

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

DRAFT MINUTES FOR REGULAR MEETING

May 25, 2022 6:00 PM

Present: David McNary, Chairman **Absent:** Richard Perkins
James Agrawal
Gerald Bowen
Paul Donnelly

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

The meeting began at 6:00 pm Chairman McNary led the Pledge of Allegiance.

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.

Paul Donnelly motioned to open the public hearing; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

Applicants present: none

Discussion: still awaiting Planning Board to finish SEQRA before ZBA can act

Public comments: none

James Agrawal motioned to **continue** the public hearing to **July 27, 2022**; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 4
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

1. To permit a cumulative square footage for signs on a single lot to 166.35 square feet for the proposed signage where the maximum permitted is 100 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(a); and
2. To permit a cumulative square footage of up to 2.46 square feet for each lineal foot of the portion of the front of the building with a separate external entry where the maximum permitted is 1 square foot for each lineal foot pursuant to Zoning Law Section 108-24.2(C)(1)(a); and
3. To permit a maximum of 54.6 square feet for wall-mounted signage facing Route 9G where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
4. To permit a maximum of 63.25 square feet for wall-mounted signage facing Crum Elbow Road where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
5. To permit a maximum letter height of 21 inches on the proposed wall signage where the maximum letter height of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(b); and
6. To permit a maximum symbol or graphic dimension of 30 inches on the proposed wall signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
7. To permit a maximum of two individual freestanding signs on a single lot where the maximum permitted is one individual freestanding sign pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
8. To permit a maximum height of 11 feet for decorative elements on the proposed freestanding signage where the maximum height of 8 feet for freestanding signs is permitted pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
9. To permit a maximum symbol or graphic dimension of 19.5 inches on the proposed freestanding signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
10. To permit a maximum of 4 square feet in total area per sign for safety signage where the maximum permitted is 2 square feet pursuant to Zoning Law Section 108-24.2(C)(3)(b);

Gerald Bowen motioned to open the public hearing; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

Applicants present: none

Discussion: applicant will be submitting revised drawings tomorrow, 5/26/22

Public comments: none

James Agrawal motioned to **continue** the public hearing to **June 22, 2022**; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

#22-05Z Pedro Acero
8 Rymph Blvd
Poughkeepsie, NY 12601
Tax Grid No. 6263-03-477473
Area Variances – Section 108-5.15 Bulk Regulations in Greenbelt District to change front yard setback from 50 feet to 40 feet for the construction of a porch on the front of a house already built within the setback.

Gerald Bowen motioned to open the public hearing; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

Applicants present: Pedro Acero, Shawn Pitcher

Discussion: Mr. Pitcher showed to the Board photos of their previous rehabilitated homes.

Public comments: none

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

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

The Secretary noted typos in the proposed resolution. The heading listed “8 Rymph Rd” and the content of the resolution listed “7 Rymph Rd” as the project location. The Secretary explained that the correct mailing address is 8 Rymph Boulevard, and there were no other errors in the resolution.

Gerald Bowen motioned to amend the resolution to the corrected mailing address in both places; and James Agrawal seconded the motion.

VOICE VOTE TO AMEND RESOLUTION #22-05Z

All in favor 4
All opposed 0 CARRIED

As amended
RESOLUTION TO GRANT AN AREA VARIANCE

Pedro Acero
8 Rymph Blvd
Poughkeepsie, NY 12601

Date: May 25, 2022

Motion: James Agrawal

Resolution #22-05Z

Second: Paul Donnelly

WHEREAS, the applicant, Pedro Acero, has submitted an application for an area variance to build a front deck with a covered porch (the “Project”) at property located at 8 Rymph Boulevard, identified as tax parcel no. 6263-03-477473, in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a sketch prepared by the applicant, dated April 12, 2022; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a 4’ by 8’ covered front porch with a 40’ front yard setback where a 50’ setback 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 opened on April 27, 2022 and closed on May 25, 2022 during duly noticed meetings during which all those who wished to speak were heard; and

WHEREAS, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Hyde Park Zoning Law Section 108-33.6(B)(2),

which require the Board to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the general neighborhood or community by such grant.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following findings in accordance with Section 267-b of the Town Law and Hyde Park Zoning Law Section 108-33.6(B)(2) regarding the Requested Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The variance is reasonable and it will enhance the look of the house. Most of the other houses in the area are built within the required setback, therefore it conforms to the existing character of the neighborhood. Additionally, several of these houses also have covered front porches.
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 applicant cannot rearrange the house or relocate the front door as it is cost prohibitive. The front door is off the ground level and the only access to it would be via steps to a deck to enter the residence.
3. The Requested Variance is numerically substantial. The variance requested represents a 20% reduction from 50' to 40'.
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 variance will add to the aesthetic appeal of house, therefore improving the neighborhood. The deck is relatively small, and will not produce negative environmental impacts.
5. The difficulties are self-created. The applicant purchased the house as is, and seeks to rehabilitate the property, including adding this porch.

