

TOWN OF HYDE PARK
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, New York 12538

Minutes
June 24, 2020

Present: Herbert Sweet, Chairman
Brendan Lawler
Richard Perkins
David McNary
James Agrawal

Absent:

Others Present: Patrick Logan, Attorney; Kathleen Moss, Zoning Administrator; Linda Weiner, ZBA Secretary

The next Zoning Board meeting will be held on July 22, 2020

Welcome to the June 24th meeting of the Hyde Park Zoning Board of Appeals. Will each member of the board confirm that he is alone or that no one is present that may influence his vote. As called please respond yes or no. All confirmed.

I have confirmed with the Zoning Board's Counsel that tonight's meeting has been convened in accordance with the Governor's March 13, 2020 Executive Order 202.1, which suspends certain provisions of the Open Meetings Law to allow a municipal board to convene a meeting via video conferencing. In accordance with the Executive Order, the public has been provided with the ability to view tonight's meeting and a transcript will be provided at a later date. I have done a roll call of the Board Members and there is a quorum present for this meeting. I have also confirmed with the Zoning Secretary that this meeting has been duly noticed. We have fulfilled our legal notice requirements by posting notice on the Town's bulletin boards, and news organizations, etc, and posting notice on the Town's agenda center of its website.

We will now commence with the pledge of allegiance. Because of audio synchronization, the only person that you may here is me.

PLEDGE OF ALLEGIANCE

Mr McNary made a motion to approve the minutes of the Feb 26th meeting.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Mr McNary made a motion to approve the minutes of the April 22nd meeting.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

VERIZON CELL TOWER AT ANDERSON

11 Hudson La, Staatsburg NY 12580

The first item on the agenda is for Verizon Cell tower at Anderson for a property line area variance from 68.2 feet to 50 feet as required by chapter 101-8B. The cell tower is what is called a micro cell which is designed to support a small area. It is a 62 foot high utility pole, also called a telephone pole and will be located in a wooded area towards the rear of the Anderson School parcel adjacent to another wooded parcel also owned by the Anderson School. The applicant has advised that the need for the variance is dictated by the topography of the area.

The Public Hearing was closed at the May 27th meeting. No public comments had been received up until the deadline of June 10th.

Scott Olson represented. He confirmed that the utility pole is a wooden pole identical to a telephone pole except longer.

There were no comments from the board or the attorney.

Mr Lawler moved the resolution.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Town of Hyde Park Zoning Board of Appeals
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-0316
(845) 229-0349

RESOLUTION TO GRANT AREA VARIANCE

**Verizon Cell Tower
Staatsburg South Micro**

Date: June 24, 2020
Resolution #: 20-01Z

Moved By: Brendan Lawler
Seconded By: James Agrawal

WHEREAS, the applicant, Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless, has submitted an application for an area variance dated December 16, 2019, to permit an approximately 62 foot tall telecommunications tower on a property located at 11 Hudson Lane (the "Project"), identified as tax parcel no. 6066-02-778644, in the Waterfront Zoning District (the "Site"); and

WHEREAS, the Project is depicted on plans entitled, "Staatsburg South Micro," Sheets T-1, AD-1, SB-1, C-1, C-2, C-3, C-4, and R-1, prepared by Tectonic Engineering & Surveying Consultants P.C., last revised January 24, 2020; and

WHEREAS, pursuant to § 101-8B of the Hyde Park Telecommunications Towers and Facilities Law, new telecommunications towers shall have the minimum setback of the height of the tower plus 10% of its height, as measured from the ground level; and

WHEREAS, the applicant seeks an area variance from § 101-8B to allow a minimum setback of 50 feet where 68.2 feet is required (the "Requested Variance"); and

WHEREAS, on April 15, 2020, by Resolution # 2019-37A, the Town of Hyde Park Planning Board, serving as lead agency in a coordinated review of the Project under the State Environmental Quality Review Act, adopted a negative declaration, finding that the Project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; 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 March 18, 2020, that the Project was a matter of local concern; and

WHEREAS, a duly noticed public hearing was opened on February 26, 2020, during which all those who wished to speak were heard; and

WHEREAS, the continuation of the public hearing was scheduled for March 25, 2020 but was cancelled due to the Covid-19 pandemic and the Governor's prohibition on non-

essential gatherings of individuals of any size for any reason constituting New York PAUSE;
and

