

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

DRAFT MINUTES FOR REGULAR MEETING

June 22, 2022 6:00 PM

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

Absent:

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 6:04 pm Chairman McNary led the Pledge of Allegiance.

CONTINUED PUBLIC HEARINGS:

#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 of up to 1.43 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 to allow 45.8 square foot sign pursuant to Zoning Law Section 108-24.2(C)(1)(a); and
2. To permit a maximum of 45.8 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
3. To permit a maximum letter height of 16.75 inches for “Rite Aid” and 11 inches for “Pharmacy” 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 where the Planning Board granted up to 16.25 inches for “Rite Aid” and 11 inches for “Pharmacy”; and
4. To permit a maximum symbol or graphic dimension of 24 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 where the Planning Board granted up to 16.25 inches; and

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Jay Diesing of Mauri Architects was present. Mr. Diesing presented a graphic rendering of the site with new landscaping, but this does not affect the variance.

There were no public comments.

Paul Donnelly motioned to close the public hearing; Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-5111, ext. 2

RESOLUTION TO GRANT THREE AREA VARIANCES

Hyde Park Quick Stop
4912 Albany Post Road
Staatsburg, NY 12580

Date: June 22, 2022

Motion: Chairman David McNary

Resolution: #22-03Z

Second: Richard Perkins

WHEREAS, the applicant, Mauri Architects PC on behalf of owners Jatt Boys Properties LLC, has submitted an application for three (3) area variances to renovate and increase the size of an existing gas station (the “Project”) at property located at 4912 Albany Post Road, Hyde Park, New York identified as tax parcel no. 6066-02-879622, in the Neighborhood Business Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Hyde Park Quick Stop,” prepared by Mauri Architects PC, dated March 1, 2022 (the “Plan”), and engineering plans entitled “Grading & Utility Plan,” prepared by Willingham Engineering, revised June 10, 2022; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit increased lot coverage of 81.1% where 70% is the maximum, to allow

for wrap-around asphalt drive for deliveries and access to additional gas pumps as authorized by the Town Code (the “First Variance”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a decreased front yard setback of 5 feet 7 inches where 20 feet is required, to allow for the relocation of underground fuel storage tanks out of the stream corridor buffer to an area on the west side of the property towards Route 9 (the “Second Variance”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a building scale (in square feet) of 9,071 sq. ft. where 7,500 sq. ft. is the maximum, to allow for an adequately-sized canopy over the increased number of gas pumps (the “Third Variance”); and

WHEREAS, in accordance with the Town Code and the State Environmental Quality Review Act (“SEQRA”), the Planning Board is required to determine the classification of the proposed Project as lead agency; and

WHEREAS, the applicant submitted a Full Environmental Assessment Form (“EAF”) dated March 1, 2022 pursuant to SEQRA; and

WHEREAS, the Planning Board classified the proposed Project as a Type I action under SEQRA and determined that the proposed Project will not result in any significant adverse environmental impacts and issued a Negative Declaration by Resolution #2022-10A on June 15, 2022 which was subsequently filed with the Town Clerk on June 16, 2022; and

WHEREAS, pursuant to section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development on March 30, 200, which responded on April 27, 2022 that the Project was a matter of local concern; and

WHEREAS, on May 18, 2022, the Planning Board submitted correspondence to the ZBA in support of granting the requested area variances; and

WHEREAS, a duly noticed public hearing was opened on April 27, 2022, continued on May 25, 2022, and closed on June 22, 2022 at duly noticed public 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 variances are 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 Variances:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The First Variance, though the increased lot coverage is numerically substantial, allows for renovations and improvements to the Site that will both increase its safety and benefit the nearby residents. This Site is the only fueling station on Route 9 for miles between Hyde Park and Rhinebeck, in addition to being one of the only convenience stores in the area. The increased coverage allows for more vehicular traffic lanes, increasing safety of the Site for both pedestrians and drivers. Furthermore, the nearby KO Storage facility also exceeds its lot coverage limit. Consequently, the applicant's proposed increase keeps with the character of the immediate surroundings.

The Second Variance will not alter the character of the neighborhood as the fuel storage tanks are underground and not visible to patrons or passersby on Route 9.

The Third Variance for increased scale is necessary primarily to allow a larger canopy over the gas pumps. The scale could conform to code if the applicant removed some gas pumps and subsequently reduced the canopy size; however, as stated previously, this is the only fueling station along Route 9 for miles. Importantly, this increase in scale is for the gas canopy, which is elevated twenty feet above the Site and therefore will not cause significant impact when customers use the Site.