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

1. Pursuant to Section 108 – 33.5 F (1), the authorized activity must commence within one year from the date of issuance, otherwise the variance is revoked.
2. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

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

CARRIED AS AMENDED

#22-07Z John Kochem

26 Bella's Way
Poughkeepsie, NY 12601
Tax Grid No. 6164-02-901912

Two (2) Area Variances – Section 108-4.3 B (5) Animal Husbandry to change minimum distance of chicken pen to closest residence, from 300 feet to 135 feet, and change minimum distance of enclosed chicken manure storage to a well, from 200 feet to 152 feet (applicant's well).

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

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

Applicants present: John & Kelly Kochem

- Applicant provided new documentation
 - 1) DC Agriculture Environmental Management Project Team report on chickens at 26 Bella's Way – stated no danger to water supply
 - 2) USDA Conservation Practice Standard for Waste Storage Facilities – demonstrates applicants belief that manure storage will not be an issue
- Applicant states no need for rooster, beyond children's happiness. Chickens are always fenced inside pen, never subject to danger from predators.
- Chairman McNary asked for alternatives – applicant had none. Chair wants applicant to explore other options for rooster

Public comments:

Kelly Stewart, 20 Bella's Way, stated her opposition was specifically to the rooster. She had no concerns with the variance if it is for only chickens, and she had no concerns about the distance to the wells.

There were no other public comments at this meeting.

Gerald Bowen motioned to **continue** the public hearing to **June 22, 2022**; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

NEW PUBLIC HEARINGS:

#22-06Z Vumbico c/o Berger Engineering
120 River Road

Hyde Park, NY 12538
Tax Grid No. 6064-03-531762

Two (2) Area Variances – Section 108-5.15 Bulk Regulations in Waterfront District to change maximum lot coverage from 15% to 23% and building height allowance from 35 feet to 38 feet for the construction of a new house on a vacant lot.

Applicants present: Michele Zerfas, Paul Varanouskas

Discussion:

Representatives:

- Do not want to change driveway from black top to other material / porous pavers. Reasons: too expensive, too hard to maintain.
- Do not want to change courtyard to porous pavers – lot slopes down and this will lead to a build up of water in the basement
- Do not want to decrease size of house. Representative clearly states the applicants “don’t want to.”
- Admit they could decrease the variance by lowering the middle roof. Property owner doesn’t “want” that. They want higher ceilings.

Board:

- Chairman wants applicants to seek alternatives to so much impervious black top. Black top driveway alone more than doubles the lot coverage. Driveway is what is pushing them to seek variance – so change driveway
- Concerned about increasing impervious coverage, and having enough drainage on a lot that is already very rocky (naturally impervious) and steep

Public comments: none

Paul Donnelly motioned to **continue** the public hearing to **June 22, 2022**; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

#22-08Z Ishak c/o John Caro
34 Greenbush Drive
Poughkeepsie, NY 12601
Tax Grid No. 6163-03-382434
Area Variances – Section 108-5.15 Bulk Regulations in Neighborhood District to change maximum permitted density from 0.5 acres per dwelling unit to 0.39 acres per dwelling unit for a two-family dwelling.

Chairman McNary explained that Paul Donnelly is recused from this application; John Scileppi, alternate member, will be stepping in to review this application. Mr. Donnelly stepped down from the dais and left the room.

Applicants present: John Caro

Discussion:

Mr. Caro:

- Mr. Caro states the owner purchased the property as is, with the illegal apartments. He stated the owner wants to maintain the apartment because it is a “better situation” for him.
- 3-family dwelling is not permitted in this zoning district; also requires significant fire proofing. 2-family is permitted, and requires fewer changes inside.
- Claims there are 2 working septic systems.
- There is no property manager. The owner cares for the property, but does not live there. Mr. Caro did not know where he lived or how often he visited the property.
- Mr. Caro requested the Board adjourn until they had a full board of 5 again, because with a quorum of 4, a split decision means denial in this case. Attorney to the Board Ms. Wilson stated the Board was under no obligation to accommodate this as the variance is sought to remedy a violation, while the owner has made no attempts to begin complying.

