

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

MINUTES FOR REGULAR MEETING

January 27, 2021

Present: Herbert Sweet, Chairman
James Agrawal
Paul Donnelly
David McNary
Richard Perkins

Absent:

Others Present: Patrick Logan, Attorney
Kathleen Moss, Zoning Administrator
Sarina Teuschler, ZBA Secretary

The meeting began at 7:00pm. Herbert Sweet welcomed all to the meeting. Each board member confirmed that they were alone or that no one present would influence their votes. Herbert Sweet read out the Governor’s Executive Order 202.1, dated March 13, 2020, which suspends the open meeting law to allow municipal boards to convene meetings via video conference. He confirmed that the board had fulfilled its legal notice requirements and that the meeting had been duly noticed on the Town’s website and in news organizations.

Herbert Sweet lead the Pledge of Allegiance.

The next meeting will be on Wednesday, February 24, 2021.

Herbert Sweet called for the approval of the minutes of the regular meeting on December 9, 2020. David McNary motioned to approve the minutes, and James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

Herbert Sweet announced the new member to the Zoning Board of Appeals, Paul Donnelly, who replaced Brendan Lawler. He also announced the new secretary to the board, Sarina Teuschler, who replaced Linda Weiner.

Previous Matters:

#20-13Z Locusts on Hudson
135 Old Post Road
Staatsburg, NY 12580
Variance – Section 108-4.3(G)2 To allow construction within the stream corridor changing the undisturbed area from 100 ft. to 0 ft. for construction incursion in the Waterfront District

Herbert Sweet noted the public hearing was closed on July 22, 2020. Two people submitted comments after it was closed. The Board was made aware of these comments.

The Zoning Administrator determined that the ground disturbances are not construction, therefore no site plan is required. A full environment assessment (EAF) is required, however, because this parcel is contiguous to a historic site, Mill’s Mansion. Thus far, the board has not received an EAF. The board cannot proceed until it receives the applicant’s EAF.

Resolutions and Votes:

#20-20Z Floyd T. Holt & Evelyn L. Holt
26 Stoutenburgh Drive
Hyde Park, NY 12538
Variance -Section 108-4.3(G)2 To allow construction of a new driveway through the 100 ft. stream corridor changing from 100 ft. to 0 ft. in the Neighborhood District

The public hearing was closed on December 9, 2020. After it was closed, the secretary received no additional comments on the application.

Herbert Sweet opened the floor for questions about the application; the board had no questions, neither did the Zoning Administrator nor Attorney to the Board.

David McNary motioned to adopt the Resolution.
Richard Perkins seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	[abstain]	
David McNary	YES	
Richard Perkins	YES	CARRIED

#20-21Z Howard Mintzer
26 Mountain View Road
Staatsburg, NY 12580
Variance – Section 108-4.3(G)2 To allow for physical improvements within the stream corridor changing from 100 ft. to 0 ft for pond improvements on Neighborhood Tax ID #6167-03-335310; and stream crossing of a new driveway between Tax ID #6167-03- 335310 in the Neighborhood District, and Tax ID #6167-03-396283 in the Greenbelt District

The public hearing was closed on December 9, 2020. After it was closed, the secretary received no additional comments on the application.

Herbert Sweet opened the floor for questions about the application; the board had no questions, neither did the Zoning Administrator nor Attorney to the Board.

Herbert Sweet motioned to adopt the Resolution.
David McNary seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	[abstain]	
David McNary	YES	
Richard Perkins	YES	CARRIED

#20-22Z Robert and Rachael Brammer
233 Mills Cross Road
Staatsburg, NY 12580
Variance – Section 108-5.15 Schedule of bulk regulations changing side yard setback from 25 ft. to 16 ft. for construction of an addition in the Greenbelt District

The public hearing was closed on December 9, 2020. After it was closed, the secretary received no additional comments on the application.

Herbert Sweet opened the floor for questions about the application. Richard Perkins asked if there would be a basement dug out beneath the addition.

The applicant, Rachael Brammer, explained that there would be no basement and the addition would sit atop the earth.

None of the other board members had questions; neither did the Zoning Administrator nor Attorney to the Board.

James Agrawal motioned to adopt the Resolution.
David McNary seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	[abstain]	
David McNary	YES	
Richard Perkins	YES	CARRIED

#20-23Z Scott McClements
5 Roe Drive
Hyde Park, NY 12538
Variance – Section 108-5.15 Changing side yard setback from 10 ft. to 8 ft. for replacing and enlarging a shed in the Neighborhood District

The public hearing was closed on December 9, 2020. After it was closed, the secretary received no additional comments on the application.

