

## ZONING BOARD OF APPEALS

A hearing before the Hudson Falls Zoning Board of Appeals was held on October 24, 2016 at 6:30 p.m. in the Board Room of Village Hall.

Present: Louis Distasio, Chairperson  
Bridget Davis, Member  
Robert Durkee, Member  
Daniel Hogan, Member  
James Ross, Member  
Michael Willig, Alternate  
Ross Cortese, Code Enforcement Officer  
William L. Nikas, Attorney

Absent: None

Public Present: Approximately 30 members of the public  
News Channels 6 and 10

Chairman Distasio called the meeting to order at 6:30 pm.

Chairman Distasio opened the floor to the applicant Cynthia King Cutler to discuss her husband's needs relevant to her request for a use variance in seeking to maintain a pygmy goat, as an emotional support animal, on the property located within Village limits at 7 Pearl St., Hudson Falls, NY 12839.

Mrs. Cutler explained to the board the definition of a pygmy goat per Chairman Distasio's request as a goat that is less than 50lbs. fully grown; it will not be used for milking, or food. The goat is housebroken and crate trained. The goat will be used strictly as an emotional support animal for her husband Mr. Cutler who suffers from Parkinson's disease. Mrs. Cutler offered to the board, a petition signed with approximately 500 signatures in support of keeping the goat. Board Member Ross asked if they were all Village of Hudson Falls residents, it was determined not all signatures were from residents of the Village, there were many from the same households, some children as well as people from surrounding areas. The petition was submitted for the file. Mrs. Cutler continued by reading a letter written by a neighbor in favor of allowing the goat to remain at 7 Pearl St. Mrs. Cutler also stated there were letters written from doctors stating her husband and his aide required the goat as an emotional support animal as well as a Certificate stating the goat is registered as an emotional support animal. It was mentioned that in the file were complaints against the goat, as well as some complaints that had been received by the Code Enforcement Officer via phone calls. A lengthy explanation and discussion ensued in regards to the need for Mr. Cutler to keep the goat at his home. Board Member Hogan reminded everyone that the reason we were here was not due to a complaint, but because a goat is not allowed by Village code to be kept on a Village property. Our purpose here this evening is to review the request for a use variance to allow for the goat to remain at the Cutler residence.

Chairman Distasio opened the floor to public comment.

Suk Cha Carter of 6 Pearl St. addressed the board with a concern that we live in a village where there should not be farm animals. She is concerned that if they say it is for a medical reason, what will be next, everyone will want to bring a farm animal into the village to live. She stated she has seen property damage done to the porch of 7 Pearl St. from the goat.

Carol Terrio addressed the board and stated she is the owner of the goat and that she is aware of the damage Ms. Carter is speaking of. She stated it was damaged before but the goat ate the wood and that it is being addressed for repair. Board member Willig asked Ms. Terrio if she lived at 7 Pearl St. or was a Village of Hudson Falls resident, she stated she is not, but was staying there temporarily to help with the goat. Board Member Ross asked Ms. Terrio if she owned the goat, she replied "I own the goat". Board Member Ross asked Ms. Terrio if she owned the goat exclusively, she replied "yes", and then stated she gave the goat to Greg Cutler, but the goat was hers at the beginning.

Dan Donahue of 6 Cherry St. stated he lives 7 houses down from 7 Pearl St. He said he walks past the house a few times a day with his dog, he stated the goat is friendly to his dog and it is a joy to see the mothers and their children enjoying the goat. He thinks the goat is a positive addition and would hate to see it go.

Bridget Doyle of 4 Warren St addressed the board and sees no reason the goat cannot stay or why we are wasting time, tax money and hours arguing about a goat when we should be worried about heroine coming to this area and how much the taxes are. She expressed concern regarding where humanity went.

Board Member Hogan once again explained that we are not here to discuss complaints but to discuss an application for a use variance.

Lee Potvin of 50 Pearl St. addressed the board and stated if this use variance is passed he feels the board should be very careful about the wording allowing for a farm animal in the village limits. He also stated concern as to who would be checking the sanitary conditions in regards to the goat.

With no further comments and upon motion made by Board Member Hogan, seconded by Board Member Ross and carried, the Public Comment was closed at 6:56pm.

The board moved forward with discussion in regards to the Use Variance Application. Board member Hogan reiterated that it is his opinion that we are not here to discuss complaints but to review the use variance application submitted to them. He is uncertain as to if the board with the information presented to them could disallow an emotional support animal to be kept as per Federal Laws. He personally does not feel a farm animal should be allowed in the village, but there are laws that are in place and they have to look at what has been presented to them and make a decision based on that information.

Board Member Davis stated she feels torn in regards to allowing a farm animal in the village as she sees Mr. Cutler's doctor's note and his need, but is concerned that other people will try to have farm animals that are not medically necessary.

Board Member Durkee stated he feels they are the Zoning Board of appeals and their purpose here is to make exceptions to Village Laws if it is warranted. He is uncertain as to if the board is overridden by higher laws in this case, however if they are, there can be stipulations mandated in issuing the use variance.

Alternate Board Member Willig, stated he agrees with Board Member Hogan that it is not about whether it is allowed or fair, if the law allows for it, they have to look what is presented to them and make their decision based upon that.

