

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

MINUTES FOR REGULAR MEETING

September 22, 2021 6:00 PM

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

Absent:

Others Present: Kathleen Moss, Zoning Administrator
Patrick Logan, Attorney to the Board
Sarina Teuschler, Secretary to the Board

The meeting began at 6:04pm.

Chairman McNary asked for a motion to approve the minutes of August 25, 2021.

James Agrawal motioned to approve the minutes, and Richard Perkins seconded the motion.

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

PUBLIC HEARINGS:

#19-06z-2 Dollar General Extension #1
1 East Dorsey Lane
Hyde Park, NY 12538
Tax Grid No. 6163-02-504633
EXTENSION OF 2019 VARIANCE, Resolution #19-06Z
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.

Richard Perkins motioned to open the public hearing, and Paul Donnelly seconded the motion.

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

Representative to the applicant, Jeffrey Albanese, and Caryn Mlodzianowski of Bohler Engineering were present. Ms. Mlodzianowski explained that they are requesting a one-year extension on the previously approved variance to allow construction.

PUBLIC COMMENTS:

Dave Guzik of 15 East Dorsey Lane asked about the timeline of the project; and asked for clarification about how the scale was being increased.

Attorney to the Board, Patrick Logan, explained that the area variance was reviewed at length last year and this current application and public hearing are simply about whether or not to extend the variance.

Ms. Mlodzianowski addressed the timeline. Before winter, as much work will be done as possible; winter will be primarily about obtaining approvals and permits.

James Agrawal motioned to close the public hearing, and Paul Donnelly 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 APPLYING TOLLING PERIOD AND GRANTING
AN EXTENSION TO AN AREA VARIANCE**

DOLLAR GENERAL
1 East Dorsey Lane

Date: September 22, 2021

Motion: James Agrawal

Resolution #19-06Z-2

Second: Paul Donnelly

WHEREAS, on November 13, 2019, by Resolution # 19-06Z, the Zoning Board of Appeals granted an area variance to the applicant, HSC Hyde Park LLC, to permit the demolition of an existing building and construction of a new 7,500 sq. ft. Dollar General retail building along with new access, parking, landscaping, lighting, utilities, and stormwater management (the “Project”) at property located at 1 East Dorsey Lane, identified as tax parcel no. 6163-02-504633, in the Neighborhood Business Zoning District (the “Site”); and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the 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, if the authorized activity has not commenced, the area variance for the Project would have expired on November 13, 2020; and

WHEREAS, on March 7, 2020, by Executive Order 202, the Governor of the State of New York State declared the outbreak of the novel coronavirus, COVID-19, an emergency in the State; and

WHEREAS, by Executive Order 202.8 issued on March 20, 2020, the time limit for the filing of any process or proceeding as prescribed by any statute, local law, ordinance, order, rule, or regulation, or part thereof, was tolled until April 19, 2020; and

WHEREAS, by subsequent Executive Orders, such time limits were further tolled until November 3, 2020 (a total of 229 days); 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, by letter dated July 25, 2021, the applicant submitted a request for an extension of the area variance; and

WHEREAS, a duly noticed public hearing was held on September 22, 2021, during which all those who wished to speak were heard; 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 that would warrant a different conclusion with respect to the grant or denial of the area variance.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby applies the tolling period to the Project and grants a one-year extension of the area variance for the Project to and including June 30, 2022.

Adopted: September 22, 2021

ROLL CALL VOTE BY SECRETARY

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

Filed with Town Clerk 9/23/21

#21-17z Ulster Savings Bank
4240 Albany Post Road
Hyde Park, NY 12538
Tax Grid No. 6064-02-965956
Variance – Section 108-24.2 (F)(2)(a)

Change maximum logo height from 10” to 24” for a wall sign.

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

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

Representative to the applicant Paul Beichert, of Timely Signs, was present. Mr. Beichert explained Ulster Savings Bank was requesting a larger “US” logo to keep it proportional to the letters, which conform to code. The variance applies to only one sign that faces West toward Route 9. It is quite distant to the road, hence the request for an increase.

There were no public comments.

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

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

Attorney to the Board, Patrick Logan, reviewed the draft Environmental Assessment Form parts 2 and 3.

