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ANSONIA PLANNING & ZONING COMMISSION
 PUBLIC HEARING IN RE: ANILA VARDIK
 107 SOUTH CLIFF STREET
 REQUEST FOR ZONING TEXT CHANGE
 JAROD HEON, ACTING CHAIRMAN
 MAY 16, 2016

ANSONIA TOWN HALL
 253 MAIN STREET
 ANSONIA, CONNECTICUT

POST REPORTING SERVICE
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HEARING RE: ANILA VARDAK, 107 SOUTH CLIFF STREET
MAY 16, 2016

1 . . . Verbatim Proceedings of a continued
2 public hearing before the Ansonia Planning & Zoning
3 Commission, in re: 107 South Cliff Street, request for
4 zoning text change, Anila Vardak, held on May 16, 2016,
5 at 7:24 p.m., at Ansonia Town Hall, 253 Main Street,
6 Ansonia Connecticut. . .

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CHAIRMAN JAROD HEON: Everybody please
12 rise for the Pledge.

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

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CHAIRMAN HEON: Good evening everyone.
We're here tonight on a continuance of the public
hearing. The purpose of the meeting will be continuation
of a public hearing on 107 South Cliff Street and the
proposed zoning text change.

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We're here to hear anything else from the
applicant and public comment. Let the record show in
attendance we have Commissioner Malerba, Commissioner
Holman, myself filling in for the Chairman tonight who
was unable to be here, Ms. Conrado --

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1 MS. MAUREEN McCORMACK: McCormack.

2 CHAIRMAN HEON: McCormack, sorry.

3 MS. McCORMACK: That's alright.

4 CHAIRMAN HEON: We have our Planner and
5 our zoning enforcement officer all here tonight. I'd
6 like to open it up for comment at this point.

7 MR. DAVID ELDER: Do you want to recognize
8 any correspondence?

9 CHAIRMAN HEON: Oh I'm sorry, that's
10 correct. We did receive one correspondence in today,
11 which we distributed it out, sorry, from the Naugatuck
12 Valley Council of Governments. It was the referral that
13 we had sent to them. We did receive a response back from
14 Joanna, who's the Regional Planner. It reads as follows:

15 The City of Ansonia has received a
16 proposal for a zoning regulation amendment to the City of
17 Ansonia's zoning regulations concerning the keeping of
18 homing pigeons and doves. The proposed zoning amendment
19 would insert into Article 7 after Section 720.1, farming,
20 truck gardens and greenhouses; Section 720.1.1,
21 concerning the activities and uses which do not require a
22 special permit; Section 720.1.2, regarding gardening and
23 the raising of crops; and Section 720.1.3, keeping of
24 homing pigeons and doves subject to.

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1 Section 720.1.3 outlines four conditions
2 relating to the registration of the pigeons, the
3 structures which house them, and the keeping of supplies
4 to feed and maintain them in a way that maintains the
5 health and safety of people.

6 Staff recommendation, staff finds the
7 proposed zoning amendment to have minimal inter-municipal
8 impact. General and specific comments of the Naugatuck
9 Valley COG staff are as follows. Staff recommends adding
10 a definition for pigeons and doves which include homing,
11 carrier, racing, hobby and show pigeons.

12 The initial complaint related to the
13 noise/nuisance of pigeon activity, to abate nuisance
14 activities related to pigeons and doves staff suggests
15 that the proposed zoning amendment include text
16 concerning the release and exercise of the birds in
17 addition to the keeping and maintaining of structures
18 which house them.

19 And finally, staff questions the
20 conditions under a special permit may be issued for the
21 keeping of more than 60 birds. And this was dated May
22 5th -- I'm sorry, this was received by them on May 5th
23 and they commented back May 16, 2016.

24 Can I have a motion on the communication?

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1 MR. TIM HOLMAN: Motion to accept
2 communications.

3 CHAIRMAN HEON: Motion by Mr. Holman to
4 accept the communication.

5 MS. McCORMACK: I second it.

6 CHAIRMAN HEON: Seconded by Ms. McCormack.
7 All in favor?

8 VOICES: Aye.

9 CHAIRMAN HEON: Opposed? So it carries.
10 Yes counsel, do you have anything that you'd like to add?

11 MR. STEPHEN SAVERESE: You know what, I
12 just wanted to say today I was given -- I asked to see
13 where --

14 CHAIRMAN HEON: I'm sorry, could you just
15 -- I know you've been up before. Just --

16 MR. SAVARESE: -- yes, I'm Attorney
17 Stephen Savarese. I submitted the application on behalf
18 of the homeowners.

19 Tonight as I recall, we were going to look
20 at whether or not it was necessary to expand on the
21 applicants. And my concern again is that the original
22 enforcement was under a definition of livestock and
23 precluded any farming activity for a property owner with
24 less than three acres.

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1 And my client has six-tenths of an acre,
2 so it was virtually impossible to imagine that he could
3 get a valid variance for a conduct that he had had going
4 on at the property for 10 years and had been a tradition
5 in his family coming from Afghanistan, of keeping
6 pigeons.

7 I asked for and was able to receive the
8 proposals that you're reviewing and I find that they are
9 in keeping with our general intent to just add to the
10 Town's list of permitted uses, the hobby of pigeon
11 keeping, and that we are already doing it in a certain
12 manner.

13 But we recognize the fact that hobbies
14 have a wide array of tolerances and it may be necessary,
15 as the public comments came in last time, to consider
16 some of the high density that your city has. And so we
17 just -- we do have a number that we think works with us
18 but we're experienced.

19 So I could appreciate that a less
20 experienced hobbyist might not be able to handle more
21 than 30 birds and if the number is set below what we are
22 doing we would become non-conforming. It would have to
23 move towards conformity and that certainly is something
24 that needs to be explained to my client as to why it is

1 that his current operations might not become sanctioned.

2 But I've explained that you're looking at
3 the town at large and how this could proliferate, how it
4 would be spread throughout the town and could become
5 problematic because the next guy might not be as diligent
6 in his demeanor in how he's conducted himself. My client
7 was stealth, he was able to do this for 10 years without
8 there being any understanding that he was in this
9 operation.

10 But again, somebody recognized that it was
11 going on and commented on it in a way that then triggered
12 the enforcement thing. And we're just looking to put it
13 in the favored use category and not an illegal activity.
14 We don't think we're doing anything illegal to continue a
15 hobby that has been a tradition of my client's family for
16 generations.

17 So I welcome the discussion and understand
18 that this evening if it doesn't conclude I'd grant an
19 extension of whatever the proceedings are so that the
20 Town can feel comfortable with it. We're not looking to
21 jam up the Town with our request, we're simply looking to
22 get off of the enforcement track and trying to get
23 legalized.

24 And I think that the discussion is doing

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1 just that with the idea that if it needs more than four
2 limitations as I had drafted it, and we'll certainly
3 consider it. I don't have any problems with the COG's
4 recommendations. They understood that this is not a
5 heavily used hobby currently and certainly if it became
6 larger you'll get more interactions and more comments.

7 And I think that right now it might be
8 difficult for you to regulate it because you don't have
9 that much experience. It's almost virtually new where
10 none of the Commissioners have had personal experiences
11 so you're having to read about it and take example from
12 other towns. I proposed, again, my version modeled after
13 the Town of Wallingford.