2. The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested area variances.

The proposed variances will allow the applicant to develop a significantly larger portion of the parcel while constructing a new facility that can better accommodate customers. The Site design, with the wrap-around asphalt drive, will provide safe vehicular access for trucks and trailers, thereby increasing the general safety for all patrons. Additionally, relocating the underground fuel storage to the area near Route 9 will not encroach the front of the Site. The scale variance is only necessary due to the requirement of a canopy at the fueling station and occupies over 30% of the Project's total gross square footage. Relatedly, the canopy is mandatory to provide fire suppression over the fuel pumps, let alone protection for customers from the elements in inclement weather.

3. The Requested Variances are numerically substantial. The First Variance would increase the lot coverage to 81.1% where 70% is the maximum permitted, which is less than a 16% increase. The Second Variance that the applicant seeks is to reduce the front yard setback to 5 feet 7 inches where 20 feet is the minimum permitted. If granted, the Second Variance would result in a decrease of 14 feet 5 inches, which represents an over 70% decrease. It is noted that the front yard setback is required for the underground fuel storage that will not be visible. The Third Variance applicant seeks is to increase the scale to 9,071 square feet where 7,500 square feet is the maximum permitted. The additional 1,571 square feet represents an approximate 20% increase.
4. The Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

The First and Third Variances will have no discernible impact to the environment as the existing building on the Site is already large. Any impact of stormwater runoff from the increased lot coverage will be mitigated through stormwater treatment facilities around the Site.

The Second Variance, though numerically substantial, will in fact benefit the environment. The applicant seeks to move the underground fuel storage tanks further outside of the wetland stream corridor buffer to its east and south. After considering the related Site improvements and the addition of more gas pumps, this proposed location for the fuel storage is the best option.

- 5. The difficulties are self-created.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances subject to the following conditions:

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

Adopted:

ROLL CALL VOTE BY SECRETARY

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

#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.

David McNary motioned to open the public hearing; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

There were no applicants present at the meeting.

Chairman McNary began by explaining that the previous lot coverage request of 23% had been dropped to 19% via an application change. The Board had visited the site Tuesday, June 21st. During the visit, the owner indicated he was working with the architects to explore pervious options for the driveway, to bring the 19% coverage down further.

There were no public comments.

James Agrawal motioned to continue the public hearing to July 27, 2022; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#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).

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

The Kochem Family was present.

Richard Perkins expressed concern about avian flu. Mr. Kochem explained that the signs and symptoms of avian flu are obvious, and he had not heard of any in the area. If a bird catches avian flu, they are disposed of promptly.

There were no public comments.

Richard Perkins motioned to close the public hearing; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

All in favor 5
All opposed 0 CARRIED

Brian Watts of Day-Stokosa Engineering, representative to the owner, was present.

Discussion:

- House already in setback
- Rock outcrop prevents construction outside of setback

There were no public comments.

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

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

RESOLUTION TO GRANT AN AREA VARIANCE

Andrew Winstel
 9 Schryver Lane

Date: 6/22/2022

Motion: James Agrawal

Resolution #22-09Z

Second: Richard Perkins

WHEREAS, the applicant Day Stokosa Engineering, on behalf of owner Andrew Winstel, has submitted an application for an area variance for front yard setback relief to complete the construction of a 24 foot by 24 foot garage (the “Project”) at property located at 9 Schryver Lane, Hyde Park, NY 12538 identified as tax parcel no. 6165-05-580660 in the Neighborhood Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Lands of Winstel” prepared by Day Stokosa Engineering P.C. dated April 10, 2022 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard setback of 23 feet where 50 feet is required (the “Requested Variance”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence is a Type II action under the

State Environmental Quality Review Act and is not subject to review under the Act; and

WHEREAS, a duly noticed public hearing was held on May 25, 2022 and June 22, 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 be a detriment to nearby properties.

The addition of the garage will match the existing architecture of the dwelling as well as maintain the character of the neighborhood. Many homes in the neighborhood have garages, and many of them are already built within the setback. This neighborhood was built before current zoning standards took effect. This house in particular was built in 1956.

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 proposed location is the only viable place for the garage. Additionally, the house was built before current standards and is already within the setback. Nearly any location on the lot would require a setback variance – except for the eastern side of the lot. This side, however, is blocked by a large rock outcropping. Constructing the garage here would require extensive blasting. This is both expensive for the applicant and disruptive to the neighborhood, therefore not a viable option.

3. The Requested Variance is numerically substantial. The requested variance represents a 54% change in the existing front yard setback standards; changing from 50 feet to 23 feet.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

Decreasing the yard setback requirement will not have any impacts on the natural environment. There are no nearby bodies of water, and the rock outcropping makes the lot quite impervious. The addition of the garage will not impact the visual environment either. The lot is at the end of a cul-de-sac and the large rock outcropping will hide the garage from view while passersby drive toward the site.

5. The difficulties are self-created.

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

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

Adopted:

ROLL CALL VOTE BY SECRETARY

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

NEW PUBLIC HEARINGS:

#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.

