



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"*

**November 17, 2022, 6:00 PM**

**MINUTES FOR PUBLIC HEARING/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.*

**In Attendance:**

<b>Present</b>	<b>David McNary, Chairman</b>
<b>Present</b>	<b>Gerald Bowen, Vice Chair</b>
<b>Present</b>	<b>James Agrawal, Board Member</b>
<b>Present</b>	<b>Paul Donnelly, Board Member</b>
<b>Present</b>	<b>Richard Perkins, Board Member</b>
<b>Absent</b>	<b>John Scileppi, Alternate</b>

<b>Present</b>	<b>Kathleen Moss, Zoning Administrator</b>
<b>Present</b>	<b>Sarah Wilson, ZBA Consulting Attorney</b>
<b>Present</b>	<b>Kathleen Hoppe, ZBA Secretary</b>

**PLEDGE OF ALLEGIANCE** David McNary opened the meeting and led the Pledge of Allegiance.

David McNary made a motion to accept the minutes from October 26, 2022 and Paul Donnelly seconded it. The motion was carried by unanimous voice vote.

**NEW PUBLIC HEARINGS:**

**TENBROCK (#22-21Z)**

Location: 50 White Street, Staatsburg  
Grid #: 6167-03-038323

*Applicant's representative, Alec Gladd of Cuddy and Feder LLP, was in attendance, along with his paralegal (and applicant's sister) Sandy Way.*

**Area Variances** – from Town Code Chapter 108-4.4E Bulk Regulations and 280-a NYS Town Law in Hamlet District and Historical Overlay District

As related to the installation of an inground pool and to change the required frontage on a public road from 25 feet to 0 feet in consideration of a right-of-way to an existing parcel.

David McNary asked for a motion to open the public hearing for the Tenbrock application. Gerald Bowen made the motion and Richard Perkins seconded it. Motion was carried by unanimous voice vote.

Alec Gladd from Cuddy & Feder, the applicant’s representative, made the application presentation. Board members asked questions and they were answered satisfactorily.

The Zoning Board of Appeals received the following emailed letter from Nancy Keeney, Staatsburg resident:

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*Dear Zoning Board Members of Hyde Park, NY,*

*I write on behalf of Sharon Ten Broeck who lives behind us in a home built by her late husband some decades ago. She is ready to sell her house and property but has hit obstacle(s). As a widow – Sharon cared for her husband in their home during his battle with emphysema – the property maintenance is too much for her. We got to know Sharon after George passed, as my brother came to live with us during his long battle with skin cancer. Sharon helped us enormously with her expertise in caring for the sick, and she always brought a smile, good cheer, and something good to eat with her during my brother’s final months. I would like to advocate for her now.*

*My husband and I live at 8 Mulford Avenue in the hamlet of Staatsburg. Our property abuts a dirt lane in the back that is known locally as White’s Lane (and maybe other names, too.) Four houses use the lane in order to access their properties, including Sharon’s. (We don’t use the lane as our driveway is on Mulford, but we do occasionally drive the lane to park an extra car in our backyard.)*

*I hope you extend a variance or whatever needs to happen for Sharon to sell her home so she can move on with her life.*

*My husband and/or I plan to attend your Thursday meeting at 6:00 p.m. The work you do for the Town of Hyde Park is so valuable. Thank you for your commitment to the community, and I hope that a solution can be found for Sharon’s property to move on to another owner.*

*Sincerely,  
Nancy Keeney*

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The Zoning Board of Appeals received the following emailed letter from neighbor John Rizzo:

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Dear Sirs,

*My name is John Rizzo and I am an adjacent property owner to 50 White St. My property is located at 13 White St. I understand what Ms. Tenbrock is doing in regards to the potential sale of her house and permissions she is requesting from the Town of Hyde Park. I have no objections. Thank you and please contact me if you should have any further questions.*

*John Rizzo*

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There were no other public comments.

