



Historic Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111, Ext. 2

"Working with you for a better Hyde Park"

DRAFT MINUTES of
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK ZONING BOARD OF APPEALS

Held on April 26, 2023 6:00 PM

Meeting held at Hyde Park Town Hall, 4383 Albany Post Road, Hyde Park, NY

ZBA Board Members in Attendance:

Present Chairman David McNary
Present Vice Chair Gerald Bowen
Present James Agrawal
Present Paul Donnelly
Present Richard Perkins

Others Present:

Sarah Ryan Attorney to the Zoning Board of Appeals
Kathleen Moss Zoning Administrator
Kathleen Hoppe ZBA Secretary

PLEDGE OF ALLEGIANCE

Chairman David McNary opened the meeting and led the Pledge of Allegiance.

Chairman McNary acknowledged that April 26th is Administrative Professional's Day, and thanked the ZBA Secretary for her hard work.

CONTINUED PUBLIC HEARING:

CHEVEZ

Location: 32 East Market Street, Hyde Park
Grid #: 6065-04-914274

Owner & Applicant: Edis Chevez

Area Variances – Section 108-4.3B(5)(b) Animal Husbandry – to allow animal husbandry to be conducted as close as 171 feet from a residence on another lot where 350 feet is required (or 250 feet without a rooster), and

Section 108-4.3B(5)(d) Animal Husbandry – to permit unenclosed storage of manure as close as 171 feet from a residence on another lot, where 250 feet is required.

Chairman McNary asked for a motion to open the continued public hearing for Chevez. James Agrawal made the motion and Vice Chair Bowen seconded it. The motion passed by unanimous voice vote.

Chair McNary welcomed the applicant and his family and asked them to be seated at the table for applicants. Chair McNary stated that several Board members visited the Chevez property to observe the chickens, coop, and storage of manure. The manure is now enclosed instead of unenclosed. Richard Perkins and Paul Donnelly made some brief comments regarding their observations at the site visit. Chair McNary told the applicant that they would have to remove the rooster from the property, and they agreed. There was no public comment and no questions from the Board.

Chairman McNary made a motion to close the public hearing for Chevez, and Richard Perkins seconded it. The motion passed by unanimous voice vote.

Richard Perkins read the resolution to grant the variance, which was amended at the dais to exclude the variance for unenclosed manure. James Agrawal seconded the motion. The resolution was granted by unanimous roll call vote.

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RESOLUTION TO GRANT AN AREA VARIANCE

Chevez – Animal Husbandry
32 East Market Street
Hyde Park, New York

Date: April 26, 2023

Motion: Richard Perkins

Resolution #23-01Z

Second: James Agrawal

WHEREAS, the applicant, Edis Chevez, has submitted an application for an area variance to allow animal husbandry to be conducted closer to neighboring residences than allowed (the “Project”) at 32 East Market Street, Hyde Park, New York, identified as tax parcel no. 6065-04-914274, in the Neighborhood Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a drawing prepared by Mr. Chevez submitted on or about February 24, 2023, and on a map showing measurements determined by using Dutchess County Parcel Access (the “Aerial Measurements”); and

WHEREAS, the applicant seeks an area variance (“Requested Variance”) from Zoning Law Section 108-4.3B(5)(b) to change the distance of the chicken and rooster pen to fourteen residences, from the required minimum of 350 feet (or 250 feet without rooster) to: 171 feet from 13 Church Street (tax grid no. 905257), 183 feet from 30 East Market Street (tax grid no. 905278), 185 feet from 35 East Market Street (tax grid no. 922285), 205 feet from 28 East Market Street (tax grid no. 901279), 216 feet from 33 East Market Street (tax grid no. 920299), 242 feet from 31 East Market Street (tax grid no. 912304), 257 feet from 26 East Market Street (tax grid no. 896278), 267 feet from 29 East Market Street (tax grid no. 905308), 288 feet from 24 East Market Street (tax grid no. 891278), 288 feet from 27 East Market Street (tax grid no. 899309), 313 feet from 39 East Market Street (tax grid no. 945276), 325 feet from 20 East Market Street (tax grid no. 879286), 337 feet from 25 East Market Street (tax grid no. 893309), and 339 feet from 9 Church Street (tax grid no. 879252); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence is a Type II action under the State Environmental Quality Review Act and is not subject to review under the Act; and

