VERBATIM PROCEEDINGS

ANSONIA PLANNING & ZONING COMMISSION

PUBLIC HEARING IN RE: ANILA VARDAK

107 SOUTH CLIFF STREET

REQUEST FOR ZONING TEXT CHANGE

JOSEPH JAUMANN, CHAIRMAN

JUNE 27, 2016

ANSONIA TOWN HALL
253 MAIN STREET
ANSONIA, CONNECTICUT

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. . . Verbatim Proceedings of a continued public hearing before the Ansonia Planning & Zoning Commission, in re: 107 South Cliff Street, request for zoning text change, Anila Vardak, held on June 27, 2016, at 6:24 p.m., at Ansonia Town Hall, 253 Main Street, Ansonia Connecticut. . .

MR. TIMOTHY HOLMAN: Meeting is open with a salute to the flag.

(Whereupon, the Pledge of Allegiance was recited.)

MR. HOLMAN: Can we get a roll call?

(Whereupon, a roll call was taken.)

MR. HOLMAN: In the absence of the Chairman who's on his way, I'd like to nominate Mike Bettini. I make a motion on the floor that he takes over until the Chairman is here.

MS. MAUREEN McCORMACK: I second.

MR. HOLMAN: All in favor?

VOICES: Aye.

MR. HOLMAN: Mike, take over or whatever.

MR. MIKE BETTINI: Alright, I'll call the meeting to order. We'll go through the agenda. I guess we have to approve the meeting minutes from 4/25, can I have a motion?

MR. HOLMAN: Motion to accept those minutes with any and all corrections.

ACTING CHAIRMAN BETTINI: Is there a second?

MS. McCORMACK: I second.

ACTING CHAIRMAN BETTINI: All in favor?

MR. HOLMAN: We're actually doing a public hearing.

MR. PELLEGRINO: Yeah, should we --

ACTING CHAIRMAN BETTINI: There's no public hearing here.

MR. HOLMAN: Yeah, right. Rescind that, rescind that motion.

ACTING CHAIRMAN BETTINI: Okay, we're going to have a public meeting. I guess what we have to do is -- we start it with the public meeting.

MR. PELLEGRINO: It's a continuation?

ACTING CHAIRMAN BETTINI: Yeah, yeah, we move to continue the meeting and then we'll start the public hearing. May I have a motion to move to continue

1 our regularly scheduled meeting?
2 MR. HOLMAN: Motion to open the public
3 hearing.
4 ACTING CHAIRMAN BETTINI: A motion to
5 open, that's fine.
6 MS. McCORMACK: I second.
7 ACTING CHAIRMAN BETTINI: Okay.
8 MR. HOLMAN: Public?
9 MR. STEPHEN SAVARESE: Good evening, and
10 for the record I'm Attorney Stephen Savarese for the
11 applicant, Anila Vardak, who owns property at 107 South
12 Cliff Street, Ansonia.
13 It was our application to propose that
14 pigeons would be allowed to be on residential properties
15 here in Ansonia ostensibly because my client has had
16 pigeons there for 10 years and it recently became an
17 issue with the Zoning office and it was my advice that we
18 proceed to ask this body if we could get pigeons in
19 there.
20 I had done an investigation of other
21 municipalities in Connecticut as to what they did and
22 cobbled together a proposal. I submitted that proposal,
23 but I said before and I say again I'm not wed to the
24 language of our proposal and I welcome the work of this

1 body in expanding on and accepting some public comments
2 that have come in about the uncertainty of what allowing
3 pigeons into the community might mean and things.
4 The biggest issue of the latest text that
5 I see is incorporating a limit, a 60 pigeon limit for two
6 acres of land. The way it's worded is slightly -- it
7 suggests that it could be 30 pigeons per acre, but then
8 it turns around and puts a limit at 60. So I'm not sure
9 if that means degradations of if you've got an acre and a
10 half that you would then be entitled to 45 pigeons or
11 whether or not -- the thing.
12 So that's the only comment I have on the
13 latest change because we are at that limit and we are
14 only seven-tenths of an acre, so it would require some
15 time for us to bring it down. They are family pets and
16 we would just want them to die of old age and we would
17 not expand the thing. But they would become, if you will,
18 nonconforming by the advent of an allowance of pigeons.
19 The other comments are well constructed
20 and certainly we believe we comply with all of them.
21 Some of them suggest more work has to be done in fee
22 schedules and other things that will augment the review
23 process that is here in Ansonia once pigeons are allowed,
24 but it would no longer become an obligation of the zoning

office to try to shoo the pigeons away.

So I again, have given a courtesy copy of the latest changes and only note that there's some linguistic problem with that 60 pigeon limit because it starts out saying 30 pigeons per acre, and then quickly says limit 60. So that suggests that if you have three acres or four acres, you're not getting any more than the 60.

But it leaves ambiguous the people -- how many pigeons -- what you allow -- is it a direct corollary mathematically to -- so if you -- it affects my client because I don't know whether he's entitled to 30 because he doesn't have an acre and therefore, the whole process is defeated by my client not having the requisite one acre to get the 30. Does he have to have less than 30 because he has less than an acre?

