



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

**DRAFT COPY**

*"Working with you for a better Hyde Park"*

**September 28, 2022, 6:00 PM**  
**REGULAR MEETING**  
**OF THE HYDE PARK ZONING BOARD OF APPEALS**

*This meeting will be held in person. All those who wish to speak may attend or watch the meeting broadcast live on Cable Channel 22. If you wish to speak but cannot attend – written comments are due by 3:00pm on the day of the meeting. Email to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us) or mail to ZBA Secretary, 4383 Albany Post Road, Hyde Park, NY 12538*

**PLEDGE OF ALLEGIANCE**

**CONTINUED PUBLIC HEARINGS:**

**CAMP VICTORY LAKE (#21-15Z)**

Location: 277 Crum Elbow Road, Hyde Park  
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 108-4.3G(2)(a)

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

**MARC & LISA VUMBICO (#22-06Z)**

Location: 120 River Road, Hyde Park  
Grid #: 6064-03-531762

**Two (2) Area Variances** – Section 108-5.15 Bulk Regulations in the 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.

**\*Please note that this application was withdrawn on September 2, 2022\***

**CHRISTOPHER ISHAK (#22-08Z)**

Location: 34 Greenbush Drive, Poughkeepsie  
Grid #: 6163-03-382434

**Area Variance** – Section 108-5.15 Bulk Regulations in Neighborhood District to change maximum permitted density from 0.50 acres per dwelling unit to 0.39 acres per dwelling unit for a two-family dwelling on a 0.79-acre lot.

**NEW PUBLIC HEARINGS:**

**SHERRY DINGMAN (#22-16Z)**

Location: 23 River Road, Hyde Park  
Grid #: 6065-04-579169

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

**CHARLES LAMANNA (#22-17Z)**

Location: 2 Cathy Drive, Hyde Park  
Grid # 6163-02-504842

**Area Variance** – Section 105-5.15 Bulk Regulations in Neighborhood District. Change front yard setback from 50 feet to 35 feet, for the construction of a rear addition on a house already built within the setback.

**KATHLEEN NICHOLS (#22-18Z)**

Location: 22 Roosevelt Road, Hyde Park  
Grid #: 6164-04-795395

**Three (3) Area Variances** -Section 105-5.15 Bulk Regulations in the Neighborhood District. Change side yard setback from 10 feet to 4.3 feet for the installation of two LP tanks, side yard setback from 10 feet to 7 feet for installation of a generator and side yard setback from 5 feet to 4.6 feet for an existing woodshed.

**OTHER BUSINESS:**

**ADJOURN:**

***For full details regarding the above applications, please visit <https://www.hydeparkny.us/617/Applications> or visit the Zoning Office during normal business hours to view a file***

**Next meeting date: Wednesday, October 26, 2022**

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zoning Board of Appeals Secretary in advance so that arrangements can be made. \*Board Members reserve the right to go into executive session at any time. Agenda items are subject to change in order or may be removed at any time. Draft Resolutions included were those available at this posting and may not be in final form or a complete listing and the Board may choose to remove from consideration at their discretion. All persons interested in a particular application are advised to visit the Town of Hyde Park's website daily. The agenda is posted at [www.hydeparkny.us](http://www.hydeparkny.us)

**DRAFT COPY**

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 VARIANCES**

**Charles Lamanna & Crystal Habinowski**  
**2 Cathy Drive**  
**Hyde Park, New York 12538**  
**6163-02-504842**

**Date: September 28, 2022**

**Motion:** \_\_\_\_\_

**Resolution #22-17Z**

**Second:** \_\_\_\_\_

WHEREAS, the applicants, Charles Lamanna & Crystal Habinowski, have submitted an application for an area variance to construct an addition to the single-family home located at 2 Cathy Dr, Hyde Park, NY 12538, identified as tax parcel 6163-02-504842, in the Neighborhood Zoning District (the "Site"); and

WHEREAS, the house was constructed under a prior Zoning Code and the majority of the existing home is within the current front yard setback; and

WHEREAS, the Project is depicted on a proposed site location plan by Michael Berta, AIA, dated September 18, 2022 and a survey map prepared by Johnson Surveying, dated August 2, 2021 (the "Plan"); and

WHEREAS, the applicants authorized Michael Berta to represent their application before the ZBA; and

WHEREAS, the applicant seeks one area variance from Zoning Law Section 108-5.15 as follows: a reduction of the front yard setback from the required 50 feet to 35 feet; and

WHEREAS, the side setback of the proposed addition is the same as the current house of 20 feet, which is within the permitted side yard setback; and

WHEREAS, the proposed 24 feet by 20 feet addition of impervious coverage will not cause the coverage to exceed the total maximum impervious requirement of 50% of the parcel; 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 28, 2022 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:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition will be added to the back of the house and not disrupt or change the street view.
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 location of the proposed addition is the only site available and fits the flow of traffic within the house.
3. The Requested Variance is numerically substantial. The variance will change the permitted setback from 50 feet to 35 feet. The front of the existing house, built more than 50 years ago, is within 12 feet of the front lot line. The addition does not infringe on the side yard setback. The impact of this addition to the neighborhood is minimal and is far outweighed by the benefits to the applicant.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. The variance request will have no impact on the surrounding environment.
5. The difficulties are self-created. The applicant stated the addition to the back of the house will expand the living space and the ability of the family to more fully enjoy the home.

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     \_\_\_  
Gerald Bowen       \_\_\_

Paul Donnelly  
Richard Perkins  
David McNary

—  
—  
—