

Town of Hyde Park  
**Zoning Board of Appeals**

4383 Albany Post Road  
Hyde Park, New York 12538

**MINUTES FOR REGULAR MEETING**

**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.]

**CHAIRMAN SWEET:** Welcome to the April 28, 2021 meeting of the Hyde park Zoning Board of Appeals. Will each member of the board confirm that he is alone or that no one is present that may influence his vote? As called by the secretary, please respond *yes* or *no*.

**ROLL CALL BY SECRETARY:**

<b>James Agrawal</b>	<b>YES</b>
<b>Paul Donnelly</b>	<b>YES</b>
<b>David McNary</b>	<b>YES</b>
<b>Richard Perkins</b>	<b>YES</b>
<b>Herbert Sweet</b>	<b>YES</b>

**CHAIRMAN SWEET:** I have confirmed with the Zoning Board's council that tonight's meeting has been convened in accordance with the Governor's March 13th, 2020 Executive Order 201.1 and its extensions, which suspends certain provisions of the Open Meeting Law to allow a municipal board to convene a meeting via video conferencing. In accordance with the Executive Order, the public has been provided with the ability to view tonight's meeting, and a transcript will be provided at a later date. I've done a roll call of the Board Members, and there is a quorum present for this meeting. I have also confirmed with the Zoning Secretary that this meeting has been duly noticed. We have fulfilled our legal obligations – we have fulfilled our legal notice requirements by posting notice on the Town's bulletin boards and news organizations, et cetera, and posting notice on the Town's agenda center of its website. We will now commence with the Pledge of Allegiance; because of audio synchronization, the only person that you may hear is me.

[Those present pledged allegiance to the Flag.]

**CHAIRMAN SWEET:** Our next full meeting will be held on Wednesday, May 20, 2021 at 7:00pm. Our next resolution meeting is scheduled for May 12th, 2021 at 6:00pm. So may I have approval for the acceptance of the minutes for the March 24th meeting?

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

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**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)*

[Mr. Sweet introduced the application.]

**CHAIRMAN SWEET:** The original variance was granted in 2017. Do we have any representatives here for this application?

**SECRETARY TO THE BOARD, SARINA TEUSCHLER:** I don't believe so.

**CHAIRMAN SWEET:** Okay. We'll proceed anyway. I'll make an observation or a comment that the public hearing was closed at the March 24th meeting. And I may ask our secretary, have any public comments been received during the seven day post public hearing period?

**MS. TEUSCHLER:** No comments.

**CHAIRMAN SWEET:** No comments received. Thank you. Any questions?

[Mr. Sweet polled the Board Members, Zoning Officer, and Attorney. None had questions.]

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**

[Amidst the voting procedure, Richard Perkins interrupted to ask a question.]

MR. PERKINS: One quick question. What's the limit – the number of times we can extend this?

ATTORNEY TO THE BOARD: There isn't a limit on the number of times you can extend. However, each time you extend you look at the circumstances and see whether or not an extension is warranted, whether or not there's been a change in facts. And I believe that based on the board's discussion last month, the majority of you appear to not believe that there was anything warranting a change to the approval queue.

MR. PERKINS: Thank you.

**ROLL CALL VOTE (continued)**

**Richard Perkins    YES**  
**Herbert Sweet      YES                    CARRIED**

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**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

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[Mr. Sweet introduced the application.]

**CHAIRMAN SWEET:** ...To recap, the public hearing was closed on July 22nd, 2020, and a written comment was received from Christopher Schulz and Ines Elskop within the post public hearing closing period. It should be noted that the Zoning Officer determined that the ground disturbances are not construction, so no site plan is required. However, review of the SWPPP plan by our attorney showed that the pond requiring an area variance as part of an 8.2 acre project on a parcel that is contiguous to a historic site, the Mills Mansion, A.K.A Staatsburgh. According to 6NYCRR 617.4 Type One Action 9 and 6NY CRR 607.3 G, a full environmental assessment form, EAF, is required. The EAF was received from the applicant on April 14th and sent to Dutchess County Planning on April 15th. So may I have a motion to reopen the public hearing?

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

[Attorney Robert Stout, engineer Rodney Morrison, and historical consultant Beth Selig were present on behalf of the Applicant.]

**CHAIRMAN SWEET:** I believe Mr. Stout is here to make a presentation on the EAF and archeological review.

**MR. STOUT:** Yes, sir. Thank you very much, Mr. Chair. My name's Rob Stout. I'm the project attorney. I'm joined by Rod Morrison, who is the project engineer and Beth Selig who's the consulting archeologist on the project. As you may remember, last month when I was here, I had indicated that I anticipated the EAF and all of the related materials to be submitted in advance of the April meeting. I believe at the time the field work for the archeological report had been conducted the day before that meeting. The report was prepared over the next several weeks; submitted to both this board and to SHPO for SHPO's review and recommendation. And we were confident we could get all of our work done in advance of tonight's meeting. We weren't certain if we would hear back from SHPO.

Thankfully we did hear back from SHPO earlier this week, and I provided that SHPO letter to the board through the Board's attorney indicating SHPO's determination that the project would have no adverse impacts –provided an avoidance plan was implemented for the small pre-contact site that was located. So given that a small pre-contact site was located, and an avoidance plan prepared and recommended by SHPO, I invited Beth to join us tonight to discuss that and answer any questions the Board might have. And also I invited Rod to join us again, given his long history with the project to answer any questions the Board might have. So with that, Rod, why don't I turn it over to you? If you could bring up the map and just step the Board through the project briefly once more.

**MR. MORRISON:** Sure, I can do that. Good evening, everyone. Let's see if I can get it straight.

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**CHAIRMAN SWEET:** One thing I'd like to ask you folks – to have a little pity on us laymen. Some of the language that you're so familiar with that we aren't – you might stop and give us an indication of what these terms mean. I think I know, but I, I could really be wrong. So just keep that in mind as you go along.

**MR. MORRISON:** Yep. No problem. Rod Morrison, engineer and planner for the applicant. Just a quick trip, I guess, down memory lane. Last June we submitted to the ZBA application documents for, at that point, what was – we had been dealing with, where the applicant had received stop work orders. We were instructed by Tad to make our application to the ZBA for impact in this area over here, which was within a hundred-foot buffer of the North Staatsburg Creek. So that, and the areas associated with it, were largely the subject of everyone's concern.

And as Rob just summarized, the attorney pointed out that due to being a Type 1 action, we needed to do the long form EAF and that long form EAF covers the whole area that our client impacted. Which we had totaled out to be about 8.2 acres. So we also, at the same time had developed a SWPPP – in communication with Tad and Pete. And that's been reviewed by them.

The whole project area as shown – this map will come up later when Beth shows her edits to it for her pre-contact site – but this is the total acreage. It spans two parcels, and the stop work orders were issued on two parcels. So the long form EAF considers both of those two parcels. So, the total, I believe, is 20.8 acres. And we ran the required information checks on both parcels. So, the most significant note is that they did come back with a handful of species of interest: bald eagle, a few other things. And we commissioned Ecological Solutions to write a report and assess that situation; which they did. That was submitted to the Board. And just in summary, none of these activities were affecting those particular species of interest. So we can talk about any one of those if you'd like as we go along.

