

Town of Hyde Park  
**Zoning Board of Appeals**  
4383 Albany Post Road  
Hyde Park, New York 12538

## **MINUTES FOR REGULAR MEETING**

**April 27, 2022 6:00 PM**

**Present:** David McNary, Chairman      **Absent:** none  
James Agrawal  
Gerald Bowen  
Paul Donnelly  
Richard Perkins

**Others Present:** Kathleen Moss, Zoning Administrator  
Sarah Wilson, Attorney to the Board  
Sarina Teuschler, Secretary to the Board

The meeting began at 6:01pm Chairman McNary led the Pledge of Allegiance.

### **CONTINUED PUBLIC HEARINGS:**

**#21-15Z**      Camp Victory Lake  
277 Crum Elbow Road  
Hyde Park, NY 12538  
Tax Grid No. 6265-04-630350  
**Variance – Section 108-5.15**  
Change maximum permitted building height from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space in the Greenbelt District.  
**Variance – Section 108-4.3 G (2) a**  
Change stream corridor setback from 100 feet to 0 feet from the Fallkill Creek to allow a construction incursion.

Richard Perkins motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor    5  
All opposed    0                      CARRIED

There were no applicants or representatives present for this meeting. The Zoning Board is waiting for the Planning Board to finish their SEQRA review for this application before they can act.

PUBLIC COMMENTS:

Kelley Redl-Hardisty, in a comment submitted via email on 4/21/22, raised concerns about the impacts to traffic and noise.

Richard Perkins motioned to continue the public hearing to May 25, 2022; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0

CARRIED

**#21-19Z** Rite Aid Pharmacy, c/o Gloede Signs  
1 Crum Elbow Road  
Hyde Park, NY 12538  
Tax Grid No. 6162-03-429214

**Multiple Variances within Section 108-24.2**

1. To permit a cumulative square footage for signs on a single lot to 166.35 square feet for the proposed signage where the maximum permitted is 100 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(a); and
2. To permit a cumulative square footage of up to 2.46 square feet for each lineal foot of the portion of the front of the building with a separate external entry where the maximum permitted is 1 square foot for each lineal foot pursuant to Zoning Law Section 108-24.2(C)(1)(a); and
3. To permit a maximum of 54.6 square feet for wall-mounted signage facing Route 9G where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
4. To permit a maximum of 63.25 square feet for wall-mounted signage facing Crum Elbow Road where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
5. To permit a maximum letter height of 21 inches on the proposed wall signage where the maximum letter height of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(b); and
6. To permit a maximum symbol or graphic dimension of 30 inches on the proposed wall signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
7. To permit a maximum of two individual freestanding signs on a single lot where the maximum permitted is one individual freestanding sign pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
8. To permit a maximum height of 11 feet for decorative elements on the proposed freestanding signage where the maximum height of 8 feet for freestanding signs is permitted pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
9. To permit a maximum symbol or graphic dimension of 19.5 inches on the proposed freestanding signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
10. To permit a maximum of 4 square feet in total area per sign for safety signage where the maximum permitted is 2 square feet pursuant to Zoning Law Section 108-24.2(C)(3)(b);

Richard Perkins motioned to open the public hearing; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

There were no applicants present at this meeting.

The applicant is waiting to hear from their corporate office about how they want to proceed in response to the denial from Dutchess County Planning.

There were no public comments.

Richard Perkins motioned to continue the public hearing to May 25, 2022; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

**#22-02Z** Thompson, c/o David Freeman  
3 Pond Road  
Poughkeepsie, NY 12601  
Tax Grid No. 6163-03-023417  
**Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District** to change maximum permitted density from 2 dwelling units per 1 acre to 2 dwelling units per 0.39 acres to allow an existing accessory apartment.

James Agrawal motioned to open the public hearing; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

David Freeman, representative to the applicant, was present. He gave a brief summary of the project, and addressed comments from the previous meeting.

He addressed the Board's concern with the accessory apartment becoming no longer owner-occupied. Mr. Freeman stated that this is a requirement for a special use permit, and without the owner-occupied status, that permit would be revoked.

He also addressed the idea of a 200% variance, stating that it does not exist as no more than a 100% variance may be granted. He and the Board discussed the relevant math.

