



Historic Town of Hyde Park  
Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
(845) 229-5111, Ext. 2

*“Working with you for a better Hyde Park”*

**August 24, 2022, 6:00 PM**  
**PUBLIC HEARING/REGULAR MEETING**  
**OF THE HYDE PARK ZONING BOARD OF APPEALS**

**Meeting held in the Hyde Park Town Hall, 4383 Albany Post Road**

**Absent** David McNary, Chairman  
**Present** James Agrawal, Board Member  
**Present** Paul Donnelly, Board Member  
**Present** Richard Perkins, Board Member  
**Present** Gerald Bowen, Board Member-Acting Chair for August 24, 2022  
**Present** John Scileppi, Alternate

**Present** Kathleen Moss, Zoning Administrator  
**Present** Sarah Wilson, ZBA Consulting Attorney

**PLEDGE OF ALLEGIANCE** *Gerald Bowen led the Pledge of Allegiance.*

**Establish Acting Chair:**

**Sarah Wilson:** Good Evening Everybody. My name is Sarah Wilson. I am the attorney to the Zoning Board of Appeals and this evening our Chair, David McNary is absent. He did send correspondence endorsing Board Member Gerald Bowen to be considered as an Acting Chair. Under the Town law, that would require a motion of the Board Members who are present.

**MOTION: Rich Perkins**

**SECOND: Jim Agrawal**

**To establish Gerald Bowen as acting Hyde Park Zoning Board of Appeals Chair for the August 24, 2022 ZBA meeting.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE**      **Aye-4 Absent-1 Nay-0**

**Motion Carried**

**Sarah Wilson:** So, that's a unanimous decision that Mr. Bowen will serve as the Acting Chair for this evening's meeting. That bestows upon him all of the duties and responsibilities under the Town Code, so we'll proceed.

**Accept Minutes:**

**MOTION: Paul Donnelly**

**SECOND: Jim Agrawal**

**To accept the minutes of the July 27, 2022 ZBA Meeting.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

**CONTINUED PUBLIC HEARINGS:**

**CAMP VICTORY LAKE #21-15z**

Location: 277 Crum Elbow Road, Hyde Park , NY 12538

Grid #: 6265-04-630350

**Area Variance – Section 108-5.15 Bulk Regulations in Greenbelt District**

Change maximum permitted building height from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.

**Area Variance – Section 108-4.3 G(2)(a)**

Change stream corridor setback from 100 feet to 0 feet from the Fall Kill Creek for a stream crossing and other construction incursions.

**MOTION: Paul Donnelly**

**SECOND: Rich Perkins**

**To re-open the public hearing for Camp Victory Lake.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

*There was no public comment.*

**MOTION: Jim Agrawal**  
**SECOND: Rich Perkins**

**To adjourn the public hearing for Camp Victory Lake to September 28, 2022.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

**MARC & LISA VUMBICO #22-06z**  
Location: 120 River Road, Hyde Park , NY 12538  
Grid #: 6064-03-531762

**Two (2) Area Variances – Section 108-5.15 Bulk Regulations in Waterfront District**  
to change maximum lot coverage from 15% to 16%, and building height allowance  
from 35 feet to 36 feet for the construction of a new house on a vacant lot.

**MOTION: Jim Agrawal**  
**SECOND: Paul Donnelly**

**To re-open the public hearing for Marc and Lisa Vumbico.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

*There was no public comment.*

**MOTION: Jim Agrawal**  
**SECOND: Paul Donnelly**

**To adjourn the public hearing for Marc and Lisa Vumbico to September 28, 2022.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>



excessively loud music. I also find that because they most likely have too many families living there that a large amount of garbage is present and it often litters into corresponding yards. Now I understand I have only been here 1 year, but so far my observations have led me to believe that these things are taking place and affecting not just me, but the whole neighborhood. Thank you for reading this email and I hope you have a great day.

-Kenneth T Weatherly III

*Mr. Bowen continued by reading the following letter from Chairman McNary's into the record:*

David McNary  
Chairman  
Zoning Board of Appeals, Hyde Park NY

August 22, 2022

Re: Request for variance 22-08Z Christopher Ishak—34 Greenbush Drive,  
Poughkeepsie, NY 12601

I apologize for not attending in person but wanted to provide my own personal observations on the application for an area variance to change the maximum permitted density for a two-family dwelling.

My personal observations are as follows:

- We have held at least 4 public hearings,
- We have made a site visit and a number of drive by observations as recently as this week,
- We have listened to public comments and received written comments,
- We have reviewed the list of violations cited by the village of Hyde Park,
- We have reviewed the various letters from the owner and listened to the owner's representatives at the public meetings.

