



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 of
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK ZONING BOARD OF APPEALS**

Held on May 24, 2023 6:00 PM

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

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 Ryan 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 of March 22, 2023 ZBA meeting.

Chairman David McNary asked for a motion to approve the minutes of the March 22, 2023 ZBA meeting. Paul Donnelly made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

CONTINUED PUBLIC HEARING:

MARCOZ & CHALK #23-04Z

Location: 16 Poppinga Lane, Hyde Park
Grid #: 6065-02-602972

Owners & Applicants: Nadia Marcoz and
Adrian Chalk

Representatives: Peter J. Andros, P.E. and Ralf
Mayer

Area Variance – Section 108-4.3G(2) in the Waterfront District

To allow construction within the Hudson River stream corridor, allowing demolition of the existing single-family home and replacing it with a new single-family home on substantially the same footprint.

Chairman McNary asked for a motion to open the continued public hearing for Marcoz & Chalk. Vice Chair Bowen made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

Chairman McNary welcomed Peter Andros, the applicant’s engineer and representative. Chairman McNary asked Mr. Andros if he had any additional information for the Board regarding this application. Mr. Andros responded that he did not. Chair McNary asked the Board if they had any questions for Mr. Andros. They had none at this time. Chair McNary asked Mr. Andros if the applicants were affirming the statements made in the variance application, and restated in the proposed resolution, regarding the project having no adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. Mr. Andros said that was correct. Attorney Sarah Ryan suggested amending the proposed resolution with wording added to reflect this affirmation. Chair McNary asked if there was any public comment; there was none.

Chairman McNary asked for a motion to close the public hearing for Marcoz & Chalk. Vice Chair Bowen made the motion and Paul Donnelly seconded it. The motion passed by unanimous voice vote.

Chair McNary read the resolution to grant the variance, which was amended on the dais to add the wording in item 4, “as affirmed by the applicant, the proposed construction will result in-.” Vice Chair Bowen seconded the motion. The resolution was granted by unanimous roll call vote.

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RESOLUTION TO GRANT AN AREA VARIANCE

NADIA MARCOZ and ADRIAN CHALK
16 Poppinga Lane
Hyde Park, NY 12538

Date: May 24, 2023

Motion: Chair David McNary

Resolution # 23-04Z

Second: Vice Chair Gerald Bowen

WHEREAS, the applicants, Nadia Marcoz and Adrian Chalk, have submitted an application for an area variance to allow demolition of the existing single-family home and replace it with a new single-family home on substantially the same footprint (the “Project”) at property located at 16 Poppinga Lane, Hyde Park, New York, 12538, identified as tax parcel no. 6065-02-602972, in the Waterfront Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Proposed Replacement Single Family Dwelling Variance Plan,” prepared by Peter J. Andros, P.E., dated March 24, 2023 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-4.3G(2) to allow construction within the Hudson River stream corridor (the “Requested Variance”); and

WHEREAS, a single-family dwelling unit is a permitted use in the Neighborhood District; and

WHEREAS, the parcel has a wetland in the eastern portion of the lot, severely limiting the placement of a single-family dwelling unit; and

WHEREAS, the stream corridor lies within 10 feet of the existing single-family dwelling unit; and

WHEREAS, on January 24, 1980, a variance was granted to permit the construction of a single-family home within 10 feet of the Hudson River; and

WHEREAS, the 1980 resolution remains valid and continues to run with the land; and

WHEREAS, the existing single-family dwelling has a garage, access driveway, parking area, well, sewage disposal system, and generator pad, which are planned to be upgraded for the new dwelling, as well as a planned lap pool improvement, all located within the 100-foot stream corridor of the Hudson River; and

WHEREAS, only .48 acres is not constrained by the Base Flood Elevation of the Hudson River as determined by FEMA; and

WHEREAS, replacing the existing dwelling with a new dwelling of similar size is financially advantageous over making improvements to the existing dwelling; 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 April 26, 2023 and continued to May 24, 2023 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 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 proposed replacement dwelling will utilize the same footprint location as the existing dwelling. There are natural buffers to the east and north, and the existing house and the proposed replacement will only be visible from the Hudson River and from lands greater than 1,000 feet to the south.

