

# TOWN OF HYDE PARK

## Zoning Board of Appeals

*4383 Albany Post Road*

Hyde Park, New York 12538

### Minutes

September 26, 2018

**Present:** John Bickford  
Herbert Sweet  
Brendan Lawler  
Neil Krupnick  
James Agrawal

**Absent:**

**Others Present:** Victoria Polidoro, Attorney, Patrick Logan, Associate, Linda Weiner, ZBA Secretary

John Bickford, Chair, welcomed everyone to the September 26, 2018 meeting at 7:00 P.M.

Mr. Bickford commenced the Pledge of Allegiance

Mr. Bickford asked for the approval of the July 25, 2018 and August 29, 2018 minutes.

(4) AYE (0) ABSENT (0) NAY – (1) ABSTAINED -MOTION CARRIED

The secretary was asked to note the roll.

### **Continued Public Hearing:**

**#18-13Z** Robert Frank  
58 River Rd  
Hyde Park, NY 12538

**Variance – Section** 108-4.4D; and **Section** 108-5.15 changing side yard setback from 12 1/2 ft. to 5 ft. and front yard setback from 50 Ft. to 43 ft. for an existing generator as proposed in association with a lot line revision pending Planning Board approval in the Waterfront District.

Motion was made by James Agrawal, seconded by Brendan Lawler to open the continued public hearing.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

David Freeman, Architect, presented the application to the Board.

Hebert Sweet asked if there was any other place it could be located. Mr. Freeman said there was not.

There were no other questions.

Motion made by James Agrawal, seconded by Brendan Lawler to close the public hearing.

VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY– MOTION CARRIED

**TOWN OF HYDE PARK  
Zoning Board of Appeals**

**VARIANCE RESOLUTION**

Application #:18-13Z

Grid #: 6064-02-543995

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Introduced by: Herbert Sweet

Date: September 26, 2018

Seconded by: Neil Krupnick

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on September 6, 2018 reviewed the facts in Application #18-13Z as submitted by David Freeman, Architect/For Robert Frank, 58 River Rd., Hyde Park, NY 12538

**WHEREAS**, the application was determined to be a Type II Action under Section 6NYCRR Part 617 and Section 54-7 of the Code of the Town of Hyde Park, and

**WHEREAS**, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding a

**Variance – Section 108-4.4D; and Section 108-5.15** changing side yard setback from 12 1/2 ft. to 5 ft. and front yard setback from 50 Ft. to 43 ft. for an existing generator as proposed in association with a lot line revision pending Planning Board approval in the Waterfront District.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 2018 and posted as required by law, and

**WHEREAS**, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

**WHEREAS**, all testimony has been carefully considered and the following pertinent facts noted:

1. The prior owner of 58 River Road illegally installed generator on the neighboring property.
2. A lot line revision between 58 and 60 River road is in process.

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-13Z a request for a variance from Section 108, as set forth above, be **granted** on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties as the generator is currently installed and hidden from public view.
2. The needs of the applicant **can not** be achieved by other than an area variance. The location is predicated on the existing electrical service.
3. The requested variance **is** numerically substantial but not in its impact.

4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood as the generator will be set back from public view.
  
5. The hardship for which the variance is sought to rectify **was** self created as the applicant is responsible for adhering to the zoning regulations in place at the time of the purchase of property.
  
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: September 26, 2018

Brendan Lawler	AYE
Herbert Sweet	AYE
Neil Krupnick	AYE
James Agrawal	AYE
John Bickford	AYE

:lw

Secretary: \_\_\_\_\_  
Linda Weiner

**New Public Hearing:**

**#18-21Z**

Chad Rymph  
7 River Rd  
Hyde Park, NY 1538

**Variance – Section** 108-5.15 changing a side yard setback from 25 ft. to 20 ft.; and **Section** 108-4.3G(2) to allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 40 ft. to replace an existing mudroom in the Waterfront District.

Motion made by Herbert Sweet, seconded by James Agrawal to open the public hearing.  
VOICE VOTE – ALL IN FAVOR – MOTION CARRIED

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

Chad Rymph presented his application to the Board. Herbert Sweet questioned whether the variance was self created. It was determined that it was. There were no other questions.

