



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 June 28, 2023 6:00 PM

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

**ZBA Board Members in Attendance:**

Chairman David McNary	Present
Vice Chair Gerald Bowen	Present
James Agrawal	Present
Paul Donnelly	Present starting at 6:11 PM
Richard Perkins	Present

**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.*

**APPROVE MINUTES** of April 26, 2023 ZBA meeting.

MOTION: Chair McNary  
SECOND: Vice Chair Bowen

**VOICE VOTE:**

James Agrawal     AYE

Paul Donnelly ABSENT  
Richard Perkins AYE  
Vice Chair Bowen AYE  
Chair McNary AYE

MOTION CARRIED

**OLD BUSINESS:**

**SEGAL #23-07Z**

Location: 20 Parker Avenue, Hyde Park  
Grid #: 6065-20-845041

**Owners & Applicants:**

Benjamin Segal and Jennifer Segal

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

To change the minimum rear yard setback from 30 feet to 2 feet, and to change the minimum side yard setback from 20 feet to 2.5 feet for the construction of a replacement two-story accessory garage associated with a single-family dwelling.

*The public hearing was closed at the May 24, 2023 ZBA meeting.*

*Chair McNary introduced this variance request and indicated that there is a resolution prepared for a vote.*

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
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**RESOLUTION TO GRANT AREA VARIANCES**

**Benjamin Segal & Jennifer Segal**  
20 Parker Avenue  
Hyde Park, New York 12538

**June 28, 2023**

**Motion: Chair David McNary**

**Resolution # 23-07Z**

**Second: Richard Perkins**

WHEREAS, the applicants, Benjamin Segal and Jennifer Segal, have submitted an application for area variances to change the rear and side setbacks to replace an existing detached garage (the "Project") at property located at 20 Parker Avenue, Hyde

Park, New York 12538, identified as tax parcel no. 6065-20-845041, in the Neighborhood Zoning District and Historic Overlay District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Garage Segal Residence,” prepared by D. Freeman, Architect, dated January 31, 2022 (the “Plan”); and

WHEREAS, the applicants seek area variances from Zoning Law Section 108-5.15 Bulk Regulations to change the minimum rear yard setback from 30 feet to 2 feet, and to change the minimum side yard setback from 20 feet to 2.5 feet for the construction of a replacement two-story accessory garage associated with a single-family dwelling (the “Requested Variances”); and

WHEREAS, construction at the proposed setback distances may require the applicants to obtain additional variances from the State pursuant to the New York State Building Code; 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 May 24, 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. The existing detached garage is not functional and not safe as it is falling apart. The design for the applicant’s replacement garage will enhance the aesthetic appeal of the property. Further, the Plans will continue to honor the design of the applicant’s home with heritage blue singles, traditional lighting, and a barn door feature. The proposed project will enhance both the appearance and value of the property.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than area variances. The variances are necessary because the current garage is not functional, dilapidated, and falling apart. Ultimately if it is not replaced, it will fall down. A replacement garage would provide safe storage of family needs and car storage. Additionally, the new structure would be a visual improvement to the neighborhood.

3. The Requested Variances may be considered numerically substantial. The variances will change the permitted rear yard setback from 30 feet to 2 feet, which is a decrease of 93%, and change the minimum side yard setback from 20 feet to 2.5, which is a decrease of 88%, for the construction of a replacement two-story accessory garage. Any detriment to the neighborhood is far outweighed by the benefits to the applicant.
4. The Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. Decreasing the rear yard setback requirement to allow a variance of twenty-eight feet and decreasing the side yard setback seventeen and a half feet so a detached garage can be built will not have a negative impact on the existing neighborhood. The replacement of the garage will be a visual and functional improvement.
5. The difficulties are self-created.

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

1. Pursuant to Section 108-33.5F(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.

**ROLL CALL VOTE BY SECRETARY:**

James Agrawal	YES	
Paul Donnelly	ABSENT	
Richard Perkins	YES	
Vice Chair Gerald Bowen	YES	
Chairman David McNary	YES	MOTION CARRIED

**CONTINUED PUBLIC HEARING:**

**MENDOZA #23-03Z**

**Owner & Applicant:** Julio Mendoza

Location: 4 Windmill Road, Poughkeepsie

Grid #: 6264-03-387393

**Area Variances – Section 108-4.3B(5)(b) Animal Husbandry in the Neighborhood District**

To allow animal husbandry to be conducted as close as 60 feet from a residence on another lot where 350 feet is required (or 250 feet without a rooster), and

**Section 108-4.3B(5)(c) Animal Husbandry** – to allow 228 pounds of animals to be kept where 200 pounds is permitted, based on 1000 pounds of animals permitted per 1.5 acres of available land, and

**Section 108-4.3B(5)(d) Animal Husbandry** – to allow unenclosed storage of manure as close as 60 feet from a residence on another lot where 250 feet is required, and to allow unenclosed storage of manure as close as 78 feet to watercourses and wetlands, where 300 feet is required.

