



Historic Town of Hyde Park  
Zoning Board of Appeals  
4383 Albany Post Road  
Hyde Park, NY 12538  
(845) 229-5111, Ext. 2

**DRAFT**

*"Working with you for a better Hyde Park"*

**November 17, 2022, 6:00 PM**  
**PUBLIC HEARING/REGULAR MEETING**  
**OF THE HYDE PARK ZONING BOARD OF APPEALS**

*This meeting will be held in person. All those who wish to speak may attend or watch the meeting broadcast live on Cable Channel 22. If you wish to speak but cannot attend – written comments are due by 3:00pm on the day of the meeting. Email to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us) or mail to ZBA Secretary, 4383 Albany Post Road, Hyde Park, NY 12538.*

**PLEDGE OF ALLEGIANCE**

**APPROVE MINUTES: October 26, 2022**

**NEW PUBLIC HEARINGS:**

**TENBROCK (#22-21Z)**

Location: 50 White Street, Staatsburg  
Grid #: 6167-03-038323

**Area Variances** – from Town Code Chapter 108-4.4E Bulk Regulations and 280-a NYS Town Law in Hamlet District and Historical Overlay District  
As related to the installation of an inground pool and to change the required frontage on a public road from 25 feet to 0 feet in consideration of a right-of-way to an existing parcel.

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
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**RESOLUTION TO GRANT AN AREA VARIANCE**

**Sharon L. Tenbrock and Justin O’Keeffe**  
**50 White Street**  
**Staatsburg NY 12580**

Date: November 17, 2022

**DRAFT**

Motion: \_\_\_\_\_

Resolution: #22-21Z

Second: \_\_\_\_\_

WHEREAS, the applicants, Sharon L. Tenbrock and Justin O’Keeffe, have submitted an application for an area variance from Town Code Section 108-4.4E to approve the recognition of the existing 60-year-old access to the property and to change the required frontage on a public road from 25 feet to 0 feet at 50 White Street, Staatsburg, NY 12580 identified as tax parcel no. 6167-03-038323 in the Neighborhood District (the “Site”); and

WHEREAS, the applicants authorized Alec R. Gladd of Cuddy and Feder LLP to represent their interests in this matter before the Zoning Board of Appeals; and

WHEREAS, the applicants seek a building permit for an existing inground pool on the property, but must first obtain recognition of the existing access road to the property; and

WHEREAS, the existing property does not have direct access to a town road and therefore must utilize White Street, the private access road that has been in use for over sixty (60) years; 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 November 17, 2022 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 Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The recognition of the long-existing access road to the property will not change the character of the neighborhood which remains the same as it has been since the 1980s. No changes are being undertaken on the property.
2. The Requested Variance cannot be achieved by some method feasible for the applicant to pursue, other than an area variance. There is no other possible access to the property except for the access provided by White Street.

3. The Requested Variance is substantial given the frontage requirements outlined in Section 108-4.4(E) of the Zoning Code. In this case, the frontage would be reduced from 25 feet to 0 feet since the access to a Town road is via White Street, a private road. However, there is no significant change in the property or the access to the property.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. While access to the property will remain on a private access road rather than a recognized Town road, there will be no impact or change on the physical or environmental conditions of the neighborhood.
5. The Requested Variance is self-created. The property access via a private road was created at the time the property was developed. It predates the existing access requirements.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following conditions:

1. Payment of all fees and escrow.

**DRAFT**

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	_____
Gerald Bowen	_____
Richard Perkins	_____
Paul Donnelly	_____
David McNary	_____

CARRIED/DENIED

**CONTINUED PUBLIC HEARINGS:**

**CAMP VICTORY LAKE (#21-15Z)**

Location: 277 Crum Elbow Road, Hyde Park  
 Grid #: 6265-04-630350

**Area Variance** – Section 108-5.15 Bulk Regulations in Greenbelt District  
 Change maximum permitted building height from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.

**Area Variance** – Section 108-4.3G(2)(a)  
 Change stream corridor setback from 100 feet to 0 feet from the Fall Kill Creek for a stream crossing and other construction incursions.

**ARRIETA (22-20Z)**

Location: 609 Salt Point Turnpike, Poughkeepsie (Town of Hyde Park)  
 Grid #: 6263-02-851768

**Three (3) Area Variances** – Section 108-5.15 Bulk Regulations in Greenbelt District Change rear setback from 50 feet to 15 feet, change side setback from 25 feet to 15 feet, change impervious from maximum of 15% to 23%, for the demolition of an existing home and building of a new single-family residence.

