

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

**Minutes**  
**October 28, 2020 7 PM**

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

**Absent:**

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

Welcome to the October 28, 2020 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 so 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 and its extensions, 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 hear is me.

PLEDGE OF ALLEGIANCE

Our next meeting will be held on Tuesday, November 17, 2020.

Mr McNary made a motion to approve the minutes for September 23, 2020.

Mr Agrawal seconded the motion.

(4) AYE (0) NAY (1) ABSTAIN - MOTION CARRIED

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## PREVIOUS MATTERS

### 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

The applicant’s representative had advised that he would not be present.

The public hearing was closed on July 22<sup>nd</sup> and a written comment was received from Christopher Scholz and Ines Elskop within the post public hearing closing period. It should be noted that our Zoning Officer has determined that the ground disturbances are not construction so that no Site Plan is required.

However, a review of the SWPPP plan by our attorney shows that the pond requiring an area variance is a part of an 8.2 acre project on a parcel that is contiguous to a historic site – The Mills Mansion (aka The Staatsburg). According to 6 NY CRR 617.4 Type I actions (9) and 6 NY CRR 617.3(g), a full EAF is required. On receipt of it, the board can then determine what agencies may be involved and proceed with the application.

Thus far, that EAF has not been received. The board is continuing to wait for the EAF.

There were no questions from the board, zoning officer or attorney.

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### Enclave – sign

Cream Street and Long Branch Road  
Hyde Park, NY 12538

**Variance – Section 108-24.1F(2)(b)** Changing maximum letter height from 10 in. to 18 in for letters T & E; and Section 108-24.1F

(2)(b) changing maximum letter height from 10 in. to 24 in. for letters H & L for the entrance sign in the Greenbelt District.

Mr Ken Casamento represented.

The public hearing for this application was closed on September 23, 2020 with comments acceptable until October 5, 2020.

Dutchess County Planning has responded that this is a matter of local concern.

No public comments were received.

There were no comments from the board, zoning officer or attorney.

Mr Agrawal move d the motion.

Mr McNary seconded the motion.

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

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**Town of Hyde Park Zoning Board of Appeals  
4383 Albany Post Road  
Hyde Park NY 12538  
(845) 229-5111**

**RESOLUTION TO GRANT AREA VARIANCES**

**The Enclave at Hyde Park**

**Date: October 28, 2020**

**Moved By: James Agrawal**

**Resolution #: 20-15Z**

**Seconded By: David McNary**

WHEREAS, the applicant, 54 Hyde, LLC, has submitted an application for area variances to increase the permissible letter height for a subdivision development's entrance signage located at the intersection of Cream Street and Long Branch Road, identified as Tax Parcel Nos. 6263-01-436890, -475939 (the "Property"), in the Greenbelt Zoning District (the "Project"); and

WHEREAS, the proposed signage is depicted on plans submitted to the ZBA entitled, "Enclave/Entrance Sign", Sheets 1.1 and 2.1, prepared by GNS Group, dated June 25, 2020, last revised June 29, 2020 (the "Sign Elevations"); and

WHEREAS, the applicant has applied for area variances from Zoning Law § 108-24.2F(2)(b) to permit a maximum height of 24 inches for the letters "H" and "L" on the sign and a maximum height of 18 inches for the letters "T" and "E" on the sign, where a maximum height of 10 inches is permitted; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(9), the action is a Type II action under the State Environmental Quality Review Act and is not subject to review under the Act; 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 October 6, 2020, that the Project was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on September 23, 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 September 23, 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 Variances:

1. The Requested Variances will not produce an undesirable change in the character of the neighborhood or be detrimental to nearby properties.

The increased dimensions for the sign's letters allow the applicant to easily and effectively represent itself to passersby traveling along Cream Street, aka County Route 39. The sign design is aesthetically pleasing and the scale of the letters is proportionate to the walls on which they are mounted. The neighboring properties do not contain residences or other developments from which the sign would be easily visible due to the local topography and vegetation. The increase in the letter height will therefore not have a significant impact on the neighborhood or negatively affect nearby properties.