My personal concerns are as follows:

- The owner has not appeared at any of the public hearings,
- The owner's representatives have not been able to satisfactorily address the questions put forth by the board members,
- Violations, cited by the Village of Hyde Park have not been resolved,
- Verbal assurances have been made but not carried out,

- This is not an owner-occupied property and thus the owner will not be present on a regular basis to maintain the property,
- If the existing status of the property is any indication, I have little confidence that the property maintenance will be substantially improved,
- Auto repair on the property (not permitted by code) still continues within the last week,
- A Certificate of Occupancy will be required to full-fill the requirements of the Variance if granted. There are substantial actions that the owner will be required to completed.

In summary, the owner, at this time has not shown a pattern of compliance or an ability to meet the expected standards of performance.

Respectfully

David McNary  
Chairman  
Hyde Park Zoning Board of Appeals

*Also received by the ZBA, was the emailed response below with photographs from the applicant's property manager, Daniel Ishak, which he spoke to during the meeting:*

This is the property manager Daniel Ishak for the property located at 34 Greenbush. Thank you for sending over this letter from our concerned neighbor. I do want to address this letter in the email before our hearing tonight at 6pm.

I do not believe that the neighbor has been updated and everything stated in the letter was a past issue that has already been dealt with. Firstly this home even being a single family home has 6 legal bedroom there and with 6 bedroom there will be large families living in the residence. We currently have 6 people living in the large 3 bedroom unit and 1 person in the 1 bedroom unit, the other 2 bedrooms are currently vacant.

Their makeshift car repair service has been stopped and the tenant has not been working on cars in that residence any longer.

We as landlords have enforced restrictions on their guests allowed at the residence and will be installing a full camera system on the residence.

As for the noise and excessive loud music, this has not been an issue for us and we have also verified with the police department and there has never been a noise complaint made at our residence. We will still be proactive and speak to our tenants in regards to this as well.

We only have one family living in the residence at this time and we have already added extra garbage cans and we have cleaned up the entire property and the tenants know to keep the property very clean.

We also asked the tenant to remove a majority of items from the front patio and they have indeed done so.

I have attached some pictures as reference.

This neighbor complaint seems to be from previous issues that have now been addressed. Moving forward the property will be regularly maintained and there will be no issues.

Thank you

*There was no additional public comment.*

**MOTION: Rich Perkins**  
**SECOND: Jim Agrawal**

**To adjourn the public hearing for Christopher Ishak to September 28, 2022.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Recused</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>
<b>Aye</b>	<b>John Scileppi, alternate</b>

**VOICE VOTE      Aye-4   Absent-1   Recused-1   Nay-0      Motion Carried**

**CRAIG POYSER #22-14z**

Location: 14 Hill and Hollow Road, Hyde Park, NY 12538

Grid #: 6265-03-045219

*In Attendance:      Craig Poyser and Renee Lucieer, Property Owners & applicant*

*Mr. Donnelly returns to the dais. Alternate John Scileppi remains at the dais as an observer only.*

**Area Variance – Section 108-4.3 (G)(2)** to change the stream corridor setback from 100 feet to 30 feet for the installation of ground-mounted solar panels.

**MOTION: Rich Perkins**  
**SECOND: Jim Agrawal**

**To re-open the public hearing for Craig Poyser.**

**Absent** Chairman David McNary  
**Aye** James Agrawal  
**Aye** Paul Donnelly  
**Aye** Richard Perkins  
**Aye** Gerald Bowen

**VOICE VOTE Aye-4 Absent-1 Nay-0 Motion Carried**

*Alternate John Scileppi, as a member of the public offered a question regarding possible potential for flooding to reach the electric on the panels and Mr. Poyser indicated that there's a dam that prevents the water level from rising too high and it would require a rise of over 6 feet to reach them.*

*There was no additional public comment.*

**MOTION: Rich Perkins**  
**SECOND: Jim Agrawal**

**To close the public hearing for Craig Poyser.**

**Absent** Chairman David McNary  
**Aye** James Agrawal  
**Aye** Paul Donnelly  
**Aye** Richard Perkins  
**Aye** Gerald Bowen

**VOICE VOTE Aye-4 Absent-1 Nay-0 Motion Carried**

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
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**RESOLUTION TO GRANT AN AREA VARIANCE**

**Craig Poyser**  
14 Hill and Hollow Road

**Date: August 24, 2022**

**Motion: Paul Donnelly**

**Resolution #22-14Z**

**Second: Jim Agrawal**

WHEREAS, the Applicant, Craig Poyser, has submitted an application for an area variance for stream corridor setback relief to install a ground mounted solar system at property located at 14 Hill and Hollow Road, Hyde Park, NY 12538 identified as tax parcel 6265-03-045219 in the North Neighborhood District (the "Site"); and