Herbert Sweet opened the floor for questions about the application. None of the board members had questions; neither did the Zoning Administrator nor Attorney to the Board.

Richard Perkins read aloud the resolution. The applicant, Scott McClements, made a correction to the wording in the resolution; explaining that the size of the replacement shed was 12 by 24 feet, not 10 by 24 feet as stated in the resolution.

Herbert Sweet questioned if this would change the proposed distance to sideline. Scott McClements explained that it would not affect the side yard setback variance because

the extra distance goes in the opposite direction from the sideline. Herbert Sweet made a note that this would need to be correct in the resolution before filing.

[NOTE: The secretary corrected this error before filing the resolution with the Town Clerk.]

Richard Perkins motioned to adopt the Resolution.
James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	[abstain]	
David McNary	YES	
Richard Perkins	YES	CARRIED

Continued Public Hearing:

#20-18Z Hudson Valley Hospice House
542 Violet Ave.
Poughkeepsie, NY 12601
Variance – Section 108-5.15 Changing bulk regulation scale from 6,000 sq. ft. to 30,000 sq. ft. for a non-single-family residence in the Neighborhood Core District

David McNary motioned to continue the public hearing.
James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

Herbert Sweet stated the Planning Board had completed its SEQRA review, so therefore the Zoning Board of Appeals is in a position to act on the variance application.

The secretary received no new public comments.

Representatives Michael Kaminski, Michele Zerfas, and Jaime Machado were present. Michael Kaminski stated that the project had received a Certificate of Need from the NYS Department of Health.

The site plans remain the same; any new plans submitted are simply more detailed. Michael Kaminski stated that the project, once begun, would be completed in approximately 1 – 1.5 years.

The Attorney to the Board, Patrick Logan, stated the project had received a negative SEQRA declaration at the Planning Board meeting on December 2, 2020; and as such, this Board may close the public hearing.

David McNary motioned to close the public hearing.
James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

New Public Hearing:

#20-24Z Pauline Yoo
62 East Market St
Hyde Park, NY 12538
Variance – Section 108-4.3G(2)(c) Changing the undisturbed stream corridor from 100 ft. to 75 ft. for installation of a generator in the Neighborhood District

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

ROLL CALL VOTE:

Herbert Sweet	YES
James Agrawal	YES
Paul Donnelly	YES
David McNary	YES

Richard Perkins YES CARRIED

The representative to the applicant, Dave Stewart, gave a presentation on the proposed generator location. The proposed location is within minimum stream corridor setback requirements, but the entire house was built – prior to zoning law – within the stream corridor.

The board viewed a map of the house and generator in relation to the stream. They discussed the placement of the generator in relation to the front door of the house.

The Zoning Administrator and Attorney to the Board had no questions.

The secretary received no public comments on this application.

Richard Perkins motioned to close the public hearing.
David McNary seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

New Application:

#21-01Z Sulejman & Hava Dodic
4305 Albany Post Road
Hyde Park, NY 12538
Variance – Section 108-5.15 Changing density from 12 dwelling units per acre to 14 dwelling units per acre for the addition of one dwelling unit to an existing house on a 5,880 sq. ft. parcel in the Town Core PW-1 district

The representative to the applicants, Brad Will, gave a presentation on the property and proposed plans. He stated that the owner of the property had tried and failed to rent out the bottom floor as a commercial space. The owner believed the only way to rent the bottom floor is to convert it to a second dwelling unit; but the size of the lot is slightly too small for two dwelling units – hence the need for a density variance.

Brad Will shared the site plan, proposing two one-bedroom dwelling units. The board asked questions about the site plan, and how each space within the dwelling units

would be used. The proposal includes cosmetic improvements to the exterior, but no structural changes - except for replacing a door with a window.

The Zoning Administrator, Kathleen Moss, stated that if the Zoning Board of Appeals grants the requested variance, this site plan will need to go to the Planning Board for review.

David McNary motioned to set the public hearing for February 24, 2021.
James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

Herbert Sweet reminded Brad Will that the Zoning Board of Appeals sent a request for escrow, which the board had not received yet.

Richard Perkins motioned to adjourn the meeting.
James Agrawal seconded the motion.

ROLL CALL VOTE:

Herbert Sweet	YES	
James Agrawal	YES	
Paul Donnelly	YES	
David McNary	YES	
Richard Perkins	YES	CARRIED

The meeting adjourned at 8:09pm.

Minutes recorded by,

Sarina Teuschler
Secretary to the Zoning Board of Appeals