
11 for at least two weeks, and that's up to Commission's
12 pleasure.

13 Or at the next regular meeting I will
14 prepare a regulation that reflects the applicant's
15 proposal as what we talked about tonight, and then at
16 that time that should be distributed to the Regional
17 Council of Governments, filed with the Town Clerk's
18 office, and then leave it open in time for comments.

19 CHAIRMAN JAUMANN: What's the Commission's
20 pleasure, although I think that's probably the --

21 MR. PELLEGRINO: Is two weeks enough?

22 MR. ELDER: Yes, two weeks is enough.
23 We're going to have to -- actually the sooner the better
24 based on -- I have to look at the statutes, but I believe

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1 we have to hold the public hearing open for it's either
2 35 or 65 days -- I think it's 35 days for the Regional
3 Council of Governments.

4 There is an option to comment on the
5 proposed regulations --

6 MR. PELLEGRINO: Okay.

7 MR. ELDER: -- so the sooner we can -- the
8 Commission can choose which regulations they'd like to
9 put forward for that referral the better, so --

10 MR. PELLEGRINO: Okay.

11 MR. ELDER: -- I would say two weeks. I
12 think that puts us into Mother's Day, maybe I'm a week
13 ahead of myself.

14 MR. PELLEGRINO: May 9th is the Monday.

15 MR. HOLMAN: The actual proposal I think
16 includes the fancy birds and the homing pigeons and the
17 racing pigeons right?

18 CHAIRMAN JAUMANN: The keeping of homing
19 pigeons and doves.

20 MALE VOICE: And doves.

21 MR. HOLMAN: Okay. Is there any way to
22 look into maybe just including fancy birds?

23 MR. ELDER: Yes -- no, there's a
24 definition that would include fancy birds, and you could

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1 restrict it but -- and that's one way to do it. But it's
2 also -- I would suggest maybe the easy way to do it, and
3 nothing's wrong with easy, but would we want to go
4 through this again if someone in town did want to have
5 homing pigeons.

6 MR. HOLMAN: Yeah.

7 MR. ELDER: So is this an opportunity to
8 then look at what is the appropriate regulation that
9 would allow for a hobbyist or --

10 MR. HOLMAN: Okay.

11 MR. ELDER: -- agricultural use to have
12 homing pigeons. It's something to think about, so.

13 MR. HOLMAN: My only concern is --

14 MR. MALERBA: I don't think anytime
15 anybody wants to come here with any kind of a bird we
16 should have to hear what they have to say about it.

17 MR. ELDER: So you would be inclined to
18 leave it as only fancy pigeons --

19 MR. MALERBA: Right.

20 MR. ELDER: -- and if someone wanted to
21 come with homing pigeons they would come back before us.

22 MR. MALERBA: Right, because that's a
23 different breed of bird.

24 MR. HOLMAN: -- yeah, but see my only

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1 thing about this is this gentleman has had these birds
2 for 10 years. And I've been in the city 30 and I've
3 heard no complaints of anything like that. And it's just
4 that all of a sudden there is a complaint and now we want
5 to change the whole system.

6 The definition itself is what we really
7 should be concerned about. If you look at the
8 definition, the definition says livestock. That clearly
9 does not fall under livestock, so I think we need to also
10 consider the fact that he had these pigeons for 10 years.

11 MS. McCORMACK-CONRADO: Can I say
12 something to your point?

13 MR. HOLMAN: Yeah.

14 MS. McCORMACK-CONRADO: Now I think is a
15 good opportunity to look at homing pigeons also because
16 obviously it's different.

17 MR. HOLMAN: Yeah.

18 MS. McCORMACK-CONRADO: And racing
19 pigeons, that's different. Maybe just limit it to our
20 discussion to pigeons instead of all birds? But since
21 we're talking about pigeons now maybe we can address
22 those in this newest regulation or definition?

23 MR. HOLMAN: Well --

24 MR. PELLEGRINO: It's either that or

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1 you've got to put subcategories in, you know --

2 CHAIRMAN JAUMANN: But in order just to
3 move the public --

4 MR. PELLEGRINO: -- because they're three
5 different species.

6 CHAIRMAN JAUMANN: -- I don't mean
7 interrupt everybody, but in order just to move the public
8 hearing aspect of this along why don't we consider Dave's
9 suggestion where we schedule this out two weeks.

10 He can tinker with the proposed text
11 change that was submitted to us and come up with some
12 alternatives for the Commission. That way we can close
13 the public hearing aspect of this and we can move on to
14 the regular meeting where we can take it up again when
15 it's on the agenda.

16 MR. HOLMAN: Okay.

17 CHAIRMAN JAUMANN: So does -- I mean,
18 what's the Commission's -- Monday, May 9th is two weeks
19 from tonight. We can schedule that at any time because
20 we don't have any other business or meetings scheduled
21 that night, so.

22 MR. HOLMAN: Do you need a motion for that?

23 CHAIRMAN JAUMANN: I just don't know if
24 we're going to be able to get the -- because we're going

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1 to have to republish on that. I don't know if we're
2 going to meet that time frame in two weeks.

3 MR. ELDER: For -- I'm sorry?

4 CHAIRMAN JAUMANN: For republishing the
5 public hearing.

6 MR. ELDER: Oh, then I'm --

7 CHAIRMAN JAUMANN: We may have to go the
8 following week just to make sure, which would be the
9 16th.

10 MR. PELLEGRINO: Make sure you have time.

11 CHAIRMAN JAUMANN: Because we have to
12 publish it.

13 MR. ELDER: -- okay.

14 CHAIRMAN JAUMANN: So Monday, May 16th at
15 7:00 p.m., does anybody want to make a motion?

16 MR. HOLMAN: I make a motion.

17 CHAIRMAN JAUMANN: Do I hear a second?

18 MR. PELLEGRINO: Second.

19 CHAIRMAN JAUMANN: All those in favor?

20 VOICES: Aye.

21 CHAIRMAN JAUMANN: Okay opposed, abstain?
22 Alright, so we'll continue this public hearing then until
23 Monday, May 16th, at 7:00 p.m., where we will consider
24 additional comments on the proposed text change submitted

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1 by counsel as well as any other discussions that we get
2 from our Planner.

3 Those will be placed on file at the
4 Clerk's office for anybody to review before that public
5 hearing.

6 MR. SAVARESE: So there'll be no action
7 then this evening because it's on the agenda?

8 CHAIRMAN JAUMANN: That's fair to say.

9 MR. PELLEGRINO: Yeah.

10 CHAIRMAN JAUMANN: Maybe further
11 discussion but no action.

12 MR. SAVARESE: Right.

13 CHAIRMAN JAUMANN: So motion to -- I'll
14 entertain a motion to end the public hearing?

15 MR. PELLEGRINO: Absolutely, motion to
16 close.

17 MR. ELDER: Continue.

18 CHAIRMAN JAUMANN: Oh continue, excuse me.

19 MR. PELLEGRINO: Yup.

20 MR. HOLMAN: I second it.

21 CHAIRMAN JAUMANN: Okay, very good. So
22 we're done with the public hearing then, thank you.

23 (Whereupon, the meeting was adjourned at
24 7:35 p.m.)

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