

APPLICATION TO THE TOWN OF KINDERHOOK ZONING BOARD OF APPEALS

Date of Application: 10/7, 2021
Name of Applicant: Stephanie Caradine-Ruebel
Address of Applicant: 161 Parker Hall Rd, Niverville, NJ 12130
Applicant's Phone Number: (518) 361-4160
Address of Site: 161 Parker Hall Rd, Niverville, NJ 12130
Description of Location of Project Site: single family home

Tax Map Section/Block/Lot No.: 23.20-2-10
Total Site Area (square feet or acres): .66 acre
Current Zoning Classification (as per Town code): Hamlet
Owner of Property (if not the applicant) (if more than one, provide information for each owner):

Address of Owner: _____
Owner's Phone Number: () _____
Name of Licensed Agent Preparing Plans: _____
Address of Agent Preparing Plans: _____
Agent's Phone Number: () _____
Current use of Site: single family home

Complete statement of relief, variance and/or interpretation requested:
Requesting Use Variance / Appeal on Order to
Remedy

A summary statement of the practical difficulty or unnecessary hardship created or existing because of the existing zoning regulations as applied to the subject premises is as follows:
Please see attached Appeal.

Has a variance ever been applied for on this property?
Yes ___ No X

If yes, indicate the Zoning Board of Appeals number, date of decision and attach copies of all decisions

Is the subject property located within 500' of any of the following?
(if applicable, check one or more)

- [a] Town or Village boundary line (if yes, indicate which Town or Village: _____)
- [b] State road, park or other recreational facility (existing or proposed)
- [c] County road or right-of-way
- [d] State or County owned parcel on which a public building is situated
- [e] Federal owned property

List the names and addresses of ALL persons who have any interest whatsoever in the project and properties described in this application, direct or indirect, vested or contingent. This includes but is not limited to owner, partner, contract vendor, contract vendee, lessor, sub-lessor, contract lessor, lessee, sub-lessee, contract lessee, mortgagor, mortgagee, holder or contract holder of any beneficial interest, holder or contract holder of any encumbrance or lien, guarantor, assignee, agent, or broker. List such person(s) even if the interest arises as the result of providing funds for acquiring or developing the property, and whether or not the interest arises from or is affected by the decision of these municipal Board(s). Please state if any of these are, or are related to, officers or employees of the Town of Kinderhook and state the nature of relationship and extent of interest. If any of the above is a corporation, list all principals of said corporation.

Stephanie Caradine-Ruchel, owner I am spouse of
Town Highway Superintendent John Ruchel. However,
he has no interest in this property.

List the names and addresses of ALL persons who will receive any benefit of any kind as a result of their work, effort or services in connections with this application. Please state the nature of relationship and extent of interest, and note if any of those mentioned are officers or employees of the Town of Kinderhook.

Stephanie Caradine-Ruchel owner
Black Sheep 4H Club, Helen Brady-leader

The undersigned affirms the truth and completeness of the above under penalty of perjury.

Date: 10/7/21

Stephanie Caradine-Ruchel
Owner/Applicant's Signature

Notice of Appeal

October 7, 2021

Town of Kinderhook Zoning Board of Appeals

I come before you to appeal the issuance of an Order to Remedy issued by the Town of Kinderhook Code Enforcement Official on September 30, 2021 and, in addition, to request a Use Variance [etc.]. The Order to Remedy/Notice of Violation alleges a violation of maintaining fowl within the Hamlet and instructs that I must remove chickens, coop and fencing by October 11, 2021. I understand that by my appealing this order, an automatic stay of enforcement is in place until the board has come to a decision.

I would like to appeal this action and plead my case to ask for a Use Variance.

I purchased my home in 2003. When I purchased it, it was run-down, etc. I have put a lot of time and money into improving it, and this has, in turn, improved the neighborhood. About ten years ago, my neighbor on Fish Lake Ave. purchased chickens. He has had chickens in his backyard since that time, in a 15'x25' run with coops along the rear property line, approximately ten feet from my property. Over those years, he has let the chickens out to "free range." They always came to my yard and sometimes other neighbors'. To my knowledge, no one has ever had a problem with the chickens. In August, my neighbor put his home up for sale and asked if I would be willing to take the chickens. Since they had spent so much time in my yard and were older birds, I felt compelled. And since he had had chickens for the past ten years, I did not think it would be a problem. I carefully calculated where to put them so that they have adequate protection, a clean and safe environment, and were a considerable distance from property lines. I built them a new run of the same size and we moved them and their coop approximately 50 feet into my yard on August 15th.

On Tuesday, August 17th I was called to the Town Code Enforcer's office and told someone called in asking what the code was on chickens in Niverville and that I had gotten chickens. He then told me they were not allowed. I stated that I did not realize that, as my neighbor had had them for ten years with no problem. On September 30, the Code Enforcer again called me to his office to state someone had called asking "why she couldn't have chickens, but I could." I was told he thought it was a person who was letting her chickens free-range all the time and sleep in her garage and he had gotten complaints and had instructed her get rid of them. But he had no name or number or any complaint in writing.

He suggested I come to the ZBA for a variance and handed me a folder which I thought was a ZBA application. I later discovered it was an Order to Remedy, with 11 days to comply. I don't feel that anonymous people calling and asking questions should be considered formal complaints to be acted upon. And the normal time for compliance is usually 30 days.

Please take note that I have not even finished the chicken run yet. I had planned to put some metal roofing on a portion of the run to provide the birds coverage in winter and wire on the remainder to protect from predators. I also plan to paint the coop and the run a darker color and move some of my corner trees to barricade them and provide more screening and privacy. Because my neighbor's sale moved so quickly, and with the costs incurred so far, I was planning to do that this month. I considered

putting up fencing. Although I hesitate to do that, as my neighbor has fencing along their property on Hawley which would surely cause a traffic issue with fencing on both sides of the road.

I realize I should have checked the code more carefully. However, knowing that the chickens had been 50' from where they are now for ten years with no problem and the short time frame involved, I did not. The chickens are in fact now as far or farther from any public road than they were for ten years. I do know that people have kept chickens, goats, and pigs in the hamlet for years. I have been told there are multiple homes with chickens now. Given the high count of ticks and Lyme disease in Columbia County, I feel we should all have access to chickens to eat ticks in our yards. I see that the keeping of fowl is permitted everywhere else in the Town except the Hamlet. However, farm markets or stands, horticulture, green houses, beekeeping, farm related businesses and landscaping is allowed in the Hamlet. It seems these types of uses would create more intrusive impacts, sounds and smells than keeping a small number of chickens. Which leads me to wonder under what circumstances this code came about. Chickens are beneficial in providing eggs, eating ticks and other bugs, and weeds, and their poop can be used for fertilizer. Aside from the educational or entertainment aspects they provide. When I acquired the chickens, I advised a friend who has a 4-H group. She stated they had been looking for someone with chickens who would let them come learn and work with the chickens. I agreed to allow them to work with mine. I would hate to disappoint them.

So, with all of these circumstances, I am asking for a Use Variance so that the chickens can live out their lives in peace, I can enjoy, and others benefit from them as well. I feel I am entitled to a Use Variance because the CEO's determination is erroneous and/or invalid and the number of days to remedy is inconsistent and impractical. Thank you for your consideration.

Respectfully Submitted,

Stephanie Caradine-Ruchel

