



NON-DOMESTICATED ANIMAL QUESTIONNAIRE

Name: _____

Address: _____

Telephone: _____

Email: _____

For the purpose of this application, non-domesticated animals will be referred to as NDA. All animal enclosures (houses, coops, pens, aviaries, etc.) will be referred to as NDA enclosures.

§ 68-1 Permit required

A.
No person shall breed, raise, harbor, or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl or reptiles, or any swine, horses, cows, mules, goats, or any other animals or reptiles except domesticated pets within the Village, without a permit subject to the approval of the Village Board.

B.
"Domesticated pets" are hereby defined to mean any animals, birds, reptiles, or fish customarily kept in the home or place of residence which are not vicious, dangerous, or otherwise obnoxious, objectionable, or offensive.

New Application for Non-Domesticated Animals

State the type and total number of non-domesticated animals desired?

Setback and side yard requirements set forth at 260-14 state that in every case, NDA enclosures shall be located at least 15ft from any property line.

What type and size of pens, coop, or housing for each animal(s) and how far from the property line?

NDA enclosures must be cleaned once each day and maintained in a sanitary condition, free of debris, refuse, dirt or excess food.

Will the enclosures be cleaned daily and kept in a sanitary condition? YES NO

Animal feed must be kept in a secure, covered metal containers.

What plan do you have in place for storage of animal feed?

There shall be no less than two (2) square feet of floor space per bird where chickens and ducks are kept.

Are there more than 2 square feet of floor space per bird in each coop and is there adequate space to enter for cleaning and to collect eggs? YES NO N/A

Pens, coops, or houses must be suitably screened from the view of surrounding residences and surrounding streets by a fence or shrubs or be located in such a manner as not to be visible from the surrounding residences and street.

Are pen, coop or house screened from public view? YES NO

NDA's shall be confined at all times to the property on which they are kept.

Are animals always confined within a fenced area on the property? YES NO

Any NDA maintained, housed, or possessed and all by-products (milk, eggs, honey etc.) produced from said NDA shall be for the sole use and consumption of the homeowner or tenant in possession and shall not be offered for sale on the property where the NDA is kept.

Do you plan to sell any by-products from the NDA's YES NO

The applicant must provide proof that he or she has notified, in writing, all property owners within 100 feet of the applicant's property that the applicant has applied for this Special Use Permit to maintain an NDA enclosure and informing such property owners of the date and time of the public hearing on the application.

Attach all evidence you have notified all property owners within 100 feet of your property of this application or present the same at your Special Use Permit hearing.

Waste must not be composted or mulched on site. All waste must be kept in appropriate sealed metal containers until it can be removed from the property in the weekly garbage pickup.

Will animal waste be composted or mulched on site? YES NO

Will animal waste be kept in an appropriate metal sealed containers? YES NO

RESOLUTION

May 9, 2022

ADOPT LOCAL LAW #1 OF 2022 – NON-DOMESTIC ANIMAL LAW

Trustee _____, offered the following resolution and moved for its adoption:

WHEREAS, the Board of Trustees of the Village of Depew, New York held a public hearing on March 28, 2022, at 7:00 pm in the Council Chambers of the Municipal Building, 85 Manitou St, Depew, NY to consider the adoption of a local law for Non-Domestic Animals.

WHEREAS, all persons were given an opportunity to speak for or against this local law;

NOW THEREFORE, BE IT RESOLVED, this local law is hereby adopted.
If adopted, the proposed local law shall read as follows:

VILLAGE OF DEPEW LAW

§ 68-1 Permit required.

A.

No person shall breed, raise, harbor or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl or reptiles, or any swine, horses, cows, mules, goats, or any other animals or reptiles except domesticated pets within the Village, without a **Special Use Permit subject to the approval of the Village of Depew Zoning Board of Appeals in compliance with the following minimum regulations:** ~~permit subject to the approval of the Village Board.~~

1. **No person shall keep, maintain, house or possess more than six (6) chickens or ducks or any combination thereof on any premises. Breeding of chickens on-site shall not be allowed;**
2. **All pens, coops or houses maintained for the keeping of chickens or ducks in all zoning districts shall comply with the setback and side yard requirements set forth at § 260-14 pertaining to the keeping of household pets. However, in every case chicken coops shall be located at least 15 feet from any property line.**
3. **The pens, coops or houses in which such chickens or ducks are kept must be cleaned once each day and maintained in a sanitary condition, free of refuse, debris and any other dirt or excess food, so as not to endanger the public health and safety.**