WHEREAS, the ZBA met remotely on April 22, 2020 in accordance with New York State Governor Cuomo's Executive Order 202.1 and the subsequent extensions thereof, to reschedule the continued public hearing; and

WHEREAS, the Zoning Board of Appeals continued the public hearing remotely on May 27, 2020 during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its May 27, 2020 meeting but kept the record open for the submission of written comments for a period of ten (10) days thereafter; and

WHEREAS, in considering an area variance application for a telecommunications facility, the Board need only find that there is a gap in service, that the location of proposed facility will remedy the gap, and that the proposed facility presents a minimal intrusion; 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 regarding the standards for area variances for telecommunications facilities:

1. There exists a gap in cell service in the area surrounding the Site.

The Project is necessary for Verizon to be able to provide adequate cellular service to the area surrounding the Site. The applicant's engineer has produced radio frequency maps establishing that the area around the Site has weak or nonexistent cell service. Moreover, the ZBA received a comment from a member of the public attesting to the poor or nonexistent wireless coverage in the area.

2. The Project would remedy the gap in service.

The applicant's engineer has produced radio frequency maps showing that the Project, which is to be constructed within an area of weak or nonexistent service, would greatly increase the scope and quality of wireless service at the Site and surrounding area. The Project would therefore remedy the existing gap in service.

3. The facility presents a minimal intrusion.

The Project facility is a 62-foot utility pole with a 3-foot antenna that will be placed within a wooded parcel. It is designed to protrude just above the tree line, meaning its

visual intrusion on the area will be minimal. Balloon tests demonstrated that the facility will be partially visible from portions of the Site, but will be largely screened from scenic viewpoints in the surrounding area. The Project does not propose a back-up generator and will therefore not produce a significant amount of noise.

BE IT FURTHER RESOLVED, that although the Project satisfies the modified criteria for an area variance for a public utility, in the event that a reviewing body should decide that the standard criteria for an area variance also apply, 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:

The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The Site is comprised of a large, 86.88-acre parcel owned by Anderson Center Services, Inc. The proposed placement of the telecommunications tower is deep within the Site, over 1,000 feet to the west of Route 9. The neighboring parcel, is also owned by Anderson Center Services, Inc., and the closest parcel owned by a different party is hundreds of feet from the proposed tower. The applicant performed a balloon test demonstrating that the tower will only be visible from limited locations within the Site, and that the majority of the tower would nevertheless be screened by existing trees. As the tower is surrounded by properties owned and operated by a single party and will not present a significant visual intrusion on the area, the Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties

In addition, the Requested Variance will allow the applicant to erect the tower and provide additional cellular service coverage in an area in which it is lacking. This coverage can be used by any party served by Verizon within the tower's range. Thus, the Requested Variance will provide a benefit to the neighborhood by increasing the public's access to cell service.

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 proposes the erection of a telecommunications tower. The proposed location of the tower is atop a small ridgeline on the Site, which allows the tower to take advantage of the local topography to reach the necessary height at which to broadcast its signal while minimizing the size of the structure itself. The applicant could place the tower elsewhere on the Site such that a variance would not be necessary, but doing so would require a much larger tower to reach the same height. The larger tower would be more costly and would have to be placed in a more intrusive location near the development at the Site.

The Requested Variance is numerically substantial, as the permitted setback will decrease by 18.2 ft. (36.4%). However, as discussed herein, the impacts of the Requested Variance will not be substantial.

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

The Planning Board, acting as lead agency, has already determined that the Project as proposed would not result in any significant impacts to the environment. In addition, as discussed above, the impacts of the Requested Variance on the Site and neighborhood will be minimal.

The Project will only result in the disturbance of 0.0185 acres (approximately 806 square feet). This disturbance is insignificant and any increase in impervious surface area will not result in any significant impacts on the quantity or quality of stormwater runoff.

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:

1. Payment of all fees and escrow.

Adopted:

Herbert Sweet	yes _____
James Agrawal	yes _____
Brendan Lawler	yes _____
David McNary	yes _____
Richard Perkins	yes _____

JAMES AND JOANN PICKLES

73 Roosevelt Rd Hyde Park, NY
12538

Variance - Section 108-5.15 Changing front yard setback from 50 ft. to 39 ft. for construction of garage in the Neighborhood District.

The Public Hearing was closed at the May 27th meeting. No public comments have been received up until the deadline of June 10th.

Mr Pickles appeared by audio only.

There were no questions or comments from the board or attorney.