And there's no way his lot is ever going to be augmented to beyond that but there's a little bit more for your body to discuss in that one short clause, that it would particularly affect us and our entire purpose for coming here, which is to introduce pigeons to the zoning regulations but then understand what our obligations are on seven-tenths of an acre.

In the package I submitted was our map.

It's the plot plan that shows the original layout, the locations and all the other things that we're still -- but they peaceably lived at the property for 10 years without incident and we're now simply trying to legalize and then work towards compliance with the new regulation when and if adopted.

MR. HOLMAN: Before we continue I'd like the Chairman that was appointed recognize that the Chairman has arrived.

ACTING CHAIRMAN BETTINI: I recognize that Chairman Jaumann has arrived.

MR. HOLMAN: I make a motion that the Chairman takes over.

ACTING CHAIRMAN BETTINI: Second.

MR. HOLMAN: All in favor.

VOICES: Aye.

MR. BETTINI: Welcome.

CHAIRMAN JAUMANN: Thank you. I apologize, I got stuck on the traffic on Route 8. So my apologies to everybody for starting late.

MR. SAVARESE: Mr. Chairman, I think you were here when I started my comments so I will not need to repeat anything.

CHAIRMAN JAUMANN: Thank you very much

1 counsel, I appreciate it.
2 MR. SAVARESE: Thank you.
3 CHAIRMAN JAUMANN: Can I just inquire how
4 far we got on the agenda?
5 MR. BETTINI: We got to the hearing.
6 MR. PELLEGRINO: Just the public hearing
7 continuance.
8 MR. HOLMAN: Now your question was the
9 issue of three acres?
10 MR. SAVARESE: More so on the lower end
11 because I think a limit is very well stated. To set a 60
12 pigeon limit per property owner is fine, but the way it
13 was introduced it's 30 per acre, which implies what do
14 you have when you have seven-tenths of an acre.
15 And it would defeat all the work we've
16 done because we are seven-tenths of an acre. Does that
17 mean it's seven-tenths times 30, so my math would say
18 that gives me 21 pigeons.
19 CHAIRMAN JAUMANN: May I just inquire
20 counsel as to which section you're referring to
21 specifically? Are you referring to Section (B)?
22 MR. SAVARESE: I don't --
23 MR. HOLMAN: I believe it is (B). It is
24 (B).

CHAIRMAN JAUMANN: It's 720.1.3, the proposed Section (B) where it says no lot of one acre or less shall exceed 30 birds?

MR. SAVARESE: Correct.

CHAIRMAN JAUMANN: Okay.

MR. SAVARESE: And that would preclude us, so where pigeons are now allowed but not us. And I don't know who I'm advocating for anymore because my approach was to get them legal on our property and we think that they can operate on our property and we're not sure whether that would -- if we stick to a formula, is that allowing 21 pigeons because it's seven-tenths of an acre times an acre allowing 30.

But clearly the verbiage there starts out suggesting that if you had three acres you could go to 90 except it immediately cuts you off at 60. So I think that clause just has to be reworked a little bit and I'm hoping that in any -- that having an acre or less would be the language I would accept, may have up to 30.

An acre or less may have up to 30, then meet the intent I believe --

CHAIRMAN JAUMANN: You don't think it reads that way when it says no lot of one acre or less shall exceeds 30 birds? I'm just trying to understand.

1 MR. SAVARESE: Not when it previews it
2 that you need an acre, you know.
3 MR. HOLMAN: It -- I think when you say a
4 lot, if you go down to B it says no lot of one acre.
5 MR. PELLEGRINO: Or less.
6 MR. HOLMAN: So that defines a lot as one
7 acre.
8 MR. PELLEGRINO: Or acre -- or less.
9 MR. HOLMAN: Yes.
10 MR. SAVARESE: But then it goes on and
11 requires per acre and per is four so --
12 MR. PELLEGRINO: But it also clearly
13 states an additional 30 birds may be permitted for each
14 --
15 MR. HOLMAN: Additional, yeah.
16 MR. PELLEGRINO: -- additional acre not to
17 exceed 60 birds.
18 MR. SAVARESE: Then you're getting into
19 the formulation --
20 MR. PELLEGRINO: Right, so --
21 MR. SAVARESE: -- how many birds between
22 one and two because you can't mathematically get over 60
23 --
24 MR. PELLEGRINO: Right, but it says no lot

of any size shall meet -- in my taking of the math, would be if you had a five acre lot you could only have 60 birds.

MR. SAVARESE: -- correct, but what's the number if you have 1.2 or 1.4 -- I just would like this body to refer to that if your interpretation is that we can keep the 30.

But I just want to know that we're not being required to even reduce from that on some formula that is tied directly to 60 for two, 30 for one and the differential. But I appreciate --

MR. FRED D'AMICO: It's up to an acre is 30 birds. So six-tenths of an acre, seven-tenths of an acre or an acre, so 30 birds.

MR. PELLEGRINO: Yeah right, it's 30 birds up to an acre --

MR. SAVARESE: Yeah, right.

MR. PELLEGRINO: -- so whether you got a quarter of an acre or an acre.

MR. HOLMAN: Yeah, but I think what he's saying is if you go back up to (A) it says each lot should not exceed 60 birds. How can it exceed 60 if the regulation is 30?