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

Ulster Savings Signage
4240 Albany Post Road

Date: September 22, 2021

Motion: Richard Perkins

Resolution #21-17Z-b

Second: James Agrawal

WHEREAS, the applicant, Cosimo Town Center, LLC, has submitted an application for area variances to increase the maximum permissible graphic and letter height for wall signs on an existing building (the “Project”) on property located at 4240 Albany Post Road, identified as tax parcel no. 6064-02-965956-0001, in the Town Core Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on a signage plan entitled “Ulster Savings – Hyde Park Branch,” prepared by Timely Signs of Kingston, Inc., dated July 18, 2021 (the “Sign Plan”), depicting signs on the western and northern faces of the building at the Site (the “Western Sign” and “Northern Sign”); and

WHEREAS, on September 1, 2021, by Resolutions # 2021-40A, the Hyde Park Planning Board granted the applicant discretionary bonuses to increase the standard letter height from 10 to 12 inches and to increase the standard symbol size from 10 to 17 inches on the Northern Sign; and

WHEREAS, on September 1, 2021, by Resolutions # 2021-40B, the Hyde Park Planning Board granted the applicant discretionary bonuses to increase the standard letter height from 10 to 17 inches and to increase the standard symbol size from 10 to 18 inches on the Western Sign; and

WHEREAS, following the relaxation of the standards at Zoning Law § 108-24.2(F)(2) by the Planning Board, the applicant seeks the following area variance:

1. To permit a height of 24 inches for the symbol on the Western Sign, where a maximum height of 17 inches is permitted for said logo pursuant to Zoning Law § 108-24.2(F)(2)(a) and Planning Board Resolution # 2021-40B; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form Part 1 (“EAF”) dated July 20, 2021; and

WHEREAS, on August 25, 2021, the Zoning Board of Appeals classified the Project as an unlisted action under SEQRA; 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 reviewed a draft Determination of Non-Significance (Negative Declaration) setting forth reasons supporting a determination that the Project will not have a significant adverse impact on the environment; 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: September 22, 2021

ROLL CALL VOTE BY SECRETARY

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

Filed with Town Clerk 9/23/21

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

Ulster Savings Signage
4240 Albany Post Road

Date: September 22, 2021

Motion: Richard Perkins

Resolution #21-17Z

Second: Gerald Bowen

WHEREAS, the applicant, Cosimo Town Center, LLC, has submitted an application for area variances to increase the maximum permissible graphic and letter height for wall signs on an existing building (the “Project”) on property located at 4240 Albany Post Road, identified as tax parcel no. 6064-02-965956-0001, in the Town Core Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on a signage plan entitled “Ulster Savings – Hyde Park Branch,” prepared by Timely Signs of Kingston, Inc., dated July 18, 2021 (the “Sign Plan”), depicting signs on the western and northern faces of the building at the Site (the “Western Sign” and “Northern Sign”); and

WHEREAS, on September 1, 2021, by Resolutions # 2021-40A, the Hyde Park Planning Board granted the applicant discretionary bonuses to increase the standard letter height from 10 to 12 inches and to increase the standard symbol size from 10 to 17 inches on the Northern Sign; and

WHEREAS, on September 1, 2021, by Resolutions # 2021-40B, the Hyde Park Planning Board granted the applicant discretionary bonuses to increase the standard letter height from 10 to 17 inches and to increase the standard symbol size from 10 to 18 inches on the Western Sign; and

WHEREAS, following the relaxation of the standards at Zoning Law § 108-24.2(F)(2) by the Planning Board, the applicant seeks the following area variance:

1. To permit a height of 24 inches for the symbol on the Western Sign, where a maximum height of 17 inches is permitted for said logo pursuant to Zoning Law § 108-24.2(F)(2)(a) and Planning Board Resolution # 2021-40B (the “Requested Variance”); 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 September 8, 2021, that the Project was a matter of local concern; and

WHEREAS, a duly noticed public hearing regarding the application was held on September 22, 2021, during which all those who wished to speak were heard; and

WHEREAS, on September 22, 2021, by Resolution #21-17Z-b, 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 a detriment to nearby properties.

The increased dimension for the signs' Ulster Savings ("US") logo allows the applicant to easily and effectively represent itself to passersby traveling along Albany Post Road, aka Route 9. The sign design is not intrusive or out of character with the area. The scale of the symbol is proportionate to the size of the wall and building on which it is displayed. If the sign were made to comply with the symbol size restrictions of the Zoning Law, the symbol would look out of scale and disproportionately small when compared to the scale of the building and the lettering on the rest of the sign. The increase in the permissible symbol height will therefore not have a significant impact on the neighborhood or negatively affect nearby properties.

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 wishes to display their logo and name in order to represent itself to passersby and alert potential visitors of its location. The applicant could potentially reduce the size of the US symbol but doing so would make the symbol less easily discernible and would make it appear out of place in the context of the overall sign.

3. The Requested Variance is numerically substantial. If granted, the permitted dimensions for the US logo would increase by 7 inches, an increase of approximately 41%.