2. The benefit sought by the applicants cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. There is no other location on the property that would allow for the construction of a new dwelling. Only 15% of the total property is not constrained by the Base Flood Elevation of the Hudson River as determined by FEMA. The demolition of the existing building will result in a reclamation of the land area, constituting a physical improvement of the site.
3. The Requested Variance is substantial, involving a significant reduction in the required 100-foot setback from the Hudson River. The existing 3-bedroom single-family dwelling will be replaced with a new 3-bedroom single-family dwelling.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. As affirmed by the applicant, the proposed construction will result in:
 - a. No increase in the flood elevation of the River
 - b. No blockage of stream channels
 - c. No encroachment into 404 wetlands
 - d. No change in the visual impact on views from the River
 - e. Not visible to neighboring properties
 - f. No increase in traffic
 - g. No increase in water consumption
 - h. No increase in wastewater generation
 - i. No increase in impervious area
 - j. No increase in need for municipal facilities or services, and
 - k. A decrease in electrical power consumption.
5. The difficulties are self-created. The owner wishes to replace the existing single-family dwelling with a new single-family dwelling.

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
Paul Donnelly	YES
Richard Perkins	YES
Vice Chair Gerald Bowen	YES
Chairman David McNary	YES

MOTION CARRIED

NEW PUBLIC HEARINGS:

SEGAL #23-07Z

Location: 20 Parker Avenue, Hyde Park
Grid #: 6065-20-845041

Owners & Applicants: Benjamin Segal and
Jennifer Segal

Area Variance – Section 108-5.15 Bulk Regulations in the Neighborhood District and Historic Overlay District

To change the minimum rear yard setback from 30 feet to 2 feet, and to change the minimum side yard setback from 20 feet to 2.5 feet for the construction of a replacement two-story accessory garage associated with a single-family dwelling.

Chair McNary asked for a motion to open the public hearing for Segal. James Agrawal made the motion and Paul Donnelly seconded it. The motion passed by unanimous voice vote.

Chair McNary welcomed the applicants, Benjamin Segal and Jennifer Segal, and their child, who accompanied them. Mrs. Segal made the presentation of their variance application, while Mr. Segal held up posters they made to aid in the demonstration of their project. Board members asked several questions, which the applicants answered satisfactorily. Chair McNary asked if there was any public comment; there was none. K. Moss noted that that New York State Building Code has its own setback requirements as well, and that this application only pertains to the Town zoning code, not the state building code.

Chair McNary asked for a motion to close the public hearing for Segal. Paul Donnelly made the motion and James Agrawal seconded it. The motion passed by unanimous voice vote.

There was some discussion between the Board and the ZBA attorney regarding perhaps voting on granting the variance now, with a written resolution presented at the next meeting. It was ultimately decided to make the decision at the next meeting.

MENDOZA #23-03Z

Location: 4 Windmill Road, Poughkeepsie
Grid #: 6264-03-387393

Owner & Applicant: Julio Mendoza

Area Variances – Section 108-4.3B(5)(b) Animal Husbandry in the Neighborhood District

To allow animal husbandry to be conducted as close as 60 feet from a residence on another lot where 350 feet is required (or 250 feet without a rooster), and

Section 108-4.3B(5)(c) Animal Husbandry – to allow 228 pounds of animals to be kept where 200 pounds is permitted, based on 1000 pounds of animals permitted per 1.5 acres of available land, and

Section 108-4.3B(5)(d) Animal Husbandry – to allow unenclosed storage of manure as close as 60 feet from a residence on another lot where 250 feet is required, and to allow unenclosed storage of manure as close as 78 feet to watercourses and wetlands, where 300 feet is required.

Chair McNary asked for a motion to open the public hearing for Mendoza. Paul Donnelly made the motion and Vice Chair Bowen seconded it. The motion passed by unanimous voice vote.

