



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

"Working with you for a better Hyde Park"

**DRAFT MINUTES of
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK ZONING BOARD OF APPEALS**

Held on September 27, 2023 6:00 PM

Meeting held at Hyde Park Town Hall, 4383 Albany Post Road, Hyde Park, NY

ZBA Board Members in Attendance:

Chairman David McNary	Present
Vice Chair Gerald Bowen	Present
James Agrawal	Present
Paul Donnelly	Present
Richard Perkins	Present

Others Present:

Sarah Ryan	Attorney to the Zoning Board of Appeals
Kathleen Moss	Zoning Administrator
Kathleen Hoppe	ZBA Secretary

PLEDGE OF ALLEGIANCE

APPROVE MINUTES of the July 26, 2023 and August 23, 2023 ZBA meetings.

MOTION: Paul Donnelly
SECOND: James Agrawal

Motion carried by unanimous voice vote.

CONTINUED PUBLIC HEARING:

HOUGHTALING #23-02Z
7 Beck Road, Poughkeepsie
Grid #: 6263-01-115657

Owners & Applicants: Al
Schoonmaker & Lisa Schoonmaker
Representative: Thomas P.
Cummings, P.E.
Project Name: Al's Yard

Area Variances – Section 108-5.15 Bulk Regulations in the Greenbelt District
To change minimum side yard setback from 25 feet to 6 feet for an existing addition to a block garage and two steel storage containers, and change minimum side yard setback from 25 feet to 2 feet for an existing lean-to carport, at a licensed scrap yard and used-car dealer location, and
Area Variance – Section 108-25.4C Scrap Yard Standards – to change the scrap yard setback from 50 feet to 2 feet around entire perimeter of scrap yard, as shown on a sketch submitted by applicant.

OPEN CONTINUED PUBLIC HEARING FOR HOUGHTALING:

MOTION: James Agrawal
SECOND: Paul Donnelly

Motion carried by unanimous voice vote.

MOTION TO ADJOURN THE PUBLIC HEARING UNTIL DECEMBER 21ST, or as soon thereafter as the matter may come to be heard, and to AUTHORIZE A LETTER OF REFERRAL TO THE PLANNING BOARD FROM THE ZBA:

MOTION: James Agrawal
SECOND: Paul Donnelly

Motion carried by unanimous voice vote.

Town of Hyde Park
ZONING BOARD OF APPEALS
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(845) 229-0349

RESOLUTION TO REFER APPLICATION TO THE PLANNING BOARD

Al Houghtaling & Lisa Schoonmaker
7 Beck Road
Poughkeepsie, New York 12601

September 27, 2023

Motion: Richard Perkins

Resolution # 23-02Z-PB

Second: Vice-Chair Gerald Bowen

WHEREAS, on or about March 9, 2023, the applicants, Al Houghtaling and Lisa Schoonmaker, submitted an application for area variances to change the side setbacks and Scrap Yard Standard setbacks at property called "Al's Yard" located at 7 Beck Road, Poughkeepsie, New York 12601, identified as tax parcel no. 6263-01-115657, in the Greenbelt Zoning District (the "Site"); and

WHEREAS, the Site is depicted on a plan entitled "Site Plan for Al's Yard," prepared by Michael A. Dahlo, Surveyor, dated May 10, 1993 and amended on February 22, 2023 by Thomas P. Cummings, Engineer (the "Site Plan"); and

WHEREAS, the applicants seek area variances from Zoning Law Section 108-5.15 Bulk Regulations to change minimum side yard setback from 25 feet to 6 feet for an existing addition to a block garage and two steel storage containers, and change minimum side yard setback from 25 feet to 2 feet for an existing lean-to carport, at a licensed scrap yard and used-car dealer location, as well as from Zoning Law Section 108-25.4C Scrap Yard Standards to change the scrap yard setback from 50 feet to 2 feet around entire perimeter of scrap yard, as shown on a sketch submitted by applicant (the "Requested Variances"); and

WHEREAS, during the Zoning Board of Appeal's review of the application, the applicants proposed to undertake a lot line alteration or minor subdivision for the purpose of reducing said Requested Variances; and

WHEREAS, the Hyde Park Planning Board is the proper authority to review an application for the proposed lot line alteration or minor subdivision; and

WHEREAS, the Requested Variances will ultimately be determined by the altered lot line.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby refers the Applicants to the Planning Board for its review and determination regarding the proposed lot line alteration or minor subdivision; and

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby adjourns its review of the application for area variances until December 21, 2023, or as soon thereafter as the matter may come to be heard.