But what I do want to do, is just say that I believe that – I haven't heard back otherwise but – the SWPPP has been completed for quite a while. The property is largely completely stabilized. The area of work that remains to be done is – if you can see my little hand down here – which was a subject of original ZBA application, is reinforcing that corner on the North Staatsburg Stream and the existing pond. So that was permitted through the ACOE. So we do have that permit in place and all that information has been provided to the Board. I think let's let you, Beth, take over and talk about what you did with SHPO to close that out.

**MS. SELIG:** Sure. Did you – let me see if I can get this map up on the screen.... So can everyone can see the screen? Shout out if you don't.... This is the parcels that Rod was just talking about. And these blue, what are showing up as little blue dots, throughout the parcels are areas where we completed our testing. We completed an archeological survey across the entire area here. Uh, the results of the testing indicated that we have a – I'm trying to multitask, I apologize. I can't move my screen.... There we go. Down over here, outlined in green, you can see we have a small Native American site. What we found were the remnants of toolmaking. So small pieces of waste flakes, um, evidence that someone was there making what we would colloquially call an *arrowhead*. We submitted that information to SHPO. They requested an avoidance plan.

So this area will be protected. It will not be impacted by any activities that take place on the parcel. If activities are going to take place, a protective buffer, such as a silt fence, a temporary silt fence, will be put around this boundary to make sure that no inadvertent impacts occur. Through tire treads of heavy equipment or that sort of thing. It's going to remain undisturbed. The natural vegetation is going to stay the same. This soil pile here at this gray hatching, you can see that's, um, a large soil pile. Some of that top soil may be relocated. But when and if that happens, the existing grade is not going to be disturbed. And so the clearance letter that we received from SHPO indicates that all of that is acceptable. And I can go into further detail on any elements that you'd like.

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**MR. McNARY:** Was there any other indication, Beth, of any other areas where you were looking – you were looking at the whole site – this is the only portion where you felt there was some archeological impact?

**MS. SELIG:** Correct.

**ZONING ADMINISTRATOR, KATHLEEN MOSS:** I thought I read that there was a pre-contact site.

**MS. SELIG:** *Pre-contact* is Native American. Pre-contact is the term we use to refer to pre-European contact. In the effort of not using a lot of jargon, it jumped to Native American.

**CHAIRMAN SWEET:** That's good. And did you find any evidence, any place else that may have been disturbed by activities at some time or point or another?

**MS. SELIG:** There were. We did have two tests over here. This one here, and this one here – that also contained pieces of native American cultural material. Waste flakes, [inaudible]. However, those soil contexts are mixed; so the stratigraphy is not intact. The soil layers are no longer intact, but I couldn't say when those soils got moved around. I'm not a soil scientist who could tell you age and date of soils.

**CHAIRMAN SWEET:** Just a matter of idle curiosity. Is there anything that's given you any indication of how old these findings are?

**MS. SELIG:** No, we didn't. We didn't have what we would call diagnostic material come up as part of our testing. I do know that down on the lawn within the Staatsburgh State Park, we do have sites that date to 6,000 years before present. So we could have... that whole stretch of Staatsburgh along the river, even all the way up into the Dinsmore golf course, there are known native American camp sites.

**CHAIRMAN SWEET:** Well, I guess that rules out the Boy Scouts.

**MR. McNARY:** Beth, when you find these sites, is there any indication of protecting them? I guess I'm wondering if this site is one of many around this area of Staatsburg and is there, I mean, is there a broader picture of what we've seen in terms of early civilization here that's important for us to consider?

**MS. SELIG:** The, I mean, the entire landscape throughout the Hudson River Valley was utilized by different members of the different Native American tribes who were here. Not all of them are intact. Not all of them, you know, remain pristine archeological sites. The goal with this locus is to protect it. That is the preference among historic preservation is to leave sites intact and protect them rather than disturb them through archeological excavation.

**MR. McNARY:** Okay. So if in my naive way, assuming there have been obviously Native Americans here for far longer than we know, and we are seeing those remnants all over the Hudson Valley, we're simply making an effort where we find a concentration of those, to mark those and protect those. Is that fair?

**MS. SELIG:** That's fair.

**MR. McNARY:** Okay. And this is the only section in this, where we're considering, where you find any indication of that.

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**MS. SELIG:** Right, right. In this parcel. Yep.

**MR. McNARY:** Thank you.

**MS. MOSS:** Do I see a yellow line? What is the yellow?

**MS. SELIG:** The orange hatching was... the [inaudible] office asks that we put that on to show where we noted when we were doing our survey that soils had been moved about. That the natural stratigraphy was no longer in place.

**MR. PERKINS:** The affected area... is it marked in any way so that people don't intrude on it?

**MS. SELIG:** It's not. It is on private land at this point. The onus, to a certain extent, to follow through with the avoidance plan would be on the property owner.

**MR. PERKINS:** [Can that] get added to the deed? So that in transfer, it would be noted; and the future owner would know that that was there.

**MR. STOUT:** That part of the avoidance plan is to demarcate the boundary, correct?

**MS. SELIG:** Yes.

**MR. STOUT:** The... part of any approval the board could adopt – essentially adopt the findings of SHPO, and condition the approval on compliance with that avoidance plan, which would give it the permanence that you suggest.

**MS. SELIG:** One of the – I'll just put out there – one of the downsides of putting up fencing and signing around archeological sites is it tends to indicate that there's something there that's worth protecting. And it kind of can attract things that you don't want to have happen.

**MR. PERKINS:** So that's why I said that the deed would be... the deed might be a satisfactory way of permanence, and the fact of all the work he did... [inaudible]... be redone.

**CHAIRMAN SWEET:** Try repeating that, Rich. You're broken up.

**MR. PERKINS:** Placing it in the deed description – you're placing a permanence on the [inaudible] that you did, and what we're doing here today. There's no question. All you've got to do as a [inaudible] search and it's there. Is that normally done?

**CHAIRMAN SWEET:** Rich, we're having a lot of trouble hearing you now. We weren't earlier.

[Mr. Sweet talks Mr. Perkins through how to possibly make his audio clearer. The meeting continues shortly after.]

**MR. STOUT:** I think Mr. Perkins was suggesting or inquiring whether or not there could be a notice placed in the deed, so that there would – the world would be on notice of this, essentially. I think I can confer with your attorney, but I think the appropriate place to memorialize the location of this would be in the

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approval that the board issues and any conditions attached to that approval, rather than impacting the title of the property.

**MR. McNARY:** Okay.

**MR. PERKINS:** I don't think I agree with that, because the rulings of the Board... [inaudible]... go through 20 years from now. The deed is real easy.

**MS. SELIG:** One of the things that we – as an archeologist – that we try to do is to keep site locations out of public forums, because that way they do remain protected and they're not available to folks who want to go dig up – essentially pot hunters who want to go dig up artifacts and sell them on eBay or what have you – put them in collections, private collections. So, while I know that deed covenants do exist, they tend to exist for larger pieces of property. We would want to be careful about putting anything out there, in the public forum, that would be – that could lead to somebody pot hunting or otherwise destroying the site.