- 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 symbol size to be larger than 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 the area variances, and the impact the sign will have on the environment would be approximately the same if the symbol were zoning 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. Payment of all fees and escrow.

Adopted: September 22, 2021

ROLL CALL VOTE BY SECRETARY

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

Filed with Town Clerk 9/23/21

#18-17z-2 Asahishuzo Sake Brewery
 5 Saint Andrews Road
 Hyde Park, NY 12538
 Tax Grid No. 6164-03-021198
EXTENSION OF 2018 VARIANCES, Resolution #18-17z
Variance – Section 108-4.3 (G)(2)
 Extending change of stream corridor setback from 100 feet to 84 feet, 7 inches for the construction of a wastewater treatment plant; and the stream corridor setback from 100 feet to 85 feet, 9 inches for the installation of a generator.

David McNary motioned to open the public hearing, and Richard Perkins seconded the motion.

VOICE VOTE

| | | |
|--------------|---|---------|
| All in favor | 5 | |
| All opposed | 0 | CARRIED |

Representative to the applicant, Dominique Albano, Esq., of Zarin & Steinmetz, was present. She explained they were seeking a one-year extension due to delays during the COVID-19 pandemic.

There were no public comments.

Richard Perkins motioned to close the public hearing, and 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 APPLYING TOLLING PERIOD AND GRANTING
AN EXTENSION TO AN AREA VARIANCE**

SAKE BREWERY
5 Saint Andrews Road

Date: September 22, 2021

Motion: Gerald Bowen

Resolution #18-17Z-2

Second: James Agrawal

WHEREAS, on October 24, 2018, the applicant, Asahishuzo International Co., Ltd., received four area variances in connection with its site plan application to establish a Craft Brewery, including the construction of a 4,000 square foot rice polishing building, wastewater treatment facility (the “WWTF”), and related structures on the property located at 5 Saint Andrews Road (the “Project”), identified as tax parcel no. 6164-03-021198, in the Corridor Business District (the “Site”); and

WHEREAS, on October 23, 2019, the ZBA approved of an amendment to these area variances; and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the 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, if the authorized activity has not commenced, the area variances for the Project would have expired on October 23, 2020; and

WHEREAS, on March 7, 2020, by Executive Order 202, the Governor of the State of New York State declared the outbreak of the novel coronavirus, COVID-19, an emergency in the State; and

WHEREAS, by Executive Order 202.8 issued on March 20, 2020, the time limit for the filing of any process or proceeding as prescribed by any statute, local law, ordinance, order, rule, or regulation, or part thereof, was tolled until April 19, 2020; and

WHEREAS, by subsequent Executive Orders, such time limits were further tolled until November 3, 2020 (a total of 229 days); 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, by letter dated August 12, 2021, the applicant submitted a request for an extension of the amended area variances; and

WHEREAS, a duly noticed public hearing was held on September 22, 2021, during which all those who wished to speak were heard; 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 that would warrant a different conclusion with respect to the grant or denial of the area variances.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby applies the tolling period to the Project and grants a one-year extension of the area variances for the Project to and including June 9, 2022.

Adopted: September 22, 2021

ROLL CALL VOTE BY SECRETARY

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

Filed with Town Clerk 9/23/21

#21-18z James Robinson
1 Schryver Lane
Poughkeepsie, NY 12601
Tax Grid No. 6264-02-484420
Variance – Section 108-5.15 Bulk Regulations

Change front yard setback in the Neighborhood District from 50 feet to 34 feet, and second front setback (of a corner lot) from 50 feet to 41 feet for the construction of a porch. Change front yard setback in the Neighborhood District from 50 feet to 40 feet for the expansion of a garage.

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

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

Property owner James Robinson was present. He explained that, roughly 25 years ago, he added the front porch and garage without applying for building permits. He would like to keep both these additions, and they need variances now. This lot is a corner lot, hence the dual front-yard setbacks.

There will be no changes to the structure.

Paul Donnelly mentioned he saw a “For Sale” sign. Mr. Robinson explained that he has bought a new house on Haviland Road, which they are already living in, and will be selling the property at 1 Schryver Lane. He needs Certificates of Occupancy on these additions to be able to sell.

There were no public comments.