Adopted:

James Agrawal	YES
Paul Donnelly	YES

Richard Perkins YES
Vice Chair Gerald Bowen YES
Chair David McNary YES

MOTION CARRIED

NEW PUBLIC HEARINGS:

KITCHING #23-10Z
3 West View Drive, Hyde Park
Grid #: 6163-01-447607

Owner & Applicant: Carl Kitching

Area Variances – Section 108-5.15 Bulk Regulations in the Neighborhood District – to change side yard setback from the required minimum of 20 feet to 1.5 feet, and to change rear yard setback from 30 feet to 15.5 feet to construct a pole barn garage accessory structure.

OPEN PUBLIC HEARING FOR KITCHING:

MOTION: Vice-Chair Gerald Bowen
SECOND: Paul Donnelly

Motion carried by unanimous voice vote.

MOTION TO AMEND KITCHING RESOLUTION TO REFLECT A MINIMUM SIDE YARD SETBACK OF 20 FEET, NOT 10 FEET:

MOTION: Richard Perkins
SECOND: James Agrawal

Motion carried by unanimous voice vote.

CLOSE PUBLIC HEARING FOR KITCHING:

MOTION: Paul Donnelly
SECOND: James Agrawal

Motion carried by unanimous voice vote.

Town of Hyde Park
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RESOLUTION TO GRANT AREA VARIANCES

Carl Kitching
3 West View Drive
Hyde Park, New York 12538

Date: September 27, 2023

Motion: Vice-Chair Bowen

Resolution #23-10Z

Second: James Agrawal

WHEREAS, the applicant, Carl Kitching, has submitted an application for area variances to construct a pole barn accessory structure (the "Project") at property located at 3 West View Drive, Hyde Park, New York, 12538, identified as tax parcel no. 6163-01-447607, in the Neighborhood Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a plan entitled "Carl Kitching, 3 Westview Drive, Hyde Park, NY 12538," prepared by Brian Smith at Fetterville Pole Buildings LLC (the "Plan"); and

WHEREAS, the applicant seeks two area variances from Zoning Law Section 108-5.15 Bulk Regulations to permit a side yard setback of 3.5 feet where 20 feet is required, and to allow a rear yard setback of 15.5 feet where 30 feet is required (the "Requested Variances"); 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 September 27, 2023 during a duly noticed meeting 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 Variances:

1. The Requested Variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Properties in the neighborhood (including the applicant) are narrow and a number have existing garages and other structures that are close to their respective property lines. Here, the frame of the garage structure will be located 5 feet from the property line, with the roof over-hang located 3.5 feet from the property line.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Because of the existing septic field on the property, locating the proposed garage structure further to the center of the property would be infeasible without jeopardizing the integrity of the septic field.
3. The Requested Variances are numerically substantial. They represent an 82% reduction in the setback for the side yard, as well as a 48% reduction in the setback for the back property line.
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 proposed construction of the garage 5 feet from the property line, with the roof over-hang 3.5 feet from the property line, reflects similar structures in the neighborhood. The additional impervious space (for the garage) will not exceed the allowed lot coverage of 50%.
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. 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	
Paul Donnelly	YES	
Richard Perkins	YES	
Vice-Chair Gerald Bowen	YES	
Chair David McNary	YES	MOTION CARRIED

BRUCE #23-11Z
17 Kirchner Avenue, Hyde Park
Grid #: 6065-20-829099

Owner & Applicant: Elizabeth Bruce

Area Variance – Section 108-5.15 Bulk Regulations in the Neighborhood District and Historic Overlay District – to change the side yard setback from the required minimum of 20 feet to 16 feet for the installation of new deck stairs to a deck to be constructed in the rear of the dwelling.

