

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

MINUTES FOR REGULAR MEETING

January 26, 2022 6:00 PM

Present: David McNary, Chairman **Absent:** none
James Agrawal
Gerald Bowen
Paul Donnelly
Richard Perkins

Others Present: Kathleen Moss, Zoning Administrator
Sarah Wilson, Attorney to the Board
Sarina Teuschler, Secretary to the Board

The meeting began at 6:01 pm. Chairman McNary led the Pledge of Allegiance.

Chairman McNary suggested rearranging the agenda so the Cooper application, a residential application, would be heard first.

Richard Perkins motioned to move the Cooper application to be heard first; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

NEW PUBLIC HEARING:

#21-20Z Samuel & Stephanie Cooper
44 Beck Road
Poughkeepsie, NY 12601 (mailing address)
Tax Grid No. 6263-01-191910
Variance – Section 108-4.3 G(2)(a)
Change stream corridor setback from 100 feet to 33 feet from a waterbody in the Fall Kill Creek watershed to replace a deck on a house already within the stream corridor on property in the Greenbelt District

Samuel Cooper, property owner and applicant, was present.

James Agrawal motioned to open the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Mr. Cooper explained they purchased the property seven years ago. The existing concrete steps which lead to the door were sinking into the ground and needed to be replaced.

Mr. Cooper hired a contractor to construct a new deck, and apply for the permits and approvals and to do the work. According to Mr. Cooper, the contractor applied for the building permit, did most of the work, then allegedly disappeared without finishing the work or closing the permit. Mr. Cooper was left with a partially finished deck, an open building permit, and no variance. He is seeking to remedy that now.

There were no public comments.

James Agrawal motioned to close the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5

All opposed 0

CARRIED

Town of Hyde Park
ZONING BOARD OF APPEALS
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-5111

RESOLUTION TO GRANT AREA VARIANCE

Samuel & Stephanie Cooper
44 Beck Road

Date: January 26, 2022

Motion: Gerald Bowen

Resolution # 21-20Z

Second: Richard Perkins

WHEREAS, the applicants, Samuel & Stephanie Cooper have submitted an application for an area variance for a stream corridor incursion toward a waterbody within the Fall Kill Creek watershed from 100 feet to 33 feet to replace a wooden deck on a house already within the stream corridor (the “Project”), located at 44 Beck Road, Poughkeepsie, NY 12601, identified as tax parcel no. 6263-01-191910, in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the Project is already complete, and shown in photographs submitted by the applicant on November 24, 2021; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-4.3 G (2) to permit a stream corridor incursion of 33 feet where 100 feet is required; 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 26, 2022 at a regular 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 requested variance conforms to the character of nearby properties. Many of the houses in this area encroach into the stream corridor, and have decks leading to their front door.

As this pervious deck replaces older concrete steps, it will be a visual improvement to the house; and it decrease the chance of negative impacts to the waterbody via stormwater runoff.

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 existing house is already within the 100-foot stream (pond) corridor. This deck provides access to the front door – without a variance for a structure here, the applicants would not be able to use the door.

3. The Requested Variance is numerically substantial. The applicant has requested a stream corridor incursion of 33 feet, which is encroaching 77 feet into the setback.

4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The old steps were built of impervious concrete, therefore increasing stormwater runoff into the pond; and those steps have been replaced with pervious decking. This change will benefit the environment.

5. The difficulties are self-created.

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

1. Payment of all fees.

Adopted:

ROLL CALL VOTE BY SECRETARY

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

CONTINUED PUBLIC HEARINGS:

#21-15Z Camp Victory Lake
277 Crum Elbow Road
Hyde Park, NY 12538
Tax Grid No. 6265-04-630350
Variance – Section 108-5.15
Change maximum permitted building height from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space in the Greenbelt District.
Variance – Section 108-4.3 G (2) a
Change stream corridor setback from 100 feet to 0 feet from the Fallkill Creek to allow a construction incursion.

Peter Sander, of Rennia Engineering, was present.