**MR. PERKINS:** I understand that.

**MR. McNARY:** Beth, is it fair to say, looking at this where you have designated an area and looking at this project that we are considering for approval, that site really is not instrumental – or in terms of the actual site by the Creek that we're considering – is significantly far away? You found it, we've designated it, but in terms of the issue that we're considering, I'm interpreting your finding is – it's there, but it's not going to have an impact in terms of the decision we're making.

**MS. SELIG:** Correct. Based on what Rob spoke about previously, about where the work needs to happen along the Creek, and the over there by the corner of the pond, that work's not going to have an impact within the boundaries of this site.

**MR. McNARY:** Thank you.

**MR. AGRAWAL:** One question: besides a silk fence, when the work is complete, could they not put like little like dog training flags? You know, when you're training a dog for invisible fence, something that's not obvious. That mark might go around that parameter, if nothing else, the owner, as the years click by, he would easily be able to see with these little dog flags where that that area is. Because time as time goes by, it's going to be forgotten exactly where it is. And it seems to me little flags, like for when you're training a dog, wouldn't really be obvious to anybody but the owner.

**MR. McNARY:** Isn't this going beyond the scope of what we're looking at, though?

**MR. AGRAWAL:** It is, but it's indirectly related, in my opinion.

**CHAIRMAN SWEET:** I think it's time to hear from Patrick. He's been pretty quiet in all his conversation. What's your take, Patrick?

**ATTORNEY TO THE BOARD, PATRICK LOGAN:** I would probably err on the side of David's conclusion. Which is to say that this is all something that we should consider when we are looking at the SEQRA determination. However, when it comes to, granting the variance itself, this site probably isn't going to impact your decision. That being said, if we were to put a condition in [an] area variance approval that

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required compliance with the SHPO avoidance plan, that would provide a level of permanence; and it would allow Tad or zoning administrators decades from now to go down to the property and make sure that everything is still being followed the way it's supposed to.

**CHAIRMAN SWEET:** Does that seem safe enough, Beth?

**MS. SELIG:** Mm-hmm!

**CHAIRMAN SWEET:** Okay, I think we have a plan. Alright? We've kind of wrestled this a bit. Is there any other part of the EAF [inaudible] get to be presented? I hear Tad in there? Tad, you're muted.

**MS. MOSS:** No, I – you heard my cat.

[Various board members make jokes. The meeting continues shortly after the meow.]

**CHAIRMAN SWEET:** I think that's probably a good summary. It's very interesting reading all this, learning about the background.

**MR. PERKINS:** [Inaudible] make one comment. [Inaudible – *the Secretary notes that Mr. Perkins is most likely referring to the Locusts' EAF parts C.2.b and E.3.c*] ...neither of them mentioned the fact that it is in the Hudson River Valley National Heritage Area. And a smaller – a segment of that is the Hudson River National Historic Landmark District. So there are things there already that weren't being... [inaudible]... weren't [inaudible] exist.

**CHAIRMAN SWEET:** I think Patrick did address that earlier. But, I may ask him to reiterate his comments without the microphone muted.

**MR. LOGAN:** I saw the question earlier today about the location within the Hudson Heritage Area; and a subset of that is the Hudson Historic District. And while that wasn't noted at section C.2 – whatever – when it was talking about planning districts, it was identified on the EAF, I believe, in section E. And I'd also just state that on the record, we are all very aware of the historic importance of this site and where it is located. So the record will reflect that.

**MR. PERKINS:** Thank you.

[As requested by Mr. Perkins, the Secretary enters this email into the minutes.

EMAIL FROM [richperkins@optonline.net](mailto:richperkins@optonline.net) DATED Thursday, 4/29/2021, 11:31 AM

Herb,  
I was wondering if we could get C.2.b and E.3.c changed from no to YES. With the addition of both 1) The Hudson River National Historic Landmark District and 2) Hudson River Valley National Heritage Area language to include in the explanation area. It would make me more comfortable that it was complete when voting on the variance.  
Thank you,  
Rich

The Secretary further notes that this email has been entered into the official file for Locusts on Hudson.]

**CHAIRMAN SWEET:** Okay. Any other questions from the board? No? Okay. And, Sarina, do we have anyone in the waiting room wishing to speak? ...You're muted.

[There were no members of the public present wishing to speak.

Mr. Sweet noted that the public can see the details of the Locusts application by visiting Town Hall, or the ZBA applications portion of the Town's website. The Board will accept written public comments for seven days following the close of the public hearing.]

**CHAIRMAN SWEET:** We have not yet received a response from Dutchess County Planning. They're reviewing the EAF. So we'll be continuing the public hearing until May 26th. And by then we'll have heard from them or their time will have expired to respond.

**MR. STOUT:** I just have a question on that point, Mr. Chairman. I apologize. I have it... Patrick, do you want to take that?

**ATTORNEY TO THE BOARD, PATRICK LOGAN:** I think we're about to say the same thing.

**MR. STOUT:** So I'll defer to you.

**MR. LOGAN:** In this situation, I think it is very likely that the Dutchess County Planning Board is going to come back and say that this is a matter of local concern. And there isn't a hard requirement that we wait to close the public hearing until we receive something from them. Especially as we're going to have this written comment period. So if the board is comfortable, I would be all right with closing the public hearing tonight. We're still going to have the written comment period. And then, assuming the County gets back to the board before its next meeting, which I'm sure it will, they would then be able to act on the application.

**CHAIRMAN SWEET:** I kind of thought the same thing. But what is our fallback plan, if we're wrong?

**MR. LOGAN:** If the County gives you significant comments on the application that raises new questions about information, we can always request more information from the applicants and go through the public hearing rigmarole again. If they instead just place conditions on the application, then that would bump the voting requirement up from a simple majority to a super majority. But it wouldn't necessarily require a reopening of the public hearing.

**MR. McNARY:** Mr. Chairman, based on that, and Patrick's... I would move that we close the Public Hearing.

**CHAIRMAN SWEET:** We'll close the public hearing. And, um, with the expectation that we could be doing a resolution at the resolution meeting on May 12th. Yes. That's just amongst us chickens. It's an expectation. All right. And that case, uh, let me, uh, ask for someone to make a motion to, uh, close, close the public hearing.

MR. McNARY: I just made that motion.

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

CHAIRMAN SWEET: Okay. Everything works out all right. We'll be ready to go on May 12th. So we'll see you folks back here then, if you want to come.

[The Locusts' representatives thanked the Board for their time; the Board thanked them for their presentations.]

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[Mr. Sweet introduced the next application.]

**#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.

CHAIRMAN SWEET: So may I have a motion to open the public hearing?

MR. AGRAWAL: I thought that was tabled.

CHAIRMAN SWEET: Not quite. Not quite. We're going to be going through a little bit more formality, so we have to open it first.

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

CHAIRMAN SWEET: On the advice of our attorney, we will be closing the public hearing and continuing it to the May 26 monthly meeting.

ATTORNEY, MR. LOGAN: You're just continuing, not closing. So it's just going to be continuing to May.