Richard Perkins motioned to open the public hearing; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor	5	
All opposed	0	CARRIED

Paul Beichert of Timely Signs, representative to the applicant, was present.

Discussion:

- Campus-wise rebrand with logo
- Similar to current, new sign faces

There were no public comments.

CONCLUDING SEQRA

David: confirm if Board has reviewed EAF part 2 and 3

Richard Perkins motioned to accept EAF parts 2 and 3, and classify the action as Unlisted under SEQRA; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Richard Perkins motioned to close the public hearing; Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

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

RESOLUTION ADOPTING A SEQRA DETERMINATION OF SIGNIFICANCE

Culinary Institute of America Signage
1946 Campus Drive

Date: June 22, 2022

Motion: David McNary

Resolution #22-10z-A

Second: James Agrawal

WHEREAS, the applicant, Timely Signs of Kingston, has submitted on behalf of the Culinary Institute of America an application for an area variance to increase the maximum permissible square footage of freestanding monument signs on an existing education facility located at 1946 Campus Drive, Hyde Park, NY, identified as tax parcel nos. 6063-02-906630 and 6063-02-966578, in the Saint Andrews Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on a signage plan entitled “Culinary Institute of America - Replacement Monument Signs,” prepared by Timely Signs of Kingston, Inc., dated April 1, 2022 (the “Sign Plan”), depicting signs at the north entrance and south entrance of the Site (the “Northern Sign” and “Southern Sign”); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form Part 1 (“EAF”) dated May 11, 2022; and

WHEREAS, by oral resolution on June 22, 2022, the Zoning Board of Appeals classified the Project as an unlisted action under SEQRA and determined to conduct an uncoordinated review; and

WHEREAS, the Zoning Board of Appeals has considered all available information concerning the potential impacts of the Project and found that it has sufficient information on which to base a determination of significance; and

WHEREAS, the Zoning Board of Appeals has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby determines that the Project will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.

Adopted:

ROLL CALL VOTE BY SECRETARY:

James Agrawal	YES
Paul Donnelly	YES
Richard Perkins	YES
John Scileppi	YES
David McNary	YES

CARRIED

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

RESOLUTION TO GRANT AREA VARIANCE

Culinary Institute of America Signage
1946 Campus Drive
Hyde Park, NY 12538

Date: June 22, 2022

Motion: David McNary

Resolution #22-10Z

Second: James Agrawal

WHEREAS, the applicant, Timely Signs of Kingston, has submitted on behalf of the Culinary Institute of America an application for an area variance to increase the maximum permissible square footage of freestanding monument signs on an existing education facility located at 1946 Campus Drive, Hyde Park, NY, identified as tax parcel nos. 6063-02-906630 and 6063-02-966578, in the Saint Andrews Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on a signage plan entitled “Culinary Institute of America - Replacement Monument Signs,” prepared by Timely Signs of Kingston, Inc., dated April 1, 2022 (the “Sign Plan”), depicting signs at the

north entrance and south entrance of the Site (the “Northern Sign” and “Southern Sign”); and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development, which responded on June 7, 2022 that the Project was a matter of local concern; and

WHEREAS, a duly noticed public hearing regarding the application was held on June 22, 2022, during which all those who wished to speak were heard; and

WHEREAS, on June 22, 2022, by Resolution #22-10z-A, the Zoning Board of Appeals determined that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; 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 be a detriment to nearby properties.

The increased square footage of the sign is to allow the word “Restaurants” to be separate from the main sign face with its new logo. This allows the applicant to easily and effectively represent both its school and restaurants to passersby traveling along Albany Post Road (a.k.a. Route 9) in either direction. The sign design is not intrusive or outstanding. The scale of the sign face is proportionate to the size of the stone structure on which it is displayed. As the new sign faces will be mounted to the existing monument structure, no ground will be disturbed.

While the proposed signage is larger than what is permitted by code, it is actually coming more into compliance than the existing signage – therefore it will have less of an impact than the existing signs.

2. The benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The applicant is rebranding and wishes to display their new logo, school name, and the word “Restaurants” in order to represent itself to passersby and alert potential visitors of its location. The applicant could potentially reduce the overall size of one or both of the sign faces, but doing so would make the symbol and wording less easily discernible and would make its

width smaller than the existing structure to which it will be attached. The applicant wishes to reuse the existing structure.

Alternately, the applicant could add “Restaurants” beneath the logo on the primary sign panel. The applicant has stated that there is only stone visible behind the “Restaurants” sign, so this sign panel can be removed if necessary. However, the applicant states that for “Restaurants” to be readable to drivers on Route 9, these letters would be larger than the logo itself. Adding it all to one sign would crowd and overwhelm the new logo, and the applicant does not want this.