*Chairman McNary introduced this variance request and made a motion to open the public hearing.*

MOTION: Vice Chair Bowen

SECOND: Richard Perkins

VOICE VOTE:

Chair McNary	AYE
Vice Chair Bowen	AYE
James Agrawal	AYE
Paul Donnelly	ABSENT
Richard Perkins	AYE

MOTION CARRIED

*Chairman McNary noted that the ZBA had requested a report from Dutchess County Agricultural Environmental Management (AEM) called a "Tier 2 Summary Report." The applicant provided a copy of the report, prepared on June 8, 2023, and the ZBA Secretary made copies for each Board member to review. Chair McNary read pertinent points out loud from the report. The report suggests adding shrubs along the poultry run, and eventually adding wood chips to the pen. Chair McNary asked the applicant if they were open to taking these actions, and they agreed to take these steps.*

*Chair McNary also noted that the Board has asked the Hyde Park Conservation Advisory Council (CAC) for their input on this variance request, and that no response had yet been received. He also asked about reports regarding the water quality for this neighborhood. Ms. Moss noted that Dutchess County Water and Wastewater Authority publish these water quality reports on their website, which the ZBA Secretary will look up and distribute to the Board.*

*Vice Chair Bowen noted that several Board members conducted a site visit of the property at 4 Windmill Road. Paul Donnelly attended the site visit and collected some comments from several neighbors, which he summarized.*

*There were some further questions and comments from the Board members. It was suggested that the applicant will likely need to remove the roosters and it was recommended that he enclose the manure. Chair McNary asked if there was any public comment, and there was none.*

*Chair McNary asked for a motion to continue the public hearing to July 26, 2023.*

MOTION: Vice Chair Bowen  
SECOND: James Agrawal

VOICE VOTE:

James Agrawal     AYE  
Paul Donnelly       AYE  
Richard Perkins    AYE  
Vice Chair Bowen   AYE  
Chair McNary       AYE

MOTION CARRIED

**NEW PUBLIC HEARINGS:**

**CHEVEZ #23-01Z**

**Owner & Applicant:** Edis Chevez

Location: 32 East Market Street, Hyde Park

Grid #: 6065-04-914274

**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 250 feet is required, and

**Section 108-4.3B(5)(c) Animal Husbandry** – to permit enclosed storage of manure as close as 171 feet from a residence on another lot, where 200 feet is required.

*A motion to re-hear this application (as amended) was carried unanimously at the May 24, 2023 ZBA meeting, pursuant to Town Law § 267-a(12). The initial application has been amended to reflect the removal of the rooster and change in method of waste storage from unenclosed to enclosed.*

*Chair McNary made a motion to open the public hearing.*

MOTION: Chair McNary  
SECOND: Vice Chair Bowen

VOICE VOTE:

James Agrawal     AYE  
Paul Donnelly       AYE  
Richard Perkins    AYE  
Vice Chair Bowen   AYE  
Chair McNary       AYE

MOTION CARRIED

*Chair McNary welcomed the applicants and reviewed the facts of the amended applications. He asked for public comment and there was none.*

*Chair McNary made a motion to close the public hearing.*

MOTION: Chair McNary  
SECOND: Vice Chair Bowen

VOICE VOTE:

James Agrawal     AYE  
Paul Donnelly       AYE  
Richard Perkins    AYE  
Vice Chair Bowen   AYE  
Chair McNary        AYE

MOTION CARRIED

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
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**RESOLUTION MODIFYING RESOLUTION 23-01Z  
TO GRANT AREA VARIANCES**

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

**Date: June 28, 2023**

**Motion: James Agrawal**

**Resolution #23-01Z-B**

**Second: Vice Chair Bowen**

WHEREAS, the applicant, Edis Chevez, has submitted an application for area variances 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 the first area variance (“First Variance”) from Zoning Law Section 108-4.3B(5)(b) to change the distance of the chicken pen to six

residences, from the required minimum of 250 feet 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), and 242 feet from 31 East Market Street (tax grid no. 912304), and