WHEREAS, the Project is depicted on a plan entitled “PV System 20.0 KW AC PV System Site Plan” prepared by Manning Electric Inc. dated June 15, 2022; and

WHEREAS, the Applicant seeks an area variance from Zoning Law Section 108-4.3G(2) to permit a stream corridor setback of 30 feet where 100 feet is required for the solar system (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, the Applicant submitted a Short Environmental Assessment Form dated June 8, 2022 with their area variance application; and

WHEREAS, ZBA members and a member of the Town of Hyde Park’s Conservation Advisory Committee (“CAC”) conducted a site visit of the property located at 14 Hill and Hollow Road on August 3, 2022 to personally observe the Site and the surrounding neighborhood; and

WHEREAS, a duly noticed public hearing was opened on July 27, 2022 and closed on August 24, 2022 during duly noticed meetings during which all those who wished to speak were heard; and

WHEREAS, in rendering this determination, the ZBA has considered all materials submitted with the application, Poyser’s introduction of the application, comments made during the public hearing, correspondence from neighboring property owners, and correspondence from CAC member Richard Mattocks; 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 applicants 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 woods and trees surrounding the property shield the neighbors’ view of the Site. The neighbors to the north are at least 200 feet from the Site. Solar panels are already installed on surrounding neighbors’ properties. The Lake Association members have toured the Site and have not expressed any objections to the project.

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 Site at the northeast corner of the property is already devoid of trees and represents the most level surface within the property. Selecting an alternate location would require the removal of a significant number of trees as well significant clearing of rock. Further, the Applicant cannot use the roofs of either the house or garage for the installation of solar panels due to the cardinal direction those structures face, which is not optimal for solar collection.

3. The Requested Variance is numerically substantial because it would reduce the 100 feet setback to 30 feet, a 70% change in the required setback standard. However, it is the preferred location for the installation of solar panels because it is most efficient area on the Site for the collection of solar energy. Moreover, using this location will have minimum disruption of the removal of rocks and/or trees.
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 stream corridor setback requirement will likely not have any impacts on the natural environment. The Racking system will be sufficiently above ground as to allow the movement of any endangered wildlife species in the area. Construction of the panels will integrate any requirements of the Clean Water Act defined impaired waterway. Plans to manage the sheet flow of precipitation runoff from the panels will be integrated into the construction.

5. The difficulties are self-created. However, the selected site for the solar panels is the only location available on the property that results in the minimum disruption to the natural habitat.

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

1. Installation of the panels must include management of the sheet flow of precipitation runoff from the panels.
2. Payment of all fees and escrow.
3. Pursuant to Section 108-33.5F(1), the authorized activity must commence within one year from the date of issuance, otherwise this variance is revoked.

ROLL CALL VOTE BY SARAH WILSON, ESQ.

James Agrawal	Aye
Gerald Bowen	Aye
Paul Donnelly	Aye
Richard Perkins	Aye
David McNary	Absent

Aye-4 Absent-1 Nay-0 Motion Carried

**NEW PUBLIC HEARING:**

**MARCOZ & CHALK #22-15z**

Location: 16 Poppinga Lane, Hyde Park, NY 12538

Grid #: 6065-02-602972

*In Attendance:*

*Peter Andros, P.E.*

**Area Variance – Section 108-4.3 (G)(2)** to change the stream corridor setback from 100 feet to 32 feet for the construction of a pool and to 12 feet for a fence on a lot that already has a house within the stream corridor setback

**MOTION: Jim Agrawal**

**SECOND: Rich Perkins**

**To open the public hearing for Marcoz & Chalk.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

*There was no public comment.*

**MOTION: Rich Perkins**

**SECOND: Gerald Bowen**

**To close the public hearing for Marcoz & Chalk.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE      Aye-4   Absent-0   Nay-0                      Motion Carried**

Town of Hyde Park  
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**RESOLUTION TO GRANT AN AREA VARIANCE**

**Nadja Marcoz and Adrian Chalk**  
16 Poppinga Lane

**Date: August 24, 2022**

**Motion: Rich Perkins**

**Resolution #22-15Z**

**Second: Jim Agrawal**

WHEREAS, the Applicants, Nadja Marcoz and Adrian Chalk, have submitted an application for an area variance for stream corridor setback relief to complete the construction of a 12 foot by 36 foot lap pool and surrounding pool fence (the "Project") at property located at 16 Poppinga Lane, Hyde Park, NY 12538 identified as tax parcel no. 6065-02-602972 in the Waterfront Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a plan entitled "Lands of Marcoz and Chalk" prepared by Peter J. Andros, P.E., dated June 30, 2022 (the "Plan"); and

