



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 July 26, 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
Richard Perkins	<b>Absent</b>

**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 May 24, 2023 ZBA meeting.

*Chair McNary asked for a motion to approve the May 24, 2023 ZBA meeting minutes. Vice Chair Bowen made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.*

**OLD BUSINESS:**

**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)(e) Animal Husbandry** – to permit enclosed storage of manure as close as 171 feet from a residence on another lot, where 200 feet is required.

*Chair McNary introduced this matter, stating that the public re-hearing for this amended application was closed on June 28, 2023. He said that the vote on this amended variance application must be unanimous to pass, as it was a re-hearing. He asked James Agrawal to read the following resolution. Mr. Agrawal made the motion, and Vice Chair Bowen seconded it. The roll call vote was unanimous among all those present.*

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
Hyde Park NY 12538  
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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: July 26, 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 the current number of chickens only; any change or addition of animals will result in revocation of the variances.
2. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

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

**CONTINUED PUBLIC HEARINGS:**

**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.

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

*Chair McNary welcomed the applicant's son, Jordan Mendoza, who has been representing his father throughout this process. His father, Julio Mendoza, was unable to attend this evening.*

*There was some follow-up discussion of the requests made of the applicant at the last meeting. He has since planted shrubs, enclosed the manure, and got rid of all the roosters. There was more discussion and requests made by the Board, with the idea of continuing the public hearing until next month to continue evaluating this application. Jordan Mendoza indicated his father requested that this process end today, and asked how to do that. He ultimately agreed to eliminate all animals, eliminating the need for a variance. This area variance application is now withdrawn.*

*The Board thanked Jordan for coming. The ZBA secretary asked attorney Sarah Ryan if it was still necessary to close the public hearing after the application has been withdrawn. Sarah indicated that there was no need to do so, since it was no longer a live application.*

***The MENDOZA #23-03Z area variance application was withdrawn at this meeting.***

**HOUGHTALING #23-02Z**  
7 Beck Road, Poughkeepsie  
Grid #: 6263-01-115657

**Owners & Applicants:** Al  
Schoonmaker & Lisa Schoonmaker  
**Representative:** Thomas P.  
Cummings, P.E.  
**Project Name:** Al's Yard

**Area Variances – Section 108-5.15 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.

*No one was present to represent this application this evening, so Chair McNary asked for a motion to adjourn this public hearing to August 23, 2023. James Agrawal made the motion, and Vice Chair Bowen seconded it. The motion passed by unanimous voice vote.*

**NEW PUBLIC HEARING:**

**NEWMAN #23-09Z**  
4 Cathy Drive, Hyde Park  
Grid #: 6163-01-492838

**Owner & Applicant:** Velceta  
Newman  
**Representative:** Anika Newman-  
McDonald

**Area Variances – Section 108-5.15 Bulk Regulations in the Neighborhood District**

To allow a front yard setback of 23 feet where 50 feet is required, and to allow a second front yard setback of 42 feet where 50 feet is required, and to allow a rear yard setback of 18 feet where 30 feet is required, for the construction of an addition to an existing single-family dwelling.

*Chair McNary asked for a motion to open the public hearing for the Newman application. Vice Chair Bowen made the motion, and Paul Donnelly seconded it. The motion passed by unanimous voice vote.*

*Chair McNary welcomed the applicant's representative, Anika Newman-McDonald. She gave a brief description of the project, and answered several questions presented by Chair McNary. There were no other questions from the Board, and there was no public comment.*

*Chair McNary asked for a motion to close this public hearing. Vice Chair Bowen made the motion, and James Agrawal seconded it. The motion passed by unanimous voice vote.*

*Chair McNary read the resolution to grant the area variances for Newman. Chair McNary made the motion, and James Agrawal seconded it. The resolution passed by unanimous roll call vote.*

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**RESOLUTION TO GRANT AREA VARIANCES**

Valceta Newman  
4 Cathy Drive  
Hyde Park, New York

**Date: July 26, 2023**

**Motion: David McNary**

**Resolution # 23-09Z**

**Second: James Agrawal**

WHEREAS, the applicant, Valceta Newman, has submitted an application for area variances to construct an addition to the rear of the house (the “Project”) at property located at 4 Cathy Drive, Hyde Park, identified as tax parcel no. 6163-01-492838 in the Neighborhood District (the “Site”); and

WHEREAS, the Project is depicted on several sketches prepared by D. Freeman, architect, dated June 16, 2023 and July 13, 2023 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard setback on Cathy Drive of 23 feet where 50 feet is required, and a second area variance from Zoning Law Section 108-5.15 to permit a second front yard setback on Madison Avenue of 42 feet where 50 feet is required, and an area variance from Zoning Law Section 108-5.15 to permit rear yard setback of 18 feet where 30 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 July 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. The addition is in keeping with the style of the house and 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 expansion of the kitchen area and additional bathroom and two office spaces could not be logically positioned in other areas of the house.
3. The Requested Variances are numerically substantial. The first front yard setback requested represents a variance of 54%, 23 feet versus 50 feet. The second front yard setback represents a variance of 16%, 42 feet versus 50 feet. The rear yard setback represents a variance of 40%, 18 feet versus 30 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 addition and style are consistent with the neighborhood and will have no environmental impact on the site or the neighborhood.
5. The difficulties are self-created. The house is too small for the existing family.

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	ABSENT
Vice Chair Bowen	YES
Chairman McNary	YES

MOTION CARRIED



**ADJOURN:**

*Chair McNary asked for a motion to adjourn this evening's meeting. Vice Chair Bowen made the motion, and Paul Donnelly seconded it. The motion passed by unanimous voice vote.*

*Tonight's meeting ended at approximately 6:29 PM.*

**Next meeting date: Wednesday, August 23, 2023**