



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 January 24, 2024 at 6:00 PM

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

ZBA Board Members in Attendance:

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

Others Present:

| | |
|---------------|---|
| Sarah Ryan | Attorney to the Zoning Board of Appeals |
| Kathleen Moss | Zoning Administrator |

Absent: Kathleen Hoppe, ZBA Secretary

Chairman David McNary opened the meeting and noted that the usual fire exits are blocked due to construction. He stated that the available exits are at the rear of the building facing the parking lot, and at the at the far end of the hallway.

PLEDGE OF ALLEGIANCE

Chairman McNary led the Pledge of Allegiance.

APPROVE MINUTES of September 27, 2023.

MOTION: Vice-Chair Gerald Bowen
SECOND: James Agrawal

AYE – 4 ABSENT – 1 OPPOSED-0 MOTION CARRIED

NEW BUSINESS:

Appoint ZBA Vice-Chair for 2024.

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**RESOLUTION DESIGNATING ZONING BOARD OF APPEALS
VICE-CHAIRPERSON FOR THE YEAR 2024**

January 24, 2024

Moved By: Paul Donnelly

Resolution: #2024-A

Seconded By: Chairman McNary

NOW BE IT RESOLVED, that Gerald Bowen be designated the Vice-Chairperson of the Zoning Board of Appeals for the year 2024, 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.

Voice Vote:

| | | |
|-----------------------|--------|-----------------------|
| Chairman David McNary | AYE | |
| James Agrawal | AYE | |
| Gerald Bowen | AYE | |
| Paul Donnelly | AYE | |
| Richard Perkins | ABSENT | MOTION CARRIED |

NEW PUBLIC HEARINGS:

SPICEHANDLER & BROWN #23-16Z
22 Van Wert Place, Hyde Park
Grid #: 6164-01-077716

Owners & Applicants:
Stephen Spicehandler & Fritzie
Brown

Area Variance – Section 108-4.4E in the Neighborhood District – to change the required minimum frontage on a street from 25 feet to 0 feet, in consideration of a right-of-way to the subject parcel, to permit the installation of a standby electrical generator associated with an existing single-family dwelling.

*Attorney Sarah Ryan noted for the record that the public hearing was advertised in the **Poughkeepsie Journal** on January 17, 2024.*

OPEN THE PUBLIC HEARING FOR SPICEHANDLER & BROWN:

MOTION: Chair McNary
SECOND: Gerald Bowen

VOICE VOTE: AYE -4 ABSENT-1 OPPOSED-0 MOTION CARRIED

Property owners Stephen Spicehandler and Fritzie Brown were present and gave a short summary of their request. A tree fell on their house at 22 Van Wert Place in Hyde Park. The house was unlivable for seven months causing great personal trauma. They contracted to have a generator installed to avoid some of the original problems if this ever happened again. The company applied for the building permit and it was denied because of lack of frontage on a road. This was the first they became aware of this issue (of needing street frontage for a building permit). They contacted the Hyde Park Fire Department and have spoken to Craig Elderkin twice and have a letter from Ray Davis about the access. Mr. Davis submitted a letter dated January 23, 2024. He said the drive is a little too narrow and will need to be plowed. They haven't checked his driveway width measurement yet but have provided a contract for plowing snow to satisfy his concern. They believe the access by the Fire Department Utility truck is sufficient.

***Text of letter from Ray Davis of Hyde Park Fire Department:*

January 23, 2024

Mrs. Brown
22 Van Wert Place
Hyde Park, NY 12538

Dear Mrs. Brown:

Here is the letter you requested from me for the Hyde Park Zoning Board, concerning your driveway access to your home. I have driven your driveway and have found that at the very beginning of it off Van Wert Place needs to be widened at the rock cut on both sides of the driveway. It is 7½ feet wide and needs to be at least 8 feet. My Utility Fire Truck just makes it through, my Engines and Ladder Truck will not fit. The driveway needs to be plowed after every snow storm of 2 inches or more, and cleared of any fallen trees or branches at all times. I don't

know if you have a local person that has a key to your residence if we need access, but I would like you to consider purchasing a Knox Box that would be mounted on your house by the front door. A Knox Box is a secure steel box that only our Fire Dept. has access to, that your house keys can be secured into. If you are interested in purchasing a Knox Box, you can contact me at the number I listed below and I will give you more information.