14 And so I don't have -- I know that the
15 closest manifestation was I think 10 years ago there was
16 an issue that came up in Seymour and it was resolved with
17 someone getting a variance. But in this instance I think
18 it would be -- we took the route of asking that you add
19 this into the thing.

20 For clarifications, again, what you'll be
21 -- the thing that I added after 720.1, so the .1, .2 and
22 .3 are my proposals. I think you're going to see
23 something that says existing. The .1 is not existing
24 because I had specifically targeted getting away from a

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1 special permit. Now the COG recommended that if you get
2 over 60 birds you might need a special permit because of
3 the magnitude of the hobby and that would not be in
4 conflict with my understanding where we are at 60 birds
5 and the recommendation may be that we even go smaller.

6 The next one has nothing to do with
7 pigeons, it was done simply -- my proposal of 720.1.2, to
8 point out the fact that people do farming activities that
9 do not necessarily require three acres. And we were
10 being accused of farming illegally because we're six-
11 tenths of an acre.

12 We were trying to make the point we're not
13 farming, it's a hobby, and neither would people be
14 farming if they're simply doing some gardening or raising
15 some crops. So it is simply structure within your zoning
16 code that I had proposed it in that manner.

17 But it is not -- I am not wed to 720.1.2.
18 If it's struck it's just going to create a numbering
19 issue as to whether mine jumps up to be 720.1.2 and then
20 becomes .2A, B, C, D, and whether you add an E, F, G is
21 not really -- I'm not here to quibble over how the
22 pigeons become legal in Ansonia.

23 And we just wanted to introduce -- we
24 think we're conducting the hobby in the highest order

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1 having met the thing because that's the way this family
2 has oriented itself towards this particular hobby. They
3 don't have a mix of hobbies, this is what they're doing,
4 and this is why it was particularly hurtful that they
5 might lose the chance to be able to maintain their hobby
6 and still be residents of Ansonia.

7 But the way this Board -- this Commission
8 has received this application, we're very happy and I
9 don't see any of the proposed language going forward that
10 undermines the way that my client would continue to be
11 able to operate at his property on South Cliff Street.
12 So, I'll let you hear from your Planner. Yes?

13 MS. McCORMACK: I have a question. So
14 you're saying that if there's -- if we make a regulation
15 that says that we would allow 30 pigeons, then your
16 client would be grandfathered in as a non-conforming use,
17 is that your contention?

18 MR. SAVARESE: Yes.

19 MS. McCORMACK: Okay so is that correct,
20 is that -- would that be correct because my understanding
21 of it, and I'm definitely open to being -- considering
22 myself wrong about it, is that if there was a regulation
23 before and we change it then the person who was in
24 compliance before is now grandfathered.

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1 From this case though it seems like your
2 client is not in conformance with either the livestock or
3 if you look at perhaps the overriding ordinance of -- you
4 know, there's nothing that says that we regulate pigeons
5 and so he can't have them. So how --

6 MR. SAVARESE: No, I appreciate the --

7 MS. McCORMACK: -- and I really -- I love
8 your pigeons, they're beautiful.

9 MR. SAVARESE: -- no, I think the -- it's
10 a good point --

11 MS. McCORMACK: But it's just so we can
12 understand it.

13 MR. SAVARESE: -- that we weren't legal
14 currently under the interpretation and therefore, we
15 can't continue in that. So we would have to -- but the
16 -- it's typically when you don't conform you have to --
17 it's at what speed do you move into conformity.

18 And I would ask we be treated as not
19 having been illegal, that we're simply -- an
20 interpretation issue that we're avoiding as to whether
21 pigeons were ever livestock. I started off contending
22 that they weren't but I did not want to end up at cross
23 purposes with the Zoning Board of Appeals over that, and
24 so I thought it better come to this body and introduce

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1 the pigeons.

2 But if that is an issue, that it should be
3 brought into them then we have to -- my client will look
4 to legalize himself. So he's going to have to gift away
5 half of his flock and that -- again, what rate of
6 attrition to bring it into compliance that we might look
7 at, but we're not there yet.

8 But I don't object to -- you know, because
9 we are less than an acre and I can appreciate that that
10 is -- might be one of the strongest elements. But we
11 don't think that -- it disturbs us -- I understand that
12 others would be concerned. We're not disturbing our
13 neighbors is our contention.

14 But we could appreciate that someone else
15 maintaining two sets of 60 next to each other, which we
16 don't have the example of on South Cliff Street, so we
17 don't know how it would be conducted if we had multiples
18 of 60 up there. And so we'll abide, we will live by the
19 thing.

20 The non-conforming aspect is where now
21 pigeons are allowed but only within the structure, and so
22 we have to get to that level. We have to get to that
23 level. How much time we have to get to that level, I
24 think I'd have to negotiate with your zoning enforcement

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1 officer, you know, because he knew that we were there at
2 one point.

3 But we've talked about it and we -- the
4 number didn't start out at 60 in the 10 years. It wasn't
5 60 from the inception. We didn't move into town with a
6 moving van of 60 pigeons, so it had been lesser. It is
7 through the passage of time that it had gotten up to that
8 number and through the passage of time we'll get it back
9 down. Yes?

10 MR. HOLMAN: I can understand the
11 grandfather part. I understand that you've been doing
12 this for 10 years right, is that how long this was going
13 on?

14 MR. SAVARESE: That's correct, ahum.

15 MR. HOLMAN: We are here because of a
16 complaint right?

17 MR. SAVARESE: I understand that it was a
18 complaint, I don't -- it was an oral complaint that came
19 in --

20 MR. HOLMAN: We're here because of a
21 complaint?

22 MR. BLACKWELL: Yes.

23 MR. SAVARESE: -- it wasn't put in
24 writing.

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1 MR. HOLMAN: Okay, now we've had -- this
2 is our second hearing. The complainant that filed the
3 complaint, have they showed up for any one of these
4 hearings?

5 MR. BLACKWELL: No, she has not.

6 MR. HOLMAN: So for 10 years these people
7 have had the pigeons there and there's been no
8 complaints?

9 MR. BLACKWELL: I have no idea how long
10 they've been there.

11 MR. HOLMAN: Well, they've stated that
12 they've been there for 10 years. There's been no
13 complaints. We have one complaint, we have two hearings
14 and that person has not showed up for the hearing. And I
15 can understand where he's talking about the grandfathered
16 in.

17 For 10 years they've had these pigeons and
18 they haven't had one complaint. And we're here for two
19 public hearings and the regulations don't define --
20 that's what we're trying to do is to define how many
21 pigeons they can have am I right?

22 CHAIRMAN HEON: Now just for
23 clarification, this is not in a direct -- this is not a
24 direct response to a complaint this is a proposed zoning

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1 text change citywide. So in essence we are here because
2 of a complaint but we're not directly -- it's not a
3 hearing for this.

4 MR. HOLMAN: But we wouldn't be here
5 without that complaint is what I'm trying to say.

6 CHAIRMAN HEON: It probably would not have
7 been proposed is probably the way I would word it.

8 MR. HOLMAN: And I said that for one
9 reason, he mentioned something -- grandfathered him in
10 for 10 years. We can take that consideration in when we
11 make these proposals right?