Chair McNary welcomed Julio Mendoza and his son, and a child who accompanied them. Mr. Mendoza's son introduced the application and answered questions from the Board. Neighbors residing at 6 Windmill Road came to the meeting and spoke in favor of granting the variances. Chair McNary said the Board will need to conduct a site visit. Chair McNary read the following anonymous comment into the record:

This note is in response to your notice of a request to allow the unenclosed storage of manure at 4 Windmill Road in Greenfields. I have concerns about the potential contamination of groundwater and the Greenfields pond if the manure is permitted to be stored as close as 78 feet of watercourses and wetlands where 300 feet is required. Is there a plan in place to have the manure runoff monitored or tested for contaminants on a regular basis? If not, I am opposed to granting this request.

Chair McNary asked for a motion to continue the public hearing for Mendoza to June 28th. James Agrawal made the motion and Richard Perkins seconded it. The motion passed by unanimous voice vote.

NEW APPLICATION INTRODUCTION:

CIA #23-06Z

Location: 1946 Campus Drive, Hyde Park
Grid #s: 6063-02-906630 and 940557

Owner: Culinary Institute of America

Applicant: Michael Sloan, AIA

Representative: Sloan Architects, P.C.

Area Variances – Section 108-4.4A(2) in the CIA District

To allow wall heights, on two parcels, of 24 feet where 6 feet is permitted for the construction of new entry gates, and

Area Variance – Section 108-24.2C(3)(a) in the CIA District

To allow five signs where two are allowed, to be placed on the newly constructed entry gates.

Chair McNary welcomed the representatives present for the CIA application introduction. The architect scheduled to appear was not able to attend. John McEnrue, the Senior Director of Facilities and Capital Planning for the CIA, and Madison Cannella, an architectural associate at Sloan Architects attended and presented in his place. They answered various questions from the Board.

Chair McNary asked for a motion to set the public hearing for the CIA for June 28th. James Agrawal made the motion and Paul Donnelly seconded it. The motion passed by unanimous voice vote.

HOUGHTALING #23-02Z

Location: 7 Beck Road, Poughkeepsie
Grid #: 6263-01-115657

Owners & Applicants: Al Houghtaling and Lisa Schoonmaker

Representative: Thomas P. Cummings, P.E.

Project Name: Al's Yard

Area Variances – Section 108-51.5 Bulk Regulations in the Greenbelt District

To change minimum side yard setback from 25 feet to 6 feet for an existing addition to a block garage and two steel storage containers, and change minimum side yard setback from 25 feet to 2 feet for an existing lean-to carport, at a licensed salvage yard and used car dealer location, and

Area Variance – Section 108-25.4C Scrap Yard Standards – to change the scrap yard setback from 50 feet around entire perimeter of scrap yard to as close as 2 feet, as shown on a sketch submitted by applicant.

Chair McNary welcomed Tom Cummings, who is the applicant's engineer and representative for the Houghtaling variance application. Mr. Cummings presented the application and answered questions from the Board. Chair McNary indicated that the Board would like to conduct a site visit to Beck Road.

Chair McNary asked for a motion to set a public hearing for Houghtaling for June 28th. Vice Chair Bowen made the motion and Richard Perkins seconded it. The motion passed by unanimous voice vote.

OTHER BUSINESS:

Motion to re-hear the Chevez application #23-01Z, requesting variances for animal husbandry including enclosed waste storage, pursuant to Town Law § 267-a(12). Upon a unanimous vote, motion to set public re-hearing for Chevez for June 28th. *Attorney Sarah Ryan explained why the Board is voting on holding a re-hearing. The waste storage changed from unenclosed to enclosed, which still requires a variance in this case, and it was not addressed.*

Chair McNary made a motion to re-hear the Chevez application #23-01Z, and Richard Perkins seconded it. The motion passed unanimously, authorizing a new public hearing for this application.

Chair McNary made a motion to set a new public hearing on June 28th for Chevez #23-01Z, and Paul Donnelly seconded it. The motion passed by unanimous voice vote.

ADJOURN:

Chair McNary asked for a motion to adjourn tonight's meeting. Vice Chair Bowen made the motion, and Richard Perkins seconded it. The motion passed by unanimous voice vote.

The meeting ended at approximately 7:19 PM.