Finally, Mr. Freeman summarized that the apartment has existed for almost 40 years and claims there have been no adverse effects on the neighborhood.

There were no public comments.

James Agrawal motioned to close the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0                      CARRIED

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
Hyde Park NY 12538  
(845) 229-5111, ext. 2

**RESOLUTION TO DENY AN AREA VARIANCE**

**Thompson Accessory Apartment**  
3 Pond Road

**Date: April 27, 2022**

**Motion: David McNary**

**Resolution #22-02z**

**Second: Richard Perkins**

WHEREAS, the applicant, David Freeman on behalf of Dolores, Shelly, and Michael Thompson, has submitted an application for an area variance to bring an existing accessory apartment within a one-family dwelling into compliance (the “Project”) on property located at 3 Pond Road, Hyde Park, identified as tax parcel no. 133200-6163-03-023417, in the Neighborhood Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a site plan entitled “Accessory Apartment for Thompson Residence,” prepared by D. Freeman Architect and dated December 15, 2021, as well as interior floor plans prepared by same and dated January 14, 2022 (collectively, the “Site Plan Set”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a density of two dwelling units on a 0.39-acre lot (~5.13 DU/acre) where a maximum average density of two dwelling units per 1 acre is required (2 DU/acre) (the “Requested Variance”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a one-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 opened on March 23, 2022 and closed on April 27, 2022 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 cause an undesirable change in the character of the neighborhood and/or a detriment to nearby properties. The Requested Variance will result in an increase in the intensity of the permitted uses at the Site, which is already undersized for a one-family dwelling. Legalizing the accessory apartment would increase the density from a single-family dwelling on the 0.39 acre lot to two dwellings on the same lot size, which exceeds the maximum permissible density under the Town Code. The increased intensity of the use of the Site may also cause an increase in parking, traffic, and noise due to additional occupants. The potential for more frequent turnover in occupants within an accessory apartment may also diminish the largely one-family character of the neighborhood, especially on Pond Road where the nearby properties are single-family only. The neighboring properties would be affected by the increased density that would occur with the legalization of the accessory apartment in the one-family dwelling.

While not determinative, the property deed dated August 18, 2004 and recorded August 27, 2004 contains a restrictive covenant that only one one-family house shall be erected or constructed on the lot. This deed restriction was memorialized in the prior deed dated September 4, 2002 and recorded September 6, 2002, which was conveyed to the current owner via the 2004 deed.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The applicant seeks to establish a second dwelling unit at the Site. The Site is 0.39 acres and the Zoning Law requires a minimum of 0.5 acres per dwelling unit. Therefore, the Site cannot be developed or subdivided to have a second dwelling unit without violating the Zoning Law's density requirements. The only way to establish two dwelling units (i.e. one-family dwelling and an accessory apartment) and comply with the density limitation would be to purchase adjoining property and merge it with the Site. The neighboring parcels are already developed and this is not a feasible alternative.
3. The Requested Variance is numerically substantial, as the permitted maximum average density for the Site will increase by over 100% since it will double the number of permitted dwellings per acre.

4. The Requested Variance may have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The conversion of the structure to include an accessory apartment may require an increase in parking area. The addition of a second dwelling unit has the potential to increase the number of vehicles at the Site at any given time, which could adversely contribute to pollution and contaminated stormwater runoff. The applicant has indicated the property owner's intent to sell the property. Should that occur and should the number of occupants of the accessory apartment increase, then these impacts become more likely. Moreover, the Dutchess County Health Department has determined that the private water and sewer arrangement does not currently meet the Department's standards, which may be causing potential negative environmental impacts related to the well and sewage disposal system.
5. The difficulties are self-created. The property owners constructed the accessory apartment in the absence of a lawfully-issued building permit and without applying for the requisite area variances. The difficulties that followed occurred solely because the property owners failed to comply with the requirements of the Town Code and now seek to legalize an illegal accessory apartment.

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

1. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
David McNary	YES	CARRIED

**#22-04Z** David Rozan & Funda Saygin, c/o Kristina Dousharm Architecture  
42 Old Post Road  
Staatsburg, NY 12580  
Tax Grid No. 6167-03-018325  
**Area Variance – Section 108-5.15 Bulk Regulations in Hamlet District** to change side yard setback from 10 feet to 3 feet 10 inches for the construction of a deck on a house already built within the setback.

