

**TOWN OF NEVERSINK
ZONING BOARD of APPEALS
P.O. Box 307 – 273 Main Street
Grahamsville, NY 12740
(845) 985-2262 fax (845) 985-7686**

PUBLIC HEARING MINUTES

**JULY 21, 2020
JAMES AND PATRICIA MERCADO
AREA VARIANCE
25.-1-19**

The public hearing was called to order at 7:34 PM by Chairman Michael Dean by a motion

Moved by: Zoning Board of Appeals Alternate Member, Jim Wells

Seconded by: Zoning Board of Appeals Member, Steve Porter

Approved by UNANIMOUS vote: AYES 5 NAYS 0 RECUSAL

There were several members of the public present. Troy Johnston, the attorney for the Mercados stated that he sent the letter that the board requested last month with attached farming standards and some community support included and lot line pictures. Mike referenced the GML 239 that the board received from the County that stated that in their opinion the Area Variance should be approved.

Tom Brackman: owns property across the road. He said he doesn't mind animals but he thinks there are too many and not enough shelter.

Troy Johnston addressed manure and compliance. "The conservation compliance officer comes out to the property twice a year and they pass the compliance standards every year. If they did not they wouldn't be operating. As for the manure they are currently working with the watershed on a plan for addressing that."

Lori Mickelson: Feels that it doesn't fit her definition of a farm and disagrees with the operation.

Eileen Maloney: Owns a property across the street with tenants and never had complaints from her tenants as to smells or any issues with the animals. She supports the operation and thinks the Mercados are wonderful people.

Jim McCarthy: Disagrees with the number of animals. He ended up calling the police regarding the conditions. He read from the Agricultural Law and the Town Zoning Law doesn't believe they are in compliance with either. Thinks it is out of control.

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Troy Johnstone said he is not here to argue animal treatment but they here asking for an area variance and are only asking for 10ft sidelines so as not to restrict them further. Says that the number of animals meets the Cornell compliance.

Mr. Mercado said that he uses a “de-bedding method” which was set up by Cornell that uses hay and shavings which creates heat and feels that he is in compliance with regulations. Also said he is working with the water shed on getting system set up for the manure.

Since there were no other comments from the public, the public hearing was declared closed at 7:55 PM on a motion

Moved by: Zoning Board of Appeals Alternate Member, Mike Dean

Seconded by: Zoning Board of Appeals Member, Jim Wells

Approved by UNANIMOUS vote: **AYES 5 NAYS 0 RECUSAL**

Respectfully submitted: Geri Gorton, Clerk
(B230)

Members:	Mike Dean, Chairman	PRESENT
	Steve Porter	PRESENT
	Ian Constable	ABSENT
	Jim Wells	PRESENT
	Stephen Poley	PRESENT

Other officials present: Kenneth Klein, Town Attorney
Keith Stryker, Code Enforcement Officer