**DRAFT**

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**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
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**RESOLUTION TO GRANT AREA VARIANCES**

**Jessie Arrieta**  
**609 Salt Point Turnpike**  
**Hyde Park, NY 12538**

**Date: November 17, 2022**

**Motion:** \_\_\_\_\_

**Resolution: #22-20Z**

**Second:** \_\_\_\_\_

WHEREAS, the applicant, Jessie Arrieta, has submitted an application for three (3) area variances related to the demolition and reconstruction of a single-family residence (the “Project”) at property located at 609 Salt Point Turnpike, identified as tax parcel no. 6263-02-851768 in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the applicant authorized Christopher Marta to represent her interests in this matter before the Zoning Board of Appeals; and

WHEREAS, the Project is depicted on a sketch prepared by the applicant’s representative, dated October 7, 2022 entitled “Arrieta Residence 21-008”; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new home with a 15 feet rear yard setback where a 50 feet setback is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new residence with a 15 feet side yard setback where a 25 feet setback is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new residence with a 23% maximum impervious area where the maximum impervious area coverage permitted is 15%; 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 October 26, 2022 and continued to November 17, 2022 during duly noticed meetings 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 variances are 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 current residence is in a dilapidated state. The current house and garage are within the required setbacks. Reconfiguring and relocating the home and garage will be increasing the side and rear setbacks, although not to the extent required.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than area variances. Building within the setbacks would result in a home that is approximately 12 feet wide and 50 feet long. No other homes in the neighborhood are in this configuration. The home could be reconfigured and sited closer to the front yard setback, although the homes along that section of Salt Point Turnpike are set quite far back from the county road.
3. The requested variances are numerically substantial. The rear yard setback variance requested represents a 70% reduction from 50 feet to 15 feet, the side yard setback variance represents a 40% reduction from 25 feet to 15 feet, and the maximum impervious area coverage is changed from 15% to 23%.
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 site is already developed and the location of the well and septic system will impact the location of the home.
5. The difficulties are self-created. The applicant purchased the house as-is.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

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

**DRAFT**

James Agrawal \_\_\_\_\_  
Gerald Bowen \_\_\_\_\_  
Paul Donnelly \_\_\_\_\_  
Richard Perkins \_\_\_\_\_  
David McNary \_\_\_\_\_

\_\_\_\_\_ CARRIED/DENIED

**OTHER BUSINESS:**

Motion to set meeting dates for 2023.

Town of Hyde Park  
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**REGULAR MEETING DATES AND APPLICATION SUBMISSION DEADLINES FOR CALENDAR YEAR 2023**

**Date: November 17, 2022**

**Motion:**

**Second:**

Town of Hyde Park  
Zoning Board of Appeals  
2023 Regular Meeting Dates

*Meetings take place at 6:00 pm on the fourth (4<sup>th</sup>) Wednesday of each month, except for November & December.*

*Submission deadlines are 15 days prior to the meeting.*

**REGULAR MEETING**

**SUBMISSION DEADLINE**

January 25  
February 22  
March 22  
April 26  
May 24  
June 28  
July 26  
August 23  
September 27  
October 25  
November 16 (Third Thursday)  
December 21 (Third Thursday)

January 10  
February 7  
March 7  
April 11  
May 9  
June 13  
July 11  
August 8  
September 12  
October 10  
November 1  
December 6

Adopted:

VOICE VOTE

All in favor:

All opposed:

**DRAFT**

**ADJOURN:**

**Next meeting date: Thursday, December 15, 2022**

**\*\*\*Agendas are subject to change\*\*\***

**For full details regarding the above applications, please visit <https://www.hydeparkny.us/617/Applications> or visit the Zoning Office during normal business hours to view a file**

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board of Appeals Secretary in advance so that arrangements can be made. \*Board Members reserve the right to go into executive session at any time. Agenda items are subject to change in order or may be removed at any time. Draft Resolutions included were those available at this posting and may not be in final form or a complete listing and the Board may choose to remove from consideration at their discretion. All persons interested in a particular application are advised to visit the Town of Hyde Park's website daily. The agenda is posted at [www.hydeparkny.us](http://www.hydeparkny.us)