Motion to close the public hearing was made by James Agrawal, seconded by Herbert Sweet.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

**TOWN OF HYDE PARK  
Zoning Board of Appeals**

**VARIANCE RESOLUTION**

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Introduced by: Brendan Lawler  
Seconded by: James Agrawal

Date: September 26, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on September 26, 2018 reviewed the facts in Application #18-21Z as submitted by Chad & Katherine Rymph, 7 River Rd., Hyde Park, NY 12538

**WHEREAS**, the application was determined to be a Type II Action under Section 6NYCRR Part 617 and Section 54-7 of the Code of the Town of Hyde Park, and

**WHEREAS**, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding a

**Variance – Section** 108-5.15 changing a side yard setback from 25 ft. to 20 ft.; and **Section** 108-4.3G(2) to allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 40 ft. to replace an existing mudroom in the Waterfront District.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on September 21, 2018 and posted as required by law, and

**WHEREAS**, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

**WHEREAS**, all testimony has been carefully considered and the following pertinent facts noted:

1. The current structure is in disrepair and exterior and interior doors interfere with each other.

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-21Z a request for a variance from Section 108, as set forth above, be **granted** on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties as rebuilding the mud room will be a visual improvement to the house.
2. The needs of the applicant **can not** be achieved by other than an area variance due to the location of the existing mud room.
3. The requested variance **is** substantial, numerically but is not in its impact.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood for reasons previously stated.
5. The hardship for which the variance is sought to rectify was self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: September 26, 2018

Brendan Lawler     AYE

Herbert Sweet      AYE  
Neil Krupnick      AYE  
James Agrawal      AYE  
John Bickford      AYE

:lw

Secretary: \_\_\_\_\_  
Linda Weiner

**#18-15Z** Joanne Meloccaro  
12 Guerney Dr.  
Hyde Park, NY 12538  
**Variance – Section 108-5.15** changing a front yard setback from 50 ft. to 37 ft. for construction of front porch and stairs in the Neighborhood District.

Motion to open the public hearing was made by James Agrawal, seconded by Brendan Lawler.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

James Hughes, Under the Sun Improvements, represented the applicant. He presented his application to the Board.

There were no questions.

Motion to close the public hearing was made by Brendan Lawler, seconded by Neil Krupnick.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

**TOWN OF HYDE PARK**  
**Zoning Board of Appeals**  
**VARIANCE RESOLUTION**

Application #: 18-25Z

Grid #: 6266-19-524153

Introduced by: James Agrawal  
Seconded by: Brendan Lawler

Date: September 26, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on September 26, 2018 reviewed the facts in Application #18-25Z as submitted by Joanne Meloccaro, 12 Gureney Dr., Hyde Park, NY 12538

**WHEREAS**, the application was determined to be a Type II Action under Section 6NYCRR Part 617 and Section 54-7 of the Code of the Town of Hyde Park, and

**WHEREAS**, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding a

**Variance – Section Variance – Section 108-5.15** changing a front yard setback from 50 ft. to 37 ft. for construction of front porch and stairs in the Neighborhood District.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on September 21, 2018 and posted as required by law, and

**WHEREAS**, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

**WHEREAS**, all testimony has been carefully considered and the following pertinent facts noted:

1. A safe access to the house is necessary and needed, the existing porch is too small to be used properly.

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-25Z a request for a variance from Section 108, as set forth above, be **granted** on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. The pergola will enhance the appearance of the house.
2. The needs of the applicant **can not** be achieved by other than an area variance due to the setback of the existing house.
3. The requested variance **is** substantial numerically but not in its impact.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood for reasons previously stated.
5. The hardship for which the variance is sought to rectify **was** self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: September 26, 2018

Brendan Lawler	AYE
Herbert Sweet	AYE
Neil Krupnick	AYE
James Agrawal	AYE
John Bickford	AYE

:lw

Secretary: \_\_\_\_\_  
Linda Weiner

**New Application:**

**#18-17Z**

Sake Brewery  
5 Saint Andrews Rd  
Hyde Park, NY 12538

**Variance – Section** 108-24.2(F)(2)(a) for the graphic or symbol dimension on a wall-mounted sign, changing from 24 in. as relaxed by the planning board to a maximum of 31 ¾ in. in any dimension

for the tallest or widest individual element within the kanji character, acknowledging the overall image size, including the English lettering, to be 5 ft. 11 in. tall by 4 ft. 7 in. wide; and **Section** 108-24.2(F)(2)(a) for the graphic or symbol dimension changing from maximum 10 in. to 24 in. high and 19 in. wide on two free standing monument signs; and **Section** 108-4.3(G)(2) allowing disturbance within the 100 ft. stream corridor at 76 ft. 5 in. from the stream (a 23 ft. 7 in. encroachment) for a waste water treatment facility, and at 85 ft. 5 in. from the stream (a 14 ft. 7 in. encroachment) for a generator in the Town Center Historic District

Edward Teyber, Zarin & Steinmetz, introduced the application to the Board. He briefly explained what the company was looking for and where they were at with the Planning Board.