Richard Perkins explained he knew the representative to the applicant, Dawn Santiago; but regardless he would be fair and impartial while reviewing the application.

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Dawn Santiago of Kristina Dousharm Architecture, representative to the applicant, was present. She summarized the application.

There were no public comments.

Paul Donnelly motioned to close the public hearing; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
Hyde Park NY 12538  
(845) 229-5111, ext. 2

**RESOLUTION TO GRANT AN AREA VARIANCE**

**David Rozan & Funda Saygin**  
42 Old Post Road  
Staatsburg, NY

**Date: April 27, 2022**

**Motion: Gerald Bowen**

**Resolution #22-04Z**

**Second: Paul Donnelly**

WHEREAS, the applicant, Kristina Dousharm on behalf of David Rozan and Funda Saygin, has submitted an application for an area variance to construct a deck within the side yard setback (the “Project”) at property located at 42 Old Post Road Staatsburg, NY 12580, identified as tax parcel no. 6167-03-018325, in the Hamlet Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Proposed Site Plan,” prepared by Kristina Dousharm Architecture, dated 10/28/21 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a side yard setback of 3 feet 10 inches where 10 feet is required (the “Requested Variance”); 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 23, 2022 and continued to April 27, 2022, both 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 Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. Established vegetation in front of property will shield and provide adequate visual blocking. The deck will not be visible from the street and not observable or offensive to the neighbor to the north as it is hidden inside the existing fence.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The applicant wished to keep the visual aesthetics consistent with the footprint of the house. The alternative is to move the deck to the rear of the house, however the homeowner felt that change would leave an awkward empty space between the deck and the exterior wall of the house.
3. The Requested Variance is numerically substantial. The applicant seeks to increase by more than 50% from 10ft to 3ft 10in. While requested variance is a substantial increase it is important to note that the footprint of the house is not changing, nor will there be an alteration to the original character of the home either visually or ecologically.
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 deck will be in keeping with the character of the neighborhood and substantially shielded from the street and neighboring properties. In addition, the deck will be constructed utilizing cedar wood pervious with proper runoff effected.
5. The difficulties are self-created as the applicant and owner of the property wishes to build a deck on his house. Additionally, the homeowner had no control over the fact the house was originally built within the setback in 1900 when no zoning laws were applicable.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance 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 this

variance is revoked.

2. Payment of all fees.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
David McNary	YES	CARRIED

**NEW PUBLIC HEARINGS:**

**#22-03Z** Hyde Park Quick Stop, c/o Mauri Architects  
 4912 Albany Post Road  
 Staatsburg, NY 12580  
 Tax Grid No. 6066-02-879622

**Three (3) Area Variances – Section 108-5.15 Bulk Regulations in Neighborhood Business District** to change maximum permitted lot coverage from 70% to 81.7%; change front yard setback from 20 feet to 5 feet, 7 inches; change maximum permitted scale from 7,500 gross square feet to 9,071 gross square feet to allow septic improvements, building renovations, and construction of additional fueling stations on an existing gas station and convenience store.

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor	5	
All opposed	0	CARRIED

Chairman McNary noted that the Zoning Board could not act until the Planning Board had concluded their SEQRA review.

Brendon Petrella of Mauri Architects, representative to the applicant, was present. He summarized the application. He noted that the exterior design of the building had changed since the last Zoning Board meeting. The footprint and size remain the same.

Richard Perkins asked if the NYS Department of Transportation (DOT) would need to approve the underground fuel storage tanks, as they are close to the property line. Mr. Petrella explained because they are within the property boundary, DOT would not be involved.

The Board discussed the rear access driveway and the diesel pumps. Mr. Donnelly asked if there would be direction signs on the property.

Chairman McNary asked how they would be addressing stormwater runoff into the nearby wetland considering the increase in impervious surface area. Mr. Petrella explained the proposed stormwater treatment process and facilities, which will better clean stormwater. The stormwater management is being reviewed by the Town Engineer.