3. The Requested Variance is not numerically substantial. If granted, the permitted square footage of the sign faces would increase by 5.35 square feet, an increase of approximately 17.8%. Additionally, the new signs will be more compliant with the Town Code than the existing signs.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

Allowing the sign faces to increase in square footage beyond what is permitted by the Zoning Law will not result in the sign having any significant additional adverse effects on the environment. As discussed above, the impacts of the Requested Variance on the Site and neighborhood will be minimal. There will be no ground disturbance or impact on environmental resources as a result of increasing sign face size, and the impact the sign will have on the environment would be approximately the same if the sign square footage were zoning compliant.

The existing lighting and mounting structure will remain the same. Both of these are compliant.

5. The difficulties are self-created.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances subject to the following condition:

1. This variance will expire with the removal or relocation of the signs, or with any other change to the structure or sign faces.
2. Payment of all fees and escrow.
3. Pursuant to Section 108 - 33.5 F (1), the authorized activity must commence within one year from the date of issuance, otherwise this variance is revoked.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES
Gerald Bowen	YES

Paul Donnelly YES
Richard Perkins YES
David McNary YES CARRIED

#22-11Z Michael Daubman
16 Bircher Avenue
Poughkeepsie, NY 12601
Tax Grid No. 6163-02-587549

Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District to change side yard setback from a minimum of 10 feet to 5 feet for the installation of a generator.

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Paul Daubman, father to and representative to the owner, was present.

Discussion:

- Water runoff issues throughout neighborhood; basement floods almost every time it rains
- 2 sump pumps in basement to stay flooding
- Have battery backup, but insufficient. Want to install Generator in case of power outage – permanent solution
 - Must be in close proximity of breaker box to work correctly, cannot go further outside of side yard setback due to this
- Propane tank (fuel source) – where? What size?

There were no public comments.

Richard Perkins motioned to continue the public hearing to July 27, 2022; Paul Donnelly seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#22-12Z Stephanie Vogt c/o Paul Tirums
195 Haviland Road
Poughkeepsie, NY 12601
Tax Grid No. 6264-01-160958

Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District to change front yard setback from a minimum of 50 feet to 24.3 feet for the renovation of a house and addition of covered front porch.

David McNary motioned to open the public hearing; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Stephanie Vogt, owner, was present.

Discussion:

- 50% renovation + addition of front porch (5-foot addition, encroachment into setback)

There were no public comments.

James Agrawal motioned to continue the public hearing to July 27, 2022; Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

NEW APPLICATION INTRODUCTION:

#19-06Z-3 Dollar General Extension #2 c/o Bohler Engineering
1 East Dorsey Lane
Hyde Park, NY 12538
Tax Grid No. 6163-02-504633

EXTENSION OF 2019 VARIANCE, Resolution #19-06Z
Area Variance – Section 108-5.15 Bulk Regulations
Extending change of maximum permitted building scale in the Neighborhood Business District from 7,500 square feet to 11,874 square feet.

Representatives to the applicant Caryn Mlodzianowski of Bohler Engineering and Jeffrey Albanese of Hix Snedeker Companies were both present.

Explanation:

- Hold up is because of water quality issues
- Need to drill well; water tests showed petrochemical pollution & particulates – must install sophisticated water treatment system to receive DC Board of Health approval.
- Caryn estimates this could be resolved within 2 months, then they apply for building permit and start construction
- Building Inspector Donald Westermeyer had just issued a notice of violation on the property
 - Attorney to the Board Sarah Wilson suggested an executive session to discuss future steps

Paul Donnelly motioned for the Board to enter executive session to discuss the application and notice of violation; Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

The Board entered executive session at 7:40pm.

Paul Donnelly motioned for the Board to return from executive session; Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

The Board returned from executive session at 7:48pm.

Chairman McNary explained that they would set a public hearing for the application, but they would only hold the hearing if the applicant remedied the violation. Should the applicant not satisfy the Building Inspector prior to the hearing date, the Secretary to the Board will cancel the public hearing. The applicants agreed to these conditions.

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#22-13Z Boldrin
46 Lawrence Road
Hyde Park, NY 12538
Tax Grid No. 6164-02-927571

Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District to change front yard setback from a minimum of 50 feet to 46 feet for the replacement of a deck.

Hank & Ellen Boldrin, owners, were present.

Richard Perkins stated for the record that he knew Mr. Boldrin but can and will be fair and impartial in his decisions.

Explanation:

- Replacing their deck + adding 1 foot onto it
- House built in 1983
- Zoning code has changed since then; must come into compliance if reconstructing anything

Paul Donnelly motioned to set the public hearing for July 27, 2022; James Agrawal seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

OTHER BUSINESS:

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

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

The meeting adjourned at 7:56 pm.

Sarina Teuschler
Secretary to the Zoning Board of Appeals