Mr McNary moved the resolution.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

DRAFT

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 AREA VARIANCE

PICKLES
73 Roosevelt Road

Date: June 24, 2020
Resolution #: 20-05Z

Moved By: David McNary
Seconded By: James Agrawal

WHEREAS, the applicants, James and Joann Pickles, have submitted an application for an area variance to permit the expansion of garage attached to an existing one-family dwelling on property located at 73 Roosevelt Road, identified as tax parcel no. 6264-03-009319, in the Neighborhood District (the "Site"); and

WHEREAS, the proposal is depicted on building plans entitled "Pickles Residence," prepared by Liscum McCormack VanVoorhis LLP, dated February 4, 2020; and

WHEREAS, the applicants have submitted an application for an area variance dated February 19, 2020; and

WHEREAS, the applicants seek an area variance from Zoning Law Section 108-5.15 to permit a front yard of 39 feet where 50 feet is required (the "Requested Variance"); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(16), the granting of an individual setback variance 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 May 27, 2020, during a remote meeting held by the Zoning Board of Appeals in accordance with New York State Governor Cuomo's Executive Order 202.1 and the subsequent extensions thereof, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its May 27, 2020 meeting but kept the record open for the submission of written comments for a period of ten (10) days thereafter; 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:

2. 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 one-family dwelling with an existing attached garage. The Requested Variance would allow the applicants to construct an addition to the front of the dwelling to expand the garage further into the front yard and to increase the height of the garage. The grant of the Requested Variance will not produce an undesirable change in the character of the neighborhood because the addition will occupy space that is already paved and used for parking, and because other properties in the area have residential structures similarly located within their front yard setbacks (See, e.g., 70 Roosevelt Road and 74 Roosevelt Road,). The grant of the Requested Variance will not produce a detriment to nearby properties as the addition is not significant and will be partially screened from view due to existing trees at the Site.

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

The applicants propose an addition to the dwelling to allow for an expansion of their garage, which is needed because the current garage has too low a ceiling and is too small in area to fit their vehicles. The applicants could place a new garage elsewhere on the property, but the garage would significantly interfere with the use of their yards, would not be attached to the dwelling, would require an extension of the driveway, and would require the removal of trees at the Site. The applicants could also increase the height of the existing garage to accommodate their vehicles, but doing so would require significant construction to both the garage and the dwelling. Neither alternative is feasible.

4. The Requested Variance may be considered numerically substantial, as the permitted dimensions for the required front yard setback will decrease by 11 feet (22%) However, as discussed herein, the impacts of the Requested Variance will not be substantial.

5. 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 an addition to the front of the dwelling at the Site. The construction of the proposed addition will occupy a previously disturbed area which is currently paved and used as a driveway. The addition will result in insignificant ground disturbance and an insignificant increase in impervious surface area at the Site. Therefore, the Requested Variance will not have an adverse effect or impact on the environment.

6. 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:

1. Payment of all fees and escrow.

Adopted:

Herbert Sweet	yes	_____
James Agrawal	yes	_____
Brendan Lawler	yes	_____
David McNary	yes	_____
Richard Perkins	yes	_____

SALVATORE ROSA

26 Kipp Rd
Rhinebeck, NY
12572

Variance - Section 108-5.15 Changing a front yard setback from 50 ft. to 35 ft. for a pool deck on an above ground pool in the Greenbelt District.

The Public Hearing was closed at the May 27th meeting. No public comments have been received up until the deadline of June 10th.

No one represented the applicant.

There were no questions or comments from the board or from the attorney.

Mr Perkins moved the resolution.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION 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 AREA VARIANCE

ROSA
26 Kipp Road

Date: June 24, 2020

Moved By: Richard Perkins

Resolution #: 20-07Z

Seconded By: James Agrawal

WHEREAS, the applicant, Salvatore Rosa, has submitted an application for an area variance to permit the construction of a deck attached to an existing above-ground pool on property located at 26 Kipp Road, identified as tax parcel no. 6168-04-900276, in the Greenbelt District (the "Site"); and

WHEREAS, the proposal is depicted on sketches received March 11, 2020; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard of 35 feet where 50 feet is required (the "Requested Variance"); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(16), the granting of an individual setback variance 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 May 27, 2020, during a remote meeting held by the Zoning Board of Appeals in accordance with New York State Governor Cuomo's Executive Order 202.1 and subsequent extensions thereof, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its May 27, 2020 meeting but kept the record open for the submission of written comments for a period of ten (10) days thereafter; 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:

7. 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 one-family dwelling with an existing above ground pool. The Requested Variance would allow the applicant to construct a deck around the edge of said pool. The grant of the Requested Variance will not produce an undesirable change in the character of the neighborhood because the deck is an insignificant expansion of the pool use that is already present in the applicant's yard. The grant of the Requested Variance will not produce a detriment to nearby properties because none of the residences on neighboring properties are close to the Site, and because existing vegetation will at least partially screen the deck from view from neighboring properties.