CHAIRMAN SWEET: You're absolutely right. I wrote this at the last minute, so we're just going to strike that.

**Richard Perkins motioned to continue the Public Hearing to the May 26<sup>th</sup> meeting, and James Agrawal seconded the motion.**

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

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[Mr. Sweet introduced the next application.]

**#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:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

[Chris Johnston, representative for the applicant, was present. Mr. Sweet welcomed him. Chairman Sweet and Mr. Johnston made small-talk.]

CHAIRMAN SWEET: So, can you give us a summary of the project?

MR. JOHNSTON: Yes. During the process of applying for a building permit for an extension of an existing workshop, we encountered the fact that we need to apply for a variance on the front yard setback, which

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is required 50 feet – of which we have an existing building and the new addition both at approximately 20 feet. During the same course of action, it became apparent that a deck had been built without a permit; to which we submitted plans and stamped architectural [inaudible] plans for that deck to the Building Department. And it was found that that deck was constructed within the hundred-foot corridor to the Chrome Elbow Creek. So there are two variances we're seeking: one for the front yard setback, and the second for the hundred-foot setback from the Chrome Elbow Creek.

[There was a momentary issue with the screenshare on Zoom. The meeting continued after a brief back-and-forth between Webmaster Neil Krupnick, Chairman Sweet, and Mr. Johnston.]

**MR. JOHNSTON:** Why don't we just do it this way? Just above the word "existing," 12 foot by 25 foot deck, there is a dimension line that shows 72 feet, six inches, and that was taken from the apparent high water point on the Creek to the closest point of that deck.

I actually used to work as a surveyor, and many of the dimensions that were taken here are to the edge of the creek. We used to recognize the center line of the creek, which would be an even greater distance. I'm not sure which of those dimensional requirements pertain to the distance here, but we chose the lesser amount to show you that's the edge of the creek to the corner of the deck.

**ZONING ADMINISTRATOR, MS. MOSS:** That's correct.

**MR. JOHNSTON:** Okay. So that would be the one dimension. The other dimension pertains to - if you go to the left of that, there's an existing structure that's hatched on the perimeter. And next to it, to the left of it, is the proposed new 10 foot by 22 foot six [inch] addition. And the distance on those is actually shown on the other plan that I submitted - which I could bring up on my screen if I can get to it here.

[There was another issue with the screenshare on Zoom. The meeting continued shortly after.]

**MR. JOHNSTON:** So from the property line to the closest point is 20 foot, 10 inches, and the setback requirement is 50 [feet]. So we're asking for a reduction of that 50 feet to the 20 foot, 10 inches. The existing building, which is to the right of that, is actually 14 [feet] 4.5 inches. So this is set back even further.

[There were no members of the public wishing to speak during this public hearing. The Secretary received no comments about the application.

Chairman Sweet asked each Board member if they had questions about the application. ]

**MR. PERKINS:** How close is the neighbor's house to the property line?

**MR. JOHNSTON:** To the property line?

**MR. PERKINS:** Yeah, to me that whole area is pretty squished in there. I don't know.

**MR. JOHNSTON:** Well, there's considerable distance between this addition and the property line. And I would say from the property line - I don't have an exact dimension for you - but I've been there, and I would say it's approximately 20 feet from his property line to the neighbor's house.

**MR. PERKINS:** Is he going to do noisy work in that garage?

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**MR. JOHNSTON:** No, he actually models. He’s actually a film animator and he does his animations in clay. So he models clay figures, moves them ever so much and takes multiple pictures.

**MR. PERKINS:** No audio?

**MR. JOHNSTON:** I think he does do some audio, but it's not rock and roll music.

[Chairman Sweet screenshared aerial photos of the property.]

**CHAIRMAN SWEET:** The parcel access shows the next-door neighbor. Here's the garage, with his cars, would be the extension. What we all have to keep in mind, is if you take a look on Dutchess County parcel access, you'll see that this house was built a couple of hundred years ago – if I recall.

**MR. JOHNSTON:** It’s quite old, yes.

**CHAIRMAN SWEET:** In those days they didn't believe in big front yard setbacks; they built right up to the road. And so that's what you find in a lot of these older homes – very older homes – that they are up to the road. And that's why these folks need a variance.

**MR. JOHNSTON:** And there's virtually no one in back of him, because of the Creek; or to the right of him, because there's another adjoining road. So there's one house within proximity to this property. Of course, there's another house across the street, that's down quite a bit. So this would be the closest house right here, right here, down in the bottom part of that picture.

**CHAIRMAN SWEET:** Okay. I don't think there's much more we need to discuss here.

[The Attorney to the Board noted that this application is exempt from SEQRA and from referral to the County.]

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

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[Mr. Sweet introduced the next application.]

**#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:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

[Mr. Rymph, the applicant, was present to answer questions.]

The Webmaster screenshared a sketch of the property, annotated by the Secretary.]

**CHAIRMAN SWEET:** Mr. Rymph, would you give us a few words about your project?

**MR. RYMPH, THE APPLICANT:** This project comes about for three different reasons. The first: I have five people sharing the same bathroom. I actually need to work on my shower floor. So how do I work on a shower when five people are using it? The second is...redoing my roof. It's just very odd roof lines that were existing there.

And I also spent a lot of time outdoors with my family. With ticks and everything... and the Southern exposure on my house is, does a lot of damage to the South side of my house. So by creating by a screen porch, it would allow me to have my kids outside and not worry so much about the ticks. They can still be outside playing. And protect my house from the Southern exposure.

And then also give it a more cohesive roof line. It's just like shed roof, uh, joining another shed roof and, um, I'm a professional carpenter. And to look at my own house with shed roofs like this, it just, it looks quite odd. So I wanted to get a more cohesive, like a Gable edge structure off the porch, tie in my house, clean up the roof lines. And, um, that's really how I came up with those ideas to do this project. There's a lot of existing structures that are pretty close to the water, and the house predates zoning, so pretty much everything I would ever want to do there. It requires a visit to the zoning board.

**CHAIRMAN SWEET:** So you're the carpenter. I've heard that the shoemaker's kids go without shoes.

**MR. RYMPH:** Well, it probably looks like that, but we're getting a fresh start here and I'm bringing it around.

**MR. McNARY:** In this drawing... which stream is that? That's not the Crum Elbow. That's a separate stream that comes by your property?

[The applicant and Board discussed the location of the stream.]

**MS. MOSS:** It's a tributary to the Crum Elbow. I don't believe it's named.

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[The applicant and Board continue to discuss the location of the stream, and which way the stream flows.]

The applicant and Board discuss the Secretary's annotations on the sketch, the exact location of Mr. Rymph's property, which direction the house faces, and where the proposed additions will be built.]

**MR. McNARY:** Tad, is this stream a designated stream?

**MS. MOSS:** It's a tributary to the Crum Elbow; and all tributaries are included no matter what the classification.

**MR. DONNELLY:** What year was the house built?

**MR. RYMPH:** 1922.

**MR. DONNELLY:** Wow.

[Mr. McNary and the Zoning Administrator discussed that the variance is for the stream corridor setback.]