12 CHAIRMAN HEON: Once we conclude the
13 public hearing --

14 MR. HOLMAN: Okay.

15 CHAIRMAN HEON: -- we'll deliberate, you
16 know, amongst the Commission and that would definitely be
17 a point to consider.

18 MS. McCORMACK: Well, I think my question
19 was not so -- I mean obviously, it seems like from all of
20 what you've said and everything heard about the way you
21 take care of your pigeons, you do a great job so I'm
22 convinced.

23 I do have to consider, you know, other
24 people but I also have to -- I'm always trying to learn

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1 more about my role. And so for the grandfathering part
2 I'm trying to understand what -- you know, what's
3 necessary for something to be considered grandfathered in
4 as non-conforming.

5 CHAIRMAN HEON: Well, he may not even have
6 to be grandfathered in. It depends on the number that
7 it's set at, and then also --

8 MS. McCORMACK: Ahum, yeah right, so it's
9 hypothetical anyway.

10 CHAIRMAN HEON: -- and going forward out
11 of that, you know, there could be some type of either
12 appeals process by waiver or some type of special
13 exception, you know, coming out of that.

14 MS. McCORMACK: Ahum.

15 CHAIRMAN HEON: But for purposes of the
16 regular, you know, zoning change we haven't determined a
17 number yet.

18 MS. McCORMACK: Right, okay.

19 MR. SAVARESE: The Commission as a whole
20 sets the regulations but they're also the definitive body
21 defining the regulations. So one of the issues is that
22 you can then help direct this issue further by suggesting
23 pigeons are not livestock outside the scope of the
24 regulation so that the zoning enforcement officer -- but

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1 if you do set a number that is directed towards this use,
2 then we should be.

3 But there are other statutes of repose
4 that come into play here. Section 8-13a is as to
5 structures. When a structure has been on the ground for
6 more than three years it cannot be enforced against. The
7 difference here is that the structures -- we don't want
8 empty structures, so the structures which are the lofts
9 under the rear deck and everything.

10 So if you were to say that you would want
11 the deck -- which my client started an alternate set of
12 coops 40 feet away because the zoning enforcement officer
13 was interpreting one of your older ordinances as
14 suggesting that he could maintain a loft over 40 feet
15 from the house which was just at the edge and limit of
16 what his rear lot would be able to tolerate, he
17 misunderstood that that was license to start the
18 construction.

19 He started right away because he was
20 anxious to legalize his pigeons and so he was prepared to
21 have them be 40 feet away. But the coops can stay where
22 they are, again, even if you were to say you'd prefer
23 them 40 feet away. So there would be again another law
24 that comes into play that allows me to keep the coops

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1 where they are.

2 But we don't want to be at cross purposes,
3 so we're going to try to -- he already was trying to do
4 that. His error was not to pull a standard permit but he
5 wouldn't have been able to get the zoning sign-off in the
6 current interpretation that he was fine. So no zoning
7 permit, you don't get a valid building permit and the
8 structure became illegal.

9 He took down the alternate thing and that
10 was part of what we intended to do to show our good
11 faith. And we have a preferential -- a preference for
12 leaving the coops where they are on the slab where we
13 think we can clean it and it's easier access. In the
14 dead of winter you wouldn't want to be hoofing it 40 feet
15 off the back porch to be feeding your birds or anything.

16 So I think the old regulation imagined
17 with the health code as it stood at the turn of the last
18 century, that it was not a good thing to bring animal
19 husbandry into contact with humans. I think we've
20 developed a more sophisticated understanding of disease
21 and transfer and so forth in the 100 years since the
22 ordinance that had suggested that it had to have the
23 separation.

24 MR. HOLMAN: Question on that. This

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1 proposed change to this, when was the last time that it
2 was updated?

3 CHAIRMAN HEON: The section itself?

4 MR. HOLMAN: Yeah.

5 CHAIRMAN HEON: 1983, somewhere around
6 there. It may be original.

7 MR. SAVARESE: 720 -- yeah, the ordinances
8 of the Town are older than Title 8's allowance for a
9 bodied Commission. So modern zoning only came into being
10 in the 20th century.

11 Ordinances existed since the 1800's, so
12 they're as old as the municipality is that we set rules.
13 Rules -- and we actually were cited first for violating
14 an ordinance before the zoning officer took hold of this
15 one and ran with it using your regulations.

16 So I still have a job to do to conform
17 with the town attorney, the fact that we are still -- but
18 if I can get them to focus on we're not livestock, and it
19 all comes back down to the definition of livestock and
20 raising animals for food and profit and so forth, which
21 got us off on sort of the wrong foot. And --

22 MS. McCORMACK: Can I ask another
23 question?

24 MR. SAVARESE: -- yeah.

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1 MS. McCORMACK: Based on the last public
2 hearing when we had comments from people they were
3 talking about -- one gentleman, Bart Flaherty, was
4 talking about racing pigeons and homing pigeons and how
5 he could see how these fancy pigeons, you could
6 potentially have more because it's different. It's a
7 different impact on neighbors.

8 MR. SAVARESE: Yeah, they don't leave the
9 property right.

10 MS. McCORMACK: Right. So what would be
11 your recommendation on parsing that?

12 MR. SAVARESE: My client doesn't need to
13 have the --

14 MS. McCORMACK: Well see, what we --

15 MR. SAVARESE: -- we were trying not to be
16 essentially spot zoning where there's only one set of
17 pigeons allowed in the whole town --

18 MS. McCORMACK: -- no, I believe --

19 MR. SAVARESE: -- that's right there at
20 Cliff Street and it has to be a fancy pigeon. So we were
21 --

22 MS. McCORMACK: -- no, but I'm saying if
23 fancy pigeons should be maybe --

24 MR. SAVARESE: -- I believe your zoning

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1 enforcement officer said that there were other instances
2 --

3 MS. McCORMACK: -- yeah, right.

4 MR. SAVARESE: -- and I think the hobby,
5 it's more popular for them to be flighted or to -- the
6 racing and homing pigeon are bigger elements in the hobby
7 world than are the fancy because the fancy some people
8 will say are boring.

9 But for my client's thing, the cooing and
10 thing is what they like. The relation to the others like
11 the sport, the idea that something can race and people
12 have released the pigeons down on Long Island Sound to
13 see how fast -- who gets home first, you know.

14 And there's a race -- there's a multi-
15 million dollar prize that in South Africa they release
16 the birds and they fly halfway across the continent and
17 whoever's bird gets there first gets a million dollars.
18 So --

19 MR. HOLMAN: But your birds don't fly.

20 MR. SAVARESE: We don't fly so we don't
21 need that, but we weren't looking to be so narrow that we
22 didn't gain any support.

23 We thought we might get some support from
24 others interested so the comment that there's nobody

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1 speaking against us, we also don't have anybody speaking
2 with us except the immediate members of the family. It's
3 not that popular a cause.

4 But it is for us popular and the tradition
5 has existed, so we brought the literature to show you
6 that we're not the only one. It does exist in other
7 communities and so there's a growing -- and apparently
8 they're underground right now, the ones that exist in
9 Ansonia.