4. Chicken or duck refuse and feed must be stored in metal containers and securely covered with metal covers.
 5. There shall be no less than two (2) square feet of floor space per chicken or duck in any pen, coop or house in which such chickens or ducks are kept. The pen, coop or house shall be large enough to provide adequate access for cleaning and egg collecting.
 6. Pens, coops or houses shall be suitably screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said pen, coop or house is located in such a manner as not to be visible from the surrounding residences and streets.
 7. Chickens and ducks shall be confined at all times to the property on which they are kept, possessed or maintained.
 8. Any chickens or ducks maintained, housed or possessed and all eggs produced from said chickens or ducks shall be for the sole use and consumption of the homeowner or tenant in possession and shall not be offered for resale.
 9. In no instance will roosters, geese or any other fowl or any swine, horses, cows, mules, goats, bees or any other animals or reptiles except domesticated pets be permitted within the Village, without a permit subject to the recommendation of a Special Use Permit from the Village of Depew Zoning Board of Appeals and final approval from the Village of Depew Board of Trustees
 10. The applicant shall provide proof that he or she has notified, in person or in writing, all property owners within 100 feet of the applicant's property that the applicant has applied for a special use permit to maintain a chicken coop and informing such property owners of the date and time of the public hearing on the application.
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11. The Special Use Permit shall be limited to the applicant and shall not be transferable;
12. The raising of the chickens shall be subject to all applicable sanitary, noise and property maintenance regulations, ordinances and laws. Chicken waste shall not be composted or mulched on-site. Chicken waste shall be stored in appropriate containers that do not create any nuisance;
13. The Special Use Permit shall be valid for a maximum of two years. The ZBA may grant approval of the Special Use Permit for a period less than two years. Additional consecutive or non-consecutive Special Use Permits may granted by the ZBA upon the filing of each new application.
14. The costs and application fees will be set by the Village of Depew Fee schedule.
15. The ZBA may require screening of the chicken coop or chicken run as deemed appropriate.
16. The ZBA shall solicit input from all property owners within 100 feet of the applicant's property and shall evaluate any complaints that have been received relative to the raising of chickens on the property.
17. Prior to the ZBA hearing for the temporary Special Use Permit, the Code Enforcement Officer shall conduct an inspection of the premises associated with application for the Special Use Permit. The inspection shall note any property maintenance issues and shall include an inspection of the proposed chicken coop (if it exists). The Code Enforcement Officer will provide a report of their findings to the ZBA.

B. "Domesticated pets" are hereby defined to mean any animals, birds, reptiles or fish customarily kept in the home or place of residence which are not vicious, dangerous, or otherwise obnoxious, objectionable or offensive.

C. Pre-Existing

1. Chickens and Ducks. Any chicken coop and/or run existing prior to the effective date of this local law shall be considered pre-existing (or "Grandfathered") and permitted to remain in place with the 1/2 acre minimum lot size requirement set forth in Section 4(D)(3) waived for a period of 2 ("TWO") years, provided the following conditions are satisfied:

- A. No person shall keep, maintain, house or possess more than six (6) chickens or ducks or any combination thereof on any premises. Breeding of chickens on-site shall not be allowed;
- B. All pens, coops or houses maintained for the keeping of chickens or ducks in all zoning districts shall comply with the setback and side yard requirements set forth at § 260-14 pertaining to the keeping of household pets. However, in every case chicken coops shall be located at least 15 feet from any property line. Any pre-existing coop which is non-compliant with the zoning requirements must be brought into compliance within six months of the enactment of this local law;
- C. The pens, coops or houses in which such chickens or ducks are kept must be cleaned once each day and maintained in a sanitary condition, free of refuse, debris and any other dirt or excess food, so as not to endanger the public health and safety;
- D. Chicken or duck refuse and feed must be stored in metal containers and securely covered with metal covers;
- E. There shall be no less than two (2) square feet of floor space per chicken or duck in any pen, coop or house in which such chickens or ducks are kept. The pen, coop or house shall be large enough to provide adequate access for cleaning and egg collecting;
- F. Pens, coops or houses shall be suitably screened from the view of surrounding residences and surrounding streets by a fence or by shrubs, unless said pen, coop or house is located in such a manner as not to be visible from the surrounding residences and streets;

VILLAGE OF DEPEW
85 MANITOU ST
DEPEW NY 14043
716-683-1400

PROCEDURE FOR APPLICATION TO ZONING BOARD OF APPEALS

Applicant must furnish the following:

1. Completed Appeals Application. Please complete all sections pertaining to your appeal and answer all questions to the best of your ability.
2. A copy of the most recent legal survey showing all streets, buildings, etc. The survey must represent a true representation of your property including any additions, fences, porches and/or garages.
3. With red pencil mark the proposed location and size of the structure, fixture, fence, etc. clearly on the survey copy. (we will make a copy of the survey in the office)
4. Copy of the deed or tax bill showing ownership.
5. If the applicant is not the title holder/owner of the property, you must provide a letter from the owner (notarized), Power of Attorney and/or other documentation evidencing authorization to make application to the Zoning Board of Appeals.
6. \$ 100.00 fee for applications; cash or check only.
7. Copies of any contracts with builders, contractors, etc. and detailed information of specific materials to be used, and or design plans (if applicable).

BUILDING DEPARTMENT will furnish the following:

1. Copy of Building Permit Application (Denial) or written request for specific relief from zoning ordinance.
2. Copy of Assessors Map for property
3. Photograph(s) of property

ZONING BOARD OF APPEALS
VILLAGE OF DEPEW, NEW YORK

PETITION FOR VARIANCE

PROPERTY ADDRESS: _____
_____, 20____

1. NAME: _____

2. MAILING ADDRESS: _____

3. OWNER _____ AGENT _____
LESSEE _____ LEGAL REPRESENTATIVE _____

NOTE: If the applicant is not the owner of record, a notarized letter of consent to the action, signed by the owner, must be submitted or paperwork documenting authority to act on behalf of the owner.

4. REASON FOR REQUEST FOR A HEARING BEFORE THE ZONING BOARD OF APPEALS

5. PROPERTY CLASSIFICATION:

RESIDENTIAL _____
BUSINESS _____
INDUSTRIAL _____

Signed _____
(Owner/Lessee)

Signed _____
(Owner/Lessee)

Home Phone: _____

Cell: _____

Work: _____

USE VARIANCE - Applicant is seeking authorization for use of the land which otherwise would not be permitted or would be prohibited by the terms of the applicable zoning regulations. The burden of proof is on the applicant to demonstrate that the applicable zoning regulations and restrictions have caused UNNECESSARY HARDSHIP. The following factors MUST BE PROVEN by the applicant in order for a USE VARIANCE to be granted.

1. Provide EVIDENCE to demonstrate that, under the current applicable Zoning Regulations, the applicant cannot realize a reasonable return from the property in question _____

2. Provide EVIDENCE to demonstrate that the alleged hardship relating to the property is not unique, and does not apply to a substantial portion of the district or neighborhood _____

3. Provide EVIDENCE to demonstrate that the requested USE VARIANCE, if granted, will not alter the essential character of the district or neighborhood _____

4. Provide EVIDENCE to demonstrate that the alleged hardship has not been self-created _____

.....
Signed _____
(Owner/Lessee)

Signed _____
(Owner/Lessee)

ALL USE VARIANCE REQUESTS MUST BE REVIEWED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).

PLEASE COMPLETE THE ATTACHED ENVIRONMENTAL ASSESSMENT FORM AND RETURN IT TO THIS OFFICE AS SOON AS POSSIBLE, BUT NO LATER THAN TEN (10) DAYS PRIOR TO YOUR HEARING DATE.

NOTE: ADDITIONAL INFORMATION MAY BE REQUESTED BY THE ZONING BOARD OF APPEALS BEFORE MAKING ITS DETERMINATION.

ZONING BOARD OF APPEALS

OFFICE USE ONLY:

ADDRESS: _____

OWNER: _____

Date Application Filed: _____

Date Application Complete: _____

Date of Hearing: _____

Legal Notice Published: _____

PAPERWORK RECEIVED:

- 1. Application _____
 - 2. Survey with project _____
 - 3. Deed/Tax Bill _____
 - 4. EAF _____
 - 5. Other _____
- _____
- _____
- _____

VARIANCE REQUESTED: USE _____ AREA _____

Municipal Code SECTION Chapter ____ Article ____ Section ____ Paragraph ____

1. Review under SEQRA required: YES _____ NO _____

2. Environmental Assessment Form complete: YES _____ NO _____

3. Is Action Subject to General Municipal Law 239.m (within 500' of NYS or Erie County Highway)? _____

4. Is Action Subject to General Municipal Law 809 (Village Employee with Interest in Property)? _____