**MR. McNARY:** So nothing in terms of the construction of the addition of porch and the bed and the bathroom, simply the –

**MR. RYMPH:** The bedroom is existing.

**MR. McNARY:** The bedroom is existing? Okay. The porch is not?

**MR. RYMPH:** Correct. Or the bathroom.

**MR. McNARY:** The bathroom is not [existing].

**MR. RYMPH:** Correct. You would step out of the existing bedroom into a bathroom, which would then lead to the porch. It's kind of like the best location for plumbing.

**MR. McNARY:** Okay. I'm with you. Okay, so this is a stream variance. Okay.

**CHAIRMAN SWEET:** Stream corridor. Anything within a hundred feet of the high water of a stream... is the stream corridor, where any construction is prohibited. Unless of course we get a variance; and that's what this is all about.

**MR. McNARY:** Mr. Rymph, can you indicate the flow of the property from the porch back to the stream? Is that a downward...?

**MR. RYMPH:** It's down. It's downhill, yes.

**MR. McNARY:** Okay. Any idea of the drop from your house to the stream?

**MR. RYMPH:** Maybe 10 feet.

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**MR. McNARY:** Okay. All right. So there's a good slope there.

**MR. RYMPH:** Yes. And if you look there's other dotted, um, structures on there that actually exist. There's sheds. There was a garage that I had a variance for. It was torn down... replacing some of these dilapidated structures and just bring it back up to snuff.

**MR. McNARY:** Is there any other structure that's not shown on here?

**MR. RYMPH:** No.

**MR. McNARY:** Okay. All right.

**CHAIRMAN SWEET:** Any other questions from the board? Any comments from the Zoning Officer?

**MS. MOSS:** Mr. Rymph has always been careful to come to the Zoning Board of Appeals for a variance from the stream corridor every time he's ever constructed anything. The property is in really good shape, and he does a pretty good job of reducing any impact to the stream corridor from within his property.

**CHAIRMAN SWEET:** I saw that on the application history.

**MR. McNARY:** [Referring to the screenshare] Keep that picture up that you have now.

**MS. MOSS:** You can see the road – you can see where the stream goes under the road on the very left-hand section, that dark line.

**MR. McNARY:** It's coming behind. We can't see it in this picture, but we – all right. Okay.

**MR. RYMPH:** If I could just add something... If you look at this picture on the backside of the house, you just see like a very large shed roof to the left... It's just a very odd, odd look. So this new addition would kind of mimic, in a larger scale, the appearance of the front of the house.

**CHAIRMAN SWEET:** Oh, I see. Now your comments about the roof inconsistency are beginning to make more sense now that I can see this.

**MR. RYMPH:** My specialty being, you know, roof framing and whatnot – to have my house full of shed roofs is kind of embarrassing.

**MR. McNARY:** From a skilled craftsman's perspective, yeah.

[Mr. Sweet shared a story about when he was a teenager. Mr. Rymph shared that he works for the National Park Service as a contractor.]

**CHAIRMAN SWEET:** I think we've been through it. Any comments from our attorney?

**MR. LOGAN:** Just to note that this is also exempt from [inaudible – the Secretary notes that Mr. Logan is most likely referring to SEQRA review, for which this application is exempt].

[Mr. Sweet shared where the public can observe the application. He also shared that the ZBA will accept written public comments for seven days following the closure of the Public Hearing.]

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

[The Board bid Mr. Rymph goodnight.]

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**New Application:**

[Mr. Sweet introduced the next 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, the applicant, was present to answer questions. The Board welcomed him to the meeting.]

**CHAIRMAN SWEET:** What would you like to tell the Board?

**MR. HAASE:** I'd first like to start off... Thank you for letting me apply for this application. I spoke on numerous [times] to Mrs. Moss about the alleged situations. There has been quite a few that I've worked on and was able to clear up, as we speak here today. There are a few that, you know... as far as myself appealing the decision of [Ms. Moss], she had mentioned per se, like, um... We have a small signage out front that notes items that are, per se, like, pertaining to what I do – as like saleable goods. And then other items that are like... we're working on the items... that are in the parking lot that are as saleable goods, I guess, per se, as a contractor. And going through the board in 2009, I was granted a use variance; which was the third ever granted in the Town of Hyde park, which I am beyond grateful for as well.

And my whole background is historical restoration and the demo and salvaging of older structures. In return, I – and a huge passion of mine is to reclaim these materials and try to minimize the waste going into landfills. And I'm trying to give them a new use, whether we rebuild things [inaudible], or then in return, bring them back. We sometimes do store them on trailers, whether we're going to use them or they're going out to another customer's home to be things having built on. So things of that

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nature. But the biggest thing is not letting them all go into landfills and being such a throwaway society. So if you guys have any questions upon that...

**CHAIRMAN SWEET:** Okay, thank you very much. Uh, I've looked through the documentation over the years, and I've abstracted what I think is most relevant to what the Zoning Board is involved in. And I'm going to start mentioning a few of the conditions to the use variance that was granted in 2009. [Reading the original Use Variance] *There shall be no outdoor storage of petroleum products, pressure treated wood or demolition materials. Outdoor storage is limited to the 25 by 28-foot enclosed area at the rear of the structure.*

Neil, would you bring up the photograph that I mentioned to you? [Referring to the screenshare] This is a photograph that I took on April 11th. We're looking South over the parking lot at the building.

Another condition: [reading the original Use Variance] *"There is to be no further expansion of the use without approval of an additional use variance, and this variance does not permit any other general commercial use of the property."*

A handwritten note received on March 18th from Mr. Haase... some word unreadable, this is in scripts... [reading the Note submitted by the applicant] *"business which had been granted use variance has evolved into a complete demo and salvage of old antique goods of raw materials."* And it goes on.

And the next most relevant item is our Zoning Administrator's February 16, 2021 Notice of Violation and Order to Remedy, which I'm going to read a very, very key section, skipping the introduction. [Reading the ZEO's Notice of Violation] *"The specific violation is: September 18th, 2018, unlicensed, unregistered vehicles were on the property; piles of old and used wood and other site construction items were being stored in the area labeled for parking on the approved site plan and the storage was not within the enclosed area specified in the Use Variance. These conditions were still present on September 18th, 2018, December 7th, 2018, December 12th, 2018, March 20th, 2019, May 10th, 2019, December 11th, 2019, May 25th, 2020, July 26th, 2020, August 25th, 2020, and February 12th, 2021. In addition, on July 26, 2020, a temporary structure has been installed and signage posted as notice of items for sale, establishing a use that was not authorized by the ZBA or Planning Board site plan approval; and the sign was installed/displaying without site plan approval or permit. These conditions were still present on August 25th, 2020, February 12th, 2021."* So that's where we stand... Was there someone wishing to speak?

**MR. McNARY:** Well, it appears that the, the business has migrated out of its original intent, to one of rehabbing rehab-able materials [inaudible]... as a restoration.

**CHAIRMAN SWEET:** I don't know about intent, Dave; but I do know about what was – what the use variance was limited to. Okay? So, I don't want to get into intent.