MR. SAVARESE: That's for each additional

1 acre and I'm trying to figure out --
2 MR. HOLMAN: That's not what I read this
3 as.
4 MR. SAVARESE: -- for your sake what are
5 we doing at 45.
6 MR. HOLMAN: That's not what I read it as.
7 MR. SAVARESE: You know, because right now
8 I'm at 60 and I'm way over the 30 and I've got to get
9 down as fast as I can and we have to --
10 MR. PELLEGRINO: Yeah, but one's a
11 proposed and then one's a modified proposed.
12 CHAIRMAN JAUMANN: Right.
13 MR. PELLEGRINO: So that's why I guess
14 you've got two different scenarios right -- correct?
15 MR. SAVARESE: That's it, it's ultimately
16 what you want to put into your regs. Right now there's
17 not a single section that refers to the pigeon, we're
18 having to construe it out of other sections as to whether
19 they're legal or not and we're trying not to go and be
20 much more explicit.
21 So I'm trying to anticipate the numbers
22 based on the map because it becomes the easiest
23 formulation if you do that. So if 30 is allowed for
24 anything less than an acre, that's fine. We're not going

to be able to grow our lot, but if my client were to move to a 1.5 acre lot, what would his allowance be? Is it 45 birds because he has half an acre more, or could he go to 60?

MR. PELLEGRINO: But I don't think it spells out half acreage in there, right?

MR. SAVARESE: It says per acre --

MR. PELLEGRINO: Right, so it's --

MR. SAVARESE: -- 30 per additional acre.

MS. McCORMACK: We could potentially if we decided add an extra phrase saying that an additional 30 birds may be permitted for each additional acre proportionate to --

MR. PELLEGRINO: -- or any part thereof.

MS. McCORMACK: -- or any, that sounds good, if we wanted to do --

MR. PELLEGRINO: Yeah, right.

MR. SAVARESE: And that was my only focus out of this amended language because it particularly impacts us and our ability to quickly conform to your regulations.

MR. HOLMAN: How many pigeons do you currently have?

MR. SAVARESE: Sixty on seven-tenths of an

1 acre. We're at the two-acre limit, so we would have to
2 work towards compliance immediately and -- or move. Put
3 them in a moving van and come over with us and buy a two-
4 acre property.
5 CHAIRMAN JAUMANN: Unless there's any
6 other questions --
7 MR. BETTINI: Actually there ought to be a
8 downside the limit too, like a quarter acre you can't
9 have any. You mentioned like 60 pigeons on a quarter of
10 an acre?
11 MR. SAVARESE: It would be 30.
12 MR. BETTINI: There'd be 30 pigeons, you
13 know, in a quarter of an acre neighborhood in their
14 backyards, surrounded by the backyards -- we might want
15 to consider having a limit that says that quarter -- you
16 know, less than a quarter acre no pigeons.
17 MR. HOLMAN: That's going to set up a
18 nightmare for the --
19 MR. DAVE BLACKWELL: In saying that, if
20 you decide to accept this I'm -- the question is going to
21 be by special permit only.
22 MR. BETTINI: That's another good
23 addition, I agree.
24 MR. BLACKWELL: So that this way here this

1 Board gets to hear exactly what's going on and where the
2 pigeons are going.
3 MR. PELLEGRINO: And inspect the property,
4 there's no health risks and things of that nature.
5 MR. BLACKWELL: I like that.
6 MS. McCORMACK: So does that mean that
7 mean that they would have to pay $1,000 to apply to be
8 heard?
9 MR. BLACKWELL: Pardon me -- whatever the
10 fee schedule is.
11 MS. McCORMACK: Yeah.
12 MR. BLACKWELL: I mean, you know, they'd
13 have to apply.
14 MR. SAVARESE: Yeah, the original proposal
15 started off by saying that this would be without special
16 permit, so that's a big change.
17 MR. BLACKWELL: Yeah, I just can't see
18 just me handing out permits, you know, they should be
19 coming before your --
20 MR. PELLEGRINO: I don't know that it
21 necessarily has to be special permit but there should be
22 a permit with a fee tied to it. I mean, you have to pay
23 a fee for your dog.
24 MR. BLACKWELL: -- that's exactly what I'm

trying to get at if you permit the use --

MR. SAVARESE: The regulation does propose a monitoring system and a fee schedule, but it wouldn't -- that is yet to be written. I think that the proposal was we would take this a step at a time. That then becomes the administration's responsibility as to figuring out how high to set the administration and that could be based on experience and cost.

It may start out one year at $100 and they find that that's not covering their cost and they could move it to $300. But the -- we have -- we don't require anybody to have a permit to have a dog or a cat, but we do have a licensing requirement --

MR. PELLEGRINO: Licensing fee.

MR. SAVARESE: -- on dogs that are annualized so that we can monitor their rabies shots and some other things. But I think -- in my town it's $8.00. There's a late fee if you don't get it done in the month of June.

