

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

**MINUTES FOR REGULAR MEETING**

**August 25, 2021 7:00 PM**

**Present:** David McNary, Chairman                      **Absent:**  
James Agrawal  
Paul Donnelly  
Richard Perkins  
John Scileppi

**Others Present:** Kathleen Moss, Zoning Administrator  
Patrick Logan, Attorney to the Board  
Sarina Teuschler, Secretary to the Board

The meeting began at 7:00pm.

Chairman McNary asked for a motion to approve the minutes of July 14 and 28, 2021.

James Agrawal motioned to approve the minutes, and John Scileppi seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0                      CARRIED

**NEW APPLICATION PRESENTATIONS:**

**#21-16z**      Tayel Nesheiwat  
15 Andover Lane  
Poughkeepsie, NY 12601  
Tax Grid No. 6264-02-484420  
**Variance – Section 108-5.15 Bulk Regulations**  
Change maximum density in the Neighborhood District from 2 dwelling units/acre to 2 dwelling units/0.48 acre to allow an existing two-family dwelling on a 0.48 acre lot.

Chairman McNary invited the applicant, Tayel Nesheiwat, to the podium. He asked for a brief explanation of the variance application.

According to Mr. Nesheiwat, in 1988 his parents bought 15 Andover Lane. His father renovated the two-car garage into an additional living space, that is less than 500 square feet. Most of the home has not been altered – just the two-car garage. Mr. Nesheiwat claims he inherited the house this way. He is seeking the variance so he may update the Certificate of Occupancy to include the second dwelling unit.

The variance is for density of dwelling units per acre. This Zoning District allows 1 dwelling unit for every 0.50 acres; and this lot is only 0.48 acres. The applicant is asking for a variance to make the density 1 dwelling unit for every 0.24 acres.

John Scileppi asked the current living situation. The family from the larger space has moved out; but the single woman living in the converted garage remains.

The lot has public water and wastewater, and therefore has ample access for the number of bedrooms including the accessory unit in question.

Mr. Nesheiwat points out that there are other apartments in the development already. He claims the entirety of Greenfields have accessory apartments.

Paul Donnelly motioned to set the public hearing for September 22, 2021, and John Scileppi seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0

CARRIED

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**#19-06z-2** Dollar General Extension #1  
1 East Dorsey Lane  
Hyde Park, NY 12538  
Tax Grid No. 6163-02-504633  
**EXTENSION OF 2019 VARIANCE, Resolution #19-06Z**  
**Variance – Section 108-5.15 Bulk Regulations**  
Extending change of maximum permitted building scale in the  
Neighborhood Business District from 7,500 square feet to 11,874 square  
feet.

Chairman McNary explained the variance was already approved, but has now expired.

Jeff Albanese of HSC Hyde Park, the applicant, and engineer Caryn Mlodzianowski were present. Ms. Mlodzianowski explained they are seeking an extension for the variance because, during 2020, COVID caused a number of delays. She shares that no conditions of the project have changed which might affect an extension.

Paul Donnelly motioned to set the public hearing for September 22, 2021, and John Scileppi seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0

CARRIED

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**#21-17z** Ulster Savings Bank  
4240 Albany Post Road  
Hyde Park, NY 12538  
Tax Grid No. 6064-02-965956

**Variance – Section 108-24.2 (F)(2)(a)**

Change maximum logo height from 10” to 24” for a wall sign.

Chairman McNary introduced the application. Paul Beichert of Timely Signs, representative to the applicant, was present. Ulster Savings Bank has taken over the former TD Bank in Park Plaza on Route 9.

He explained that due to the size of building and fascia/roof eaves, they are requesting an increase in symbol height for the sign on the West side of the building.

This property is also before the Planning Board, where they have requested a relaxation of standards due to distance from the main road.

Due to the meeting next week, attorney to the Board, Patrick Logan, suggested that the following resolution be phrased as “authorizes its secretary” rather than “directs its secretary,” so that she may wait until after the Planning Board meeting to refer the application to County Planning.

