

## 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