MOTION TO OPEN PUBLIC HEARING FOR BRUCE:

MOTION: Paul Donnelly
SECOND: Vice-Chair Gerald Bowen

Motion carried by unanimous voice vote.

MOTION TO CLOSE PUBLIC HEARING FOR BRUCE:

MOTION: James Agrawal
SECOND: Richard Perkins

Motion carried by unanimous voice vote.

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RESOLUTION TO GRANT AREA VARIANCE

Elizabeth Bruce
17 Kirchner Avenue
Hyde Park, New York 12538

Date: September 27, 2023

Motion: Paul Donnelly

Resolution # 23-11Z

Second: Vice-Chair Bowen

WHEREAS, the applicant, Elizabeth Bruce, has submitted an application for an area variance for the installation of new deck stairs to a deck to be constructed in the rear of the dwelling (the “Project”) at property located at 17 Kirchner Avenue, Hyde Park, New York 12538, identified as tax parcel no. 6065-20-829099, in the Neighborhood Zoning District and Historic Overlay District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled "Renovation of Existing House located at 17 Kirchner Ave. in Hyde Park, NY," prepared by Roy A. Fredriksen, PE, dated April 16, 2023 (the "Plan"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 Bulk Regulations to permit a side yard setback of 16 feet where 20 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 September 27, 2023 during a duly noticed meeting 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:

6. 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. The requested variance would allow the applicant to construct stairs to a deck which is to be constructed at the rear of the house. The deck and subject stairway will be in keeping with the size and character of the existing house and neighboring properties. Moreover, the deck will add an attractive feature to the house allowing greater enjoyment to the property, as well as adding to the value of the house.

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 applicant seeks to construct deck stairs to a new deck to be constructed in the rear of the dwelling. Due to the narrow configuration of the lot and current layout of existing structures on the parcel, the stairs are proposed in the most logical location. To accommodate the construction of the deck stairs on either side of the deck, the side yard setback needs to be adjusted.

8. The Requested Variance is not considered numerically substantial, as the permitted setback will decrease the side yard for the deck stairs from 20 feet to 16 feet, for a decrease of 20%. The stairs are small and will take up little space.

9. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

The requested variance will allow the construction of deck stairs to a new deck to be constructed in the rear of the dwelling. The proposed deck stairs are relatively small and unobtrusive and will not adversely impact or affect the physical and environmental conditions of the neighborhood.

10. The difficulties are self-created.

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

3. 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.
4. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES
Paul Donnelly	YES
Richard Perkins	YES
Vice Chair Bowen	YES
Chair McNary	YES

MOTION CARRIED

NEW APPLICATION INTRODUCTION:

HYDE PARK QUICK STOP #22-03Z-2
4912 Albany Post Road, Staatsburg
Grid #: 6066-02-879622

Owner: Harry Dhaliwal – Jatt Boys Properties LLC

Applicant: Jay Diesing, RA AIA – Mauri Architects PC

Project Name: Hyde Park Quick Stop

EXTENSION OF 2022 VARIANCES, Resolution #22-03Z

Area Variances – Section 108-5.15 Bulk Regulations in the Neighborhood

Business District – to change maximum permitted impervious lot coverage from 70% to 79.5%, and change front yard setback from 20 feet to 5 feet, 7 inches, and change the maximum permitted scale from 7,500 gross square feet to 9,071 gross square feet to allow building renovations, septic improvements, and construction of additional fueling stations at an existing gas station and convenience store.

MOTION TO SET PUBLIC HEARING FOR HYDE PARK QUICK STOP FOR
OCTOBER 25, 2023:

MOTION: James Agrawal
SECOND: Vice-Chair Gerald Bowen

Motion carried by unanimous voice vote.

ADJOURN:

MOTION TO ADJOURN:

MOTION: Chair David McNary
SECOND: Vice-Chair Gerald Bowen

Motion carried by unanimous voice vote.

This meeting ended at approximately 6:32 PM.