Motion to set the public hearing for October 24, 2018 was made by Neil Krupnick, seconded by Herbert Sweet.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

The Zoning secretary was directed to send the resolution to Dutchess County Planning & Development for review.

**Town of Hyde Park Zoning Board of Appeals**  
**4383 Albany Post Road**

**Hyde Park NY 12538**

**(845) 229-5111**  
**(845) 229-0349**

**RESOLUTION REFERRING APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT**

**SAKE BREWERY**  
**5 St Andrews Road**

**Date: September 26, 2018**

**Moved By: John Bickford**

**Resolution #: 18-17Z**

**Seconded By: Brendan Lawler**

WHEREAS, the applicant, Asahishuzo International Co., Ltd., has submitted an application for area variances in connection with its site plan application to establish a Craft Brewery, including the construction of a 4,000 sq. ft. rice polishing building, wastewater treatment plant, and related structures on a property located at 5 Saint Andrews Road (the “Project”), identified as tax parcel no. 133200-6164-03-021198, in the Town Center Historic District (the “Site”); and

WHEREAS, the proposal is shown on plans entitled “Asahi Shuzo New Sake Brewery Project” sheets A-001 and A-060, prepared by Pelli Clarke Pelli Architects, dated December 1, 2017, last revised September 12, 2018 (the “Site Plan”); and

WHEREAS, the applicant has submitted an application for area variances dated September 11, 2018 and a revised page 2 of the application dated September 13, 2018 (the “Variance Application”); and

WHEREAS, on September 5, 2018, by Resolution # 2018-25B, the Hyde Park Planning Board granted the applicant a discretionary bonus to increase the maximum height or width of any letter, symbol or graphic on Sign C, as shown on Sheet A-060 of the Site Plan, to 24 inches; and

WHEREAS, the applicant seeks the following area variances:

1. From Zoning Law Section 108-24.2(F)(2)(a) to permit a maximum height or width of any letter, symbol or graphic on Sign C of 31  $\frac{3}{4}$  inches where 24 inches is permitted;
2. From Zoning Law Section 108-24.2(F)(2)(a) to permit a maximum height or width of any letter, symbol or graphic on two free-standing monument signs of 24 inches where 10 inches is permitted;
3. From Zoning Law Section 108-4.3(G)(2) to permit a 76-foot, 5 inch stream corridor for the construction of a wastewater treatment facility where a 100-foot stream corridor is required; and
4. From Zoning Law Section 108-4.3(G)(2) to permit a 85-foot 5-inch stream corridor for the construction of a generator to serve the wastewater treatment facility where a 100-foot stream corridor is required; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of any state road, or within 500 feet of a boundary of any city, village or town, must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon; and

WHEREAS, the property is located within 500 feet of NYS Route 9, also known as Albany Post Road, a state highway; and

WHEREAS, on September 5, 2018, the Planning Board, serving as lead agency in a coordinated review of the Project under the State Environmental Quality Review Act ("SEQRA"), adopted a negative declaration, finding that the Project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared.

**NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals hereby directs its Secretary to refer the Variance Application to the Dutchess County Department of Planning and Development for a review and recommendation thereon pursuant to Section 239-m of the General Municipal Law.**

Adopted: September 26, 2018

John Bickford	AYE
Jim Agrawal	AYE
Neil Krupnick	AYE
Brendan Lawler	AYE
Herb Sweet	AYE

**OTHER BUSINESS:**

**Return of Escrow:**

**Dorinda Bolander  
Barry Bed & Breakfast**

RELEASE OF ESCROW

September 26, 2018  
Resolution # 18-CZ

Moved By: Neil Krupnick  
Seconded by: Brendan Lawler

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Hyde Park does hereby request that the Town Board authorize that the following escrow accounts be released:

PROJECT NAME		PROJECT #	ENGINEER/PLANNER	ATTORNEY	TOTAL
Barry Bed & Breakfast	4331 Albany Post Rd Hyde Park, NY 12538	16-20Z		353.00	353.00
Dorinda Bolander	309 Netherwood Rd Hyde Park, NY 12538	17-16Z		1,586.00	1,586.00

The Board was polled as follows:

Brendan Lawler AYE  
Herbert Sweet AYE  
Neil Krupnick AYE  
James Agrawal AYE  
John Bickford AYE

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Linda Weiner, Secretary

Mr. Bickford thanked everyone for coming and stated the next Zoning Board meeting would be October 24, 2018.

Motion was made by Brendan Lawler, seconded by Herbert Sweet to adjourn at 8:15 P.M.  
VOICE VOTE - ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

Respectfully Submitted,

Linda Weiner  
Secretary