Again, this could be per bird, $1.00 a bird, that's a $60 fee coming into the coffers that are helping defray whatever policing has to be done of this. So it's not without some level of supervision. It goes to the extent of them and the regulations -- again, it's

1 how many people are we -- how many property owners are we
2 talking about?
3 This is the one that was singled out and
4 we thought we were living peacibly with our pigeons and
5 we're trying to keep the maximum number but it is now an
6 issue as to our seven-tenths of an acre being able to
7 support it in part because of the potential
8 proliferation, and I appreciate it.
9 But I don't know that it's going to -- the
10 passage of this means everybody's running out to get
11 three pigeons for Johnny's next birthday, you understand?
12 I don't think that's what's going on. This is a cultural
13 issue for my clients and very few people have a tradition
14 of pigeon-keeping.
15 Whether it would grow in the future and
16 whether it's going to get new people to Ansonia because
17 you're one of the favored towns that have it-- it isn't
18 that it doesn't exist elsewhere and -- but we're trying
19 to become a legal property owner, again, by not having an
20 interpretation that we're running chickens or other
21 poultry that are generally thought to be dirtier and
22 running about the property that might otherwise disturb
23 the neighbors.
24 That was really I think the historical

outlook as to where the prohibitions had come from, but this is much higher maintenance envisioned and I think now set forth in the proposal. It requires a high level of maintenance and expertise, membership in clubs and everything. It's not just a fly by night operation, it's for the hobbyist who will pay the fees to do that.

MR. HOLMAN: Question to the Board Chairman. I don't know if I have the correct understanding of this but this applicant is before the Board.

Now, if we pass any new regulations that would require a special permit and fees would that affect this applicant as appearing here or any new applicants?

CHAIRMAN JAUMANN: Yes, I believe it would. I mean, they'd have to apply for a special permit then and -- I mean, what we're proposing here is this is a text change --

MR. HOLMAN: Ahum.

CHAIRMAN JAUMANN: -- so we'd be changing our regulations to allow certain activities by special permit only and then a special permit would need to be applied for.

MR. HOLMAN: Even though he had --

CHAIRMAN JAUMANN: If we went in that

1 direction.
2 MR. HOLMAN: -- even though he had an
3 application to appear before us?
4 CHAIRMAN JAUMANN: Well, he had an
5 application to appear before us for a text change.
6 MR. HOLMAN: Okay.
7 CHAIRMAN JAUMANN: So once we've
8 considered this text change --
9 MR. HOLMAN: So any new changes will
10 affect his application.
11 CHAIRMAN JAUMANN: If we went the
12 direction of a special permit, sure.
13 MR. HOLMAN: Yeah, I'm just trying to
14 figure it out.
15 CHAIRMAN JAUMANN: That would be my
16 understanding.
17 MR. PELLEGRINO: So nothing would be so-
18 called grandfathered?
19 MR. DAVE ELDER: Well the number of birds,
20 if I recall correctly the Commission did consider, and no
21 decision was made that they would allow the current
22 property owner if the regulations were proposed to reduce
23 the number of birds to come into compliance over a
24 certain amount of time. So that could be considered

1 grandfathering in if you will.
2 MR. PELLEGRINO: Right, okay.
3 MR. SAVARESE: But if there's an
4 affirmative duty to a special permit, then the question
5 is needing to trigger that because we would then have the
6 question of a continuing non-compliance because we don't
7 have the special permit.
8 And some consideration could be given for
9 the fees that have been paid and the extent of the
10 discussion of this body because it's not going to be a
11 new application. You could suggest that you have given
12 me the special permit and then, I mean, we can discuss
13 what the remaining fees are.
14 CHAIRMAN JAUMANN: I would agree with you
15 counsel, all that's true. But strictly speaking if we
16 were to adopt a special permit our regulation will bring
17 a special permit.
18 MR. SAVARESE: Yeah, and that would put
19 the highest order of supervision on it because -- but
20 there's nobody else that I know that's been advocating
21 for their particular layout. We've opened up our
22 operations but nobody else except your --
23 MR. HOLMAN: Zoning enforcement officer.
24 MR. SAVARESE: -- says we're not unique,

there are other people that are clandestinely operating coops and pigeons in this town and there's a bona fide fear that it could proliferate in a negative fashion. We don't want to engender that because it throws back a negative call on our effort.

We want the pigeon to be seen as the dove that we remind you that that's the genus that they come from and the pigeon somehow has a negative connotation and a dove certainly has a positive. And so if we refer to them as doves, it gets a favorable thought. Pigeons are crapping on our cars, you know, so nobody wants that.

CHAIRMAN JAUMANN: Counsel, thank you very much for this. I see we have a lot of people in the public and I want to try to get to them during the public session --

MR. SAVARESE: Yeah.

CHAIRMAN JAUMANN: -- obviously during the regular meeting. Your -- the zone text change is on there so you'll be invited to come up and speak during the public session.

So moving on to the public comments, is there anybody from the public that wishes to speak? Yes sir, if you could just come forward and state your name please and your address?