David McNary motioned to close the public hearing, and Paul Donnelly 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
(845) 229-0349

RESOLUTION TO GRANT AN AREA VARIANCE

James R Robinson
1 Schryver Lane
Hyde Park, NY 12538

Date: September 22, 2021

Motion: Paul Donnelly

Resolution #21-18Z

Second: Gerald Bowen

WHEREAS, the applicant, James R. Robinson, has submitted an application for an area variance to change the setbacks in the Neighborhood District of the front yard from 50 feet to 33 feet, 9 inches and second front yard (of a corner lot) from 50 feet to 43 feet for a porch; and front yard setback from 50 feet to 44 feet, 3 inches for an extension to the garage, (the “Project”) at property located at 1 Schryver Lane Hyde Park, NY, identified as tax parcel no. 6165-02-602677, (the “Site”); 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 Zoning Board of Appeals closed the public hearing at its September 22, 2021 meeting; 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 site contains a single-family dwelling, which predates Zoning as it was built in 1956. The house itself encroaches on the 50-foot setback requirements in the front yard and second front yard. The requested variance would allow the applicants to keep the 5-foot-wide wrap-around porch. This porch adds an attractive feature to the house and gives room to sit outside. The requested variance would also allow the applicants to keep the 7-foot expansion of the garage. The extended garage will keep with the size and character of neighboring properties’ garages, many of which extend out from the footprint of the main house.

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

Without building permit or approval, the applicant constructed a wrap-around porch and expanded the garage, both of which encroached on property lines. To accommodate the construction of the porch and garage, the front yard and second front yard setbacks need to be adjusted. The applicant is seeking an area variance because the applicant will be unable to retain these changes without a variance.

3. The Requested Variance, in part, may be considered numerically substantial as the front yard setback for the porch will decrease from 50 feet to 33.75 feet (33' 9"), otherwise considered a 32.5% increase in encroachment to property line.

The other two parts of the Variance are less substantial. The second front setback for the porch will decrease from 50 feet to 43 feet, a 14% encroachment. The front yard setback for the garage will decrease from 50 feet to 44.25 feet (44' 3"), an 11.5% encroachment.

However, as discussed herein, the impacts of the Requested Variance will not be substantial.

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 addition of the porch has unsubstantially increased impervious surface area. The extension of the garage produced no increase in impervious surface because it replaced a portion of asphalt driveway.
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.

Adopted: September 22, 2021

ROLL CALL VOTE BY SECRETARY

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

Filed with Town Clerk 9/23/21

#21-16z Tayel Nesheiwat
15 Andover Lane
Poughkeepsie, NY 12601
Tax Grid No. 6264-02-484420
Variance – Section 108-5.15 Bulk Regulations
Change maximum density in the Neighborhood District from 2 dwelling units/acre to 2 dwelling units/0.48 acre to allow an existing two-family dwelling on a 0.48 acre lot.

Property owner Tayel Nesheiwat was present. He stated that his parents bought the house 30 years ago, and his father converted the garage into an additional living space without any building permits. The profile of the house has not changed. The property

has existed with two dwelling units for 30 years, and he claims there have been no adverse effects to the neighborhood. The property is attached to municipal water & sewer systems. The additional dwelling unit is 500 square feet and meant for just one or two tenants, so he asserts there is no significant added stress on the water and wastewater systems. He has, to appease the Planning Board, increased the number of available parking spaces from 2 to 4. Now Mr. Nesheiwat is seeking to resolve the issue and make the dwelling unit legal by applying for retroactive building permit and variance. He is trying to sell the property.

Chairman McNary confirmed that the size of the lot was 0.48 acres, making it technically too small for even one dwelling unit, let alone two.

Chairman McNary asked if there was example of the same elsewhere in the Greenfields development. Mr. Nesheiwat says there are multiple other two-family dwellings and accessory apartments throughout Greenfields. He says they are illegal. He states that his property is different because he is trying to do the right thing and make it legal now.

Chairman McNary notes that the new driveway is quite close to the property line. Zoning Administrator, Kathleen Moss, notes there is a 5-foot setback specifically for parking spaces, not the driveway itself.

Chairman McNary asked him to address how it may or may not have an impact on the character of the neighborhood, or cause a detriment to neighboring properties. The property has been like this for 30 years, and Mr. Nesheiwat claims there have been no negative impacts.

He says he has only ever rented this small apartment to a single person or two people with only one car – to avoid affecting the neighborhood.

Richard Perkins asked the Zoning Administrator about past mother-daughter dwelling units. Ms. Moss noted that the old zoning code required a 40,000 square foot lot (0.90 acres) for two dwelling units. Accessory apartments (only with one unit occupied by owner) were allowed via special use permit; however, two-family dwellings were not allowed. Part of the property had to be owner-occupied.

Gerald Bowen asked if Mr. Nesheiwat resided in any part of the property. Mr. Nesheiwat lives elsewhere. Mr. Bowen followed up by asking what Mr. Nesheiwat's intentions were – if he intended to rent out the vacant dwelling unit. Mr. Nesheiwat intends to sell the house.