They discussed the increase in scale. Mr. Petrella explained that because the canopy over the pumps is so large, that creates the need to increase scale. Without it, they would not need a variance for the building & parking.

Gerald Bowen expressed concern for the potential of increased traffic. Mr. Petrella argued that, with these improvements, the site would be safer than as it is currently because they are better controlling the entrance and exit of vehicles. Zoning Administrator Kathleen Moss stated that the Department of Transportation has authority over the entry/exit points, and they are responsible for determining if it is safe.

Attorney to the Board, Sarah Wilson, added that Dutchess County Department of Planning & Development responded that this was a matter of local concern.

There were no public comments.

James Agrawal motioned to continue the public hearing to June 22, 2022; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Mr. Petrella requested that the Zoning Board of Appeals ask for the Planning Board's official comment about the application. Chairman McNary directed the Secretary to the Zoning Board to ask for their comment.

**#17-03Z-5** Enclave Extension #5, c/o LRC Group  
The Enclave at Hyde Park  
Cream Street at Long Brand Road  
Poughkeepsie, NY 12601  
Tax Grid No.'s: 6263-01-470921, 6263-01-478912, 6263-01-487905,  
6263-01-498899, 6263-02-522891, 6263-02-533893, 6263-02-543897,  
6263-02-552902, 6263-02-562910, 6263-02-568880, 6263-02-559875,  
6263-02-549869, 6263-02-538869, 6263-02-517869, 6263-02-514859,  
6263-02-509841, 6263-01-495841, 6263-01-484840, 6263-01-472842,  
6263-01-460847, 6263-01-459862, 6263-01-473883, 6263-01-480868,  
6263-01-492864, 6263-01-495876, 6263-01-465957, 6263-01-475939,  
6263-01-436890, 6263-01-447937, 6263-02-675871, and 6263-02-585865

**FIFTH EXTENSION OF 2017 VARIANCE, Resolution #17-03Z**

**Section 108-5.15 Bulk Regulations in Greenbelt District**

Extend for another year the authorized change of average density from

2.5 acres/dwelling unit to 1.41 acres/dwelling unit on a project site totaling 70.51 acres

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Ken Casamento of LRC Group, representative to the applicant, was present. He explained that they had just applied for and received building permits for the sewer and water plants, which are the keys to moving forward.

PUBLIC COMMENTS: None

Gerald Bowen motioned to close the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
Hyde Park, NY 12538  
845-229-5111 ext. 2

**RESOLUTION TO GRANT A FIFTH ONE-YEAR EXTENSION OF A VARIANCE**

The Enclave at Hyde Park  
Cream St. at Long Branch Rd.  
Poughkeepsie, NY 12601

**Date: April 27, 2022**

**Motion: David McNary**

**Resolution: #17-03Z-5**

**Second: Gerald Bowen**

WHEREAS, on March 22, 2017, by Resolution #17-03Z, the applicant, 54-Hyde LLC, was granted a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit (the “Variance”) in order to re-subdivide 70.51 acres into 25 residential lots with 50 dwelling units (the “Project”); and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the Town of Hyde Park Zoning Law, any variance under which the authorized activity has not commenced within one year from the date of issuance is revoked without further hearing or action of the Zoning Board of Appeals; and

WHEREAS, pursuant to Section 108-33.5(F)(2) of the Zoning Law, the Zoning Board of Appeals may, in its discretion, after conducting a public hearing, grant an extension to a variance; and

WHEREAS, on March 28, 2018, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a first one-year extension of approval for the Variance; and

WHEREAS, on March 27, 2019, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a second one-year extension of approval for the Variance; and

WHEREAS, on July 22, 2020, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a third one-year extension of approval for the Variance; and

WHEREAS, on April 28, 2021, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a fourth one-year extension of approval for the Variance; and

WHEREAS, on February 16, 2022, the applicant submitted a request for a fifth extension of approval for the Variance; and

WHEREAS, a duly noticed public hearing was held on April 27, 2022, during a duly noticed meeting held by the Zoning Board of Appeals, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals has considered the circumstances warranting such an extension, and there have been no significant changes in the Project or the Project site.

**NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a one-year extension of time in which to commence the activity authorized under the Variance to April 27, 2023.**

Adopted:

ROLL CALL VOTE BY SECRETARY:

James Agrawal	YES	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	NO	
David McNary	YES	CARRIED

**#22-05Z** Pedro Acero  
8 Rymph Blvd  
Poughkeepsie, NY 12601  
Tax Grid No. 6263-03-477473

**Area Variances – Section 108-5.15 Bulk Regulations in Greenbelt District** to change front yard setback from 50 feet to 40 feet for the construction of a porch on the front of a house already built within the setback.

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

Pedro Acero, owner and applicant, and Shawn Pitcher, colleague and representative to the applicant, were both present. Mr. Pitcher explained the project. They are rehabilitating the entire house, and this small front porch is one part of that. Mr. Pitcher stated that the purpose was to make the house look more aesthetically pleasing.

Chairman McNary questioned the flooding mentioned in the application. Mr. Pitcher explained it had already been fixed.

The footprint of the house proper does not change; they only wish to add decks to the front and back of house. The rear deck does not need a variance, as it is within setbacks.

PUBLIC COMMENTS: None

David McNary motioned to continue the public hearing to May 25, 2022; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

**#22-07Z John Kochem**  
26 Bella's Way  
Poughkeepsie, NY 12601  
Tax Grid No. 6164-02-901912  
**Two (2) Area Variances – Section 108-4.3 B (5) Animal Husbandry** to change minimum distance of chicken pen to closest residence, from 300 feet to 135 feet, and change minimum distance of enclosed chicken manure storage to a well, from 200 feet to 152 feet (applicant's well).

<https://youtu.be/gmPlKqgDWEg?t=3271>

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0

CARRIED

Property owners and applicants John & Kelly Kochem, and their two children, were present. Mr. Kochem summarized the application. There are 13 chickens and 1 rooster on the property. The animals were once free-range, but are now contained to a fenced area. They discussed the difference between coop (house where chickens sleep) and the pen (fenced area where they graze). The family eats the eggs laid, and does not sell any excess. They do not allow the eggs to be fertilized, and are not interested in increasing the size of the flock.

In regards to the variance for manure storage, Mr. Kochem explained that he does not keep waste on-site; that he bags it weekly and takes it away to a friend's farm. These variances for manure storage are applied for at the behest of the Zoning Administrator, who determined that based on the definition provided in the Code, the coop counts as a storage site. There is no mass-storage of manure anywhere on the site. The manure which accumulates in the coop throughout the week is considered "stored" there until Mr. Kochem removes it.

Richard Perkins asked if there was a need for the rooster. Mr. Kochem stated, "There isn't a real need, but they are advantageous for protecting [the flock] from predators. They also keep the other chickens in line." Paul Donnelly asked if there had been complaints about the rooster crowing. Mr. Kochem claimed he had not heard any. He also mentioned that the farm directly adjacent to their East has chickens and two roosters. Mr. Kochem further explained that their rooster is a "little rooster," and claimed that this kind was not as loud as others. They put a compression collar on the rooster which allegedly reduces the loudness of the noises.

Mr. Kochem's children made statements about their love of the chickens, and requested the Board allow them to stay. Mr. Kochem further stated that raising and caring for the chickens is a large part of his son's home school curriculum.

Issue - close to well, nope—further than before. Agenda just written that way. Coop is solid floor, elevated – no infiltration; pen may have excrement tho

#### PUBLIC COMMENTS:

Carey Stewart, 20 Bella's Way, stated she had no concern about the chickens themselves, as long as they are kept in the pen. Her concern is about the noise from the rooster, and the pen's close proximity to their home. Ms. Stewart further stated that roosters do not crow only in the morning, they crow constantly throughout the day; the applicant's rooster prevents them from enjoying the outdoors in nice weather.

Jaime Paterson, 17 Bella's Way, stated that he too had concern about the rooster. He did admit that he wasn't sure whether the problem rooster belonged to the applicant or the nearby farm. He also corroborated that the roosters crow constantly, and it is hard to enjoy one's outdoor space. Mr. Paterson also shared concern about the pen and coop being close to wells. He explained that the entire neighborhood has issues with the water, and is afraid the chicken manure will add to that.

Paul & Jenny Henne, 15 Maggie’s Way, in a letter dated April 20, 2022, shared their support for the project, and stated they had no opposition to the proposed variances.