1 MR. PAUL GARFALO: Paul Garfalo, 24 Webb
2 Terrace, Ansonia.
3 CHAIRMAN JAUMANN: Thank you sir.
4 MR. GARFALO: What I want to do is, I have
5 an existing fence up that's been rotted for a long time.
6 I want to put another one up, a new one.
7 MR. HOLMAN: It's the wrong one --
8 CHAIRMAN JAUMANN: Okay, we're in the
9 midst of a public hearing on the zone text change, which
10 I should have been more clear on. We're in the midst of
11 a public hearing --
12 MR. GARFALO: Okay.
13 CHAIRMAN JAUMANN: -- on the zone text
14 change that's proposed with regards to the pigeons and
15 whatnot.
16 MR. GARFALO: Okay, I have nothing to do
17 with that.
18 CHAIRMAN JAUMANN: So our regular meeting
19 hasn't started yet.
20 MR. GARFALO: Okay, so I can talk after?
21 CHAIRMAN JAUMANN: Yes, absolutely.
22 MR. GARFALO: Thank you.
23 CHAIRMAN JAUMANN: Once we get through
24 this public hearing there'll be a regular meeting

following it immediately.

MR. GARFALO: Sure.

CHAIRMAN JAUMANN: So is there anybody else that wishes to speak on the --

MR. PELLEGRINO: This public hearing.

CHAIRMAN JAUMANN: -- yes.

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

CHAIRMAN JAUMANN: Good evening Mr. Flaherty.

MR. FLAHERTY: -- and honorable members of the Planning & Zoning Commission. For the record my name is Bartholomew Flaherty, I reside at 28 Pinecrest Avenue in Ansonia, and I was here at the last public hearing concerning this.

And as I told you then, I grew up on a farm, you know dairy, and I'm very familiar with animals. My grandpa raised homing pigeons and there's a place for homing pigeons when you have some acreage, but it definitely has impact on a neighborhood especially in Ansonia where we have less than 50 by 100 -- many, many, many parcels of land less than 50 by 100 in size.

And that has to be a concern. We're a city of six square miles and 20,000 people and if someone

on one side of town sneezes, somebody on the other side catches a cold. So we have to be very cognizant of how this may impact a neighborhood. So it's a very difficult balance between allowing somebody their hobby and allowing somebody some protection against someone's hobby.

I read the regulation and it's very well written and I understand it as the numbers -- if you have up to an acre you can have 30 birds, if you have over an acre you can have 60 birds. But if you have 50 acres you still only can have 60 birds, that's pretty clear.

One of the things that I would change if you adopt this regulation is that in Section 720.1.3 (C), pigeons and doves will be housed in a structure meeting the setback requirements of the principal building in the District in which it's located. I would suggest that you might change that to something more that the pigeon/doves shall be housed in a structure in the center of the yard in which it's going to be located.

We have a 10-foot setback in some -- like in a B-zone you have 10 and 20 setback, so that there's a very good possibility that a neighbor -- this pigeon coop would be closer to a neighbor's house than to the owner of the pigeon's house. So I would suggest that if

1 somebody wants pigeons and if you allow them to have
2 pigeons, which they're not -- somebody mentioned
3 grandfathered.
4 This is an illegal activity -- illegal.
5 It's not allowed in zoning now so it's not grandfathered
6 in. You can't grandfather something that's not allowed.
7 But if you require it to be at least in the center
8 portion of the yard, at least it would be like 25 feet
9 away from a neighbor rather than just 10 feet away from a
10 neighbor.
11 So I would just be very careful on that
12 language where it's allowed in the setback because in a
13 B-zone it's 10 and 20. So I mean, it could be 10 feet
14 away from the neighbor's house and actually closer to the
15 neighbor's house than to the person who has pigeons and I
16 don't think that's fair. So I think it should be plopped
17 down in the center of the property at least.
18 But I would not support pigeons at all. I
19 mean, you get homing pigeons and they're flying all over
20 the place. I mean, this gentleman might have a cultural
21 love for some kind of pigeons, that's fine, but it's a
22 health hazard and it stinks. If you just go in the house
23 and see somebody's parakeet cage that hasn't been cleaned
24 in two or three days, imagine you've got 60 birds the

size of pigeons.

So it's a health issue, it's a rodent issue, flies, etc. But if you do approve it I would definitely suggest having them put it in the center of the property. If somebody wants pigeons, okay, but you put it in the middle of your backyard or something and not 10 feet away from your neighbor's house.

I thank you very much for listening to me and wish you well in --

MS. McCORMACK: I have a question for you. I realize you would not support homing pigeons, racing pigeons. Would you support fancy pigeons?

MR. FLAHERTY: No, I wouldn't support any pigeons to be honest with you. You know, as I said my grandfather -- it was a totally different. It was a big piece of property. It didn't affect neighbors.

And I remember these days with joy. I mean, it was great hauling them down to the railroad station to send them out to race back to Shelton. But it's just not a healthy thing in my opinion, that's all. Thank you very much for your time, good evening.

MR. HOLMAN: I have a question for the attorney if that's possible?

CHAIRMAN JAUMANN: Sure.