8. 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 proposes constructing a deck around the existing pool on the Site. The pool is located approximately 50 feet into the Site's front yard. There is a septic leach field located to the rear of the pool that prevents construction in that area. As the deck needs to attach to the pool in order to serve its intended purpose, the deck must be located to the front of the pool, which is necessarily within the front yard setback.

9. The Requested Variances may be considered numerically substantial, as the permitted dimensions for the required front yard setback will decrease by 15 feet (30%). However, as discussed herein, the impacts of the Requested Variance will not be substantial.
10. 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 a deck that will result in insignificant ground disturbance and an insignificant increase in impervious surface area at the Site. The construction will not result in a significant decrease in vegetation at the Site. Therefore, the Requested Variance will not have an adverse effect or impact on the environment.

11. 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:

2. Payment of all fees and escrow.

Adopted:

Herbert Sweet	yes _____
James Agrawal	yes _____
Brendan Lawler	yes _____
David McNary	yes _____
Richard Perkins	yes _____

ENCLAVE

Cream St, Hyde Park NY 12538

Extension of Variance -- On March 22, 2017 the applicant was granted a variance for the following: Changing average density from 2.5 A per DU to 1.41 A per DU (70.51 acres) in the Greenbelt District. The applicant is seeking an extension of the time in which to exercise this variance pursuant to Section 108-33.5 (F) of the Code.

Mr McNary made a motion to open the public hearing.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Rod Morrison represented.

He confirmed that there were no changes that would affect the density variance originally granted.

Our secretary has not received any public comments.

Our engineer has no members of the public in the waiting room wishing to comment.

There were no questions from the board.

There were no questions from the attorney.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

The ZBA will accept public comments following the close of the public hearing to received by 4 PM on July 8, 2020. They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us

The ZBA is expecting to have a resolution at the July 22nd meeting.

Mr McNary made a motion to close the public hearing and accept public comments following the close of the public hearing to received by 4 PM on July 8, 2020.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

JOHN AND KIM STOFA

South Cross Rd
Staatsburg, NY 12580

Variance – Section 108-4.3G (2) To allow construction of a new driveway within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 0 ft. in the Greenbelt District.

Mr McNary made a motion to open the public hearing.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

representing: John Stofa, Peter Andros, John Marvin (*attorney*)

Mr Stofa said that the existing driveway's access to S. Cross Rd has a bad sight distance and has to be moved. This necessitates moving the driveway to cross the stream at a different place. The stream is seasonal and is a Class C stream.

The following letter dated June 22, 2020 was received from Melvin Spivak.

Re: ZBA Application of Stofa for a new driveway Tax Map 6166-01-484793

Dear Zoning Board members and John Stofa and Kim Stofa :

I own the property across the road (110 So Cross Rd)

My concern is of flooding, during the heaviest of rains from "runoff" of rain water, from your driveway area, across the road, down my driveway, causing flooding of my house.

I have lived here since 1982. Such flooding has happened.

With the proposed new driveway, there will not be much less open land absorbing rain water. This new drive could "funnel" the intense rain water to the road and then across the road and down my driveway, toward my house. Given the slope of the land, my house is at risk of flooding. We do have a "speed bump" protecting my house except for such rain deluges.

What I am hoping to see is a catch basin, before the road, that can send such run-off under the road and into my front lawn. This is OK with me. Further, another catch basin sending it into the adjoining stream. This was the solution recommended 10 years earlier when a subdivision was proposed for this property by the applicant's engineer. I believe his name is Michael White.

Other than these flooding concerns, I wish Mr and Mrs Stofa all the best in their new home.

Signed by
Melvin Spivak

Ann Dexter appeared and asked about drainage. Mr Andros said that the stream crossing was accomplished using a 42 inch culvert which was rated for a 100 year flood. The stream crossing was located for minimal impact.

