

Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, New York 12538

MINUTES FOR REGULAR MEETING – draft 5/6/21

April 28, 2021 7:00pm

Present: Herbert Sweet, Chairman **Absent:** None
James Agrawal
Paul Donnelly
David McNary
Richard Perkins

Others Present: Patrick Logan, Attorney
Kathleen Moss, Zoning Administrator
Sarina Teuschler, ZBA Secretary

The meeting began at 7:00 pm.

Mr. Sweet welcomed everyone to the April 28, 2021 meeting of the Hyde park Zoning Board of Appeals. Each member of the board, as called, confirmed that he is alone and that no one is present that may influence his vote.

David McNary motioned to approve the minutes of March 24, 2021, and James Agrawal seconded the motion.

ROLL CALL VOTE:

James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Previous Matters:

#17-03Z Enclave Variance Extension #4
The Enclave at Hyde Park
Cream Street at Long Brand Road
Poughkeepsie, NY 12601
Tax Grid No.'s: 6263-01-470921, 6263-01-478912, 6263-01-487905,
6263-01-498899, 6263-02-522891, 6263-02-533893, 6263-02-543897,
6263-02-552902, 6263-02-562910, 6263-02-568880, 6263-02-559875,
6263-02-549869, 6263-02-538869, 6263-02-517869, 6263-02-514859,
6263-02-509841, 6263-01-495841, 6263-01-484840, 6263-01-472842,
6263-01-460847, 6263-01-459862, 6263-01-473883, 6263-01-480868,
6263-01-492864, 6263-01-495876, 6263-01-465957, 6263-01-475939,
6263-01-436890, 6263-01-447937, 6263-02-675871, 6263-02-585865

Fourth Extension on Variance – Section 108-5.15

Changing average density from 2.5 acres/dwelling unit to 1.41 acres/dwelling unit (70.51 acres) in the Greenbelt District
(originally granted in 2017)

Town of Hyde Park
ZONING BOARD OF APPEALS
4383 Albany Post Road
Hyde Park, NY 12538
845-229-5111 ext. 2

RESOLUTION TO GRANT A FOURTH ONE-YEAR EXTENSION OF A VARIANCE

The Enclave at Hyde Park
Cream St. at Long Branch Rd.
Poughkeepsie, NY 12601

Date: April 28, 2021

Motion: Paul Donnelly

Resolution: #17-03Z-4

Second: David McNary

WHEREAS, on March 22, 2017, by Resolution #17-03Z, the applicant, 54-Hyde LLC, was granted a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit (the “Variance”) in order to re-subdivide 70.51 acres into 25 residential lots with 50 dwelling units (the “Project”); and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the Town of Hyde Park Zoning Law, any variance under which the authorized activity has not commenced within one year from the date of issuance is revoked without further hearing or action of the Zoning Board of Appeals; and

WHEREAS, pursuant to Section 108-33.5(F)(2) of the Zoning Law, the Zoning Board of Appeals may, in its discretion, after conducting a public hearing, grant an extension to a variance; and

WHEREAS, on March 28, 2018, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a first one-year extension of approval for the Variance; and

WHEREAS, on March 27, 2019, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a second one-year extension of approval for the Variance; and

WHEREAS, on July 22, 2020, after a duly noticed public hearing thereon, the Zoning Board of Appeals granted a third one-year extension of approval for the Variance; and

WHEREAS, on February 10, 2021, the applicant submitted a request for a fourth extension of approval for the Variance; and

WHEREAS, a duly noticed public hearing was held on March 24, 2021, during a remote meeting held by the Zoning Board of Appeals in accordance with New York State Governor Cuomo’s Executive Order 202.1 and subsequent extensions thereof, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its March 24, 2021 meeting but kept the record open for the submission of written comments for a period of seven (7) days thereafter; and

WHEREAS, the Zoning Board of Appeals has considered the circumstances warranting such an extension, and there have been no significant changes in the Project or the Project site.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a one-year extension of time in which to commence the activity authorized under the Variance to March 22, 2022.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Filed with Town Clerk 4/29/21

Public Hearings:

#20-13Z Locusts on Hudson
135 Old Post Road
Staatsburg, NY 12580
Tax Grid No. 6167-01-117843
Variance – Section 108-4.3(G)(2)
To allow construction within the stream corridor changing the undisturbed area from 100 ft. to 0 ft. for construction incursion in the Waterfront District

James Agrawal motioned to open the Public Hearing, and Paul Donnelly seconded the motion.

ROLL CALL VOTE:

James Agrawal	YES
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Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Attorney Robert Stout, engineer Rodney Morrison, and historical consultant Beth Selig were present on behalf of the Applicant to answer questions from the Board.

The Board asked many questions about the SHPO findings.

No members of the public were present to comment.

David McNary motioned to close the Public Hearing, and James Agrawal seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

#21-02Z

Interpretation – Section 108-28 Rural Event Venues

Whether Section 108-28 of the Zoning Law permits the construction of new permanent structures and buildings to house kitchen, bathroom, and/or public assembly facilities as part of a “rural event venue” use.

