



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

"Working with you for a better Hyde Park"

DRAFT MINUTES
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK ZONING BOARD OF APPEALS

Meeting held at Hyde Park Town Hall, 4383 Albany Post Rd, Hyde Park, NY

January 25, 2023 6:00 PM

ZBA Board Members in Attendance:

Present Chairman David McNary
Present Vice Chair Gerald Bowen
Present James Agrawal
Present Paul Donnelly
Present Richard Perkins

Others Present:

Sarah Wilson Attorney to the Zoning Board of Appeals
Kathleen Moss Zoning Administrator
Kathleen Hoppe ZBA Secretary

PLEDGE OF ALLEGIANCE

Chairman David McNary opened the meeting and led the Pledge of Allegiance.

APPROVE MINUTES for October 26, 2022 meeting.

Chairman David McNary made a motion to approve the minutes from October 26, 2022, and James Agrawal seconded the motion. The motion was carried by unanimous voice vote.

NEW BUSINESS:

Appoint ZBA Vice Chair for 2023.

Chairman David McNary made a motion to designate the ZBA Vice Chair for the year 2023, and proceeded to read the following resolution. Richard Perkins seconded the motion. The motion was carried by unanimous vote.

Town of Hyde Park

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(845) 229-0349 Fax

RESOLUTION DESIGNATING ZONING BOARD OF APPEALS VICE-CHAIRPERSON FOR THE YEAR 2023

January 25, 2023

Moved By: David McNary

Resolution: #2023-A

Seconded By: Richard Perkins

NOW BE IT RESOLVED, that Gerald Bowen be designated the Vice-Chairperson of the Zoning Board of Appeals for the year 2023, authorized to conduct meetings of the Zoning Board of Appeals and to sign Resolutions and related documents, including invoices and correspondence, on behalf of the Zoning Board of Appeals in the absence of the Chairperson.

Chairman David McNary

James Agrawal

Gerald Bowen

Paul Donnelly

Richard Perkins

Roll Call Vote: Aye-5 Nay- 0 Absent-0 Motion Carried

Motion to set Public Hearing for JASA, LLC (#21-21Z) for February 22, 2023.

Chairman David McNary stated that the next item of business is to set a public hearing for JASA, LLC, application number 21-21Z, for February 22, 2023. He said that we are doing this to correct a procedural defect, as the amended/increased square footage that was already granted in a resolution was never advertised in a public hearing notice.

Chairman McNary made the motion to set this public hearing and Richard Perkins seconded it. The motion passed by unanimous voice vote. The public hearing for JASA, LLC will be held on February 22, 2023.

Motion to rehear Camp Victory Lake matter pursuant to Town Law § 267-a(12.)

MOTION: David McNary

SECOND: Paul Donnelly

To rehear Camp Victory Lake matter.

Chairman David McNary

Vice Chair Gerald Bowen

James Agrawal

Paul Donnelly

Richard Perkins

VOICE VOTE: Aye- 5 Nay-0 Absent-0 Motion Carried

Vote must be unanimous for rehearing to commence.

NEW PUBLIC HEARINGS:

The motion to re-hear, pursuant to Town Law § 267-a(12), was carried unanimously, so a rehearing commenced for the following:

CAMP VICTORY LAKE (#21-15Z)

c/o Rennia Engineering

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.

MOTION: James Agrawal

SECOND: Gerald Bowen

To open public re-hearing for Camp Victory Lake.

Peter Sander of Rennia Engineering handed out packets to the Board members and presented the Camp Victory Lake project. Thomas Harvey of Rennia Engineering also answered some questions. Deanna Lambert of Northeast Conference Corporation and attorney Allyson Phillips, of Young/Sommer law firm, also aided in the presentation and responded to questions from the Board.

MOTION: David McNary

SECOND: James Agrawal

To adjourn public hearing until February 22, 2023.

**Chairman David McNary
Vice Chair Gerald Bowen
James Agrawal
Paul Donnelly
Richard Perkins**

VOICE VOTE: Aye- 5 Nay-0 Absent-0 Motion Carried

BRANDL (#22-23Z)

Location: 10 Crumwold Place, Hyde Park
Grid #: 6064-08-876974

Christine Brandl is the applicant and property owner, her contractor is Bruce Bower of CLD Enterprise LLC. They were both present.

Area Variance – from Town Code Chapter 108-5.15 Bulk Regulations in the Neighborhood District and Historic Overlay District
Change the minimum side yard setback from 10 feet to 3 feet to demolish and rebuild existing garage within the same footprint.

MOTION: David McNary
SECOND: Paul Donnelly

To open the public hearing for Brandl.

The applicant and her contractor presented their project and answered questions from the Board.

MOTION: James Agrawal
SECOND: Richard Perkins

To close the public hearing for Brandl.

Chairman David McNary made a motion for a resolution to grant an area variance for 10 Crumwold Place, and read the following resolution. Vice Chair Gerald Bowen seconded the motion, and it passed by unanimous vote.

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ZONING BOARD OF APPEALS
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RESOLUTION TO GRANT AN AREA VARIANCE

Christine Brandl
10 Crumwold Place
Hyde Park, NY 12538

Date: January 25, 2023

Motion: David McNary

Resolution #: 22-23Z

Second: Gerald Bowen

WHEREAS, the applicant, Christine Brandl, has submitted an application for an area variance related to the demolition and reconstruction of an existing 21-foot by 33-foot garage (the “Project”) at property located at 10 Crumwold Place, Hyde Park, NY, identified as tax parcel no. 6064-08-876974, in the Neighborhood Zoning District and Historic Overlay District (the “Site”); and

WHEREAS, the Project is depicted on a survey entitled “Map of Property of Christine Brandl” prepared by Carney Rhinevault, dated May 5, 2021, and on sketches entitled “Site Plan” submitted to the Town by Bruce Bower of CLD Enterprises LLC on December 5, 2022 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the demolition of an existing garage and the building of a new garage in the same footprint, with a 3-foot setback where a 10-foot setback is required (the “Requested Variance”); 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 January 25, 2023 during a duly noticed meeting 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 a detriment to nearby properties. The current garage is in a state of disrepair. The new structure will enhance the consistency of the architectural style of the neighborhood. The current garage is, and the proposed replacement garage will be, outside of the required side yard setbacks of 10 feet.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The current septic system and dry well will not permit locating the garage in any other location. The width of the lot further restricts any other location for the garage.
3. The Requested Variance is numerically substantial. The side yard setback variance requested represents a 70% reduction from 10 feet to 3 feet. At the time of construction, all the garages in the neighborhood were similarly constructed 3 feet from the side lot line.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. Plans for managing the discharged roof water need to be included in the construction. Moreover, the roof must be designed to ensure that the structure does not result in an overhang onto the neighboring property.
5. The difficulties are not self-created. The garage was built in the 1950s using the side yard setbacks in existence at that time.

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

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

MOTION CARRIED

ADJOURN:

MOTION: Richard Perkins

SECOND: Gerald Bowen

To adjourn tonight's meeting.

Chairman David McNary
Vice Chair Gerald Bowen
James Agrawal
Paul Donnelly
Richard Perkins

VOICE VOTE: Aye-5 Nay-0 Absent-0 Motion Carried

The meeting ended at 7:19 PM.