10 And so they at least could become more
11 legitimate and come into conformity. But I don't think
12 there was a plethora of comments against these other
13 folks. I believe your zoning enforcement officer knows
14 this town well enough to know that there are other
15 issues. But nobody has braved 60 in a coop. You know,
16 that's a specialty.

17 That is a thing but again, the people that
18 do horses at the Kentucky Derby level spend a whole lot
19 of money and have big spreads and you can't exactly say
20 that's keeping horses exactly the same way as somebody
21 else would with a two acre plot, you know, when these
22 horses --

23 MR. HOLMAN: I was a little intrigued when
24 I saw the birds and not knowing much about them, I did a

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1 little research. And it's a little more popular than
2 most people will think.

3 Maybe it's underground in Ansonia, but
4 it's pretty big in New Haven, Bridgeport, Danbury. It's
5 pretty popular.

6 MR. SAVARESE: Well we --

7 MR. HOLMAN: It's just that I'm surprised
8 that we haven't reached this or tried to change this a
9 while ago. That's why I asked 72 point -- what is it
10 720.1, when did these -- how far back do these
11 regulations go?

12 MR. BLACKWELL: 1977.

13 MR. HOLMAN: What year?

14 MR. BLACKWELL: 1977.

15 MR. HOLMAN: 1977.

16 MR. SAVARESE: But again, the definition
17 of livestock is still a sub-definition as to
18 interpretation and you have to lead. But the zoning
19 enforcement officer with the town attorney had litigated
20 against people keeping chickens on a lot smaller than
21 three acres and that was the precedent that said they
22 would be prepared to challenge us.

23 And again, that becomes big dollars to
24 have to go to court to defend that I'm right and you're

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1 wrong, and I didn't want to put my clients through that
2 over whether I'm -- my interpretation is better than
3 yours. And so we decided that we thought there was a
4 trend out there and it was, if you scratch the surface, a
5 legitimate hobby that could be supported.

6 And I wanted to offer up to your thing, so
7 we paid the fees to come here to present and we want to
8 -- and we like what we're hearing. We're not unhappy,
9 we'd rather see 60 any which way you can save our 60 than
10 30, but 30 is better than zero. That was what the letter
11 says, no pigeons.

12 And so we -- that was what upset us so
13 much, no pigeons. That just didn't seem right and so I
14 wanted -- I explained to my client, you know, they know
15 we're here now. You know, you can't hide them anymore we
16 have to come forward and work with one agency or another
17 and it was my decision to come to Planning & Zoning and
18 not ZBA.

19 I was urged to go first to ZBA. The
20 process there is to appeal the zoning enforcement
21 officer, say he's wrong, but that was going to be a
22 stretch. Or then, ask for a variance because I'm only a
23 little bit off. Well, I'm not so sure I was a little bit
24 off which is when you're entitled to get a variance when

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1 you're mostly there.

2 You know, you're a foot off on a frontage
3 requirement or some other thing. I wasn't close to their
4 definition of three acres before you're farming to allow
5 your livestock to stay there, so I just said we have to
6 take a slightly different tract here. And no disrespect
7 to Dave and the town attorney, but I said -- you know,
8 you are the arbiters of what comes into town and you
9 could freshen up a lot of things.

10 And I was making a point when I said
11 gardening and raising crops. How is that innocuous? Now
12 they don't walk around, gardening and -- so they don't
13 roost on a neighbor's thing and they don't make noise
14 rustling at night, your sunflower gardens or something.

15 So -- but it was the idea that you can
16 twist something around, you can twist livestock around
17 and start attacking pigeons that are being kept for a
18 hobby. And that's where I just wanted to make the point
19 that nobody should need a special permit to have a garden
20 that has some zucchini in it and eggplant and, you know,
21 20 tomato plants.

22 But most people don't have three acres
23 that are going to want to have that kind of garden
24 either. And in my sense of it, we are no more offending

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1 with our 60 pigeons living under the back deck than
2 somebody gardening and raising crops. So it was put in
3 there to make a point.

4 Take it out, we're principally here to try,
5 to get our fancy pigeons legalized. However you would
6 like to help me legalize them, we're up for. If you set
7 the bar below, we're going to have to work to comply with
8 that. And it's only targeting us right now because
9 nobody else is in the radar.

10 So we would appreciate if you could find a
11 way to set the bar higher, but not at the risk of losing
12 the entire entirety. I don't want to lose the momentum
13 we have in saying that we're going to allow pigeons in
14 here if -- because my client might graduate to a two-acre
15 property.

16 And then under these rules he'd be
17 entitled to have more -- or he'd be legal at 60 because
18 the way that the planner had proposed it, it's 30 per
19 acre. So it's just reflecting a balance between the
20 land.

21 Now, the area of land is not necessary.
22 It kind of goes -- it's kind of intuitive to the coops
23 idea if these guys are living in a density where they
24 only need a square foot for their loft and they don't

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1 wander about like chickens. So that would be my response
2 to why we don't need two things.

3 So you can start regulating it at two
4 acres and go up from there, but you might let the 60 be
5 for anybody under two acres because we've shown that we
6 can maintain them fairly and everything and that would be
7 another response. So that at three acres you'd have 90,
8 at four acres 120, at five acres 150 and that's where
9 they're maxed out. But to start off with allowing 60, we
10 would appreciate that.

11 MR. ELDER: Mr. Chairman, if I could just
12 kind of update the Commission from the last meeting. So
13 what I did is I took the best practices guide from both
14 the State of Connecticut for municipal zoning
15 regulations, I took the sample regulations and the
16 documents that the applicant prepared, and I took the
17 comments from the last public hearing.

18 And it was a draft format and I never
19 really finalized it. I sent it to some of the staff, got
20 some comments back, including the Chairman. So I'll go
21 over briefly kind of what I put into the zoning
22 regulations and what I heard back from Joan, the town
23 attorney.

24 And if after we do that there's still

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1 things missing or the Commission wants to change it, I
2 can revise it for the next meeting. And I did address
3 some of the comments from the COG as well, so if it's
4 alright I'll just go through that quickly?

5 CHAIRMAN HEON: Sure.

6 MR. ELDER: So I took the original
7 suggestion by the applicant, which was without obtaining
8 a special permit, and I carried that through. So right
9 now none of this is proposed as being a special permit,
10 this would all be permitted use by right if you meet the
11 following regulations.

12 No lot of one or less acres shall exceed
13 30 birds of breeding age. An additional 30 birds may be
14 permitted for each additional acre. No lot of any size
15 shall exceed 150 birds. We heard some concerns from the
16 public last time that 60 or 100 birds was a lot of birds.

17 I will admit that the 30 birds was a
18 number that I picked because it was half essentially of
19 what they had. And you can imagine if you had two lots
20 of 7,000 square feet, which is probably pretty consistent
21 around here, 7 and 10,000, and you had -- each one had 60
22 birds, that could add up. So I cut it in half so is that
23 up for debate? Yes.

24 Pigeons -- so again, this what I heard and

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1 this is what I added. Pigeons, doves shall be housed in
2 a structure meeting the requirements of the principal
3 building in the district in which it is so located so
4 that the greater setbacks will apply. No structure for
5 housing pigeons or doves shall be located in any front
6 yard.

