

SECTION 32. KENNELS AND STABLES

A. Kennels

1. Kennels shall require a Special Use Permit issued by the Planning Board. As a condition of the Special Use Permit, no objectionable or offensive noise or noxious odors shall be permitted beyond the boundaries of the kennel parcel.
2. In the R-1 zone, a 10 acre minimum lot size and 200' side and rear yard setbacks are required. In the Agricultural zone, a 5 acre minimum lot size and 50' side and rear yard setbacks are required.
3. Adequate provision for the storage and removal of all animal wastes shall be made and all animal waste shall be stored, treated and or removed in such a manner as not to create a hazard to public health. In particular, no animal waste storage area shall be located within 300 feet of any residence or street right-of-way.
4. During Site Plan Review the Planning Board may impose additional provisions and require that adequate screening, landscaping, and fencing be provided, especially for exercise areas or ancillary facilities.

B. Equine Zoning Regulations

1. Title

This section shall be known and may be cited as the Equine Zoning Regulations.

2. Purposes and Intent

- A. The purpose of this section is to regulate the keeping, possession, and maintenance of equine livestock in the developed residential areas of R-1 and those of R-2 that are owner occupied where residents wish to retain and preserve a semi-rural environment and to provide criteria for replacement of legal nonconforming horses, through the use of Special Use Permits, granted by the Planning Board.
- B. The intent of this section is to set forth additional requirements which shall apply to certain land uses and activities which due to their characteristics, or the special characteristics of the area in which they are located, require special consideration so that they may be properly located and planned with respect to the objectives of this Zoning Law, their effect on the surrounding properties and community character, and the ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town.

3. Applicability

- A. Any horse or equine animals in existence at the date of the adoption of this law shall be permitted to remain under the authority of a legal nonconforming use as specified under Article X. Any new horses shall be permitted with a Special Use Permit.
- B. All horses and equine animal locations and facilities (existing/proposed) shall be reviewed and approved by the Zoning/Code Enforcement Officer or designee to ensure compliance with the herein adopted health standards, or as determined by the Special Use Permit.

4. Special Use Permit

- A. While recognizing that certain keeping, possession, and maintenance of horses may be desirable in the Town this can cause certain problems or difficulties. Consequently, such uses will be controlled by a special use permit procedure which requires additional regulations designed in order to mitigate such problems or difficulties. The special uses for which conformance to additional standards is required by this section shall be deemed to be the demonstration of permitted uses in their respective districts, subject to adequate proof of the satisfaction of the requirements and standards set forth herein. All such uses are declared to possess characteristics of such unique and special forms that each specific application shall be considered an individual case, and the grant of a special use permit for one use in a zoning district shall be limited to its own facts and circumstances, and shall have no precedential effect entitling or implying that a similar use would be capable of satisfying the requirements and standards set forth herein. The Planning Board shall comply with SEQRA 6 NYCRR Part 617 when reviewing an application for a special use permit.
- B. An application by the owner occupied resident to the Planning Board shall set forth and shall also include a plot plan which shall show:
 - 1. The dimensions of the property and number of square feet.
 - 2. The location of all improvements on the property.
 - 3. The proposed location of a shed/stable.
 - 4. The outdoor area where the horse(s) will be permitted to graze.
 - 5. The location of residences on all abutting properties.
 - 6. The proposed fencing.
 - 7. The proposed storage facility for horse manure and disposal plan for said horse manure.
 - 8. The proposed location of the hay, feed, or other food stock for the horses.
 - 9. Such other information as the Board of Appeals may request.

- C. The application shall be accompanied by a writing signed by each owner and the occupant of the subject property and acknowledged in the form required for the recording of a deed, containing a consent, in form and substance satisfactory to the Board of Appeals, that so long as any stable shall continue to remain on the property or so long as any horse is kept, maintained, or stabled on the property, the Zoning/Code Enforcement Officer or any other official, person or agency or employee designated by the Planning Board or any society duly chartered for the prevention of cruelty to any animals or for the regulation of animal treatment shall have the right to enter upon the premises or any part thereof for the purposes of making such inspection and investigation as the Town may deem appropriate, and said consent shall be irrevocable.
- D. The applicant, at his/her own expense, shall be required to notify abutting property owners as well as property owners within 500 feet of the subject property, whichever is greater, of the Special Use Permit Application and Public Hearing, in writing, on a form provided at Town Hall. The notice shall be sent by certified mail, return receipt requested, and proof of such mailing shall be presented to the Board at the public hearing.
- E. The applicant shall construct, plant and maintain such landscaping and/or fencing as the Planning Board shall direct.

5. Keeping of Horses:

- A. It shall not constitute a violation of this section for any person to keep, maintain, house or possess a horse, provided that:
 - 1. Not more than one (1) horse is kept, maintained, housed, or possessed for each two (2) acre plot or parcel, exclusive of domestic buildings. The required 2 acres of land per horse shall have a maximum average slope of ten percent (10%).
 - 2. Stable: For the keeping of one or two horses, the construction of a stable on the plot or parcel must comply with the following dimensions: A South facing three-sided structure, fifteen feet by twenty feet (15' x 20'), with a two pitched roof. No stable shall be erected or maintained within one hundred (100) feet of any side or rear property line and shall be seventy-five (75) feet from the front property line. For each additional horse there shall be a proportionate increase in the size of the stable. The appearance of the stable should be in keeping with the character of the neighborhood.
 - 3. All manure shall be stored, treated and/or removed in such a manner as to not create or cause a noxious or offensive odor or dust or cause the presence of or attract any vermin, rodents or other animals shall not be permitted to remain in, on, or upon the premises. Storage and disposal of animal manure must meet all applicable standards of SEQRA. Under no circumstances shall a horse be kept within 50 ft. of any well.
 - 4. All grain, feed, or other food stock for the horses, other than hay bales, shall be kept in a rodent proof container.

5. All storm water runoff and other surface water or drainage shall be contained on the premises, to the maximum extent practicable.
6. Fences:
 - a. Barbed wire fences shall not be permitted.
 - b. Electrification of a fence may be permitted the greater of one hundred fifty (150) feet from the nearest dwelling on an adjoining lot, or ten (10) feet from the abutting property line.
- B. Each horse kept, maintained, or housed on the premises shall, at all times, be owned by a member of the family of the owner occupied premises, and no other horse shall, at any time be kept, maintained or boarded on the premises. The hiring of or the commercial use of horses shall be prohibited.
- C. Dead equine livestock must be disposed of in a proper manner as directed by local or state law. Dead equine livestock shall not be buried on the property.

6. Penalties for Offenses:

- A. Any violation of the above conditions, or other conditions which may be imposed by the Planning Board - for the issuance of a Special Use Permit may result in revocation of the permit, upon a showing that the holder of the permit has been notified of the violation and has refused or neglected to correct the violation.
- B. Any fine for violation of the above conditions will be issued pursuant to state law.