1 MR. HOLMAN: Question for the attorney
2 please. How far away are your pigeons from the
3 neighbors?
4 MR. SAVARESE: Ours are in the center of
5 the lot. They're tucked under the overhead -- the porch
6 that comes off of the first floor, the property having an
7 elevation where the first floor is on street level and
8 then drops off.
9 We have a walkout lower level which has a
10 deck coming off the top floor, the first floor, that
11 frames it and it's therefore contiguous to the house.
12 It's within the house. In fact, it is challenged by the
13 historic ordinance that says that chicken coops are to be
14 40 feet away from the house. So we're fighting the
15 opposite problem.
16 And that was part of what was the initial
17 citation which my client then understood because it was
18 iterated that he's 40 -- he started the construction of a
19 coop 40 feet away only to be told he had not pulled a
20 zoning permit which he couldn't pull because there was no
21 allowance for the coop 40 feet from the house which would
22 have been right on the corner of the thing right next to
23 the property owners except they further dropped off as
24 Cliff Street -- South Cliff sits more on a peak of the

ridge line and it drops precipitously to the west I believe and more gently to the east.

My client's pigeons, again, are tucked under and right next to the house. You open the slider and there's the females and the males in separate coops. And that's --

CHAIRMAN JAUMANN: And that's in the map that was attached to --

MR. SAVARESE: -- and that's in the photographs and the map and it is --

MR. HOLMAN: But what I'm trying to understand --

MR. SAVARESE: -- very centered.

MR. HOLMAN: -- how far are you away from your neighbor?

MR. SAVARESE: I think the -- 25/30 feet?

MR. BLACKWELL: No, you're within the minimum setback, that's what Mr. Flaherty was talking about. It's falling in the minimum setback line.

MR. SAVARESE: Well there's a plot plan there, it's the measurement of the house lines from the edge and I --

MR. BLACKWELL: It's right off the gutter.

MR. HOLMAN: I just want to know if it's

10 feet, 20 feet?

MR. SAVARESE: The 13.21 feet on the --

MR. BLACKWELL: Side yard.

MR. SAVARESE: -- the one side and that's -- so at the closest towards lot one, which was marked as the Greco property back in 2004, it's 13.21 feet. On the other side it's -- it looks like it's over 30.

MR. HOLMAN: Thirty feet on which side?

MR. SAVARESE: On the -- which would be the northern bound, so the southerly bound is at 13.21 and it's closer to --

MR. BLACKWELL: Do you mind if I look at that map Chuck?

CHAIRMAN JAUMANN: Well I'm interested in just moving this along. If you want to get us an exact answer and then you can let us know, I'm going to move it along to the next person. Is there anybody else from the public that wishes to speak about this issue?

Yes sir, just state your name and address please.

MR. MIRWAIS RASHID: My name is Mirwais Rashid and I'm from 107 South Cliff Street. If I put them -- the pigeon in the middle, I'd be far from each neighbor more than 35 feet -- from each neighbor.

From left to right to the back, I'd be more far. If I put them in the middle you can -- they're already -- the inspection was there. I'm 450 feet from each neighbor. If it put them in the middle, more than 35 feet I'm far from their houses. And this is good enough, you know, like because it's far.

I don't have close neighbors, they are far from me. One neighbor is another side, their yard is back to me, and one is that side, it's far, only one neighbor. I am 50 feet from her.

CHAIRMAN JAUMANN: Thank you sir.

MR. RASHID: Thanks so much.

CHAIRMAN JAUMANN: Is there anybody else from the public that wishes to speak on this issue? For a second time, is there anybody that wishes to speak on this issue? For the last and final time, is there anybody from the public that wishes to speak on this issue? Okay.

MR. HOLMAN: Motion to close the public session.

MR. BETTINI: Second.

MR. PELLEGRINO: Do you wish to close it completely or?

MR. JAROD HEON: I think we can close the

1 public session at this point in time.
2 MR. ELDER: I make a recommendation before
3 we close so the Commission can just discuss potentially
4 changing the regulation. I just would like it to be
5 discussed during the public hearing writing down, you
6 know, what we heard from the applicant's property, from
7 what we heard from the public.
8 But if you were to amend the proposed
9 regulation Section 720.1.3 (C) where it says pigeons and
10 doves shall be housed in a structure meaning the setback
11 requirement on the principal building in District in
12 which it's located but not less than 30 feet from any
13 adjacent structure containing a dwelling unit, it would
14 satisfy the comments from the public and also the
15 potential -- the applicant could actually comply to that.
16 MR. BETTINI: Yeah, and Mr. Chairman, I
17 think that's a reasonable solution. But the more --
18 after listening I think maybe we should limit the
19 smallest possible parcel to a half acre that you can have
20 pigeons on.
21 So put a downside limit of a half-acre,
22 then up to 30 birds between a half-acre and one acre, and
23 60 birds for two acres.
24 CHAIRMAN JAUMANN: So amending subsection

(B) so it would read something to the effect of no lot of less than half an acre but any lot greater than half an acre shall not exceed 30 birds and no lot of less than two acres shall exceed 60?

MR. BETTINI: Yeah, and that will protect the neighborhoods properly.

MR. HOLMAN: But you also have to take into consideration that we discussed down-siding with this particular applicant over a period of time.

MR. BLACKWELL: Right.

MR. HEON: That can't be part of this.

MR. HOLMAN: Then how do we do it?

MR. HEON: It can't be because this is the zoning regulation this is not specific to one -- he is applying for a text change he's not applying for his own property. This is a unilateral change to the zoning regulations.