Town of Hyde Park  
**ZONING BOARD OF APPEALS**  
4383 Albany Post Road  
Hyde Park, NY 12538  
845-229-5111 ext. 2

**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Ulster Savings Signage**  
4240 Albany Post Road

**Date: August 25, 2021**

**Motion: David McNary**

**Resolution # 21-17Z-a**

**Second: Paul Donnelly**

WHEREAS, the applicant, Cosimo Town Center, LLC, has submitted an application for area variances to increase the maximum permissible graphic and letter height for two wall signs on the western and northern elevations of an existing building (the “Project”) on property located at 4240 Albany Post Road, identified as tax parcel no. 6064-02-965956-0001, in the Town Core Zoning District (the “Site”); and

WHEREAS, the proposed signage is depicted on a signage plan entitled “Ulster Savings – Hyde Park Branch,” prepared by Timely Signs of Kingston, Inc., dated July 18, 2021 (the “Sign Plan”), depicting signs on the western and northern faces of the building at the Site (the “Western Sign” and “Northern Sign”); and

WHEREAS, the applicant seeks the following area variances:

1. To permit a height of 24 inches for the logo on the Western Sign, where a maximum height of 10 inches is permitted for said logo pursuant to Zoning Law Section 108-24.2(F)(2)(a), pending any relaxation thereof by the Planning Board; and

2. To permit a height of 17 inches for the letters on the Western Sign, where a maximum height of 10 inches is permitted for said lettering pursuant to Zoning Law Section 108-24.2(F)(2)(b), pending any relaxation thereof by the Planning Board; and
3. To permit a height of 17 inches for the logo on the Northern Sign, where a maximum height of 10 inches is permitted for said logo pursuant to Zoning Law Section 108-24.2(F)(2)(a), pending any relaxation thereof by the Planning Board; and
4. To permit a height of 12 inches for the letters on the Northern Sign, where a maximum height of 10 inches is permitted for said lettering pursuant to Zoning Law Section 108-24.2(F)(2)(b), pending any relaxation thereof by the Planning Board and Planning Board; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form Part 1 dated July 20, 2021; and

WHEREAS, in accordance with the State Environmental Quality Review Act (“SEQRA”), the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.2(a), any action not identified as a Type I or Type II action under SEQRA is an Unlisted action; and

WHEREAS, the Project Site is located within 500 feet of New York State Route 9, also known as Albany Post Road; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby:

1. Classifies the Project as an Unlisted action under SEQRA; and
2. Authorizes its secretary to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

Adopted:

James Agrawal	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
John Scileppi	YES	
David McNary	YES	CARRIED

*Filed with Town Clerk 8/26/21*

James Agrawal motioned to set the public hearing for September 22, 2021, and John Scileppi seconded the motion.

VOICE VOTE

All in favor: 5

All opposed: 0

CARRIED

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**#18-17z-2** Asahishuzo Sake Brewery

5 Saint Andrews Road

Hyde Park, NY 12538

Tax Grid No. 6164-03-021198

**EXTENSION OF 2018 VARIANCES, Resolution #18-17z**

**Variance – Section 108-4.3 (G)(2)**

Extending change of stream corridor setback from 100 feet to 84 feet, 7 inches for the construction of a wastewater treatment plant; and the stream corridor setback from 100 feet to 85 feet, 9 inches for the installation of a generator.

**Variance – Section 108-24.2 (F)(2)(a)**

Extending change of maximum height of symbols from 24 inches to 31 <sup>3</sup>/<sub>4</sub> inches for a wall sign; and maximum height of letters from 10 inches to 24 inches for two free-standing signs

Chairman McNary introduced the application. Representative to the applicant, Michael Zarin, was present. Applicant explained they are no longer seeking to extend the variance of Section 108-24.2(F)(2)(a), regarding the free-standing signs. They have changed the logo and lettering to conform to code.

The variance of Section 108-4.3(G)(2), regarding, stream corridor setbacks for a wastewater treatment plant and generator, remains the same. There has been no change to conditions or site plans which might affect the extension.

Even though they have begun construction on site, the wastewater treatment plant does not have a building permit. They cannot obtain a permit without extending the variance.

The construction was halted due to COVID delays and public health mandates.

Richard Perkins asked if the Japanese letters on their signs were considered a “logo.” Mr. Zarin explained that the company has created a unique brand, Dassai Blue, which is sold throughout North America and Europe; and they consider the Japanese letters/logo part of the company’s branding.

Paul Donnelly motioned to set the public hearing for September 22, 2021, and James Agrawal seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0

CARRIED

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18:55

**#21-15Z**      Camp Victory Lake  
277 Crum Elbow Road  
Hyde Park, NY 12538  
Tax Grid No. 6265-04-630350  
**Variance – Section 108-5.15**  
Change maximum permitted building height in the Greenbelt District from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.  
**Variance – Section 108-4.3 G (2) a**  
Change stream corridor setback from 100 feet to 26 feet from the Fallkill Creek to allow a construction incursion.

Chairman McNary introduced the application. Peter Sander of Rennia Engineering, representative to the applicant, explained the project.