There were no questions from the board.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

The ZBA will accept public comments following the close of the public hearing to received by 4 PM on July 8, 2020. They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us

The ZBA is expecting to have a resolution at the July 22nd meeting.

Brendan Lawler made a motion to close the public hearing.

David McNary seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

MICHAEL LEHAN

1387 R 9G, Hyde Park NY 12538

Determination - Section 108-6.5 Changing of a non-conforming use. The applicant, Michel Lchan, is seeking a finding from the Zoning Board of Appeals regarding the proposed use of the property for a base of operation associated with a small landscape business. Is it of similar or lesser impact than the existing non conforming use of monument display and sales and garage storage in the Neighborhood District. The board first needs to make a determination if the new non conforming use is equal or less non conforming than the present non conforming use.

Michael Lehan appeared.

Mr McNary made a motion to open the public hearing.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Mr Lehan: At the last meeting we requested a written statement on the number of vehicle trips expected and a sketch showing where the truck parking is expected to be. We have not received this from you and need it in order to continue. After receiving it, the board can begin its deliberations.

Patrick Logan also told the applicant that he needs to provide his projected vehicle trips and those for the current business.

Written comments were received from: Rocco Runza, Steve Collier, Patrick Convery, Van Svenson, and Emily Svenson

-----Original Message-----

From: xxxxxxxxxxxxxxxxxxxxxxx

Sent: Wednesday, June 24, 2020 1:46 PM

To: ZBA Secretary <zbasec@hydeparkny.us>
Subject: Michael Lehan 1387 rt 9g

To whom it may concern,

I have lived in Greentree Park for most of my life. We have all seen the abandoned gas station that used to be out front and the abandoned deli that is still there.

When I first saw in our neighborhood Facebook group that someone wanted to store landscape equipment out front I was hesitant. But then when I saw what company it was that wanted to buy the property, I thought it was a good idea. If you've seen Lehan's landscaping's equipment and the work that they do it's obvious that they take great pride in their business. So I'm sure they would put that same pride into the corner lot otherwise it would be bad business advertisement for them. I would be happy to see that lot put to good use as storage for Lehan's Landscaping and be well taken care of by a landscape company rather than have it be abandoned and unkept like the other corner.

Sincerely,

Rocco Runza

From: Steve Collier <xxxxxxxxxxxxxxxxxx>

Sent: Wednesday, June 24, 2020 8:35 AM

To: ZBA Secretary <zbasec@hydeparkny.us>

Subject: Greentree Lehan

Good Morning,

My name is Steven Collier, I own the home located at 6 White Birch Rd, Hyde Park NY 12538 (in Greentree). My neighbor 2 doors down is Michael Lehan, I have read the proposal and Agree to him keeping his equipment in the lot specified. He has always kept his equipment neat and organized on his own property, been very respectful driving through the neighborhood and keeps his equipment clean as well so it will not be an eyesore. Please allow him to store his equipment at the requested location. Any questions feel free to contact me at any time, my personal cell # is 845-xxxxxxx

--

Thank You

Steve Collier CMI

Owner/ Head Inspector

Collier Home Inspection

Certified Master Inspector

AHIT Instructor

Licensed in NY & CT

www.collierhomeinspection.com

5 Star Google Rated

Top Rated by Home Advisor

From CONVERY

CC BCC B

To

RECEIVED June 22, 2020

zbasec@hydeparkny.us

June 24th meeting-#20-04Z/Micheal Lehan

My name is Patrick Convery at 2 Sycamore Drive Hyde Park and I am opposed to a Landscape Company being within 150 ft of my home for the following reasons;

Putting a commercial business where there are residents on two sides of the building.

What is wrong with the current location where the business takes place now?

Multiple 20-30 foot landscape trailers.

There is a Hudson Valley Fishing Estuary directly behind the building.

Landscape companies store fuel and other chemicals which could be hazardous.

A landscape business works approximately 5-7 days a week with various hours.

If this landscape company also plows snow then it becomes a 24 hour operation.

If this companies address is 1387 Rt 9G then why is the entrance and exit on Greentree Drive South a residential neighborhood?

Thank You

signed

Patrick Convery

June 24, 2020

Dear Hyde Park Zoning Board of Appeals,

I understand that you're receiving comments about the Lehan application - to take over the Darrow Memorials property on the north corner of the Greentree neighborhood and use it for a landscaping business. It is also my understanding that it is your role to evaluate this new use to see if it would have less, the same, or more of an impact (in terms of traffic and visually) than the current use.