James Agrawal motioned to open the public hearing; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor	5	
All opposed	0	CARRIED

Mr. Sander submitted new drawings and explained the most recent adjustments to the property.

Richard Perkins expressed further concern about the location of the cabins encroaching into the stream corridor buffer.

Mr. Sander explained how the proposed location is the best and least disturbing location for the cabins to be moved.

There were no public comments.

Secretary to the Board, Sarina Teuschler, explained they could not proceed with voting on the application until the Planning Board concluded their SEQRA review.

Richard Perkins motioned to continue the public hearing to February 23, 2022; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#21-19Z Rite Aid Pharmacy, c/o Gloede Signs
1 Crum Elbow Road
Hyde Park, NY 12538
Tax Grid No. 6162-03-429214
Multiple Variances within Section 108-24.2
Change up to six commercial sign code requirements for two wall-mounted signs and eight freestanding signs in the East Park Business District.

Nancy Forrest, of Gloede Signs, was present.

James Agrawal motioned to open the public hearing; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Ms. Forrest explained the variances for the free-standing monument signs, and that they've come further into compliance since the initial application. The wall-mounted signs have also come further into compliance with the most recent amendment.

She and the Board discussed how the proposed signs are the same size as or smaller than the existing signs – but the need for the variances arises from a change in the sign code since the existing signs were installed.

There were no public comments.

Secretary, Ms. Teuschler, shared that this application had been referred to Dutchess County Department of Planning and Development for their review, pursuant to General Municipal Law 239-m, as the property borders a state road and county road. County Planning will be responding before the next meeting in February.

Richard Perkins motioned to continue the public hearing to February 23, 2022; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

New Public Hearing:

#21-21Z Key Construction
1234 Route 9G
Hyde Park, NY 12538
Tax Grid No. 6165-04-524481

Variance – Section 108-5.15 Bulk Regulations

Change maximum permitted building scale from 40,000 square feet to 66,941 square feet for the construction of an office space, warehouse, and storage units on a 17.2-acre parcel in the East Park Business District.

There were no applicants or representatives present.

On January 13, 2022, the applicant amended their application from ~64,000 square feet to 66,941 square feet. After the amendment, the Secretary referred the application to Dutchess County Department of Planning and Development, pursuant to General Municipal Law 239-m, as the property borders state Route 9G.

James Agrawal motioned to open the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

There was no discussion by the Board.

There were no public comments.

Richard Perkins motioned to adjourn the public hearing to February 23, 2022; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

New Application Introduction:

#22-01Z Speedway
3694 Albany Post Road
Poughkeepsie, NY 12601
Tax Grid No. 6063-04-992465

Use Variance regarding commercial signage – to allow internally lit, toggleable message above digital gas prices on all dispensers at gas station, while no internally lit signs are permitted in the Town of Hyde Park.

Shawn Smith, of Site Enhancement Services, was present. He explained the application and demonstrated the request by showing a video on his phone.

Kathleen Moss, Zoning Administrator, explained that all internally lit signage is prohibited in Hyde Park – except for gas prices, temperature, and time. She further reiterated that the gas prices in this application are not the issue – they are allowed to be internally lit. Instead, the prohibited part of the application is having wording or messages be internally lit.

Chairman McNary motioned to forward application to Dutchess County Department of Planning and Development, pursuant to GML 239-m, as the property borders state Route 9; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Richard Perkins motioned to set public hearing for February 23, 2022; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Chairman McNary advised the applicant that before the public hearing they submit additional information to support their use variance request, as the current application may be insufficient.

The Secretary suggested moving the public hearing to give the County Planning department enough time to respond after the applicant submits additional information.

Richard Perkins motioned to change the public hearing date to March 23, 2022; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Mr. Bowen requested the applicant provide an address of a local gas station that has the same messaging, so the Board may see it in person.

Other Business:

James Agrawal motioned to approve the minutes of the December 16, 2021 meeting; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Paul Donnelly motioned to adjourn; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

The meeting adjourned at 7:08 pm.

Sarina Teuschler
Secretary to the Zoning Board of Appeals