David McNary asked for a motion to close the public hearing for Tenbrock. Gerald Bowen made the motion and Richard Perkins seconded it. The motion was carried by a unanimous voice vote.

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
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**RESOLUTION TO GRANT AN AREA VARIANCE**

**Sharon L. Tenbrock and Justin O’Keeffe**  
**50 White Street**  
**Staatsburg NY 12580**

Date: November 17, 2022

Motion: David McNary

Resolution: #22-21Z

Second: Richard Perkins

WHEREAS, the applicants, Sharon L. Tenbrock and Justin O’Keeffe, have submitted an application for an area variance from Town Code Section 108-4.4E to approve the recognition of the existing 60-year-old access to the property and to change the required frontage on a public road from 25 feet to 0 feet at 50 White Street, Staatsburg, NY 12580 identified as tax parcel no. 6167-03-038323 in the Neighborhood District (the “Site”); and

WHEREAS, the applicants authorized Alec R. Gladd of Cuddy and Feder LLP to represent their interests in this matter before the Zoning Board of Appeals; and

WHEREAS, the applicants seek a building permit for an existing inground pool on the property, but must first obtain recognition of the existing access road to the property; and

WHEREAS, the existing property does not have direct access to a town road and therefore must utilize White Street, the private access road that has been in use for over sixty (60) years; 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 November 17, 2022 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 recognition of the long-existing access road to the property will not change the character of the neighborhood which remains the same as it has been since the 1980s. No changes are being undertaken on the property.
2. The Requested Variance cannot be achieved by some method feasible for the applicant to pursue, other than an area variance. There is no other possible access to the property except for the access provided by White Street.
3. The Requested Variance is substantial given the frontage requirements outlined in Section 108-4.4(E) of the Zoning Code. In this case, the frontage would be reduced from 25 feet to 0 feet since the access to a Town road is via White Street, a private road. However, there is no significant change in the property or the access to the property.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. While access to the property will remain on a private access road rather than a recognized Town road, there will be no impact or change on the physical or environmental conditions of the neighborhood.
5. The Requested Variance is self-created. The property access via a private road was created at the time the property was developed. It predates the existing access requirements.

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

1. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES	
Gerald Bowen	YES	
Richard Perkins	YES	
Paul Donnelly	YES	
David McNary	YES	<b>CARRIED</b>

**CONTINUED PUBLIC HEARINGS:**

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

Location: 277 Crum Elbow Road, Hyde Park

Grid #: 6265-04-630350

*Applicant's agent is Peter Sander, Rennia Engineering*

**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 Fall Kill Creek for a stream crossing and other construction incursions.

David McNary asked for a motion to re-open the public hearing for Camp Victory Lake. Vice Chair Gerald Bowen made the motion, and Richard Perkins seconded it. The motion was carried by a unanimous voice vote.

There was no public comment.

The Board is still awaiting SEQRA determination from the Planning Board which is lead agency. The ZBA Secretary confirmed there are no updates yet.

Chairman David McNary made the motion to adjourn the public hearing to next month, and Paul Donnelly seconded it. The motion carried by unanimous voice vote.

**ARRIETA (22-20Z)**

Location: 609 Salt Point Turnpike, Poughkeepsie (Town of Hyde Park)

Grid #: 6263-02-851768

*The applicant's representative, Christopher Marta, was in attendance.*

**Three (3) Area Variances** – Section 108-5.15 Bulk Regulations in Greenbelt District Change rear setback from 50 feet to 15 feet, change side setback from 25 feet to 15 feet, change impervious from maximum of 15% to 23%, for the demolition of an existing home and building of a new single-family residence.

David McNary asked for a motion to re-open the public hearing for Arrieta. Vice Chair Bowen made the motion and Paul Donnelly seconded it. The motion carried by unanimous voice vote.