I would like to provide my opinion for your consideration:

Having lived in this neighborhood for 15 years, I remember when the south corner was a defunct gas station and was used for "truck parking" by Quirk Trucking. I can tell you that there were traffic inconveniences as trucks came and went, dropped off trailers, and when people performed maintenance on the equipment. I am concerned that, however well-meaning the applicant is, allowing this property to be used by a landscaping business will inevitably lead to the daily coming and going of trucks and trailers as they park, pick up equipment and materials, and store trailers and supplies. If the goal of the applicant is to use the property to expand his existing landscaping business, then that clearly shows the intent and knowledge by Mr. Lehan that traffic in the area will increase - no one "expands" a landscaping business and expects to service fewer customers with less equipment.

Additionally, returning to the visual aspect of the previous south corner, it was, by most subjective measures, and eyesore. It was a derelict building with graffiti surrounded by various construction equipment, trailers, and large trucks. There were also hard-to-dispose-of trash items like large truck tires, scrap metal, construction debris and non-running construction equipment on the property.

Attempts to visual improve the south corner always failed because Mr. Quirk passed the responsibility on to the absentee property owner who had essentially abandoned the property.

I'm not trying to say the Lehan landscaping business will immediately be an eyesore, but the potential is there, over the long term, for it to fall into neglect. And, if that point is reached and Mr. Lehan isn't the outright property owner, it will be too easy for the landscaping company to abdicate responsibility and direct complaints to a possibly absentee and uninterested owner.

In short, I feel this proposed use will create more traffic and has the potential to negatively affect the visual aspect of the entrance to my neighborhood.

Thank you for adding my comments to the record.

Best wishes.



Signed by
Van Svenson

Van Svenson 4
Hemlock Lane
Hyde Park, NY

Emily Svenson 4 Hemlock Lane Hyde Park, NY 12538 xxxxxxxxxxxxxxxx

June 24, 2020

BY EMAIL ONLY

Hyde Park Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, NY 12538
Re: 1387 Route 9G - Lehan application

Members of the Zoning Board of Appeals:

I live in the Greentree neighborhood, and I write in regard to an application to establish a new use at 1387 Route 9G (the "Site"). The Site lies at the entrance to the Greentree neighborhood. Access is via Greentree Drive South, which is the sole access road serving Greentree.

Like the rest of the Greentree neighborhood, the Site is zoned "Neighborhood," meaning that it can be used to build a home or for certain other uses typically found in neighborhoods. For many years, the Site has been used for the display and sale of grave monuments. That use is not permitted by the zoning but has been allowed to continue as a prior nonconforming use.

Under the zoning code, a parcel with a prior nonconforming use can always be converted to a permitted use (residence, nursery school, cultural facility, etc.). There is also an option to change a prior nonconforming use to another nonconforming use, but only under the narrow circumstance where the new use would have "the same or lesser impact" as the existing use. Zoning Code § 108-6.5. The code provides specific criteria for the ZBA to evaluate the impacts of the new use compared to the existing use.

It appears likely that the proposed use would exceed the impacts of the current use, which is unusually low in impact. Increased impacts can be expected in at least two areas: traffic and visual.

Traffic and Safety

I have lived in the Greentree neighborhood for fourteen years. I typically drive in and out of the neighborhood at least once a day or more. Because I pass by the Site often, I am aware of its level of use. Based on my observations, I have seen a vehicle at the Site only a handful of times each year, less than once a month.

Access to the Site is via Greentree Drive South. The current low volume of use leads to vehicles pulling in and out of the Site very infrequently. The ZBA should consider the vehicle movements that the proposed new use would generate and how they would affect safety on Greentree Drive South and the intersection with Route 9G.

Greentree Drive South is quite busy, as the main entrance to a neighborhood of around 150 homes. Residents, deliveries and other vehicles travel in and out throughout the day. An increased number of heavy vehicles entering and exiting the Site onto Greentree Drive South, so close to intersection with

Route 9G, could lead to more vehicle conflicts. For example, a car turning in to the neighborhood off 9G could encounter a landscaping vehicle exiting the Site, crossing the car's path.

Visual Impact and Buffering

The code also calls on the ZBA to compare the visual impact of the existing and new uses, including the potential for the new use to be "buffered or screened from neighboring properties and public roads." The current use has little visual impact. The grave monuments are low to the ground, and the background view is the wooded corridor along the Crum Elbow Creek. The ZBA should consider whether it is possible to screen the proposed use from view from Greentree Drive South and Route 9G. It seems it would be difficult to do so.