WHEREAS, the Applicants seek an area variance from Zoning Law Section 108-4.3G(2) to permit a stream corridor setback of 12 feet where 100 feet is required for the lap pool fence, as well as a setback of 32 feet where 100 feet is required for the lap pool (the "Requested Variance"); and

WHEREAS, the Applicants authorized Peter J. Andros, P.E. to represent them before the Zoning Board of Appeals during the area variance process; 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, the Applicants submitted a Short Environmental Assessment Form dated June 30, 2022 with their area variance application; and

WHEREAS, ZBA members and a member of the Town of Hyde Park's Conservation Advisory Committee ("CAC") conducted a site visit of the property located at 16 Poppinga Lane on August 3, 2022 to personally observe the Site and the surrounding neighborhood; and

WHEREAS, a duly noticed public hearing was held on August 24, 2022 during a duly a noticed meeting during which all those who wished to speak were heard; and

WHEREAS, in rendering this determination, the ZBA has considered all materials submitted with the application, Andros' introduction of the application, comments made during the public hearing, and correspondence from CAC member Richard Mattocks; 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 applicants 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:

6. The Requested Variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

The property is a 3.07-acre parcel in a neighborhood lot containing seven (7) total parcels. Four (4) parcels contain single-family dwellings and the remaining three (3) lots are undeveloped. Nearly all of the existing improvements on the Site are within the 100 foot stream corridor due to the proximity to the Hudson River. The lap pool, fence, and equipment cabinet will not be visible from the neighboring properties to the north or the south, and the improvements will only be minimally visible from the Hudson River. The single-family character of the neighborhood will not be altered.

7. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The Site is surrounded by the Hudson River on two sides with over 60% of the property being constrained by the 100 foot stream corridor. The property is also encumbered by federal wetlands on the east side. The only land not constrained by the stream corridor is long, narrow, and steeply sloped. Installation in this location would be prohibitively expensive as it would require the relocation of the access drive, well water line, power and control wires, construction of a retaining wall, and tree removal. Therefore, this is not a viable option. Consequently, the proposed location within the stream corridor is the only viable place for the lap pool and pool fence to be installed.

8. The Requested Variance is numerically substantial. The Requested Variance represents an 88% change in the required setback standard from 100 feet to 12 feet for the lap pool fence. The setback for the pool is slightly less substantial at 68%, changing from 100 feet to 32 feet.
9. 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 stream corridor setback requirement will likely not have any impacts on the natural environment. The installation of the lap pool and lap pool fence will not be visible to adjoining properties and will only be minimally visible from the Hudson River. Moreover, the improvement will necessitate minimum tree removal and will not encroach upon the federal wetlands. The Project is intended for personal use by the owners of 16 Poppinga Lane and will not cause an increase in traffic or need for municipal services. The lap pool will result in a modest increase in electrical power consumption, which should not

impact the general neighborhood.

10. The difficulties are self-created. The Applicants purchased the property understanding the limitations it had due to its location on the Hudson River and the restrictions caused by the stream corridor.

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

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

ROLL CALL VOTE BY SARAH WILSON, ESQ.

James Agrawal	Yes
Gerald Bowen	Yes
Paul Donnelly	Yes
Richard Perkins	Yes
David McNary	Absent

Aye-4 Absent-1 Nay-0 Motion Carried

**NEW APPLICATION:**

**SHERRY DINGMAN #22-16z**

Location: 23 River Road, Hyde Park, NY 12538  
Grid #: 6065-04-579169 Landings District

*In Attendance:*

*Sherry Dingman, Property Owner*

**Appeal of Zoning Administrator's decision** to deny building permit, on the basis of nonconformance

**MOTION: Rich Perkins**  
**SECOND: Paul Donnelly**

**To set a public hearing for Sherry Dingman for September 28, 2022.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE     Aye-4   Absent-1   Nay-0**

**Motion Carried**

**ADJOURNMENT :**

**MOTION: Paul Donnelly**

**SECOND: Rich Perkins**

**To adjourn.**

<b>Absent</b>	<b>Chairman David McNary</b>
<b>Aye</b>	<b>James Agrawal</b>
<b>Aye</b>	<b>Paul Donnelly</b>
<b>Aye</b>	<b>Richard Perkins</b>
<b>Aye</b>	<b>Gerald Bowen</b>

**VOICE VOTE     Aye-4   Absent-1   Nay-0**

**Motion Carried**

**Time ended: approximately 7:15 p.m.**