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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Brookhaven

Local Law No. 9 of the year 2024

Be enacted by the Town Board of the Town of Brookhaven as follows:

Amend Chapter 85 entitled "Zoning" and Chapter 86 "Stormwater Management and Erosion Control" of the Town Code of the Town of Brookhaven

Section 1. Legislative Intent. It is the intent of these amendments to Chapter 85 entitled "Zoning" and Chapter 86 "Stormwater Management and Erosion Control" to allow residents to keep and harbor up to twelve chickens based upon parcel size and to amend the setback requirement for the placement of accessory structures for the housing of chickens.

Section 2. Text Amendment. Chapter 85 entitled "Zoning"; Section 85-1 entitled "Definitions" is as follows:

85-1 Definitions

AGRICULTURE

(1) **OPEN FARMING** Includes the cultivation of the soil for food products and other useful or valuable growths of the field.

(2) **OTHER AGRICULTURE** Agricultural uses not included in the foregoing definition of "open farming," but including greenhouses, dairies and the raising of livestock, roosters and other poultry.

Section 3. Text Amendment. Chapter 86 entitled "Stormwater Management & Erosion Control"; Section 86-2 entitled "Definitions" is hereby amended as follows:

§ 86-2 Definitions.

The terms used under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY

Activity defined as "open farming" or "other agriculture" in Chapter 85 of the Town Code.

A. OPEN FARMING Includes the cultivation of the soil for food products and other useful or valuable growths of the field.

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B. OTHER AGRICULTURE Agricultural uses not included in the foregoing definition of "open farming," but including greenhouses, dairies and the raising of livestock, roosters and other poultry.

Section 3. Text Amendment. Chapter 85 entitled "Zoning"; Section 85-892 entitled "Animals" is hereby amended as follows:

§ 85-892 Animals.

A. No building, structure or premises shall be erected, altered or used in any residence district for the housing and harboring of swine, goats, foxes or mink, except when authorized by special permit from the Board of Appeals.

B. No accessory building or structure or part thereof used for the housing of fowl, except chickens, or domestic animals, other than dogs or cats, shall be less than 50 feet from any lot line in any district, except as hereinafter provided.

C. Horses or equine livestock.

(1) The housing or harboring of horses or equine livestock shall be permitted in any residential district on the following conditions:

(a) Such housing or harboring shall be accessory to the principal use of the property as a residence.

(b) Such activity shall be conducted for the use of residents only.

(c) The boarding or rental of horses or other equine livestock shall not be permitted.

(d) No horse or other type of equine livestock shall be housed or harbored on any plot less than 40,000 square feet in size, and no more than two horses or other type of equine livestock shall be permitted per 40,000 square feet or major fraction thereof, in no event to exceed eight horses.

(2) No barn, stable or other roofed structure or accessory building for the sheltering of horses shall be located within 50 feet of any side yard line or rear yard line, nor shall any such structure be located within the front yard which lies between the principal residential structure and the street.

(3) All corrals, runs or other open areas shall be enclosed by a fence of at least five feet in height with openings no more than six inches in width. Such fence shall be located more than five feet from any side yard line or rear yard line and shall not be located within any front yard which lies between the principal residential structure and the street.

(4) There shall be at least 110 square feet of barn or stable area for each horse or other type of equine livestock.

(5) Manure shall be kept in weatherproof containers at least 50 feet away from all adjoining property lines, except when composted in bins not exceeding four feet by four feet by five feet in size, which are located at least 20 feet from any property or lot line; a maximum of six composting bins shall be permitted per parcel of property.

(6) All premises where horses or other equine livestock are housed or harbored shall conform to all standards and requirements of the Suffolk County Department of Health and the Suffolk County Sanitary

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Code.

D. Pigeons.

(1)The housing or harboring of pigeons shall be permitted in any residential district on the following conditions:

(a) All pigeons must be kept securely confined in lofts or houses except during exercise periods or when returning home from a training toss or race, in which event they must be secured as soon as is reasonably possible. Said exercise periods may not exceed a total time of two hours in the forenoon of any weekday and not more than two hours in the afternoon of any weekday. On weekends and legal holidays, said exercise periods may not exceed one hour in the forenoon of any such day and one hour in the afternoon of any such day.

(b) The lofts or houses in which such pigeons are kept must be cleaned regularly and at least once each day or at least always maintained in a sanitary manner and free of offensive odors.

(c) Pigeon refuse and pigeon feed must be stored in metal containers, with metal covers, or in rodent-proof containers, securely closed.

(d) There shall be at least one square foot of floor space in any loft or house in which pigeons are kept for each such pigeon kept therein.

(e) Said lofts or houses shall be erected and maintained in an aesthetically pleasing manner and shall be suitably screened from view by a fence or by shrubs, unless said loft or house is located in such a manner as not to be visible from the surrounding streets.

(f) The maximum number of pigeons housed or harbored shall not exceed 50 for plots of 1/3 acre or less, 100 for plots exceeding 1/3 acre but less than one acre in area, and a maximum of 200 pigeons for plots of one acre or more.

(g) Said loft or house shall not be located within 100 feet of any surrounding residential structure. In no event shall said loft or house be located less than 15 feet from any lot line.

(2) Permit.

(a) Any person housing or harboring pigeons must obtain a permit from the Town Clerk. No permit shall be issued to any person convicted of a violation of this section. With all applications for permits, the applicant must supply the following:

[1] A statement that the applicant has not been convicted of a violation of this section.

[2] A survey or diagram showing the proposed location of said loft or house and its distance from said surrounding residences and property lines.

(b) Said permit must be renewed annually.

(3) If any person is convicted of a violation of this section, said permit shall be revoked.

(4) Any person housing or harboring pigeons on the effective date of this section must obtain a permit pursuant to this section. If the location of said loft or house fails to meet the requirements of this section, it may be maintained as a nonconforming use. However, all other requirements of this section must be met. In

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the event that a nonconforming loft is enlarged or rebuilt after being substantially destroyed, said renovated or enlarged loft must meet all requirements of this section.

E. Chickens and Roosters

(1) The housing or harboring of chickens shall be permitted in any residential zoning district subject to the following restrictions:

1. Roosters shall be prohibited.
2. A maximum of 6 chickens on parcels of land measuring 20,000 square feet or less.
3. A maximum of 12 chickens on parcels of land measuring 20,001 square feet or more.

(2) Any accessory building or structure or part thereof used for the housing of chickens shall be greater than 10 feet from any side or rear lot line and shall be prohibited in the front yard.

(3) The housing or harboring of chickens pursuant to this section shall not be deemed to be "Other Agriculture" as defined elsewhere in this Code.

Section 4. Authority. The Town Board is vested with the authority to make these amendments pursuant to Town Law Sections 130 and 265, and in conformance with Municipal Home Rule Law Sections 10 and 20.

Section 5. Effective date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: June 6, 2024
Farmingville, New York


Kevin J. LaValle, Town Clerk
Town of Brookhaven

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