WHEREAS, a duly noticed public hearing was held on March 22, 2023, and continued to April 26, 2023, during duly noticed meetings, during which all those who wished to speak were heard; and

WHEREAS, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Hyde Park Zoning Law section 108-33.6(B)(2), which require the Board to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the general neighborhood or community by such grant.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following findings in accordance with Section 267-b of the Town Law and Hyde Park Zoning Law Section 108-33.6(B)(2) regarding the Requested Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant applied for animal husbandry of chickens and a rooster. The chickens are out of sight and are contained within a pen located in the woods behind the applicant’s house, and the animals are relatively quiet. The noise generated by the chickens is further mitigated by forest cover and insulating topography. In addition, chickens eat bugs and ticks, which will benefit the neighborhood. Roosters will crow to indicate safety for their flock, to communicate their dominance, and to warn of danger. However, husbandry of the rooster may violate Town Law Chapter 75-4M, which specifies that loud birds which disturb the peace are an unreasonable noise and are subject to fines.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than this area variance. Usable area on this site is limited. The applicant has located the chicken pen in the most sensible location. The Chevez family sees benefit in teaching their children animal husbandry of chickens as part of the home environment. The Chevez family shares their eggs with adjoining neighbors.
3. The Zoning Board of Appeals is required to grant the minimum variance necessary. The Requested Variance will be made less substantial by conditioning its approval upon the removal of the rooster, while the applicant will still receive most of the intended benefit. The Requested Variance is numerically substantial. Animal husbandry with only chickens may be conducted 250 feet from nearby residences, as opposed to 350 feet with the rooster. The removal of the rooster will decrease the number of nearby residences requiring the Requested Variance from fourteen to six.

4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The coop is cleaned weekly by the applicant. When the coop is cleaned, the manure is stored in an enclosed container on the applicant's property.
5. The difficulties are self-created. Without approvals, the applicant purchased chickens and a rooster and has participated in animal husbandry for several years. Applicant sought this area variance after receiving a Notice of Violation and Order to Remedy from the Zoning Administrator.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

1. Removal of the rooster from 32 East Market Street.
2. The granted variance is specific to chickens only; any change or addition of animals will result in revocation of the variance.
3. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES
Paul Donnelly	YES
Richard Perkins	YES
Vice Chair Bowen	YES
Chairman McNary	YES

MOTION CARRIED

NEW PUBLIC HEARINGS:

O'NEALL #23-05Z

Owner & Applicant: Margret A. O'Neall

Location: 24 Fuller Lane, Hyde Park

Grid #: 6065-20-812006

Area Variances – Section 108-5.15 Bulk Regulations in the Neighborhood District and Historic Overlay District

To change the minimum front yard setback from 50 feet to 44 feet on Fuller Lane, and from 50 feet to 38 feet on Garden Street to build a front porch addition and steps, and to change the minimum front yard setback from 50 feet to 29 feet on Garden Street to construct a 20-foot by 16-foot covered porch deck in the rear of the dwelling.

Chairman McNary made a motion to open the public hearing for O'Neall, and Vice Chair Bowen seconded the motion. The motion passed by unanimous voice vote.

Chairman McNary welcomed the applicant, Margret O'Neall. She gave a brief explanation of the reason for her application and the nature of her projects. Chair McNary commended the applicant for her ambitious projects. Richard Perkins noted that the need for the variances are due to

zoning being put in place after the house was built. There was no public comment and no questions from the Board.

Chairman McNary made a motion to close the public hearing for O’Neill, and Richard Perkins seconded it. The motion passed by unanimous voice vote.

James Agrawal read the resolution to grant the area variances requested by the applicant. Richard Perkins seconded the motion. The resolution was granted by unanimous roll call vote.