WHEREAS, the applicant seeks a second area variance (“Second Variance”) from Zoning Law Section 108-4.3B(5)(e) to change the distance of enclosed manure (or other odor- or dust-producing substances) to three residences, from the required minimum of 200 feet to: 171 feet from 13 Church Street (tax grid no. 905257), 183 feet from 30 East Market Street (tax grid no. 905278), and 185 feet from 35 East Market Street (tax grid no. 922285), 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 Zoning Board of Appeals closed the public hearing at the duly noticed meeting on April 26, 2023, and rendered a determination on that date; and

WHEREAS, the applicant thereafter submitted an amended variance application indicating removal of their rooster, and a change from unenclosed waste storage to enclosed waste storage,

WHEREAS, the Zoning Board of Appeals unanimously voted to proceed with a re-hearing of the application, as amended, pursuant to Town Law § 267-a[12] at a duly noticed public meeting on May 24, 2023; and

WHEREAS, the duly noticed public re-hearing was held on June 28, 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. The



applicant applied for animal husbandry of chickens. 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.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than these area variances. 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 Variances are not numerically substantial. Animal husbandry with chickens may be conducted 250 feet from nearby residences, of which there are only six.
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 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 has participated in animal husbandry for several years. Applicant sought these area variances 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 Variances subject to the following condition(s):

1. The granted variances are specific to a maximum of five hens at any given time; any change or addition of animals will result in revocation of the variances.
2. Payment of all fees and escrow.

*The Board has 62 days to render a decision after the public hearing is closed, and it was decided to vote on this resolution at the next meeting on July 26<sup>th</sup>. This vote needs to be unanimous to pass, as it is a re-hearing.*

**HOUGHTALING #23-02Z**

Location: 7 Beck Road, Poughkeepsie

Grid #: 6263-01-115657

**Area Variances – Section 108-15.5 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 scrap yard and used-car dealer location, and

**Area Variance – Section 108-25.4C Scrap Yard Standards** – to change the scrap yard setback from 50 feet to 2 feet around entire perimeter of scrap yard, as shown on a sketch submitted by applicant.

*David McNary made a motion to open the public hearing for Houghtaling.*

MOTION: Chair McNary

SECOND: Richard Perkins

VOICE VOTE:

James Agrawal     AYE

Paul Donnelly     AYE

Richard Perkins   AYE

Vice Chair Bowen   AYE

Chair McNary     AYE

MOTION CARRIED

*Chair McNary welcomed the applicant's representative, Tom Cummings. Chair McNary asked Tom to review this variance application and asked if there was any new information, and Mr. Cummings said there was none. He said there was a new, updated survey recently completed but did not have a copy of it with him. Chair McNary mentioned that several Board members went to 7 Beck Road for a site visit. There was some discussion of whether a lot line revision would be helpful, as far as reducing the variances needed. Chair McNary also asked about possibly moving the storage containers further away from the property line. He also mentioned that he has requested input from the Hyde Park Conservation Advisory Council (CAC) on this variance request, and has not yet received a response. There was also mention that the applicant has a DEC permit for the stream going through the property. Ms. Moss stated that we will need a copy of it. Chair McNary asked if there was any public comment. A neighbor named Dale Blue was present and came up to make some comments regarding this application. He had some concerns regarding the setback bordering his property, which were addressed.*

*Chair McNary asked for a motion to continue this public hearing until July 26, 2023.*

MOTION: James Agrawal  
SECOND: Vice Chair Bowen

VOICE VOTE:

James Agrawal     AYE  
Paul Donnelly       AYE  
Richard Perkins    AYE  
Vice Chair Bowen   AYE  
Chair McNary       AYE

MOTION CARRIED

**CIA #23-06Z**

Location: 1946 Campus Drive, Hyde Park  
Grid #s: 6063-02-906630 and 940557

**Owner:** Culinary Institute of America  
**Applicant:** Michael Sloan, AIA  
**Representative:** Sloan Architects,  
P.C.

**Area Variances – Section 108-4.4A(2) in the St. Andrews District**

To allow wall heights, as shown on the submitted site plan, of up to 24 feet where 6 feet is the maximum for both parcels referenced above, and

**Area Variances – Section 108-24.2C(3)(a) in the St. Andrews District**

To allow six signs where two are permitted, and to allow the permitted 30 square feet of one sign face to be divided among three signs per entrance – one projecting motorized sign at each entrance and one sign on each wall flanking the north and south entrances, located on each parcel referenced above, for the construction of new entry gates to the CIA.