As the entrance to a residential neighborhood, the visual appearance of this prominent site affects residents' quality of life as well as their property values. In fact, the Town undertook substantial work to clean up the opposite corner, removing the dilapidated building and replanting a green space. I was a councilmember at the time, and I heard from many residents that their property values had been depressed by the unsightly appearance of that corner and would be improved by the remediated site.

Conclusion

I hope this information is useful to the ZBA as it considers the question of whether the proposed use would have more or less impact than the existing use. Both traffic and visual impacts are essential factors in that evaluation.

I express no opinion on desirability of the project itself. Surely it is a fine business. I leave it to the boards that apply the law to determine whether the proposed use complies with the code at this location. If not, there are surely other locations where it would be welcome.

Sincerely,
signed by
Emily Svenson

Patrick Convey appeared and concurred with the response from Emily Svenson.

Our engineer has no other members from the public wishing to comment.

Mr Agrawal asked if the applicant would be willing to add screening vegetation and Mr Lehan agreed to do so. Mr Sweet mentioned that this was an item that would be handled by the planning board at a later step in the process should it be reached.

The secretary has not yet received the escrow from the applicant.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

Public comments should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us. Further detail can be found in the legal notice announcing this agenda item.

Mr Agrawal made a motion to adjourn the public hearing to the July 22nd meeting.

Mr McNary seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Roy Charter

15 Rogers Rd
Hyde Park, NY 12538

Variance – Section 108-4.4(2) Changing fence height from 6 ft. to 8 ft. in the Neighborhood District

Mr Agrawal made a motion to open the public hearing.

Mr McNary seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

No one came to represent the applicant.

The secretary has not received any public comments.

Our engineer did not have any members of the public in the waiting room wishing to comment.

There were no comments or questions from the board.

Mr Sweet said that he would like to visit and see where the fence will be placed.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

Public comments should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us Further detail can be found in the legal notice announcing this agenda item.

Mr Agrawal made a motion to adjourn the public hearing to the July 22nd meeting.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Darla Steinhauer and Derricks Tims

541 Creek Road
Poughkeepsie, NY 12601

Variance – Section 108-5.15 Changing a backyard setback from 25 ft. to 12 ft. for an above ground pool and deck in the Greenbelt District

Mr Agrawal made a motion to open the public hearing.

Mr Lawler seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

Darla Steinhauer and Derricks Tims appeared.

Mrs Steinhauer said that the pool will be 15 x 30 ft and twelve feet from the rear property line.

The secretary has not received any public comments.

Our engineer does not have any members of the public in the waiting room wishing to comment.

There were no comments or questions from the board.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

The ZBA will accept public comments following the close of the public hearing to received by 4 PM on July 8, 2020. They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us

The ZBA is expecting to have a resolution at the July 22nd meeting.

Mr Lawler made a motion to close the public hearing.

Mr McNary seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

LOCUST 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

This is a new application.

Andre Balazs and Rod Morrison represented.

The applicant had regraded land within the stream corridor for the N Staatsburg Creek.

Mr Sweet said that he, and perhaps other board members, would like to visit the project and observe where the stream is and where the pond is.

Arrangements will be made off line. All except Brendan Lawler plan to visit the site.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

Public comments should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us Further detail can be found in the legal notice announcing this agenda item.

Mr Lawler made a motion to set the public hearing for the July 22nd meeting.

Mr Perkins seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

SUE MACY

12 West Elm Avenue, Staatsburg NY
12580

Variance – Section 108-5.15 Changing a side yard setback from 5 ft. to 2 ft. to maximize the usable space in the Hamlet Core District

This is a new application.

No one represented the applicant.

The public can see the detail of the application by examining the plans which are on line at the town website. That is hydeparkny.us. Go to Departments, then to Zoning Board of Appeals, and then to Applications.

Public comments should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to zbasec@hydeparkny.us Further detail can be found in the legal notice announcing this agenda item.

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Mr McNary made a motion to set the public hearing for July 22nd meeting.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

There was no other business

Mr Perkins made a motion to adjourn.

Mr Agrawal seconded the motion.

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

The meeting is adjourned.

Respectfully submitted,

Herbert Sweet – temporarily assisting the secretary