

**Public Hearing and Special Meeting
Of the Board of Trustees
Of the Village of Bergen at
6:30pm on October 27th, 2021**

The public hearing and special meeting of the Board of Trustees was called to order by Mayor Barclay at 6:30pm with the following present:

- Trustee Joseph Chimino
- Trustee Kevin Donovan
- Trustee Paul Robinson
- Trustee Emily Marble

Also present: Village Administrator Cortney Gale, Bob Fedele, Judy Fedele, Grace Gallivan, Todd Cargill, and Peter Celentano.

Clarification Amendment to the Animal Control Law

Mayor Barclay opened the public hearing, read the clarification amendment, and opened the floor for public comment.

Robin Day asked if there was a working farm currently in the Village.

Peter Celentano asked for a summary of what led to the amendment. He also asked if there was an exception for FFA members to be able to raise a single animal, what the essence of the law is, If the written complaints for chickens were available to the public and requested that the results from the chicken survey be put online. Mr. Celentano further asked how the law would be enforced.

Mayor Barclay closed the public hearing at 6:45pm

Zoning Law Update

Mayor Barclay opened the public hearing at 6:46pm and read the resolution for the law then opened the floor for public comment.

Robin Day asked for clarification on section 6 of the resolution.

Trustee Chimino voiced his stance on the “right to enter” section of the law and read information he found from the state.

Peter Celentano also stated his opposition to “right to enter” section. He felt it was a fourth amendment issue and that it would be beneficial to be more specific in the section. Mr. Celentano also raised his concern on enforcement. Mayor Barclay closed the public hearing at 7:02pm.

Local Law #3 of 2021 – Zoning Law Update

A motion was made by Trustee Marble and seconded by Trustee Donovan to pass local law #3 of 2021 that would enact a new village zoning code and zoning map and replace the existing zoning code and zoning map. The motion carried by the following vote:

- Trustee Joseph Chimino - nay
- Trustee Kevin Donovan - Aye
- Trustee Paul Robinson - Aye
- Trustee Emily Marble - Aye

**LOCAL LAW #3 of 2021
 VILLAGE OF BERGEN, NEW YORK
 ENACTING A NEW VILLAGE ZONING CODE AND ZONING MAP
 REPLACING THE EXISTING ZONING CODE AND ZONING MAP**

BE IT HEREBY ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF BERGEN, NEW YORK, AS FOLLOWS:

Section 1, Title

This local law shall be referred to as Local Law #3-2021, Village of Bergen, New York, enacting a new Village Zoning Code and Zoning Map attached hereto, to replace the existing Zoning Code and Zoning Map of the Village of Bergen.

Section 2, Legislative Findings and Purpose

The Village of Bergen having adopted a comprehensive plan update, and the relationship between the comprehensive plan, and zoning code, coupled with the fact that the zoning code itself has not undergone a comprehensive update in decades, has found it necessary to update and modernize its zoning code to address the current and changing needs of the community and to modify or eliminate obsolete or overly-complicated requirements and procedures and make the code more user-friendly, and the Village also wishes to revise and streamline the procedural requirements for approvals, in order to make them clear and consistent.

The Village believes that this local law will protect the public interest and welfare of its citizens and will promote the health, safety, and general welfare of the people of the Village of Bergen.

Section 3, New Zoning Code

The Village of Bergen by this Local Law hereby enacts Article 250, entitled "Village Zoning Code" as annexed hereto, and incorporates said new Zoning Code into the Code of the Village of Bergen, to replace the existing Zoning Code in its entirety, effective October 27th, 2021.

Section 4, New Zoning Map

The Village of Bergen by this Local Law hereby enacts Article 250, entitled "Village Zoning Map" as annexed hereto, and incorporates said new Zoning Map into the Code of the Village of Bergen, to replace the existing Zoning Map in its entirety, effective October 27th, 2021.

Section 5, SEQRA

Pursuant to the New York Code of Rules and Regulations, this local law is classified as a Type I action, and the Village of Bergen has designated itself as lead agency and has completed a Long Form Environmental Assessment Form to determine the potential environmental significance of this Local Law, and upon review and consideration it has been determined that enactment of the new Zoning Code will have no significant adverse impact on the environment because enactment does not result in any physical changes to land or water within the Village of Bergen; rather the new Zoning Code merely serves to update and modernize the existing code and to streamline zoning procedures, and its enactment does not impact any resources listed at Part 2 of the EAF, and accordingly the Village hereby issues a negative declaration.

Section 6, Validity

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

Section 7, Default Approvals Abolished

Notwithstanding any law, rule, or regulation to the contrary, no development approval shall be granted, deemed granted, or dispensed with as a result of the passage of time.

Section 8, Superseding Inconsistent Law, of any

The Village Board hereby declares its legislative authority to supersede any provision of any local law, rule, or regulation, and any provision of the state Village Law, or any other special law that may be declared inconsistent or in conflict with this local law.

Section 9, Effective Date

This local law shall take effect immediately upon its adoption by the Village Board of the Village of Bergen and the filing there of with the New York State Secretary of State.

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Local Law #4 of 2021 – Clarification Amendment to the Animal Control Law

**Village of Bergen
Clarification Amendment to
Local Law # 4 of 2018 “Animal Control Law”**

Title.

This article shall be known as the "Farm Animals Law."

Purpose.

The purpose of this article is to clarify the decision made by the Village Board of Trustees at the March 10th, 2021, not to proceed with the development of a law that would allow possession of farm animals in the Village of Bergen.

Prohibited farm animals.

No person shall own, harbor, keep or maintain farm animals within the Village of Bergen. Farm animals shall include, but shall not be limited to, free-range chickens (hens and roosters), goats, cattle, horses, donkeys, mules, ponies, fowl, waterfowl, peacocks, turkeys, swine, sheep, llamas, ostriches, emus, and poisonous snakes.

Violations

A violation of this article is hereby declared to be an offense punishable by a fine not exceeding \$100. Each week's violation shall constitute a separate additional violation.

Exception

Any pre-existing non-conforming farming operations within the Village would be exempt.

A motion was made by Trustee Chimino and seconded by Trustee Robinson to pass local law #4 of 2021 a clarification amendment to the animal control law. The motion was carried by unanimous vote.

Adjournment

A motion was made by Trustee Robinson and seconded by Trustee Marble to adjourn the meeting. The motion was carried by a unanimous vote.

The meeting was adjourned at 7:05pm

Respectfully submitted,

Cortney W. Gale
Village Administrator