Other than the above-mentioned items, I don't have any other concerns. If you need to contact me, my email is Davis1418@aol.com and my phone number is 845-453-1336.

Thank you,

Raymond Davis
Safety Officer
Hyde Park Fire Department

Chairman McNary asked for more information about their communications to obtain legal right of access over the Winnakee parcel.

Fritzie Brown said she has been in contact with Jen Adams of Winnakee, and that Winnakee has a Board meeting on February 4, 2024, and it is her understanding that this access issue will be on the agenda. She stated that it has been difficult sorting through this issue with Winnakee. She asked the Board if there are any other things she will need.

Attorney Ryan restated that in order to establish frontage on a road they would need to either show ownership or an easement over the existing drive which is currently a recognized encroachment over the neighboring property. The conservation agreement language recognizes the drive, but does not establish legal rights to travel over the property.

Chairman McNary called for public comment and there was none.

CONTINUE THIS PUBLIC HEARING TO FEBRUARY 28, 2024:

MOTION: Chairman McNary

SECOND: James Agrawal

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

NRI/CIA HOTEL & VILLAS #23-19Z
1995-2066 Campus Road, Hyde Park
Grid #: 6063-02-889857

Owner: Culinary Institute of America
Applicant: NRI Hyde Park LLC
Project: Hotel and Villas at the CIA

Area Variance – Section 108-5.13C(9)(c) in the St. Andrews District – to allow a setback of 64 feet from the north boundary of the Zoning District, where 100 feet is required, to allow the construction of an inground pool and associated spa deck, in an area totaling approximately 5,989 square feet, and

Area Variance – Section 108-5.13C(9)(a) – to allow a minimum yard setback of 127 feet where 150 feet is required along Route 9, related to a new 18-space parking lot, totaling 864 square feet in area, and

Three Area Variances – Section 108-4.3G(2) – to allow three encroachments into the stream corridors.

*Attorney Sarah Ryan noted for the record that the public hearing was advertised in the **Poughkeepsie Journal** on January 17, 2024, and that the application was sent to the County under 239-m on January 3, 2024. The County has 30 days to respond.*

Zoning Administrator Moss indicated that the County electronic tracking system, as of 4 pm today, did not show a County reply.

OPEN THE PUBLIC HEARING FOR NRI HOTEL AND VILLAS AT CIA:

MOTION: Chair McNary
SECOND: Gerald Bowen

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

Michael Zarin of Zarin and Steinmetz was present to represent the applicant. Attorney Zarin acknowledged that the Planning Board has not adopted a SEQRA determination so the Zoning Board cannot act on their variance requests yet. Previously, there had been a discussion of the possibility of a special meeting of the ZBA in advance of the next scheduled meeting but that seems unnecessary now.

Chairman McNary called for public comment and there was none.

CONTINUE THIS PUBLIC HEARING TO FEBRUARY 28, 2024:

MOTION: Chair McNary
SECOND: Gerald Bowen

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

NEW APPLICATION INTRODUCTION:

QUALITY INN #23-18Z

4142 Albany Post Road, Hyde Park

Grid #: 6064-02-997657

Owner: Hemal Shah, Hyde Park Hotels LLC

Applicant: Timely Signs of Kingston

Project: Quality Inn Signage

Area Variances – Section 108-24.2C(1)(b) in the Corridor Business District – to allow a sign face of 39.9 square feet where 30 square feet is the maximum permitted, and from **Section 108-24.2F(2)(b)** to change the letter height from the maximum permitted 10 inches to 28.5 inches for the letter “Q”, and to 14.625 inches for the word “Quality.”