**MR. McNARY:** Okay. So it's expanded, certainly beyond the original variance that was granted.

**CHAIRMAN SWEET:** Indeed. Any other comments from the Board?

**MR. McNARY:** What are the options for this gentleman in terms of moving forward?

**CHAIRMAN SWEET:** Well, he's been sent an order to remedy by the Zoning Officer, and I don't think it's within our purview to make recommendations and advice – what have you. At this point –

**ATTORNEY TO THE BOARD, PATRICK LOGAN:** I can, Herb, if you'd like, I can step in and just say... Procedurally, when someone receives a Notice to Remedy like this, they can appeal it to the ZBA. And this

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is actually something I wanted to clarify with Mr. Haase. You can either appeal Tad's decision saying that I believe Tad's decision is incorrect, or you could appeal from that and essentially seek an amendment to the use variance, which would be like granting a new use variance. So that's something I would like to figure out what exactly is going on here. Are we trying to say that you would like the ZBA to make a different decision than Tad did? Or are you trying to ask the ZBA to change the use variance that was granted originally?

**MR. HAASE:** Am I up to speak?

**MR. LOGAN:** Yes, please.

**MR. HAASE:** So I, I think, and when permitted in 2009, granted a contractor's facility, um, and up until now, the business has grown, and then in return maybe spilled out into the parking lot, per se. So in that terms, I do not think we're looking to change any use because I'm doing exactly what I've always have done since day one, since I came to the town and presented myself to the utilization of the building. I think what has occurred was the growing of a business and, per se, spilling out into the parking lot. And I think maybe in terms of... is there a way or permissible way to utilize a portion of the parking lot for these saleable goods in an organized manner? And then not, you know... cause that is a huge, you know, um, revenue for the business. And not seeing them go into landfills and, you know, I can't express that enough. So I, on my end, I do not think we're looking to change any use because this is what I've always been. I continue to be a contractor, within the confines of, you know, per se, demo and salvaging. But I do think it's just been expanded out into the parking lot. And I would like to ask on the Town's behalf: how could I, you know, comply and, um, work through this in a manageable way?

**MR. LOGAN:** All right. It sounds to me like... Well, there still is a disagreement with you and Tad about whether or not there's a new use, relating to the sale. But it sounds to me like the crux of your request is for a change to the conditions to the Use Variance, because, Tad indicated that the condition of the Use Variance about what things could be stored, what kind of items could be stored outside was what you were in violation of. So you could request that the Board revisit the conditions of the Use Variance, and that would be an Amended Use Variance as well.

**MR. HAASE:** Okay.

**MR. LOGAN:** I'm just saying these are procedural ways for the Board to tackle this problem. I can't say whether or not the board would be inclined to grant those changes. I'm just saying, procedurally, this is how we could move forward.

**MR. HAASE:** Yes, correct. Understandable. I'm here to comply and try to work alongside with the Town to find a way where we can, where we can make this all work.

**MR. DONNELLY:** I have a question.

**MR. HAASE:** Yes.

**MR. DONNELLY:** I see some old tractors and in some other pictures I saw some old cars. Are those, are they in use? Do you use those for your work or are they just kind of just sitting there just dry rotting?

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**MR. HAASE:** So the older vehicles are my trucks, um, for, you know, for the business. The tractor is, in a sense, if you were to say, a part of the business, as you would call it, maybe a lawn ornament or something. We planted flowers around it. Um, we have a lot of people that come and for Christmas time, Thanksgiving – they come and take pictures of their kids. Um, and it's kind of been a staple to the property and, um, to have those people come and visit the site and take those pictures and for years to come and they come back and give me photos, um, it's, it's something that I really cherish. And, um, maybe I'm not saying it correctly, but you know, per se, the old John Deere tractor is, is, uh, a lawn ornament, or I guess you would say to it.

**MR. DONNELLY:** And the other tractor in the back looks like a Ford. Does that, is that working for your business? Or is that just—

**MR. HAASE:** That is correct. That is our five foot brush [inaudible]. So when we're out on a job site, that is the machine that we used to clean up around the job sites. And being able to then utilize, um, trucks and trailers to get into the sites, to then clean the sites up and load the material a lot easier.

**MR. DONNELLY:** And I saw some... an antique car. Is that also part of your business?

**MR. HAASE:** Um, yes. I drive an older, I drive an older pickup truck as well.

**MR. DONNELLY:** [inaudible] It looks like it was from the fifties. That was like –

**MR. HAASE:** This is, this, this is correct. I have old, old patina, 50 international [inaudible]. Yep. So sporadically, you would see him there. Sometimes you would, sometimes you would not.

**CHAIRMAN SWEET:** Okay. Any other questions?

**MR. PERKINS:** Mr. Haase, do you have another location where you store – where you can store stuff temporarily also?

**MR. HAASE:** This is, this is the primary location.

**MR. PERKINS:** Do you have another location?

**MR. HAASE:** No, this is the location, here.

**CHAIRMAN SWEET:** Anyone else?

[There were no other comments at that time.]

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>
<b>Paul Donnelly</b>	<b>YES</b>
<b>David McNary</b>	<b>YES</b>

**Richard Perkins**    **YES**  
**Herbert Sweet**    **YES**                    **CARRIED**

**CHAIRMAN SWEET:** Okay. Mr. Haase, we'll see you on May 26 – oh, our attorney wants to say something. Go ahead.

**ATTORNEY TO THE BOARD, PATRICK LOGAN:** Tad, why don't you go first?

**ZONING ADMINISTRATOR, KATHLEEN MOSS:** I was just going to ask procedurally, does Mr. Haase need to apply for anything in specific, or make a specific request?

**MR. LOGAN:** I was going to say, this type of application would be subject to – it could potentially be subject to environmental review or County referrals. So, Mr. Haase, we would need you to submit an amended application that provides more detail on what exactly you were looking for, because it wasn't clear based off of what you submitted at first. And we can send you a list of the things that are required after this meeting, so you have it written down.

**MR. HAASE:** That would sound great to me, thank you for that.

**MR. LOGAN:** It's probably going to include a Use Variance application, again, just noting what you're trying to get out of this property. And it's probably going to require an environmental assessment form. We can provide you with a copy of that form.

**MS. MOSS:** I would think a [site] plan as well.

**MR. McNARY:** A plan for what?

**MR. HAASE:** May I ask why are we asking for a plan?

**MS. MOSS:** Because you're changing the use from a parking area on the original application to, I believe, storage of materials now. So there would need to be some kind of an indication, I would think, as to where that storage would be allowed and what types of storage would be allowed that you're asking for.

**MR. HAASE:** Okay.

**MR. LOGAN:** And, on that note, it sounds like if what we are doing is – if you were attempting to modify what was granted in 2009, I would imagine – Tad, you can confirm – that he would require a site plan approval from the Planning Board.

**MS. MOSS:** I believe it would also require modification and the original site plan, I believe, was a condition required on the Use Variance. And so I would think that you would also send this one to the Planning Board after you consider it.

**MR. McNARY:** Will we send him that information?

**MR. LOGAN:** We can send a follow up email or letter after the meeting.

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**CHAIRMAN SWEET:** Well, considering the, what the use would be, uh, by our Town's definitions. This would also, as a scrapyard, require a special use permit. In addition to that, it's in a flood plain, so we'd need a flood plain development permit. In addition to that, it's within the stream corridor, so it would need an area variance. So all of those things are required to proceed. Of course, we don't know at this stage, until all of the information is assessed, whether any of that would be granted or not.