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RESOLUTION TO GRANT AREA VARIANCES

Margret A. O’Neill
24 Fuller Lane
Hyde Park, New York

Date: April 26, 2023

Motion: James Agrawal

Resolution # 23-05Z

Second: Richard Perkins

WHEREAS, the applicant, Margret A. O’Neill, has submitted an application for area variances to replace and expand a front porch and to expand and cover an existing rear deck (the “Project”) at property located at 24 Fuller Lane, Hyde Park, identified as tax parcel no. 6065-20-812006 in the Neighborhood and Historic Overlay Zoning Districts (the “Site”); and

WHEREAS, the Project is depicted on several sketches supplied by the applicant, dated October 30, 2022 and March 8, 2023 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the construction and expansion of a front porch with a front yard setback on Fuller Lane of 44 feet where 50 feet is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the construction and expansion of a front porch with a front yard setback on Garden Street of 38 feet where 50 feet is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the expansion of an existing deck with a front yard setback on Garden Street of 29 feet where 50 feet is required (the “Requested Variances”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence is a Type II action under the State Environmental Quality Review Act and is not subject to review under the Act; and

WHEREAS, a duly noticed public hearing was held on April 26, 2023 during a duly noticed meeting during which all those who wished to speak were heard; and

WHEREAS, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Hyde Park Zoning Law Section 108-33.6(B)(2), which require the Board to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the general neighborhood or community by such grant.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following findings in accordance with Section 267-b of the Town Law and Hyde Park Zoning Law Section 108-33.6(B)(2) regarding the Requested Variances:

1. The Requested Variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. This project will provide an attractive porch similar to other houses in the neighborhood and a covered back deck also similar to others in the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than area variances. The position of the existing house and deck do not allow for the project to occur without these variances, as the lot is small and has a very small, limited area in which to do the work necessary.
3. The Requested Variances are numerically substantial. The front yard setbacks represent variances of 12%, 24%, and 42% from the 50 feet required (44 feet vs. 50 feet, 38 feet vs. 50 feet, and 29 feet vs. 50 feet).
4. The Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The Requested Variances will improve the character and appearance of the surrounding neighborhood.
- 5: The difficulties are self-created. The applicant purchased the house as-is.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances subject to the following conditions:

1. Pursuant to Section 108-33.5(F)(1), the authorized activity must commence within one year from the date of issuance, otherwise it is revoked.
2. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES
Paul Donnelly	YES
Richard Perkins	YES
Vice Chair Bowen	YES
Chairman McNary	YES

MOTION CARRIED

MARCOZ & CHALK #23-04Z

Location: 16 Poppinga Lane, Hyde Park

Grid #: 6065-02-602972

Owners & Applicants: Nadia Marcoz and
Adrian Chalk**Representatives:** Peter J. Andros, P.E. and Ralf
Mayer**Area Variance – Section 108-4.3G(2) in the Waterfront District**

To allow construction within the Hudson River stream corridor, allowing demolition of the existing single-family home and replacing it with a new single-family home on substantially the same footprint.

Chairman McNary made a motion to open the public hearing for Marcoz & Chalk, and Vice Chair Bowen seconded it. The motion passed by unanimous voice vote.

Chair McNary welcomed the applicant's representative, Peter Andros, P.E., to the applicant's table. Mr. Andros introduced the project and utilized a sketch of the proposed project that he brought. Several Board members asked some questions and they were answered by Mr. Andros. There was no public comment.

Chairman McNary asked for a motion to continue the public hearing to May 24, 2023. Vice Chair Bowen made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

NEW APPLICATION INTRODUCTION:**HOUGHTALING #23-02Z**

Location: 7 Beck Road, Poughkeepsie

Grid #: 6263-01-115657

Owners & Applicants: Al Houghtaling and
Lisa Schoonmaker**Representative:** Thomas P. Cummings, P.E.**Project Name:** Al's Yard**Area Variances – Section 108-51.5 Bulk Regulations in the Greenbelt District**

To change minimum side yard setback from 25 feet to 6 feet for an existing addition to a block garage and two steel storage containers, and change minimum side yard setback from 25 feet to 2 feet for an existing lean-to carport, at a licensed salvage yard and used car dealer location.

No one from this application was present, so no new application introduction for Houghtaling took place.

OTHER BUSINESS:

Approve minutes of February 22, 2023 ZBA meeting.

Chairman McNary asked for a motion to approve the minutes of the February 22, 2023 ZBA meeting. Vice Chair Bowen made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

ADJOURN:

Chairman McNary asked for a motion to adjourn the meeting. Richard Perkins made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

The meeting ended at approximately 6:38 PM.