Board & Counsel:

- John Scileppi, alternate member, questioned what was being done or what would be done to fix the current problems and prevent future problems of excess cars, noise, trash, and lack of upkeep. Mr. Caro could not answer.
- Attorney to the Board, Sarah Wilson, noted that this variance is meant to remedy a Notice of Violation served by the Zoning Administrator, and this process is pausing further enforcement or recourse. She asked why the owner was not attempting to comply now, and instead choosing to remain in violation and collect rent fees from three illegal apartments. Mr. Caro stated he did not want to make significant changes to the interior of the building without a permit. Ms. Wilson reminded him the applicant need only stop renting one of the apartments to come more into compliance.
- Chairman McNary asked for the applicant to explore alternatives to the variance. Mr. Caro said there were none, except to revert back to a single-family.
- James Agrawal drove by the property the past weekend and noted that, while it was well-kept, there were many vehicles parked at the house.

Public comments:

Edwina Payne, 1 Knolls Rd, spoke against the application, citing significant concerns about lack of care for the property from tenants and owner alike; specifically, the septic stench, excess garbage, unnecessary number of cars, and late-night noise. She did state that recently the garbage issues had improved, and there were fewer vehicles on the property than there used to be.

John Lombardi, Councilmember for Ward 3 in Town of Hyde Park, shared that since taking office in January he had received many complaints about this property. The complaints were mainly for excessive number of cars, garbage piling up and spilling out into the road, and septic issues. Councilman Lombardi also alleged that, at one point, one of the apartment’s wastewater discharge was being freely dumped into the yard via a pipe.

James Agrawal motioned to **continue** the public hearing to **June 22, 2022**; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 3

Absent 2
All opposed 0 CARRIED

#22-09Z Andrew Winstel c/o Day-Stokosa Engineering
9 Schryver Lane
Hyde Park, NY 12538
Tax Grid No. 6165-02-580660

Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District to change front yard setback from a minimum of 50 feet to 23 feet for the construction of a garage.

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

VOICE VOTE:

All in favor 3
Absent 1
All opposed 0 CARRIED

Mr. Donnelly had not yet returned to the room and did not vote on this motion.

Applicants present: Brian Watts of Day-Stokosa Engineering

Discussion:

- Current garage- 1 car. Proposed 2 car garage
- House currently in setback. Built in 1956 before prior zoning ordinance.
- Only alternative to entering setback is north of property – giant rock outcrop makes this financially infeasible.
- Garage will be mostly hidden from view, based on house orientation and topography of lot.
- Mr. Stokosa is not sure if this conforms to character of neighborhood, as he has not seen it in person.

Public comments: none

Gerald Bowen motioned to **continue** the public hearing to **June 22, 2022**; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

NEW APPLICATION INTRODUCTIONS:

#22-10Z Culinary Institute of America c/o Timely Signs
1946 Campus Drive

Hyde Park, NY 12538
Tax Grid No. 6063-02-906630

Area Variance – Section 108-24.2 C (3) (a) to change maximum sign area per sign face from 30 sq ft to 35.35 sq ft on two freestanding monument signs.

Applicants present: Paul Beichert, Timely Signs

Discussion:

- Current signage in place since before new sign ordinance. Already not in compliance. The proposed signs come more into compliance.
- Stone structure remains the same. Only sign faces change.
- Applicants want clear space around “mark” (a.k.a. the logo)
- Mr. Beichert believes this will not affect the character of the neighborhood.
- No reflective paint on signs. Lighting remains same as current.

David McNary motioned to **set** the public hearing for **June 22, 2022**; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

OTHER BUSINESS:

James Agrawal motioned to approve the minutes of the April 27, 2022 meeting; and Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

Paul Donnelly motioned to adjourn; and James Agrawal seconded the motion.

VOICE VOTE:

All in favor 4
All opposed 0 CARRIED

The meeting adjourned at 7:55 pm.

Sarina Teuschler
Secretary to the Zoning Board of Appeals