**MR. McNARY:** Can we help Mr. Haase in terms of laying out those requirements?

**CHAIRMAN SWEET:** Let me ask the Attorney to reiterate those requirements.

**MR. LOGAN:** No, I wouldn't say that...

**MR. McNARY:** I mean, in terms of sending him information that will be required; so that he understands the things that he'll need in terms of information.

**MR. HAASE:** May I, may I ask a question? ... Now, are... Going through the use variance prior, um, being that I was granted in 2009 and going through all of these, um, already environmental impacts. And I, I had done two years of research and homework and, um, endless paperwork to be able to present to the Town at that point in time. Um, do I get to then revisit those and then address them again, being that I've already done my homework in that manner?

**MR. McNARY:** I would think you'd be able to use that information. Yes.

**MR. HAASE:** I still have them all on file in the office.

**MR. LOGAN:** I would imagine that they would need to be updated, but you certainly can look back on those and use those as a baseline.

**MR. HAASE:** In regards to... I don't... I disagree when we were to say scrap yard. That would be in my terms of, uh, a car junkyard or, uh, different statement. Um, of course that's only my opinion.

**CHAIRMAN SWEET:** I'm quoting from the definitions within the Town Code.

**MR. McNARY:** Is there another definition, Tad, that would relate to what he's doing?

**MS. MOSS:** No, I believe that the scrap yard has to do with storage of over 1200 square feet or a hundred square feet – I don't remember the specifics of the definition – but it's storage of basically used materials for sale. Oh, good. Herb's going to drag out [the code book].

**CHAIRMAN SWEET:** I've got the big book here.

**MS. MOSS:** Thank you, Herb.

**MR. LOGAN:** I can also just say that, uh, it is possible for the application to be, in part, disagreeing with Tad's interpretation as to scrapyard and the use. And then simultaneously asking for a change to the conditions of the original Use Variance.

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**CHAIRMAN SWEET:** Here's what the scrapyard definition is in the definition section of the Zoning Code 2.2. [Reading from the Town of Hyde Park Town Code book] *"The scrapyard is the use of more than 100 square feet of land or structures for more than 30 days for the dismantling or accumulation of used and discarded materials outside of a completely enclosed building. The term does not include a refuse dump site as defined in Chapter 66."* 100 square feet for dismantling or accumulation of used and discarded materials. And that's what the definition of scrap yard is. And we seem to be looking at one [referring to the screenshare]. We set this aside, and continue.

**MR. PERKINS:** 100 square feet isn't very big.

**CHAIRMAN SWEET:** No, a hundred square feet is 10 by 10 [feet].

**MR. AGRAWAL:** [Referring to the photo being screenshared] That's more than 10 by 10.

**CHAIRMAN SWEET:** It certainly is. The original variance was limiting outdoor storage to the fenced-in area to the rear of the building. Shows up kinda light [pointing with cursor to the reference photo]. There it is. That's where everything outdoors is – was authorized to be stored, according to the conditions of the variance. The variance was not open-ended, that the business could grow into whatever it wanted to grow into; it was very limited. So that's where we're starting. And, um, so these are the things that have to be considered.

**MR. McNARY:** If this area was enclosed, would it change what we're talking about?

**CHAIRMAN SWEET:** I believe so. Uh, but I don't think we want to get into that at this point.

**MR. LOGAN:** I was about to say: I think we're getting ahead of ourselves.

**CHAIRMAN SWEET:** Yeah, exactly, exactly. We just laid out some of the difficult areas that have to be addressed. Not that we want to, but that's what the Town Code says.

**MR. AGRAWAL:** Ron, maybe you should set up a convenient meeting with Tad offline. You know, however that's done in this day and age, and talk one-on-one with Ms. Moss. And I think she'll be glad to help you out to figure out what the next step could be.

**MS. MOSS:** You do understand that I'm in an adversarial position with him, right now?

**MR. LOGAN:** I will say that if Ron wishes to speak with the Zoning Office, I'm sure that we can figure out a way to let him know what is required in terms of applications for paperwork.

**CHAIRMAN SWEET:** Yeah. Procedure.

**MR. LOGAN:** Yes.

**CHAIRMAN SWEET:** Exactly. As opposed to recommendations, which none of us can make. We certainly, certainly want all parties, especially applicants, to be informed of what it is that has to be done, so to meet the requirements of the law.

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**MR. McNARY:** I think also, Mr. Haase, we want to understand what you're trying to accomplish and to make sure it's within the guidelines of the community. Are there ways to meet your needs as well as the community's?

**MR. HAASE:** Yeah. Correct. And that's why I'm here to comply. And if I, and if I can mention... I'm not, I'm also not looking to utilize the whole entire parking lot, per se, because we still need to manage the parking area for cars, for the business as well. Um, and for clients That come to see us. So, um, I think, you know, if there were maybe, per se, to be a generalized location that would be used in the confines of that space. Kind of going in that direction.

**MS. MOSS:** I want you to recognize that you're going to need to do a full study on the stream because that's within the flood zone; and any storage in there, even if it's temporary, has got to demonstrate that it doesn't impact the flooding – even if it's logical that it won't – it requires a permit.

**MR. HAASE:** Okay. I understand.... But I get caught up a little bit because we were able to utilize the parking lot with vehicles, trucks, for the construction, trailers and things of this nature. Um, but yes, whatever I have to do on my behalf, I'm looking forward to go forward and how I can comply to make this work for everyone. So whatever procedure and items I have to do on my end.

**CHAIRMAN SWEET:** Okay. Very good. I think we've gone as far as we... Oops, I'm ahead of myself... I'm not too sure we can set a public hearing until we have the application more nailed down.

**SECRETARY TO THE BOARD, SARINA TEUSCHLER:** You already have.

**MR. LOGAN:** You can set the public hearing, and you can hold the public hearing, but you would have to keep it open until you receive everything that you're going to need to receive.

**CHAIRMAN SWEET:** I see. Okay. Okay. On that case, we can kick it off, uh, at the May 26 meeting and proceed based on the receipt of the information that we need to proceed. And then once we receive it, address it, address comments from the public... and that's, that's the general process.

[The Board voted once again to set the public hearing; but as it had been previously done, the Secretary did not record these votes.]

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[Chairman Sweet introduced the next application.]

**#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.

[Applicant Michael Kaminski and Representative Paul Beichert were present to explain the application.]

Webmaster Krupnick screenshared an image of the proposed sign.]

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**CHAIRMAN SWEET:** Perhaps you might want to tell us what we're looking at. I think we know what we're looking at, but tell us anyway.

**MR. BEICHERT:** My name is Paul Beichert, and I am from timely signs. I develop these designs, on behalf of our client, Hudson Valley hospice. And, you know, we worked really hard with the architect and our client to develop a signage package here, especially for the freestanding sign that meets all of the town requirements with the exception of the logo. And we have had an issue before, especially with the Hyde Park office.