Richard Perkins noted that Mr. Nesheiwat has been careful about to whom he rents the property; but there is no guarantee that whoever purchases the property next will be equally considerate to the neighborhood.

Ms. Moss reminded the Board that, under new Zoning regulations, both accessory apartments and two-family dwellings are actually allowed given adequate lot size. Mr. Nesheiwat needs a special use permit and site plan approval from the Planning Board, in addition to this variance for density.

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

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

PUBLIC COMMENTS:

Aurora Porto of 15 Andover Lane, self-identified as the tenant of the illegal apartment, spoke about the poor conditions of the apartment, though this is not under the Zoning Board's purview.

Kitty Brand of 24 Windmill Road, Agnes Covell of 14 Andover Lane, and Susan Jennings of 13 Andover Lane spoke against granting the variance.

Joan Lewis of 8 Windmill Road and Robert Herzog of 16 Andover Lane submitted written comments speaking against granting the variance.

Most commenters shared concerns about setting a precedent for the rest of the neighborhood, and about taxing the fragile water & sewer system.

David McNary motioned to continue the public hearing to October 27, 2021, and Richard Perkins seconded the motion.

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

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- #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 in the Greenbelt District from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.
Variance – Section 108-4.3 G (2) a
Change stream corridor setback from 100 feet to 26 feet from the Fallkill Creek to allow a construction incursion.

David McNary motioned to open the public hearing, and Gerald Bowen seconded the motion.

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

Representative to the applicant, Deanna Lambert, and Peter Sander of Renna Engineering were present. Peter Sander explained the request. The sanctuary, cabins, and parking sites are part of Phase 1 of the Master Development Plan – which is under review by the Planning Board. The height variance is for a 47,000 sq. ft. religious sanctuary the camp will use it for events it currently hosts. The sanctuary hall's height is proposed for 47.5 feet where 35 feet is allowed. The building height is calculated, according to the Zoning code, as an average of the median grade of the footprint to the midpoint of the highest eave of the roof. (Therefore, in actuality, the building will be taller than 47.5 feet.) The stream corridor setback variance is to allow a construction incursion to widen a stream crossing that already exists, and to relocate cabins closer to the Fall Kill Creek. The Planning Board has requested the applicant to widen the road; due to the stream crossing, the variance is for 0 feet where 100 is required. The applicant, however, is proposing the cabins be relocated within the stream corridor setback.

Chairman McNary clarified that the major encroachment would be the cabin relocation and parking lot. The stream crossing is just to allow a wider roadway and will not actually affect the Fall Kill. He asked the reason for relocating the cabins.

Mr. Sander explained that the applicant has worked with the Planning Board on numerous different layouts, and this cabin location is the best overall layout. There will be parking where the cabins currently exist.

Richard Perkins does not like the cabins' proximity to the stream. He would prefer the cabins moved elsewhere in the parcel.

The applicant wants to keep new disturbances in the southeastern corner, where most the disturbances have already occurred. There are forested areas, campgrounds, wetlands, and Blanding's turtle habitats throughout the rest of the parcel. The applicant does not want to intrude on any of these other areas with the cabins. They feel limited to the proposed location by functionality and aesthetic for the cabins.

Mr. Perkins asked if the cabins could be moved to the north side of the Fall Kill, surrounded by, but not encroaching into, the Blanding's turtle habitat.

That location is unfavorable because the applicant does not want to clear-cut the forest, and the land there is steep. Mr. Perkins argued that the land near the Fall Kill is steep too.

Attorney to the Board, Patrick Logan, asked how the Planning Board review was progressing. According to Mr. Sander, the Planning Board is comfortable with the latest plans and will soon be circulating SEQRA documentation to interested agencies.

Finally, Mr. Sander stated that without the granting of the requested variances, the project will not proceed. The entire site will need to be redesigned.

PUBLIC COMMENTS:

Paul Evans of 236 Cardinal Road spoke against granting the variance for stream corridor setback. He is concerned about the amount of variance requested for the cabins.

Dan Sims of 238 Cardinal Road was concerned about the scale and occupancy capacity of the building, though these issues are not under the Zoning Board's purview.

Commenters spoke well of the Northeastern Conference Corporation and property managers, but shared concerns about increased traffic and harm to the Fall Kill Creek.

David McNary motioned to continue the public hearing to November 18, 2021, and Paul Donnelly seconded the motion.

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

OTHER BUSINESS:

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

VOICE VOTE

All in favor 5
All opposed 0 CARRIED

The meeting adjourned at 7:28pm.