7 No structure for housing pigeons or doves
8 shall be visible from the street. No loft shall be --
9 the loft shall be of such a sufficient size and design
10 and constructed of such material that it can be
11 maintained in a clean and sanitary condition. There
12 shall be at least one square foot of floor space in any
13 structure for housing pigeons for each mature pigeon kept
14 therein.

15 All pigeons shall be registered with a
16 national pigeon organization by use of a seamless
17 numbered leg band. All grain and food stored for keeping
18 of pigeons and doves shall be kept in a vermin-proof
19 container. All pigeons shall be confined to the loft
20 except for limited periods of necessary -- limited
21 periods necessary for exercise, training and competition
22 and at no times shall pigeons be allowed to perch or
23 linger on the buildings or property of others.

24 No one shall release pigeons to fly for

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1 exercise, training or competition except in compliance
2 with the following rules: Number one, the owner of the
3 pigeons must be a member in good standing of the
4 organized pigeon club such as the American Racing Pigeon
5 Union, the International Federation of Racing Pigeon
6 Fanciers, the National Pigeon Association, the American
7 Tippler Society, the International Roller Association,
8 the Rare Bird's Pigeon Club or a local club which has
9 rules that will help preserve the peace and tranquility
10 of the neighborhood.

11 Pigeons will not be released for flying
12 which have been fed within the previous four hours. Any
13 structure or loft or keeping area shall be maintained in
14 a sanitary condition in compliance with all the
15 applicable city and state health codes.

16 All those regulations came directly from
17 the guidance that was provided by one of those two
18 documents except I did add that they shall not be kept in
19 the front yard and that they shall not be visible from
20 the street line. Those two I added.

21 Additionally just like the COG suggested,
22 the Council of Governments, I added the definition of a
23 pigeon which includes fancy pigeons, homing doves and
24 more, and then I went on to specify -- suggest the

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1 definition for fancy pigeon.

2 And the fancy pigeon definition -- or I'm
3 sorry, the first pigeon definition excludes the feral
4 pigeon, which we heard was different. So the definition
5 that I suggest would include fancy pigeons, homing
6 pigeons, essentially all the pigeons except a feral
7 pigeon. I added the definition for a loft or I'm
8 suggesting the definition of a loft.

9 I'm also suggesting the definition of a
10 mature pigeon so that we can regulate those 30 or 60,
11 whatever number the Commission chooses, if any. I also
12 took a sample regulation in terms of the keeping area for
13 the pigeons that was in the guidance and recommendations
14 for municipal Commissions for the keeping of livestock.

15 The use shall be confined to a fenced
16 enclosure of no more than 200 square feet in any area
17 located in the rear yard. The fenced enclosure shall be
18 at least 25 feet from any street line, at least 15 feet
19 from any residential dwelling, and at least five feet
20 from any property line. In the instance of more than one
21 distance requirement the greater distance shall apply.

22 And then lastly, the comments that I had
23 back that have not been added but which I would for the
24 next revision if there are no other changes, is that

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1 waste and manure shall be handled and disposed of in
2 accordance with the generally accepted agricultural
3 practices. Again, that's a recommendation that was
4 prepared by the State of Connecticut.

5 The proposed structure for housing any
6 pigeons shall be reviewed and approved by the Valley
7 Health Department. A fee shall be collected at the time
8 of the permit application in accordance with the fee
9 schedule adopted by the City. The Commission would have
10 to determine what that fee is when we update the fee
11 schedule.

12 And then lastly, any lot for housing
13 pigeons shall only be permitted on a lot housing a single
14 family home and in zoning districts where single family
15 homes are permitted which would avoid the issue of there
16 being pigeons on a multi-family lot.

17 So those was everything I added based on
18 what I heard from the public comment and both the
19 guidance that the applicant provided and Planning &
20 Zoning Commission.

21 MR. BLACKWELL: Dave, can I share your
22 draft?

23 MR. ELDER: Yes.

24 MR. BLACKWELL: Do you mind?

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1 MR. ELDER: No, not at all. That's not
2 complete any longer, but --

3 MR. BLACKWELL: Huh?

4 MR. ELDER: That's not complete any
5 longer.

6 MR. BLACKWELL: No.

7 MS. McCORMACK: The section on the keeping
8 of hens, 720.114?

9 MR. ELDER: Well that one -- there is no
10 proposed section of keeping of hens.

11 MS. McCORMACK: Oh alright. What is this
12 number then?

13 CHAIRMAN HEON: This is an internal
14 document.

15 MS. McCORMACK: Okay.

16 MR. ELDER: I put that together to send
17 around to see if it captured what I heard at the
18 Commission so -- and the answer was no.

19 MS. McCORMACK: And I have another
20 question about -- you have homing pigeons in the first
21 section -- let's see, keeping of homing pigeons and
22 doves, 720.1.1.3.

23 MR. ELDER: Ahum.

24 MS. McCORMACK: Why homing?

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1 MR. ELDER: Well actually I just talked to
2 -- the applicant approached me before the meeting. We
3 can eliminate that.

4 MS. McCORMACK: Just keeping of pigeons
5 you would say maybe?

6 MR. ELDER: Yeah.

7 MS. McCORMACK: Alright. And how would we
8 delineate this -- do we need to have any extra verbiage
9 that would say remove the possibility of somebody who
10 raises pigeons as livestock? How are we going to
11 differentiate or are we?

12 MR. ELDER: That's a good question, I
13 don't know.

14 MS. McCORMACK: Do we want --

15 MR. ELDER: I don't know --

16 MS. McCORMACK: -- because if someone's --

17 MR. BLACKWELL: My question is how are we
18 even going to enforce this whole statute?

19 MR. ELDER: I agree with your zoning
20 enforcement officer. I think we're over-regulating this
21 to be honest with you.

22 MR. BLACKWELL: I mean -- but what, do I
23 got to go to school now to study about pigeons? How can
24 I keep track --

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1 MS. McCORMACK: What's your suggestion?

2 MR. BLACKWELL: -- how can I keep track of
3 when the last time you fed your pigeons?

4 MS. McCORMACK: What is your suggestion
5 Dave?

6 MR. BLACKWELL: What is my suggestion?

7 MS. McCORMACK: Yeah, yeah.

8 MR. BLACKWELL: Either we allow something
9 or we don't, plain and simple. That's -- I mean, you've
10 got all kinds of stuff in here. I can't enforce this,
11 there's not enough time in a day. And I'm not going to
12 school at my age to learn about pigeons.

13 MR. ELDER: Well, I think you can call in
14 reinforcements. I mean, I guess what I'm saying is I
15 wouldn't add any more to this.

16 MS. McCORMACK: Ahum.

17 MR. ELDER: I mean, what we should do and
18 that's why I kind of -- I put in the definition of a
19 loft, the definition of to keep the requirements we
20 should be able to apply this too -- if in fact the City
21 ends up regulating hens it would work.

