

**VILLAGE OF CROTON-ON-HUDSON
ZONING BOARD OF APPEALS
DRAFT MINUTES OF TUESDAY, JUNE 16, 2026**

PRESENT: James Tuman, Chairman
Matt Berger
Doug Olcott
Bill Goldsmith
Ethan Lewis

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE
Len Simon, Village Board Liaison
Stacey Nachtaler, Village Board Liaison

1. CALL TO ORDER

Chairman Tuman called the Zoning Board of Appeals meeting to order at 7:03 p.m.

2. NEW PUBLIC HEARING

- a) ***Vincent Salanitra, Village Engineer—1 Van Wyck Street— application for an interpretation of Village Zoning Code Section 230-9.1(A)(10)(f): “Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line.¹”***

PRESENT: Vincent Salanitra, Village Engineer

Chairman Tuman opened the meeting stating that there was one item on the agenda: an application by Vincent Salanitra, Village Engineer, for an interpretation of Village Zoning Code Section 230-9.1(A)(10)(f), concerning the keeping of domestic animals, dogs, cats, and fowl.

Mr. Salanitra then came forward and addressed the Board explaining that he was seeking an interpretation of the code provision because the sentence could be read in multiple ways. Chairman Tuman read the relevant code section into the record and confirmed that the questions before the Board were: what is included in the definition of “fowl,” and whether fowl are permitted to be penned or housed within 50 feet of any lot line. Mr. Salanitra also indicated that an interpretation of “domestic animal” would be helpful.

Chairman Tuman opened the public hearing and advised speakers that comments should address the interpretation of the code, not any specific property or enforcement matter.

Matthew Rubenstein of 105 Truesdale Drive stated that he appreciated the Board’s effort to clarify the code, noting that the wording could be understood differently by lawyers, enforcement personnel, and residents. He stated that, in his view, the provision was relatively clear and that fowl appeared to be included in the 50-foot setback language. He also noted that a dictionary definition of fowl may be useful and that clarification would help residents understand and comply with the code.

Andy Simmons of 146 Old Post Road North addressed the Board and stated that a neighbor had built a pigeon coop near his property. He indicated that he and his wife were not concerned about the situation, although he acknowledged that the Board was considering the code interpretation rather than a specific property matter.

Tony Vukaj of 148 Old Post Road addressed the Board and explained that he was the resident keeping pigeons. He stated that he had contacted the Village before proceeding, believed he had received permission, purchased the house in part for the pigeons, obtained permits, and built a shed. Chairman Tuman explained that the Board was not deciding Mr. Vukaj's specific situation, but was interpreting the code generally for Village-wide application. Mr. Vukaj expressed concern about the status of his pigeons while awaiting clarification, and Chairman Tuman stated that the interpretation would assist the Village Engineer in determining available enforcement options.

After initially closing the public hearing, Chairman Tuman reopened it to allow additional residents to speak. Allison Rosen of 150A Old Post Road addressed the Board and urged the Board to interpret the code in a manner that would protect health, safety, and quality of life. She stated her support for restrictions on pigeons and raised concerns regarding disease, droppings, pests, predators, and impacts on neighboring properties. She urged the Board to clarify that pigeons should not be permitted under the current code.

The Board then closed the public hearing and began discussion. Members considered whether the term "fowl" should be interpreted broadly as any bird or more narrowly according to a scientific or common poultry-related definition. The Board noted that the Village Code does not define "fowl," and that no definition was found in New York State law, Westchester County Code, or the Village Zoning Code. Members discussed dictionary definitions, including Merriam-Webster, which defines fowl as "a bird of any kind." The Board also discussed another Village Code section that uses the phrase "animal, fowl or bird," but noted that the provision appeared in a different context.

The Board also discussed legislative history and whether any materials existed to clarify the intent of the provision. It was noted that the Village Zoning Code was established in 1931, that the provision appeared to be very old, and that no legislative intent materials had been located through the online code resources. Members observed that many other municipalities provide more detailed definitions and regulations for animals and birds, and suggested that the Village Board of Trustees may wish to revise the code to provide clearer guidance.