*Chair McNary asked for a motion to open this public hearing.*

MOTION: Vice Chair Bowen  
SECOND: Paul Donnelly

VOICE VOTE:

James Agrawal     AYE  
Paul Donnelly       AYE  
Richard Perkins    AYE  
Vice Chair Bowen   AYE  
Chair McNary       AYE

MOTION CARRIED

*Chair McNary welcomed the applicant, Michael Sloan, the architect for the project. Chair McNary read aloud the requested variances. He asked Mr. Sloan to review the project, which he did. There were some comments and questions from some Board members. John McEnrue, the Senior Facilities Director for the CIA, was present, and*

*joined Mr. Sloan at the applicant's table to assist in answering some concerns brought up by Board members.*

*Chair McNary made a motion to close this public hearing.*

MOTION: Chair McNary  
SECOND: James Agrawal

VOICE VOTE:

James Agrawal	AYE
Paul Donnelly	AYE
Richard Perkins	NAY
Vice Chair Bowen	AYE
Chair McNary	AYE

MOTION CARRIED

*Chair McNary read the resolution to grant the variance requests for the CIA entry gate construction.*

Town of Hyde Park  
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**RESOLUTION  
TO GRANT AREA VARIANCES**

**Culinary Institute of America – Area Variances**  
1946 Campus Drive  
Hyde Park, New York

**Date: June 28, 2023**

**Motion: Chair David McNary**

**Resolution #23-06Z**

**Second: Vice Chair Gerald Bowen**

WHEREAS, the applicant, Michael Sloan, AIA, on behalf of the Culinary Institute of America, has submitted an application for area variances to allow the construction of new entry gates consisting of walls, masonry piers with cupolas, and six (6) signs (the "Project") at 1946 Campus Drive, Hyde Park, New York, identified as tax parcel nos. 6063-02-940557 & 6063-02-906630, in the St. Andrew's Historic District (SAD)(the "Site"); and

WHEREAS, the Project is depicted on plans prepared by Michael Sloan, AIA, dated April 25, 2023; and

WHEREAS, the applicant seeks the first area variance (“First Variance”) from Zoning Law Section 108-4.4A(2) to allow wall heights, as depicted on the submitted plans, of 24 feet where a height of 6 feet is allowed, and

WHEREAS, the applicant seeks a second area variance (“Second Variance”) from Zoning Law Section 108-24.2C(3)(a) to allow 6 signs where 2 signs are permitted, and to allow the permitted 30 square feet of one sign face to be divided among three signs per entrance; and

WHEREAS, as shown on the plans dated April 25, 2023, the proposed signs include two (2) projecting motorized signs depicting the word “Restaurants” and one (1) sign on each of the four (4) walls flanking both the north and south entrances, located on each parcel referenced above, for a total of six (6) signs; and

WHEREAS, on May 3, 2023, in accordance with the Town Code and the State Environmental Quality Review Act (“SEQRA”), the Planning Board classified the Project as a Type II Action pursuant to 6 NYCRR 617.5(c)(10); and

WHEREAS, a duly noticed public hearing was held on June 28, 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. The Applicant applied to construct new entry gates which are comparable to existing entry gates of nearby educational and recreational sites such as Marist College and the Vanderbilt Mansion Historic Site. The Applicant has submitted a visual analysis, dated June 12, 2023, which compares the proposed project to those existing entry gates and the Board finds that the proposed entry gates are of a similar size and character.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than these area variances. The applicant seeks to create entry gate structures comparable to similar institutions in the surrounding area and to clearly mark the entries to the campus for visitors and the travelling public coming from both north and south on NYS Route 9. The applicant also seeks to add signage to communicate when

the campus restaurants are open for patronage. These benefits can only be achieved through the grant of the requested variances.

3. The Zoning Board of Appeals is required to grant the minimum variance necessary. The Requested Variances are numerically substantial, allowing a 24-foot wall height for the proposed masonry piers where a 6-foot height is permitted and allowing a total of 6 signs where 2 signs are permitted. However, when considered with the nature of the property, the use thereon, and the utility of the entry ways and applicable signage, the requested variances are appropriate.
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 proposed signage and entry gate structures will serve to direct visitors to the restaurants on campus and will further serve to control traffic flow to and from the campus.
5. The difficulties are self-created.

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

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.

**ROLL CALL VOTE BY SECRETARY:**

James Agrawal	YES	
Paul Donnelly	YES	
Richard Perkins	NO	
Vice Chair Gerald Bowen	YES	
Chairman David McNary	YES	MOTION CARRIED

**ADJOURN:**

*Chair McNary asked for a motion to adjourn tonight's meeting.*

MOTION: Vice Chair Bowen

SECOND: James Agrawal

VOICE VOTE:

James Agrawal     AYE

Paul Donnelly     AYE

Richard Perkins   AYE

Vice Chair Bowen   AYE

Chair McNary     AYE

MOTION CARRIED

**Next meeting date: Wednesday, July 26, 2023**