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 applicant seeks the Requested Variances in order to increase the size of its sign lettering so that it will be proportional to the size of the wall on which the letters are mounted and be recognizable and legible to passersby. The sign is meant to be visible from Cream Street, aka County Route 39, on which vehicles frequently drive in excess of 45mph. The benefit of increased visibility cannot be achieved by means other than increasing the size of the lettering or changing the sign design to make the letters more noticeable. The applicant has chosen a sophisticated font which is consistent with the character of the area. Changing the sign design to a different font may increase the impact of the sign on the neighborhood and may not be in line with the applicant's desired aesthetic.

3. The Requested Variances are substantial, as the permitted size of a letter will increase by 8 inches (80%) for two of the letters and by 14 inches (140%) for two other letters. However, the impact of the variances is not substantial because the font style is narrow and the larger letters are not significantly distinguishable from the smaller letters. In addition, the sign will not be illuminated and the lettering will be gray, so as not to be distracting or draw attention.
4. The granting of the Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

Allowing the lettering to be larger than permitted by the Zoning Law would not result in the sign having any significant additional effect on the environment.

5. The difficulties are self-created.

**BE IT FURTHER RESOLVED**, that the Zoning Board of Appeals hereby grants the Requested Variances, subject to the following condition:

1. Payment of all fees and escrow.

Adopted: October 28, 2020

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

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**Tarsio / Rodriguez**

13 Curry Lane, Hyde Park

**Variance – Section 108-5.15** Changing side yard setback from 25 ft. to 3 ft. 0 in. for a new three car two-story garage on a narrow lot that does not allow for 25 ft. setback; and **Section 108-5.15** Changing front yard setback from 50 ft. to 40 ft. 0 in. for an addition to the existing single family home in the Waterfront District.

Ms Tarsio represented.

The public hearing for this application was closed on September 23, 2020 with comments acceptable until October 5, 2020.

No public comments were received.

There were no comments from the board, the zoning officer or the attorney.

Mr McNary moved the motion.

Mr Agrawal seconded the motion.

*(4) AYE (1) NAY (0) ABSENT - MOTION CARRIED*

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Town of Hyde Park Zoning Board of Appeals  
4383 Albany Post Road  
Hyde Park NY 12538  
(845)229-5111

RESOLUTION TO GRANT AREA VARIANCE

LUIS RODRIGUEZ / LAUREN TARSIO  
13 Curry Lane, Hyde Park, NY 12538

Date: October 28, 2020

Moved By: David McNary

Resolution # 20-16Z

Seconded By: James Agrawal

WHEREAS, the applicant, Luis Rodriguez, has submitted an application for an area variance section 108-5.15 to change the side yard setback from 25 ft to 3 ft.0 in. for a new three car two-story garage and for an area variance from section 108-5.15 to change the front yard setback from 50 ft to 40 ft.0 in. for an addition to the existing single family home in the Waterfront district and

WHEREAS, the Project is depicted on a sketch submitted by the applicant and

Whereas the lot is narrow and

Whereas the northern adjoining parcel is large being 8.47 acres and

Whereas the structures on the adjoining parcel are over 300 feet from the location of the proposed garage and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a side yard of 3 feet where 25 feet is required (the "Requested Variance"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit changing the front yard setback from 50 ft to 40 ft.0 in (the "Requested Variance") and

WHEREAS, a duly noticed public hearing was held on September 23, 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 wish to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its September 23, 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:

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

The property presently contains a two-story house. The new garage to the north of the house will fit with the style and tone of the neighborhood and, while 3 feet from the property line, will not disrupt or impact the northern neighbor's property as it is partially wooded. The addition to the house will fit and improve the appearance within the neighborhood.

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

There is no practical alternative for the location of the garage other than to the north of the house.