Chris DiMilia, 16 Bella’s Way, in a letter dated April 25, 2022, shared he had concerns with the distance of manure storage to the applicant’s well. Also, he believes the rooster and its loud, constant crowing violates Chapter 75-4 M, the Town’s noise ordinance regarding fowl.

Thomas O’Mara & Marge Gibson, 36 Bella’s Way, submitted a letter sharing their support for the project – especially since the chickens eat ticks and bugs.

Louis & Brenda Iacchino, 29 Bella’s Way, in a letter dated April 27, 2022, shared their support for the project. They claimed the chickens are invisible from the road and make no discernable noise.

Kelly & William Marshall, 23 Bella’s Way, in a letter dated April 27, 2022, shared their support for the project.

There were no further public comments.

Before continuing the public hearing, Mr. Kochem corrected comments about moving the coop & manure storage closer to the well – he had actually moved it further away. The Secretary to the Zoning Board clarified the confusion: the agenda must include what is required by code, and what is requested by the applicant. The agenda reads as if the coop is moving closer, whereas in actuality it has been moved further but that dimension is still smaller than what is allowed by code.

Richard Perkins motioned to continue the public hearing to May 25, 2022; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

**NEW APPLICATION INTRODUCTIONS:**

**#22-06Z** Vumbico c/o Berger Engineering  
120 River Road  
Hyde Park, NY 12538  
Tax Grid No. 6064-03-531762  
**Two (2) Area Variances – Section 108-5.15 Bulk Regulations in Waterfront District** to change maximum lot coverage from 15% to 23% and building height allowance from 35 feet to 38 feet for the construction of a new house on a vacant lot.

Michele Zerfas, Paul Varanouskas, and Steve Whelan – all representatives to the applicant – were present. Michele Zerfas, of Berger Engineering & Surveying, explained the project and the reason for the lot coverage variance requests. The applicants have requested the variance for impervious lot coverage to allow for a large house, courtyard, four-car garage, and lengthy driveway to set the home back from the road.

In one section of the driveway, they are using porous pavers to minimize the impervious surface area. The porous pavers lead to an access door for maintenance equipment. Ms. Zerfas alleges the driveway must be impervious to accommodate heavy vehicles, which, when turned, would damage the pervious pavers. Furthermore, Ms. Zerfas states that, by the looks of aerial photos, most of the houses on the road exceed the lot coverage limit. Many of the lots on the road are relatively small, and 15% coverage would create houses too small.

Chairman McNary asked how stormwater runoff would be handled near the driveway. According to Ms. Zerfas, there are no stormwater management facilities proposed. Much of the lot is rock.

Paul Varanouskas, architect for the applicant, explained the variance needed for building height. The property is sloped toward the river, so the rear elevation of the house is quite tall but the front elevation is only a two-story house. The Town's Zoning Code requires the height to be calculated via an average of the grade measured to the midway point of the highest roof and its eave. This calculation led them to a dimension of 38 feet (where the maximum by code is 35 feet); however, the true height of the house will be taller.

Chairman McNary noted that the basement level is creating the need for the height variance. Mr. Varanouskas explained the natural, steep slope of the site dictates that they have a basement.

James Agrawal motioned to set the public hearing for May 25, 2022; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

**#22-08Z** Ishak c/o John Caro  
34 Greenbush Drive  
Poughkeepsie, NY 12601  
Tax Grid No. 6163-03-382434  
**Area Variances – Section 108-5.15 Bulk Regulations in Neighborhood District** to change maximum permitted density from 0.5 acres per dwelling unit to 0.39 acres per dwelling unit for a two-family dwelling.

Paul Donnelly is recused from this application.

No applicants were present. There was no discussion by the Board.

David McNary motioned to set the public hearing for May 25, 2022; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 4  
Recused 1

All opposed 0 CARRIED

**OTHER BUSINESS:**

Richard Perkins motioned to approve the minutes of the March 23, 2022 meeting; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

James Agrawal motioned to adjourn; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5  
All opposed 0 CARRIED

The meeting adjourned at 8:00 pm.

Recorded by,

**Sarina Teuschler**

Secretary to the Zoning Board of Appeals