

**Town of Kinderhook
Zoning Board of Appeals
3211 Church Street
Valatie, NY 12184
October 7, 2021**

Draft

Minutes

The Town of Kinderhook Zoning Board of Appeals met on Thursday, October 7, 2021, at 7:00pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The Chairman called the meeting to order and the secretary called the roll.

A. Roll Call

Present

Walt Simonsmeier, Chairman
Lorne Dawes
James Waterhouse
Andy Howard, Attorney
Nataly D. Jones, Secretary

Excused

Regina Rose
Timothy Stever

Absent

None

Also in Attendance

Kevin Haberland, Building Inspector

B. Correspondence

1. New application

C. Public Hearings

1. None;

D. Old Business

1. None;

E. New Business

1. Stephanie Caradine-Ruchel, 161 Parker Hall Road, Niverville; Tax Map # is 23.20-2-10 - Appeal of violation for keeping poultry in the hamlet;

Ms. Cardine-Ruchel addressed the board and explained the history of how she came to be in possession of the chickens. She adopted them from her adjacent neighbor who sold his house. He had been keeping chickens for ten years. She built an enclosed run for the chickens on her property. She is requesting a use variance to maintain the chickens. A letter of appeal was also included with the application. Ms. Caradine-Ruchel stated that she has coordinated with a local 4H group to come and learn about and work with the chickens.

Mr. Waterhouse asked how long she has had the chickens, and does she have roosters.

Ms. Caradine-Ruchel stated that she just recently came into possession of the chickens, August 15, 2021. There are 3 roosters. Additionally, she stated that the birds are old and do not make a lot of noise, nor do the hens produce a great many eggs. She noted that the roosters do protect the hens.

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There are 12 birds in all (3 roosters and 6 hens). The run is 15'x 25' and 6' tall and the coop is 7'x 4'.

Mr. Waterhouse noted that chickens can be kept for a year for 4H or educational purposes, per Section 17(J)(2) of the code. However, Mr. Howard noted that that is a provision applicable to areas where it is a permitted use.

The setbacks of the parcel were reviewed. The use table was also reviewed. How old is the house?

Mr. Howard offered two avenues to move forward; an interpretation of the order to remedy or use variance. He asked if the applicant would want the board to consider both areas. Mr. Howard reviewed the standards for a Use Variance, 250-55(d)(1). For a Use Variance all of the criteria must be met. The length and term of a use variance was discussed. It was noted that a use variance remains with the property in perpetuity. Mr. Howard did note a provision that the zoning board has the authority to issue the minimum variance it deems necessary and adequate that applies to both area and use variances. The board would still need to review the standards and meet the thresholds, but there is some authority to issue minimum variances.

Ms. Caradine-Ruchel addressed the manner in which this complaint was handled. A discussion of what constitutes a complaint and the responsibility of following up on inquiries and complaints ensued.

Mr. Waterhouse made a motion to schedule a public hearing for 7:02pm on November 4, 2021. Mr. Dawes seconded the motion. All in favor. Motion carried.

The secretary informed the applicant of the application fee of \$50.

G. Liaisons

1. Village Planning Boards – No new report provided.
2. Town Board - No new report provided.

H. Other

1. Public Comment

Mr. Waterhouse made a motion to adjourn. Mr. Dawes seconded the motion. All in favor. Motion carried. Meeting adjourned at 7:36pm.

Respectfully submitted,

Nataly D. Jones, Secretary

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