Christopher Marta, the applicant’s representative, distributed some additional materials demonstrating that he has brought the impervious percentage for the property down to 20%. There was a question from the Board regarding the placement of the generator and it was answered satisfactorily.

There was no public comment.

Chairman David McNary asked for a motion to close the public hearing for Arrieta. Richard Perkins made the motion and James Agrawal seconded it. The motion carried by unanimous voice vote.

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**RESOLUTION TO GRANT AREA VARIANCES**

**Jessie Arrieta**  
**609 Salt Point Turnpike**  
**Hyde Park, NY 12538**

**Date: November 17, 2022**

**Motion: James Agrawal**

**Resolution: #22-20Z**

**Second: Gerald Bowen**

WHEREAS, the applicant, Jessie Arrieta, has submitted an application for three (3) area variances related to the demolition and reconstruction of a single-family residence (the “Project”) at property located at 609 Salt Point Turnpike, identified as tax parcel no. 6263-02-851768 in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the applicant authorized Christopher Marta to represent her interests in this matter before the Zoning Board of Appeals; and

WHEREAS, the Project is depicted on a sketch prepared by the applicant’s representative, dated October 7, 2022 entitled “Arrieta Residence 21-008”; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new home with a 15 feet rear yard setback where a 50 feet setback is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new residence with a 15 feet side yard setback where a 25 feet setback is required; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit the building of a new residence with a 20% maximum impervious area where the maximum impervious area coverage permitted is 15%; 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 October 26, 2022 and continued to November 17, 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 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 current residence is in a dilapidated state. The current house and garage are within the required setbacks. Reconfiguring and relocating the home and garage will be increasing the side and rear setbacks, although not to the extent required.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than area variances. Building within the setbacks would result in a home that is approximately 12 feet wide and 50 feet long. No other homes in the neighborhood are in this configuration. The home could be reconfigured and sited closer to the front yard setback, although the homes along that section of Salt Point Turnpike are set quite far back from the county road.
3. The requested variances are numerically substantial. The rear yard setback variance requested represents a 70% reduction from 50 feet to 15 feet, the side yard setback variance represents a 40% reduction from 25 feet to 15 feet, and the maximum impervious area coverage is changed from 15% to 20%.

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 site is already developed and the location of the well and septic system will impact the location of the home.
5. The difficulties are self-created. The applicant purchased the house as-is.

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	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
David McNary	YES	<b>CARRIED</b>

**OTHER BUSINESS:**

Resolution to set meeting dates for 2023. Gerald Bowen made the motion and read the resolution and Richard Perkins seconded it. It passed by unanimous voice vote.

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**RESOLUTION SETTING REGULAR MEETING DATES  
 AND APPLICATION SUBMISSION DEADLINES FOR CALENDAR YEAR 2023**

**Date: November 17, 2022**

**Motion: Gerald Bowen**

**Resolution: #2022-B**

**Second: Richard Perkins**



Town of Hyde Park  
Zoning Board of Appeals  
2023 Regular Meeting Dates

*Meetings take place at 6:00 pm on the fourth (4<sup>th</sup>) Wednesday of each month, except for November & December.*

*Submission deadlines are 15 days prior to the meeting.*

**REGULAR MEETING**

January 25  
February 22  
March 22  
April 26  
May 24  
June 28  
July 26  
August 23  
September 27  
October 25  
November 16 (Third Thursday)  
December 21 (Third Thursday)

**SUBMISSION DEADLINE**

January 10  
February 7  
March 7  
April 11  
May 9  
June 13  
July 11  
August 8  
September 12  
October 10  
November 1  
December 6

Adopted:

VOICE VOTE

All in favor: 5  
All opposed: 0      **CARRIED**

**ADJOURN:** David McNary made a motion to adjourn and Gerald Bowen seconded it. The meeting ended at 6:32 PM.

**Next meeting date: Thursday, December 15, 2022**

**\*\*\*Agendas are subject to change\*\*\***

**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.**

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)