Mr. Sander explained dimensions of the height variance come from an average of the grade measured along the entire perimeter of the building. The building is planned to be recessed into the ground on one side – so the actual height itself will be greater than 47.5 feet; but the Zoning Code specifies that height be measured using the average grade of the footprint to the midpoint of the highest peak and its associated eave.

John Scileppi suggested this definition from the Code be included in a resolution that grants or denies the variance.

This property uses multiple wells and storage tanks as its water supply. There is a sewage treatment plant which has adequate capacity for the size of the structure; but as more phases of the Camp Victory Lake master plan take shape, the treatment plant will need to be expanded.

The stream corridor encroachment is for both solid objects and general land disturbance. Due to Blanding's turtle habitats in the North making it impossible to relocate the proposed structure, the applicants claim the stream corridor variance is required to complete the necessary land grading prior to building.

The applicant will be causing three major disturbances within the stream corridor – they are creating an impervious parking lot; relocating existing cabins up to 26 feet from the bank of the lake (Fall Kill Creek); and widening an existing road by four feet at its stream crossing. The most numerically substantial disturbance will be the stream crossing – 0 feet setback.

The stream crossing will also be covered by a DEC permit. The road is being widened by 4 feet in the opposite direction of the lake.

Regarding the parking lot, Chairman McNary was concerned about the additional discharge of runoff from the impervious parking lot into the Fall Kill Creek. The parking lot is asphalt, with multiple collection areas and other stormwater pollution prevention practices. According to Mr. Sander, stormwater will be directed to drainage areas, treated, then discharged via infiltration to the ground.

Chairman McNary suggested a pervious parking lot. Mr. Sander explained that a pervious surface would be financially unattainable, and many options do not remain permeable without substantial upkeep.

The existing cabins will be relocated within 26 feet of the stream bank. Each cabin will have a dry well for stormwater treatment. The plumbing will connect with the existing wells and sewage treatment plant. The applicant is choosing to place the cabins within the stream corridor setback because their purpose is to have a nice view of the lake. Additionally, if they relocate the cabins, the engineers will need to restructure the stormwater plans.

Chairman McNary was concerned about the effects climate change will have on the stream's volume – width and depth – as well as the impact of increased rainfall which will cause flooding. Mr. Sander stated there are three 60-inch culverts at the stream crossing, which the applicant feels is adequate; also that the cabins themselves will be elevated 20 feet above the current water level.

Kathleen Moss, the Zoning Administrator, asked Mr. Sander to show and explain the phased master plan – which shows the entire 96 acres of land and all structures planned to be built. The full build out is not scheduled to complete until 2050.

Mr. Sander showed all other possible locations for the cabins. The open area in the northeast section is a Blanding's turtle habitat. Another area in the southwest section is reserved for parking overflow. The open area in the middle north section is reserved for rustic tent camping, with few solid structures.

The sanctuary building and cabins per this variance request are part of Phase One of the master development plan. Mr. Sander assumes the sanctuary building would take more than a year to fully complete.

Mr. Logan asked to see the closest stream encroachment that is happening as part of this phase of building. Mr. Sander showed the stream crossing, where the road will be widened 4 feet. The crossing itself will be covered by a DEC permit, but the road up to the crossing and after the crossing will require a 0 foot setback variance.

Mr. Logan recommended that Camp Victory Lake should amend their variance application to specify a 0 foot setback for the stream crossing improvements.

Upon receipt of the confirmed variance and amended variance application, the Secretary is authorized to publish a public hearing notice with the corrected figures.

Mr. Logan asked if they would be performing a balloon test (for purposes of seeing how tall the building looks to drivers on the nearby roads). The applicant submitted a visual analysis that includes the existing tree cover. Any decisions regarding that would be made by the Town Planner. Mr. Logan requests that when Rennia

Engineering completes their graphic renderings of the view from the road, that they share with the Zoning Board.

John Scileppi motioned to set the public hearing for September 22, 2021 subject to the receipt of an amended application reflecting correct measurements of the stream encroachment; Paul Donnelly seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0                      CARRIED

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**OTHER BUSINESS:**

The Board discussed moving the start time of the meetings from 7:00 to 6:00pm. This coincides with start times of Town Board and Planning Board meetings.

Chairman McNary motioned to change the start time of future meetings from 7:00 to 6:00pm, beginning September 22, 2021; Richard Perkins seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0                      CARRIED

John Scileppi motioned to adjourn, and Paul Donnelly seconded the motion.

VOICE VOTE

All in favor: 5  
All opposed: 0                      CARRIED

The meeting adjourned at 7:56pm.