22 MR. BLACKWELL: I think in one of your
23 definitions you don't put the setbacks for the coop if
24 I'm not mistaken.

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1 MR. ELDER: So the setbacks would be that
2 you have to have a fenced enclosure of not more than 200
3 square feet located in the rear yard -- I'm going to use
4 what the guidance was for hens, right.

5 MR. BLACKWELL: Ahum, you're going to use
6 the same guidelines.

7 MR. ELDER: Ahum.

8 MR. HOLMAN: But hens are bigger.

9 MR. ELDER: They are bigger.

10 MR. HOLMAN: A lot bigger.

11 MR. ELDER: Yes they are.

12 MR. HOLMAN: The enclosure that they have
13 seems to work by footage.

14 MR. BLACKWELL: No -- excuse me I don't
15 mean to interrupt, I'm sorry. But now your definition of
16 square footage is not cubic feet, it is actually floor
17 square footage.

18 MR. ELDER: Yeah, right so it would be --
19 right. What's 25 -- we're talking -- I forget, it's been
20 a long time, so four times eight? What's the square root
21 of 25? There you go, look -- there you go, so five by
22 five.

23 MR. HOLMAN: It should be just simple
24 language. We're going to allow homing or fancy birds,

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1 limit it to 40, 50, 60, and leave it like that. That's
2 what you say. We're coming up with all this technical
3 stuff, he's never going to be able to enforce that.

4 MR. ELDER: Well, I kind of think -- so
5 the guidance --

6 MR. BLACKWELL: I can enforce the size of
7 the building but the birds I can't. I mean, are you
8 going to tell me this is a fancy pigeon? If you put one
9 out here tomorrow or today I wouldn't know the difference
10 between that and the one I see at Dutchess.

11 MR. HOLMAN: Just say pigeons.

12 MR. BLACKWELL: Well this is what I'm
13 saying, I mean --

14 MR. HOLMAN: Yeah.

15 MR. BLACKWELL: -- and how am I going to
16 restrict their flying in the exercise time? I mean, I
17 really want you to think about what you're saying.

18 CHAIRMAN HEON: Well, this is up to the
19 proprietor of these --

20 MR. BLACKWELL: Alright, so when there's a
21 violation --

22 CHAIRMAN HEON: -- correct, that's when
23 you would need to investigate.

24 MR. HOLMAN: But he's saying how do you

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1 know it's a violation?

2 CHAIRMAN HEON: Are you real -- are you
3 for real?

4 MR. BLACKWELL: I don't think it could be
5 just as simple as they're allowed or they're not allowed.

6 MR. ELDER: Right, yeah, I think there's
7 got to be something. I mean, if you -- you have to have
8 the tools available to you that if someone does have
9 homing pigeons, which this would now allow for homing
10 pigeons, and you're getting calls that the birds are
11 flying all the time and they're defecating everywhere --

12 MR. BLACKWELL: Well they are, right.

13 MR. ELDER: -- then you would say what's
14 going on, we have a regulation? And if you could enforce
15 it -- the nice thing is that you could call and -- you
16 could call, so that's where I'm going.

17 So this -- the proposed regulations is too
18 general I think because it doesn't give you any tools.
19 It just basically says that you can keep -- and this is
20 for livestock, which I recognize there's a question by
21 the application if these are livestock, but it's the only
22 regulation I think we're going to be able to come up with
23 is regulating these as livestock.

24 CHAIRMAN HEON: And the other point is

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1 these professional societies don't want the rogue people
2 out there doing the improper thing, so they will assist
3 you in making sure that they're doing the proper thing.

4 MR. BLACKWELL: So they're going to keep
5 track of their feeding time.

6 CHAIRMAN HEON: If there's a complaint
7 made they do. We would have to assist in that.

8 MR. ELDER: So that aside -- so that's one
9 comment, difficult to enforce. We've heard that. Are
10 there any other objections to what we heard? Sounded
11 like we heard some simplicity, are there any very
12 specific objections?

13 MS. McCORMACK: I have a question.

14 MR. ELDER: Okay.

15 MS. McCORMACK: If we are not going to
16 parse out what type of pigeons and someone does want a
17 certain number, the same number as any other kind of
18 pigeons, of squab, and they're butchering their squab --
19 I mean, is that something we need to consider at some
20 point where the neighbor is going to start complaining
21 hey, this guy is running a pigeon thing and we've got an
22 ordinance that says you can have 60 pigeons, no matter
23 what kind?

24 MR. ELDER: No we do, we say mature

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1 pigeons.

2 MR. BLACKWELL: Right.

3 MR. ELDER: We define mature.

4 MS. McCORMACK: But we don't need to be
5 concerned in terms of like if that's what they're doing
6 it for, is to produce meat? Are there any ancillary
7 problems that might come from that?

8 I'm not trying to be a pest, I'm just
9 trying to think of worse case scenarios.

10 MR. ELDER: There could be, but I guess --
11 so there could be.

12 MS. McCORMACK: Yeah.

13 MR. ELDER: But again, we have an
14 applicant who's proposing a regulation that we're trying
15 to make work I think for the City. Are we going to tell
16 him no? I don't know, it depends.

17 I mean, you could go down the rabbit hole
18 if you want on this how many different ways could this
19 go, which I think if we do that we're going to end up
20 with three pages of regulations instead of two where
21 we're at right now.

22 MS. McCORMACK: Yeah.

23 CHAIRMAN HEON: I think you need to take
24 the suggestions that were made by everyone, draft a new

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1 document in completeness --

2 MR. ELDER: Ahum.

3 CHAIRMAN HEON: -- and we have to continue
4 the public hearing and have everyone -- let everyone have
5 that document.

6 MS. McCORMACK: Yeah, if we could have it
7 ahead of time that would be good.

8 MR. ELDER: Alright.

9 CHAIRMAN HEON: I think that that's the
10 best way to do it.

11 MR. ELDER: Okay yeah, I can do that.

12 CHAIRMAN HEON: We make a speed limit in
13 town 25 miles per hour --

14 MR. BLACKWELL: I don't have a vote, so.

15 CHAIRMAN HEON: -- we make a speed limit
16 in town 25 miles per hour. We can't ensure that every
17 car goes 25 miles per hour, but we can do our darndest to
18 make sure that the most of them do.

19 And that's what we're going to do by
20 setting regulations. And you need some bite if there is
21 someone, and I'm not speaking about this applicant, but
22 you need some bite in there if someone is improperly
23 keeping if we're allowing it.

24 So I think that's the reason for adding

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1 some information to it.

2 MR. BLACKWELL: Back to your review,
3 cocaine and heroin are epidemic levels and that's also
4 illegal.

5 CHAIRMAN HEON: Correct.

6 MR. BLACKWELL: And how are we enforcing
7 that?

8 MR. HOLMAN: Gotta vote Donald Trump in.

9 CHAIRMAN HEON: I can only talk about what
10 we have here.

11 MR. BLACKWELL: Huh?

12 MR. HOLMAN: Gotta get Donald Trump in.

13 MR. BLACKWELL: Well you brought up
14 another subject, you opened up the door of traffic. I
15 mean, that's the way I look at it.

