

**Village of Upper Nyack  
Zoning Board of Appeals Meeting  
Tuesday, July 21, 2020, 8:00pm  
*Minutes***

A meeting of the Zoning Board of Appeals of the Village of Upper Nyack was held on the above date via videoconferencing in accordance with the Governor's Executive Order 202.1 due to the COVID-19 emergency and called to order at **8:03 pm** by the Chairman, Thomas Englert.

**Other Board members present:** Stephen Lubeck, Joseph Scarmato, Michael Kuhling and Marion Shaw.

**Also present:** Noelle C. Wolfson, Esq., Consulting Attorney and Jillana Sinnott, Secretary.

**8:03pm:** The Chairman opened the meeting and read the Notice of Public Hearing, which was published in The Journal News on July 14, 2020. The Chairman also reviewed how the Zoom meeting would take place due to the COVID-19 emergency in accordance with the Governor's Executive Order 202.1.

**8:05pm:** Approval of Minutes: Member Joseph Scarmato moved to approve the Draft Minutes from May 19, 2020 as amended; SECOND: Marion Shaw; unanimously APPROVED.

**8:06pm: Gabriella and Donna Zlocki, 115 Larchdale Avenue, County Map No. 60.05-02-05.01. Appeal #2020-08.**

Said property is located in Residential Zoning District R-1.

The APPLICANT submitted to the clerk the Certificate of Mail receipts of neighbor notification.

Request for a Special Permit pursuant to General Ordinance 5.13 of the Code of General Ordinances of the Village of Upper Nyack to keep, harbor or breed chickens at a single family residence.

The legal notice mentioned chickens and goats in error. Goats are not part of the application only chickens.

The Applicant was represented by Gabriella Zlocki and Chris Faroe the Homeowners. This request is only for chickens, no other animals. The applicant would like to have five to six chickens with no roosters. They are known to be quieter and are easy to take care of. The applicant presented a plan titled Survey for Zlocki, dated October 25, 2019 (the "Survey"), to the Board which depicted, among other things, the location of the proposed 6ft x 6ft hen shelter (coop), 10ft x 10ft fenced hen run and additional fencing. The coop will be located closer to the house further away from the neighbors. It will be directly behind the house within another layer of fencing (depicted in blue on the Survey) which a separate fence permit has been applied for.

The distance between the coop and the house was discussed.

The Chairman read an email from Kristen Nuckles, 631 North Midland, the neighbor directly behind the applicant. They are not in favor of the application for chickens. The Secretary had replied to their email and explained that there were only chickens being applied for, not goats as there was an error made in the legal notice. They did not join the virtual meeting nor send in another letter. The Applicant had not heard from them and would be willing to speak with them.

Board Member Shaw asked how many eggs a day the chickens will produce. The applicant responded that they are more of a pet with the added bonus if they lay eggs. The breed of chicken is called a Silky chicken. A picture was shown to the Board.

Board Member Scarmato questioned whether the chickens would be allowed to roam inside of the blue fenced in area depicted on the Survey. The applicant stated that because of the foxes they will be kept inside the 10x10 enclosure.

The Board moved to open the public hearing.

The Board listened to comments from the public.

**Linda Bean, 111 Larchdale Avenue**, is in support of the application for chickens. There used to be chickens and a cow on the property years ago.

Board Member Lubeck noted that the Board has previously approved chickens and has never heard that there have been any follow up complaints.

**MOTION:** Member Stephen Lubeck moved to close the public hearing; **SECOND:** Joseph Scarmato; unanimously APPROVED.

The BOARD had no other comments.

The CHAIRMAN reviewed the five conditions for area variances (S 17:4, c2) of the Village Zoning Ordinance.

There will be no undesirable change in the character of the neighborhood. One neighbor may have had a concern regarding goats which were not part of this application and the other neighbor was in support. There is no evidence of undesirable changes. The variance cannot be achieved any other way as a Special Permit is needed. The Board has previously granted Special Permits before for harboring chickens. The variance is self-created as the Applicant wants to harbor chickens for her own purposes. The number of chickens will ultimately be limited to six. The Board has had discussion in the past regarding odor, noise and the potential for attracting vermin.

**MOTION:** The Board moved to approve the Special Permit to Gabriella and Donna Zlocki to keep five chickens as pets in the 6x6 hen shelter (coop) and 10x10 enclosure depicted on the Survey. The approval is conditioned upon the following provisions: 1) the number of chickens is limited to five; 2) the keeping of roosters on the premises is prohibited. 3) there will be no excessive noise; 4) the chickens will be penned in the yard at all times; 5) there will be maintenance of clean, sanitary, quiet conditions in order to not cause odor nor attract vermin to the neighborhood; 6) breeding or commercial use is prohibited; 7) approval is valid for one year at which time the Building Inspector will make a visual inspection.

**MOTION BY:** Stephen Lubeck

**SECOND:** Joseph Scarmato

VOTE: Unanimously Approved

**8:25pm: Lewis Maresca, 505 Spook Hollow Road, County Map No. 60.09-02-25. Appeal #2020-07.**

The APPLICANT DID NOT submit to the clerk the Certificate of Mail receipts of neighbor notification, therefore the application will be continued to the agenda of September 14, 2020.

There was no other business.

The meeting was adjourned at 8:24pm.

Respectfully submitted,  
Jillana Sinnott, Secretary