The Board next considered the meaning of "domestic animal." After discussion, the Board agreed to use the Merriam-Webster definition of "domesticated," meaning "adapted over time from a wild or natural state to live in close association with and to the benefit of humans." A motion was made and seconded to adopt that definition. The motion carried unanimously.

MOTION: Mr. Olcott made a motion for the Board to adopt the broad Merriam-Webster definition of "fowl" and interprets the term "fowl" as used in the zoning code to mean: "A bird of any kind." The Board further finds that the zoning code contains no limiting definition restricting the term solely to chickens, poultry, or gallinaceous birds and therefore applies the ordinary and commonly accepted meaning of the word. Motion seconded by Mr. Lewis. All in Favor. Vote 5-0. Roll Call: Mr. Olcott, yes, Mr. Lewis, yes, Chairman Tuman, yes, Mr. Goldsmith, yes, Mr. Berger, yes.

The Board then considered the definition of "fowl." A motion was made and seconded to interpret "fowl" broadly to include "a bird of any kind," consistent with the Merriam-Webster definition. The motion carried unanimously.

MOTION: Mr. Olcott made a motion for the Board to adopt the broad Merriam-Webster definition of "fowl" and interprets the term "fowl" as used in the zoning code to mean: "A bird of any kind." The Board further finds that the zoning code contains no limiting definition restricting the term solely to chickens, poultry, or gallinaceous birds and therefore applies the ordinary and commonly accepted meaning of the word. Motion seconded by Mr. Lewis. All in Favor. Vote 5-0. Roll Call: Mr. Olcott, yes, Mr. Lewis, yes, Chairman Tuman, yes, Mr. Goldsmith, yes, Mr. Berger, yes.

The Board then considered whether, under the code as written, fowl may be penned or housed within 50 feet of a lot line. Members discussed the sentence structure and placement of commas. Some members read the provision as allowing dogs, cats, and fowl within 50 feet of a lot line, while others read it as allowing only dogs and cats within that distance. After discussion, a motion was made and seconded to interpret the code as permitting fowl to be penned or housed within 50 feet of any lot line. The motion carried by a vote of three in favor and two opposed.

MOTION: Mr. Olcott made a motion to determine that fowl may be penned or housed within 50 feet of a lot line under the current language of the zoning code and interpreting the phrase "except dogs or cats, or fowl" as creating three separate exceptions to the setback requirement.

Motion seconded by Mr., Lewis. This interpretation was approved by a vote of three (3) members in favor and two (2) members opposed. Roll Call: Mr. Olcott, yes, Mr. Lewis, yes, Mr. Berger, yes, Mr. Goldsmith, nay, Chairman Tuman, nay.

(Draft Resolution attached)

Mr. Salanitro thanked the Board for its interpretation and stated that it would assist the Village in applying the code. Board members noted that the discussion highlighted ambiguity in the existing code and that the Village may wish to update the provision.

2. APPROVAL OF MINUTES

The Board then reviewed the minutes from the prior meeting. Mr. Lewis made a motion to approve the Minutes of May 19, 2026. Seconded by Chairman Tuman. The motion carried unanimously with a vote of 5-0.

3. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 8:04 p.m.

Respectfully Submitted,

Stefanie Correale
Secretary to the Zoning Board of Appeals

RESOLUTION

WHEREAS, an application was duly submitted to the Zoning Board of Appeals pursuant to its statutory authority under New York Village Law § 7-712-b, requesting an interpretation of the following provision of the Village Zoning Code 230-9.1(A)(10)(f), and seeking clarification as to the scope and application of said provision:

"Keeping domestic animals, except pigs, for individual domestic purposes or as pets, provided that not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line."

and

WHEREAS, the application specifically requested interpretation of the meaning and scope of the term "fowl" as used in the zoning code, and whether, under the plain language and statutory construction principles, fowl may be penned or housed within fifty (50) feet of a lot line; and