16 MR. ELDER: Are there any other comments
17 from the applicant maybe for --

18 CHAIRMAN HEON: Yeah, do you have any
19 follow-up counsel or rebuttal?

20 MR. SAVARESE: If we're going to get into
21 the thing, one sentence that says that says that they
22 should not be eaten because if you're worried about --
23 we're not looking to -- we're prepared to be spending
24 some money. You wouldn't be paying an annual fee if

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1 that's what's going to be developed to keep your hobby.

2 Right now -- I mean dogs are regulated but
3 cats aren't. You know, it's just very fluid but we're --
4 as an applicant we are definitely not looking to eat. So
5 where it sits right in our current proposal that it's a
6 club activity, but you can just add five words that says
7 -- you know, shall not be --

8 MR. ELDER: Shall be raised or used -- or
9 shall be raised for consumption whether on property or
10 off.

11 MR. SAVARESE: -- yeah, boom. So you
12 can't be butchering or selling -- not for sale. We've
13 said we don't do that we've gifted them away when we had
14 to hit a threshold or number. So again, we're not
15 looking to burden the municipality with the regulations.

16 And therefore, the comments that did come
17 in from the public -- we did have two gentlemen speak
18 last time, they were learned in some personal experiences
19 and everything. They said watch out for too much
20 proliferation of the bird population, and so we don't
21 think we're the problem.

22 And so we appreciate that you're
23 speculating on where the problems could be and everything
24 but again, to go back to simply the numbers we've

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1 demonstrated an ability to maintain that. My client
2 would be open to a site visit if anybody wants to see the
3 coops.

4 Your zoning enforcement officer saw it. I
5 don't know that it greatly changed his opinion because
6 again, I wasn't there in August but somebody still
7 maintains that they thought they had 300 birds there at
8 one point. We would say that that was never the case,
9 there's never been birds there than are right there now.

10 But to see again how it tucks in, we tried
11 to show you photos. Sometimes photos don't -- if there
12 was a sense of whether you wanted to smell what it was
13 like, hear what they're like, we certainly would be open
14 to that as well because we are the poster child for this
15 application.

16 And if we can get you to push the number
17 up, we don't have to face that issue of being illegal at
18 twice the population for our six-tenths of an acre.

19 MR. WILLIAM MALERBA: One question, is the
20 house a one-family because I noticed he said only a one-
21 family house in his --

22 MR. SAVARESE: Yes, it's a legal one-
23 family. Everybody's related in the family but it's three
24 generations.

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1 MR. MALERBA: -- okay.

2 MR. SAVARESE: So it's a three generation
3 household.

4 MR. MALERBA: But it's a one-family house.

5 MR. SAVARESE: Once upon a time that was
6 the norm.

7 MR. BLACKWELL: The house is where -- do
8 you remember the 12-family I think it was that burned
9 down?

10 MR. MALERBA: Yeah.

11 MR. BLACKWELL: When they divided them up
12 into three lots, that's where the house is.

13 MR. MALERBA: Okay.

14 MS. McCORMACK: I would like to do a site
15 walk, I don't know if anybody else would like to go.
16 Would you want to do that?

17 MR. HOLMAN: So the pigeons are in one
18 house, so is there more houses?

19 MR. SAVARESE: No, no, no, the --

20 MR. HOLMAN: It's one house we're talking
21 about?

22 MR. SAVARESE: -- yes, it's one house, one
23 deck off the back of this house.

24 MR. BLACKWELL: Two decks.

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1 MR. HOLMAN: What I think --

2 MR. BLACKWELL: You have one under the
3 stairwell --

4 MR. SAVARESE: There's two lofts tucked
5 under the deck.

6 MR. HOLMAN: Okay.

7 MR. SAVARESE: But one house with three
8 generations in that household.

9 MR. HOLMAN: So the neighbors, are they
10 related or?

11 MR. SAVARESE: No, they are not related.

12 MR. HOLMAN: Okay.

13 MR. SAVARESE: The complaining parties I
14 think were in a foreclosure situation and they had feared
15 that it might have affected the marketing of their
16 property.

17 So we're not even sure that they were -- I
18 mean, because they didn't complain over the entire
19 history before there was some trouble that they had which
20 might have just been fear of the market conditions that
21 are out there.

22 MR. ELDER: So Maureen said she'd be
23 interested in a site walk. If the whole Commission wants
24 to go on a site walk we have to advertise it and treat it

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1 as a regular meeting. I think the applicant did invite
2 the Commission members either individually as a Committee
3 to the property, so if two or less go --

4 MS. McCORMACK: I mean, because it would
5 be informational.

6 MR. SAVARESE: You haven't set the agenda
7 yet for next week's meeting. We could get it in --

8 CHAIRMAN HEON: What's our timeline on
9 this?

10 MR. ELDER: We always have to post, you
11 know?

12 MS. McCORMACK: Yeah.

13 MR. ELDER: We always have to publish at
14 least 15 days -- or I'm sorry, not less than 10 of our
15 next public hearing.

16 MR. SAVARESE: Alright.

17 MS. McCORMACK: But if it's less than --
18 if it's two or less we don't have to do that?

19 MR. ELDER: Correct.

20 MS. McCORMACK: Because this is basically
21 just informational, I just would like to see how --

22 MR. SAVARESE: Yeah, well that's what I'm
23 saying. It certainly would be open to -- I think we are
24 creatures ourselves of five senses. So the idea that

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1 there might be something more, I think the thought was
2 that it was noise.

3 Again, you can look at the other roof and
4 see it's not spotted with bird droppings and that kind of
5 thing. We're not -- if you could imagine the worse case
6 scenario, come look. It's so innocuous, the thing, so we
7 don't have a problem with the restriction to not in the
8 front yard. We don't do that.

9 Or not being able to be seen from the
10 street, we don't do that. So this long list we comply
11 except the first one, you know, that we are less than an
12 acre and we are advertised at more than 30. So that's
13 the one --

14 MR. ELDER: If the Commission were to
15 allow you to maintain 60 and come into compliance of 30
16 over 10 years -- I remember hearing your turnover in
17 life, that pigeons actually have quite a long life.

18 MR. SAVARESE: Yeah.

19 MR. ELDER: I'm just putting that out
20 there.

21 MR. SAVARESE: Ten years to get down to
22 30?

23 COURT REPORTER: You have to be on the
24 microphone.

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1 MR. ELDER: I'll let your counsel -- we
2 don't need an answer tonight, I'm just suggesting that --

3 MR. SAVARESE: Well that's what I'm
4 saying, we definitely intend to abide. And it didn't
5 start out at 60, it grew to that, and so we can get back
6 --

7 MR. HOLMAN: What was your proposal?

8 MR. ELDER: Well, so one benefit that the
9 applicant has is that he does have an existing structure
10 and an existing use, that he's come before the Commission
11 to propose a regulation.

12 So if the Commission changes the zoning
13 regulations now and they create a regulation that any new
14 uses would have to comply with the current regulation,
15 the ZEO, Mr. Blackwell, is still going to have to issue a
16 permit -- actually, we'll think about that.

17 But if in fact the ZEO issues a permit or
18 the Commission takes any action related to this property
19 specific, I would suggest some consideration be given to
20 the fact that there's currently an existing use and the
21 applicant has so much time to come into conformance with
22 the new regulation.