Richard Perkins motioned to open the Public Hearing, and David McNary seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Due to the proposed Local Law before the Town Board regarding a moratorium on Rural Events, the Board held no discussion about the application on the advice of the Attorney to the Zoning Board.

Richard Perkins motioned to continue the Public Hearing to May 26, 2021, and James Agrawal seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

#21-06Z James Picker
45 East Market Street
Hyde Park, NY 12538
Tax Grid No. 6065-04-965271
Variance – Section 108-5.15
Change front yard setback from 50 ft. to 20 ft. to allow extension of addition on garage in the Neighborhood District.
Variance – Section 108-4.53(G)(2)
Alter stream corridor setback from 100 ft. to 72.6 ft. to allow existing deck to remain in the Neighborhood District.

David McNary motioned to open the Public Hearing, and Paul Donnelly seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Chris Johnston was present to explain the application and answer questions from the Board.

No members of the public were present to comment.

David McNary motioned to close the Public Hearing, and James Agrawal seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

#21-07Z Chad Rymph
7 River Road
Hyde Park, NY 12538

Tax Grid No. 6065-04-649211

Variance – Section 108-4.3(G)(2)

Alter stream corridor setbacks on the east side of the house from 100 ft. to 47 ft., south side from 100 ft. to 57 ft., and west side from 100 ft. to 80 ft. to allow construction of screened-in porch and new bathroom to an existing house in the Waterfront District.

James Agrawal motioned to open the Public Hearing, and Richard Perkins seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Mr. Rymph was present to explain the application and answer questions from the Board.

No members of the public were present to comment.

Richard Perkins motioned to close the Public Hearing, and David McNary seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

New Application:

#21-03Z Ronald Haase, Wildlife Properties LLC
290 Cream Street
Poughkeepsie, NY 12601
Tax Grid No. 6263-03-387480

Appeal – Notice of Violation

Appeal to a determination of the Zoning Administrator with respect to an alleged violation of the Zoning Law at the above-referenced property.

Mr. Haase was present to explain his appeal.

There was lengthy discussion between him and the Board about the condition of the property, the Notice of Violation, and the future procedure.

James Agrawal motioned to set the Public Hearing for May 26, 2021, and David McNary seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

#21-05Z Timely Signs of Kingston for Hudson Valley Hospice
542 Violet Avenue
Hyde Park, NY 12538
Tax Grid No. 6163-02-570735 & 6163-02-552748
Variance – Section 108-24.2(F)(2)(a)
Change maximum logo size from 10 inches to 23.5 inches to allow a larger logo on their sign.

Paul Beichert of Timely Signs was present to answer questions. The Board viewed the site plan and location of sign. Paul Beichert explained the sign would not obstruct drivers' view of the highway when exiting the property.

David McNary motioned to set the Public Hearing for May 26, 2021, and James Agrawal seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

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**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION
TO DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

HUDSON VALLEY HOSPICE

542 Violet Avenue and 31 East Dorsey Lane
Hyde Park, NY 12538

Date: April 28, 2021

Motion: James Agrawal

Resolution #: 21-05Z-1

Second: David McNary

WHEREAS, the applicant, Hudson Valley Hospice, Inc., has submitted an application for an area variance to increase the maximum permissible graphic height for the entrance signage for a proposed in-patient care facility (the “Project”) at property located at 542 Violet Avenue and 31 East Dorsey Lane, identified as tax parcel nos. 6163-02-552748, -570735, in the Neighborhood Core Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on sketches entitled “Monument Sign - Hospice House,” prepared by Timely Signs of Kingston, received March 24, 2021, and on a site plan entitled “Hudson Valley Hospice House,” prepared by Berger Engineering and Surveying, PLLC, dated April 6, 2021 (collectively, the “Site Plan Set”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-24.2(F)(2)(a) to permit a height of 23.5 inches for a “sun” element on the sign, where a maximum height of 10 inches for any symbol or graphic is permitted (the “Requested Variance”); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form Part 1 (“EAF”) dated April 21, 2021; and

WHEREAS, in accordance with the State Environmental Quality Review Act (“SEQRA”), the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.2(a), any action not identified as a Type I or Type II action under SEQRA is an Unlisted action; and

WHEREAS, the Project is located within 500 feet of New York State Route 9G, also known as Violet Avenue; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby:

1. Classifies the Project as an Unlisted action under SEQRA; and

2. Directs its secretary to refer the Site Plan Set to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	YES	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

*Filed with Town Clerk 4/29/21
Referred to Dutchess County 4/29/21*

David McNary motioned to adjourn the meeting, and James Agrawal seconded the motion.

ROLL CALL VOTE

James Agrawal	YES	
Paul Donnell	[absent]	
David McNary	YES	
Richard Perkins	YES	
Herbert Sweet	YES	CARRIED

Meeting adjourned at 8:52 pm.