WHEREAS, during the course of its deliberations, the Board further determined that interpretation of the term "domestic animals" was necessary and integral to fully and properly address the application, in order to ensure a comprehensive and legally sound resolution of the issues presented; and

WHEREAS, the Board, in accordance with its mandate, reviewed the language of the zoning code, considered dictionary definitions, examined the historical context and legislative intent of the ordinance, evaluated the record before it, and engaged in thorough discussion among Board members, applying established principles of statutory construction including giving effect to every word and avoiding interpretations that render any provision superfluous; and

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, acting pursuant to its authority under New York Village Law § 7-712-b, hereby makes the following interpretations based on the record, the applicable law, and principles of statutory construction:

1. Definition of Domestic Animals

MOTION: Mr. Goldsmith made a motion for the Board to adopt the Merriam-Webster definition of "domesticated" and interprets "domestic animals" to mean: "Animals adapted over time, as by selective breeding, from a wild or natural state to live in close association with and to the benefit of humans." This interpretation is consistent with the ordinary and commonly accepted meaning of the term, and is supported by the absence of a more restrictive definition in the zoning code. The Board finds that this construction is in accordance with New York statutory interpretation principles, which require that undefined terms be given their ordinary meaning unless the context clearly indicates otherwise. Seconded by: Mr. Lewis. All in Favor. Vote 5-0. Roll Call: Mr. Goldsmith, yes, Mr. Lewis, yes. Chairman Tuman, yes, Mr. Olcott, yes, Mr. Berger, yes.

2. Definition of Fowl

MOTION: Mr. Olcott made a motion for the Board to adopt the broad Merriam-Webster definition of "fowl" and interprets the term "fowl" as used in the zoning code to mean: "A bird of any kind." The Board further finds that the zoning code contains no limiting definition restricting the term solely to chickens, poultry, or gallinaceous birds and therefore applies the ordinary and commonly accepted meaning of the word. This interpretation is consistent with New York statutory construction law, which requires that undefined terms be given their plain and ordinary meaning, and is further supported by the absence of legislative intent to limit the term in the code's text or history.

Motion seconded by Mr. Lewis. All in Favor. Vote 5-0. Roll Call: Mr. Olcott, yes, Mr. Lewis, yes, Chairman Tuman, yes, Mr. Goldsmith, yes, Mr. Berger, yes.

3. Setback Requirement for Fowl

The Board interprets the phrase as follows, applying the rules of statutory construction and giving effect to each term in the provision:

"No animals, except dogs or cats, or fowl shall be penned or housed within 50 feet of any lot line"

to mean that fowl are expressly exempted from the fifty-foot setback requirement , consistent with the plain language of the code and the principle that exceptions stated in a statute must be given effect. This interpretation avoids rendering any portion of the provision superfluous and is supported by the Board's statutory authority to interpret ambiguous zoning provisions.

MOTION: Mr. Olcott made a motion to determine that, under the current language of the zoning code, fowl may be penned or housed within 50 feet of a lot line. The Board interprets the phrase "except dogs or cats, or fowl" as creating three separate exceptions to the setback requirement, consistent with the rules of statutory construction that require effect be given to each exception stated. This interpretation is further supported by the absence of any limiting definition in the code and the Board's authority under New York Village Law § 7-712-b.

Motion seconded by Mr. Lewis. This interpretation was approved by a vote of three (3) members in favor and two (2) members opposed. Roll Call: Mr. Olcott, yes, Mr. Lewis, yes, Mr. Berger, yes, Mr. Goldsmith, nay, Chairman Tuman, nay.

BE IT FURTHER RESOLVED, that the Board notes the age of the ordinance, the ambiguity in its wording, and the differing interpretations expressed during deliberations. The Board recommends that the Village Board of Trustees consider clarifying amendments to the zoning code to provide greater certainty regarding the definitions of domestic animals and fowl and the applicability of setback requirements , in accordance with best practices for statutory clarity and to ensure the code's continued effectiveness and enforceability.

Dated: June 16, 2026