CHAIRMAN JAUMANN: The enforcement thereof is going to be up to the ZEO and --

MS. McCORMACK: I would like to make a couple of comments about things that I think maybe we could remove from the regulation that may be a little bit excessive. Is now an appropriate time?

CHAIRMAN JAUMANN: Yeah.

1 MS. McCORMACK: Okay. I thought that
2 maybe in Section -- the first Section (A) that we didn't
3 need all of that verbiage in there, the instructions on
4 what is necessary for permit. Perhaps we could only have
5 up until -- let's see, the zoning enforcement officer or
6 his or her designee will accept an application with shall
7 include minimally the number of birds, the name of
8 organization in which they are registered, and the name
9 and address of applicant or owner of bird -- and/or owner
10 of birds.
11 I think that should suffice for that part
12 of the regulation for (A). I don't know if we have to go
13 into such detail in the actual regulation, but that's
14 just one suggestion. And then I have -- let's see, in
15 Section (E), maybe we could get rid of half of that
16 sentence -- all grain and food stored for the keeping of
17 pigeons and doves shall be kept in vermin proof
18 containers.
19 So we have to have as approved by zoning
20 enforcement officer and the Naugatuck Valley Health
21 District?
22 MR. BETTINI: I think so.
23 MS. McCORMACK: You think so?
24 MR. BETTINI: Yeah, I think having the

1 Health District is very important here.
2 MS. McCORMACK: Okay. Alright, then my
3 next suggestion for an edit is (G). Do we really need to
4 have Sections (2), (3) and (4), because we already have
5 reference that it has to be part of a national racing --
6 a nation pigeon organization?
7 It seems like a lot of excessive
8 requirements and excessive language in here and a lot of
9 administrative work for every application.
10 CHAIRMAN JAUMANN: Well, I think it -- I
11 mean, my comment I guess would be if you remove the
12 portion of Section (A), the legwork then falls on the ZEO
13 as opposed to on the applicant. At least subsection (A)
14 protects staff from not having to verify the registration
15 of each bird.
16 MS. McCORMACK: Okay.
17 CHAIRMAN JAUMANN: So that's --
18 MS. McCORMACK: And then I have a comment
19 for Section (C)(5), for any bird housed in a structure
20 approved under these regulations there shall be a minimum
21 of one square foot of floor space per bird in any such
22 housing structure.
23 So that would mean if you have 30 birds
24 you have to have 30 square feet?

MR. ELDER: Where -- right there, ahum.

MS. McCORMACK: That's kind of -- that's pretty big isn't it?

MR. ELDER: That came directly from the model ordinances for keeping of pigeons from the association.

MS. McCORMACK: The pigeon association says you should. Can I ask the attorney, how big is the pigeon loft right now or the lofts that --

MR. SAVARESE: The large one I think is 900 square feet.

COURT REPORTER: Please sir, get near the microphone.

MR. SAVARESE: Again, I think I submitted in the app the dimensions of it but I think --

MS. McCORMACK: -- approximately.

MR. SAVARESE: -- it's 900 square feet.

MS. McCORMACK: Okay, thank you.

MR. SAVARESE: And we have 60, so we exceed the ratio.

MS. McCORMACK: Okay.

CHAIRMAN JAUMANN: Well, I guess the question we have is do we want to continue discussion?

MR. HEON: Well I think that the motion

and the second that's sitting out there, we should ask for that to be rescinded so we can continue this discussion with the public hearing.

MR. HOLMAN: Motion to rescind.

MR. BETTINI: That's fine with me.

MR. HEON: As long as they agree to it.

CHAIRMAN JAUMANN: Okay, was there a second to that motion?

MR. BETTINI: Yeah, second.

CHAIRMAN JAUMANN: All those in favor?

VOICES: Aye.

CHAIRMAN JAUMANN: Any opposed? Abstain? Okay. Alright, so -- I mean I don't know, what's the Commission's pleasure to continue discussion, hold the public hearing open once again?

MR. HEON: Well, I want to make one comment. I had the opportunity to do some first-hand research with pigeons over the last month and this gentleman was lucky enough to help me out.

I happened to be coming over to City Hall, there was a crowd of people out there and there was a pigeon on Main Street walking around. With this I obviously knew to recognize it and I recognized it, got the bird, got some stuff.

1 I ended up driving up to his house to find
2 out if he could help me out with it or to see if it was
3 his. It was not his but then I got to see the cages and
4 everything first-hand, you know, an impromptu visit. And
5 all his stuff was kept very nicely and everything, the
6 birds were kept very nicely, everything was clean and he
7 was very helpful.
8 It was not his problem being it was 6:00
9 or 6:30 at night. They were registered with one of these
10 organizations. They're all closed. There's one guy who
11 runs it, it says call me back. It's a national registry.
12 We had no idea whose bird it was. I called around half
13 the state, nobody would take care of this bird. Nobody
14 would take this bird. They're telling me I got to keep
15 it. The Nature Center doesn't take care of birds
16 anymore. There's budget cuts and nobody can do anything
17 with it.
18 Long story short, I ended up getting the
19 dog warden to help me out and she ended up taking it. And
20 come to find out, it was registered out of Shelton or
21 something like that. So I would say if you're going to
22 consider this, that needs to be put in here that these
23 birds need to be registered with the Animal Control
24 Officer with their numbers as well so we know where they