23 MR. HOLMAN: So considering the fact that
24 he's been doing it for 10 years, is the proposal 10 years

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1 to get back to 30?

2 CHAIRMAN HEON: That's what he was asking,
3 if that was acceptable.

4 MR. ELDER: And again, I don't really want
5 them to answer because I don't want them to feel
6 committed to that because it's just for discussion
7 purposes.

8 But it's just something -- you know,
9 because I remember I was surprised to hear of how long of
10 a life they had and they actually don't breed them very
11 regularly. They don't have that many a year, so.

12 MS. McCORMACK: Is -- so there's a statute
13 of repose for let's see, for the building. Is there
14 something --

15 MR. ELDER: Nothing for years.

16 MS. McCORMACK: -- nothing for years,
17 okay.

18 MR. HOLMAN: Personally I don't think a
19 site walk is necessary. I don't know, I think he agrees
20 with me --

21 MR. BLACKWELL: Yeah, I have photographs.

22 MR. HOLMAN: -- we saw the pictures. The
23 pictures are --

24 MR. MALERBA: Yeah, the pictures are good

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1 enough for me.

2 CHAIRMAN HEON: Huh?

3 MR. MALERBA: The pictures were good
4 enough for me.

5 MR. HOLMAN: -- it showed a clean, well-
6 kept area.

7 MS. McCORMACK: Well, because it's not
8 necessarily -- I'm not saying that a site walk is
9 necessary. And I think they're like the best case
10 scenario, so -- but I'm just more curious to see how it
11 goes. Maybe it's just myself -- is that appropriate if I
12 just went? Is that okay?

13 MR. BLACKWELL: Yeah, I'll take you up
14 there.

15 MS. McCORMACK: Yeah? Okay, cool.

16 MR. HOLMAN: And you can come grab me from
17 work, we can go up there any time.

18 MR. BLACKWELL: Yup.

19 MR. SAVARESE: Thank you. Thank you for
20 coming out again tonight for our special meeting. Thank
21 you.

22 MS. McCORMACK: Thank you.

23 CHAIRMAN HEON: Do we have to get anything
24 formal for the extension?

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1 MR. ELDER: Well, it's going to be in the
2 verbatim minutes. I think we're --

3 CHAIRMAN HEON: We typically used to just
4 get something. I just wrote it down real quick that they
5 would agree to it and we'll put it on the record.

6 MR. SAVARESE: I'll sign it.

7 CHAIRMAN HEON: Do you mind?

8 MR. SAVARESE: Not at all.

9 CHAIRMAN HEON: I just put that you agree
10 to a 65-day extension, that's all, and I dated it.

11 MR. SAVARESE: Yeah.

12 CHAIRMAN HEON: Just put your name on top
13 and then I'll sign it with you just so we have something
14 for the record.

15 MR. ELDER: Good idea.

16 CHAIRMAN HEON: I don't think there's an
17 issue but I'd rather have it on paper.

18 MR. HOLMAN: Are we having another special
19 meeting or this is it?

20 CHAIRMAN HEON: We're going to have to
21 continue. We'll have to continue till the next time.
22 Thank you.

23 MR. HOLMAN: Do we have to continue this?

24 CHAIRMAN HEON: Yes, we don't have the

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1 final proposal drafted at this point.

2 MR. HOLMAN: Alright.

3 CHAIRMAN HEON: But I think we have enough

4 --

5 MR. MALERBA: It's not going to be a
6 public hearing though right?

7 CHAIRMAN HEON: -- I'm pretty sure we have
8 enough comment --

9 MR. ELDER: Yeah, you do have to hold open
10 the public hearing --

11 MR. MALERBA: Another one?

12 MR. ELDER: -- because there's going to be
13 a new --

14 MR. MALERBA: It's going to cost this guy
15 a lot of money for this, not that it makes any
16 difference, but.

17 MR. ELDER: -- you have to keep it open so
18 the public has a chance to review and comment on the
19 final language.

20 MR. MALERBA: Yeah.

21 CHAIRMAN HEON: Yup.

22 MR. ELDER: So I think the question is do
23 you want to try and do it before the next regular meeting
24 or do you want to have another special meeting just for

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1 the public hearing?

2 CHAIRMAN HEON: I don't think we have
3 enough time to advertise before the next regular meeting.
4 That's next Monday.

5 MR. ELDER: Oh right, right, I apologize.
6 So June I guess --

7 CHAIRMAN HEON: Yup.

8 MR. ELDER: -- so are you thinking before
9 the June regular meeting or --

10 CHAIRMAN HEON: I would like to do it 15
11 minutes before the June meeting because I don't think
12 that there's going to be that much more comment needed.

13 And we'll have -- the draft will be
14 distributed to everybody in advance and I don't think
15 there will be an issue with that. And I don't even know
16 if we need quite honestly to have a transcript on that
17 part of it.

18 MR. HOLMAN: A motion to extend the
19 special meeting to --

20 CHAIRMAN HEON: Extend the public hearing?

21 MR. HOLMAN: -- public hearing until
22 whatever date that is.

23 MR. ELDER: June 20th, Monday, June 20th
24 at 6:30?

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1 MR. HOLMAN: 6:30 is fine, yeah.
2 CHAIRMAN HEON: Isn't that when our
3 regular scheduled meeting starts?
4 MR. ELDER: Oh that's right, yeah.
5 MR. HOLMAN: 6:00?
6 CHAIRMAN HEON: We'll have to do 6:15.
7 MR. MALERBA: 6:15.
8 MR. HOLMAN: 6:15.
9 MR. ELDER: I think we need more than 15
10 minutes.
11 MR. HOLMAN: 6:00 --
12 CHAIRMAN HEON: It can run, it can run.
13 MR. ELDER: Oh is that right?
14 CHAIRMAN HEON: Yeah.
15 MR. ELDER: Okay.
16 MS. McCORMACK: So it's 6:15, is that your
17 --
18 CHAIRMAN HEON: It's going to be June 27th
19 --
20 MR. ELDER: I thought it was the third
21 Monday of the month?
22 CHAIRMAN HEON: No, it's the last.
23 MR. ELDER: Oh.
24 MR. HOLMAN: Motion to extend it to June

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1 -- what was the date?

2 CHAIRMAN HEON: June 27th.

3 MR. HOLMAN: -- June 27th at 6:15.

4 MS. McCORMACK: I second it.

5 CHAIRMAN HEON: Okay, we have a motion by
6 Commissioner Holman to extend the public hearing to 6:15
7 p.m. on June 27th, and a second by Ms. McCormack. All
8 those in favor?

9 VOICES: Aye.

10 CHAIRMAN HEON: Opposed? Alright, motion
11 carries and just for the record we do have a signed
12 agreement between counsel and this Commission to extend
13 65 days.

14 Any other business pertaining to this? No
15 -- thank you all for coming, appreciate it and we'll
16 continue this in June. Thank you, we're adjourned.

17 MR. HOLMAN: Motion to close this part of

18 --

19 CHAIRMAN HEON: Suspend.

20 MR. HOLMAN: -- suspend.

21 COURT REPORTER: We're done?

22 CHAIRMAN HEON: Yup, thank you.

23 (Whereupon, the meeting was adjourned at

24 8:26 p.m.