Board Member Ross feels that there should not be farm animals allowed in the Village. He said being a long time resident of the Village the first thing the applicants should have done is contact the Code Enforcement Officer to find out if the goat was permissible. He is apathetic to Mr. Cutler's needs, but on the other hand his concern is the board could be meeting on a monthly basis now reviewing doctor's notes stating specific needs for people to have farm animals, such as cows, horses and chickens.

Chairman Distasio explained that the board would be required to review another case if it came up separately as every situation is different. A lengthy discussion ensued in regards to zoning laws and the effectiveness of the doctors note stating it is an emotional support animal as well as to whom "officially" owned the goat as there was some confusion as to if it belonged to Carol Terrio, a non-resident health aide to Mr. Cutler or to Mr. Cutler, himself, a resident of the Village. Board Member Ross also asked if the goat was registered with the Department of Environmental and Rural Affairs.

Attorney William Nikas informed the board that it did not matter who owned the goat and went on to explain the Constitutional Laws that were in place to protect people with medical conditions or disabilities. Attorney Nikas advised the board that this is an appropriate instance to accommodate reasonably, with conditions, the allowance of an emotional support animal to Mr. Cutler. A discussion ensued in regards as to what the special conditions should be to approve the use variance. Attorney Nikas suggested conditions and the Board considered those as well as additional concerns.

Upon motion made by Board Member Durkee, seconded by Board Member Hogan and carried it is

**RESOLVED**, that a Use Variance to maintain a pygmy goat as an emotional support animal on the property located at 7 Pearl Street, Hudson Falls, NY 12839 be approved in accordance with the following conditions:

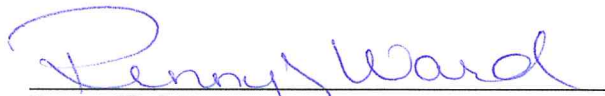
1. The goat shall at all times be kept in a cage or a fenced enclosure of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cage, enclosure or confinement, shall be of such size as to permit the goat reasonable freedom of movement.
2. The cage or enclosure shall be kept in a clean and sanitary condition at all times.
3. The goat shall be provided with adequate food, water, shelter and veterinary care.
4. The behavior of the goat shall be controlled in such a manner so as not to disturb or annoy neighboring property occupants.
5. The owner shall take adequate safeguards to prevent unauthorized access to the goat and to preserve the goats and the public's health, safety and welfare.
6. The goat shall be kept inside between the hours of 11:00pm – 6:00am.
7. This use variance will be nullified if Gregory Cutler should no longer reside at the residence.

Roll call:

Board Member Ross - Nay  
Board Member Durkee – Aye  
Chairman Distasio – Aye  
Board Member Davis – Aye  
Board Member Hogan - Aye

Upon motion by Board Member Hogan, seconded by Board Member Durkee and carried the minutes of the July 11, 2016 Zoning Board Meeting were approved as submitted.

There being no further business to come before the Board the meeting was adjourned at 7:27pm.

  
Deputy Clerk/Treasurer

# Washington County Planning Board Referral Review

Referring Body: Village of Hudson Falls Meeting Date: 9/18/2016  
Contact Person: Ross Cortese Date received in office: 9/19/2016

## Project Information

Applicant (contact person): Cynthia King Cutler

Location: 7 Pearl Street

Project Type:  Site Plan  Use Variance  Area Variance  Special Use Permit  Zoning\*  
\*Adoption or amendment of a land use ordinance, local law or Comprehensive Plan

Other: \_\_\_\_\_

Project Description: Allow farm animal (goat) in village

## County Planning Board's Recommendation

Approved  Approved w/ Conditions  Approved w/ Comments

Disapproved  Disapproved w/ Comments

Found to be a matter of essentially Local Concern; therefore, the referring body should proceed to take final action on the matter.

  
Washington County Planning Board

10/11/2016  
Date

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## REFERRING BODY: NOTICE OF FINAL ACTION

*Please include comments or conditions. If the referring body acted contrary to the recommendation of the County Planning Board, please state reason(s):*

The Village of Hudson Falls Zoning Board met on October 24, 2016 and approved the Use Variance application submitted by Cynthia King Cutler to keep a pygmy goat at 7 Pearl St., Hudson Falls, NY 12839, as an emotional support animal for her husband Gregory Cutler with the attached conditions:

1. The goat shall at all times be kept in a cage or a fenced enclosure of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cage, enclosure or confinement, shall be of such size as to permit the goat reasonable freedom of movement.
2. The cage or enclosure shall be kept in a clean and sanitary condition at all times.
3. The goat shall be provided with adequate food, water, shelter and veterinary care.
4. The behavior of the goat shall be controlled in such a manner so as not to disturb or annoy neighboring property occupants.
5. The owner shall take adequate safeguards to prevent unauthorized access to the goat and to preserve the goats and the public's health, safety and welfare.
6. The goat shall be kept inside between the hours of 11:00pm – 6:00am.
7. This use variance will be nullified if Gregory Cutler should no longer reside at the residence.

Francis P. Cortese / ptd  
Signature of Local Official

10/24/2016  
Meeting Date  
10/28/2016  
Date Signed

**PLEASE RETURN ORIGINAL FORM TO THE WASHINGTON COUNTY PLANNING BOARD WITHIN 30 DAYS OF FINAL ACTION**