1 come from if you encounter something like that.
2 The problem that I have with this is --
3 this gentleman's property was meticulous. The problem
4 is, we're not talking about this gentleman's property.
5 Everybody's asking him the size of his structure, where's
6 his structure and this and that, but this is unilateral
7 to the City. And we need to think big picture when we do
8 this.
9 This is a zoning text change unilaterally.
10 I don't worry about someone like this because he is
11 trying to conform and he's doing a nice job. The problem
12 is, how do we control this city-wide? So while we're
13 deliberating this I just ask that everybody keep that in
14 mind and we're not singling this gentleman out
15 specifically for his operation that he's doing.
16 MR. BLACKWELL: One of my concerns is when
17 you wash -- when he washes his cage where does his runoff
18 water go?
19 MR. HEON: To his yard.
20 MR. BLACKWELL: Are you sure it's not
21 overflowing into somebody else's yard? I mean, his yard
22 flows down do you know what I mean? Are they getting
23 excess --
24 MR. BETTINI: That's a lot of good

nitrogen.

MR. BLACKWELL: -- pardon me?

MR. BETTINI: It's a lot of good nitrogen in that. It's okay as long as it's not running into somebody's well.

MR. BLACKWELL: Well, then we also have a lot of properties with wetlands.

MR. HEON: I just think this needs to be carefully considered and I think everyone should just remember that this is a city-wide change.

MR. BLACKWELL: And I still believe it should be by special permit, it shouldn't be --

MR. BETTINI: It goes back to the special permit, yeah.

MR. BLACKWELL: -- I like that idea because the Board gets to review it.

CHAIRMAN JAUMANN: Can I inquire of our Planner, what's our time frame in terms of --

MR. ELDER: We're about 98 days, so the applicant did grant us an extension so we actually do have some more time. I will be here at the next meeting, we could continue this if you'd like.

But I would say that we have spent a lot of time crafting the regulations to meet almost -- in

1 fact, every comment that we've heard from the public,
2 from the Commission and suggestions from the applicant.
3 It does seem to need -- a decision to act is here,
4 there's not a lot of new information that we're
5 discussing that we need research on. The discussion of
6 the special permit which is a permitted use, we were very
7 prescriptive in these regulations.
8 And there's a lot of language in there
9 because that's the way the Commission appeared to be
10 going, that they wanted it to meet these regulations with
11 no discretion.
12 MR. PELLEGRINO: No gray area, everything
13 clear.
14 MR. ELDER: Right -- that's right, so an
15 applicant could come in and if you can meet these
16 regulations you can have these birds provided you follow
17 these regulations.
18 So if the Commission did want to consider
19 a special permit, you could reduce these requirements
20 probably considerably, and then the Commission could
21 exercise some discretion on the application. But that is
22 not -- that would be a deviation from where we've been
23 headed.
24 MR. PELLEGRINO: Correct.

CHAIRMAN JAUMANN: Thank you.

MR. HEON: So we can close the public hearing and then we have 65 days to act on it.

MR. BLACKWELL: Or you could do it now.

MR. ELDER: Yeah, but I would want to -- I wouldn't say 65. I want to check the actual day to reopen the public hearing, but it's been about 98 since we originally -- since we received the application officially.

MR. HEON: Well it's always been my understanding it was at the close of the public hearing.

MR. ELDER: Well 65, 35 and 65, those are generally the requirements and you can extend up to 65 of any one of those. And we've been granting a 65-day extension, so we're okay on time and stuff like that.

MR. HEON: Okay.

MR. ELDER: I just -- I question what more time is going to do.

MR. HEON: I'm not saying for the public hearing, I'm saying to deliberate amongst ourselves. I think we can close the public hearing, I think we've heard everything.

CHAIRMAN JAUMANN: So what's the Commission's pleasure? I'll entertain a motion to close

1 the public hearing.
2 MR. BETTINI: Move we close the public
3 hearing.
4 MR. PELLEGRINO: I'll make a motion we
5 close the public hearing. I think we've got enough
6 information.
7 CHAIRMAN JAUMANN: Okay, all those in
8 favor?
9 VOICES: Aye.
10 CHAIRMAN JAUMANN: Any opposed? Abstain?
11 Okay, motion carries. The public hearing is closed.
12 MR. WILLIAM MALERBA: I make a motion to
13 adjourn.
14 CHAIRMAN JAUMANN: Do I hear a second?
15 MR. HOLMAN: Second.
16 CHAIRMAN JAUMANN: All those in favor?
17 VOICES: Aye.
18 CHAIRMAN JAUMANN: Any opposed? Abstain?
19 Okay, the public hearing on the zone change for 107 Cliff
20 Street is closed and we are adjourned. We'll take a
21 brief two-minute recess, gather ourselves, and we'll
22 start the regular meeting.
23 (Whereupon, the public hearing for the
24 special exception was adjourned at 7:12 p.m.)

HEARING RE: ANILA VARDAK, 107 SOUTH CLIFF STREET
JUNE 27, 2016

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