There's a current variance in place. There is a... with the branding for Hudson Valley hospice, there's a fairly large starburst that has required a variance in the past for the building letters. Um, if any of you have seen that... there's a variance on file for that. We were able to successfully rebrand their Hyde Park office when they did their recent renovation and exterior update. I think it looks much better than the previous version.

This new project has the same parameters in terms of the physical dimensions of the starburst. It's just part of their branding. It's a significant portion of it. And we feel that, as a whole, if you look at the entire project, and the aesthetic merit of the entire structure that it really does, you know— Granting a variance for the icon essentially doesn't detract from the entire project. It's fairly inconspicuous. It's a secondary element. While it is part of their branding, it's not a national brand logo, like a Dunkin donuts or Starbucks or McDonald's. It's a fairly innocuous element. Definitely a secondary read in terms of the priority of text and graphics. I know it's a significant variance, 10 inches from 23 ½... I welcome your comments and questions about this.

**MR. McNARY:** Mr. Beichert, this sign— is this similar to the one that is in the, on the existing site for Hudson Valley Hospice where their officers are [inaudible] right now? Am I understanding that correctly?

**MR. BEICHERT:** Yeah.

**MR. McNARY:** The size of the of the print, not the logo itself is not – you're not asking for that change. You're just asking for an expanded logo, which is the starburst, if you will, is that correct?

**MR. BEICHERT:** That's correct.

**MR. McNARY:** Okay. And are you using this size of print on signage for your existing site? This is for the new site, correct?

**MR. BEICHERT:** This is for a new development, which I believe – Mike, you can comment on this, if you want on mute. It's a residential.

**MR. McNARY:** Right. We're aware of that. And we know that, but –

**MR. KAMINSKI:** Can you hear me now? I'm sorry. I lost my internet connection on my laptop, so I'm on my phone. I apologize.

**CHAIRMAN SWEET:** Dave, this is the same organization that we just passed.

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**MR. McNARY:** No, I know that. I know that. All I'm saying is right now you have an office site and you're using, if I understand correctly, you're using this size print signage, and what you're asking, is that correct right now?

**MR. KAMINSKI:** Yes, it's basically – Yeah.

**MR. McNARY:** So we're not talking about the size of the text on this. We're talking only about the size of the logo, which is a starburst.

**MR. KAMINSKI:** I'm sorry, I'm sorry to interrupt, but the whole thing is the logo, and it includes the starburst. Yes.

**MR. McNARY:** Okay. All right.

**MR. AGRAWAL:** The logo is within the red border, correct?

**MR. KAMINSKI:** Right. But the logo includes “Hudson Valley Hospice”. And in this case, “Hudson Valley Hospice House.” That's our logo. We put that on everything.

**CHAIRMAN SWEET:** The graphic is the orange [starburst] and that's what we're after.

**MR. McNARY:** And, right now we are – Tad, are we limited? The size that is acceptable for a logo is much smaller than this. Is that correct?

**ZONING ADMINISTRATOR, KATHLEEN MOSS:** That's correct.

**CHAIRMAN SWEET:** 10 inches.

**MS. MOSS:** 10 inches is what's permitted.

**MR. PERKINS:** We'd have to shrink lettering to meet that.

**MS. MOSS:** And it would make teeny, tiny little letters.

[Chairman Sweet made a joke.]

**MR. PERKINS:** Where is the sign going to be?

**MR. KAMINSKI:** It's down. It's on – basically a couple of feet off of [Route] 9G, on the building side of the new sidewalk that we'll put in parallel to 9G.

**MS. MOSS:** At the entrance drive.

**MR. KAMINSKI:** Yeah, I'm sorry, at the entrance drive.

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**MR. McNARY:** And this will be perpendicular to the entrance drive. Is that correct?

**MR. KAMINSKI:** Yeah. At the entrance, it will be perpendicular to 9G and parallel to the driveway.

**MR. PERKINS:** So, if I'm stopped [on the driveway] at 9G, I'll be able to look both ways without seeing that sign?

**MR. McNARY:** Where are you stopped at 9G?

**MR. PERKINS:** To turn on to 9G. [Inaudible] leaving Hudson Valley Hospice, when I pull out to the road, I will be able to look in both directions?

**MR. KAMINSKI:** Oh, I see. Yes, it is far enough back from the road. You'll be able to see the road before you get off the drive – both directions of 9G before you get off of the driveway.

[Multiple people speak at the same time. The Secretary is unable to distinguish who is speaking or what they are saying.]

**CHAIRMAN SWEET:** I think what Mr. Perkins is getting at is whether or not this would be a hindrance to making a turn on the highway. And I believe the answer I heard is it's set back enough from highway that it's not going to be that kind of an obstruction.

**MR. PERKINS:** Because we do have those problems in Hyde Park.

**CHAIRMAN SWEET:** We certainly do. I can think of a couple right now, but I'm not going to mention them.

**MR. KAMINSKI:** The location is identified on our site plan.

[The Secretary, Webmaster, and others discuss who will screenshare the site plan. The Attorney to the Board screenshared the site plan.]

**MR. LOGAN:** I believe it is right here.

**CHAIRMAN SWEET:** Yes, that's the monument sign.

**MR. LOGAN:** [Referring to the site plan] This is 9G.

**CHAIRMAN SWEET:** That's good. Now we can see that there's considerable distance between the edge of the monument sign and the roadway. Nobody's going to have the problem we have... at places we all know where... Okay. Excellent.

**MR. KAMINSKI:** As a matter of fact, you could see that there was a 20-foot marker from the edge of 9G... to the bench that the Planning Board requested. And the bench is about 10 feet away from the sign.

**CHAIRMAN SWEET:** Okay. So unless there's some really tall people sitting on the bench, we should be okay.

[Chairman Sweet asked if the Board had any more questions. None did. The Zoning Officer had no questions either.]

Mr. Logan, Attorney to the Board, advised that the Board perform a SEQRA review, and refer the project to Dutchess County Planning.]

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

**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:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>YES</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

[Mr. McNary told the applicant that despite all the hoops they have to jump through, the Board still fully supports the Hudson Valley Hospice project, as it is much needed in the community.]

**MS. MOSS:** So, because this is going to County, is that correct? That they have so many days to respond. That's why we can't close the public hearing and deal with a resolution at the next meeting.

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[The Secretary notes that, despite the length of the above discussion, it was not a public hearing.]

MR. BEICHERT: Tad, quick question. How long does the County have to respond to this?

MS. MOSS: I believe they have 30 days.

SECRETARY TO THE BOARD, SARINA TEUSCHLER: I will request that they respond before the next meeting, so that we will have enough time to review everything.

MR. BEICHERT: Thank you. We appreciated the expediency. It's an important project. They have a timeline that they need to meet as you know.

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

**ROLL CALL VOTE:**

<b>James Agrawal</b>	<b>YES</b>	
<b>Paul Donnelly</b>	<b>[absent]</b>	
<b>David McNary</b>	<b>YES</b>	
<b>Richard Perkins</b>	<b>YES</b>	
<b>Herbert Sweet</b>	<b>YES</b>	<b>CARRIED</b>

**Meeting adjourned at 8:52 pm.**