Chairman McNary called the applicant to the table.

Ms. Jennifer Beichert, a local representative for the sign company, came forward and identified herself. She introduced the signage request and variances proposed. They need a variance to keep the existing sign area because it is larger than what is allowed by code. They have reduced the letter heights from the existing sign but not small enough to meet the current code.

Zoning Administrator Moss explained that the sign code has a provision that a sign can be changed or replaced if it is coming into more conformance. The internal lighting was turned off last time the sign face was replaced. The sign face is being replaced but will not be in compliance for sign area or letter height so they have been directed to apply for those variances. The next time they update the sign, or if they ever move the sign, the height will need to become code compliant.

Chairman McNary noted that when driving north, the sign is almost not visible because of the street tree branches.

Sam Patel, General Manager of Quality Inn in Hyde Park, joined Ms. Beichert at the applicant’s table. He said he checked into the issue regarding the trees, but the trees belong to the Town and cannot be cut down.

Mr. Agrawal asked if the sign could be moved to another location.

Mr. Patel said they will consider a different location next time they update the signage.

SET THE PUBLIC HEARING FOR QUALITY INN FOR FEBRUARY 28, 2024:

MOTION: Chair McNary

SECOND: James Agrawal

Voice Vote: AYE-4

ABSENT-1

OPPOSED-0

MOTION CARRIED

REFER THIS PROJECT TO DUTCHESS COUNTY PLANNING DEPARTMENT FOR REVIEW, PER MUNICIPAL LAW 239-m:

MOTION: Chair McNary
SECOND: Paul Donnelly

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

ANDERSON CENTER #23-21Z

11 Hudson Lane, Staatsburg
Grid #: 6066-02-778644

Owner and Applicant:

Anderson Center Services, Inc.
Representative: Day Strokosa
Engineering
Project: Entry Gates

Area Variance – Section 108-5.15 in the Waterfront District – to permit a front yard setback of 7 feet where 50 feet is required, and

Area Variance -- Section 108-4.4A(2) to allow a wall height of 17 feet where 6 feet is the maximum permitted, and

Area Variance -- Section 108-24.2F(2)(b) to allow a letter height of 12 inches where 10 inches is the maximum permitted.

Brian Watts of Day Stokosa Engineering came to the table and introduced himself. He is representing the Anderson Center during the variance request process. He gave a short presentation of the proposed changes to the Route 9 entrance area and the requested variances. This came about because of desired security improvements and access improvements. The gates will allow better security monitoring of vehicles and pedestrians. Busses currently discharge pedestrians at the entry and can interfere with traffic movements. The work will be outside of the DOT right of way and on the Anderson Center property. One sign will be removed and only the north side of the wall will have a sign. The existing columns are 13 feet tall. The new columns will be moved back farther into the property and although they will be 17 feet tall, visually they will appear about the same height as the existing ones (based on view angles). This entry and the remainder of the project is before the Planning Board. The entry is anticipated to be the first part of the campus upgrades.

Chairman McNary indicated he thought it would be a good idea to get input on the requested variances from the Hyde Park Planning Board. He will direct the ZBA secretary to request their input.

MOTION TO SET A PUBLIC HEARING FOR ANDERSON CENTER FOR FEBRUARY 28, 2024:

MOTION: Gerald Bowen
SECOND: Paul Donnelly

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

MOTION TO REFER THIS PROJECT TO DUTCHESS COUNTY PLANNING FOR
REVIEW PER MUNICIPAL LAW 239-m:

MOTION: Chair McNary
SECOND: Paul Donnelly

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

ADJOURN:

MOTION: Chair McNary
SECOND: Gerald Bowen

Voice Vote: AYE-4 ABSENT-1 OPPOSED-0 MOTION CARRIED

The meeting ended at approximately 6:40 pm.