3. The Requested Variances may be considered numerically substantial, as the permitted dimensions of the required setback will decrease by 22 feet for the new garage and 10 feet or 20% for the house addition. However as discussed herein, the impacts of the Requested Variance will not be substantial.
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 Requested Variance will allow the construction of the two-story garage and the addition to the house. While there will be ground disturbance during the construction, these variances will not have a significant adverse environmental impact.

5. 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: October 28, 2020

Herbert Sweet	yes_____
James Agrawal	yes_____
Brendan Lawler	yes_____
David McNary	yes_____
Richard Perkins	no_____

## NEW APPLICATIONS

### Jennifer Mastroeni

9 Gary Drive  
Hyde Park, NY 12538

**Variance - Section** 108-4.3B (5) to conduct animal husbandry in a location less than the required 250 ft from all neighboring residences and the storage of manure in a location that is less than the required 200 feet from all neighboring residences and from all wells in the Neighborhood District.

The complainants, Melanee & Patrick Vertullo have submitted the following to the town to be added to the record:

From: Melanee Vertullo <pmvertullo@aol.com>  
 Sent: Tuesday, October 27, 2020 5:40 PM  
 To: ZBA Secretary <zbasec@hydeparkny.us>  
 Subject: Variance - Section 108-4.3B (5) Allowing an animal husbandry structure as close as 140 ft. to a neighboring parcel, where a distance of 250 ft. is required in the Neighborhood District.

We are opposed to the change in the ordinance to allow for the "animal husbandry structure" aka Chicken Coop.  
 We have been homeowners at 6 Madison Ave. for 48 years and are now in our mid 70s. All of these years we have always maintained our property. Over the years we've made many improvements, always considering and being respectful of the effect our property had on our neighbors' properties and the neighborhood.  
 Our 85ft. rear property line borders the Mastroeni property. The chicken coop structure is within approximately 75ft. from our property line and is directly center in our views from our back yard and deck. Besides being unsightly with plastic wall shielding and periodically, tarps strewn across its roof this structure will surely have a negative affect on the property value of our home.

Melanee and Patrick VERTULLO  
 6 Madison Avenue  
 Hyde Park, N.Y. 12538

The town has also received many other letters, all supportive, and they will also become a part of the record.

Due to a noticing error, the public hearing will be opened at the November 17<sup>th</sup> meeting but comments were entertained.

Jennifer Mastroeni represented and responded to board questions.

Ms Mastroeni, confirmed that there will be a maximum of 6 approximately 2 pound chickens and no roosters.

Ms Mastroeni was asked what the maximum amount of manure that would be in the manure container at any time? She will provide that at the next meeting.

Ms Mastroeni stated that she had completed the planning board site plan pre-app with the planning board chairman and the zoning officer.

She confirmed that there are no changes from the final diagram submitted on September 23<sup>rd</sup> showing the location of the chicken coop, animal husbandry area (run area), and manure storage location.

She also stated that the chicken raising was a family project and done for the eggs.

Public comments have been previously noted.

No one was in the Zoom waiting room that wished to speak.

There were no comments from the zoning officer or from the attorney.

The public can see the detail of the application by examining the plans available at the town hall at the planning and zoning office.

The ZBA will accept public comments for 10 days following the close of the public hearing. They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us)

Mr Lawler motioned to set the public hearing for November 17<sup>th</sup>.

Mr Perkins seconded the motion.

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

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**Hudson Valley Hospice, Inc.**  
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.

Michael Kaminski, President & CEO; Jaime Machado, Architect; and Michele Zerfas represented.

At the October 7<sup>th</sup> meeting of the planning board the SEQRA process was initiated and it was also noted that the sub division process of joining the two parcels has to be completed before the ZBA is able to pass any resolution granting the area variance.

The planning board has commenced the process of assuming lead agency and the ZBA has consented.

Mr Agrawal motioned to open the public hearing.

Mr McNary seconded the motion.

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

Mr Kaminski presented and responded to board questions. He stated that this will be the only hospice serving Dutchess & Ulster. It will have 14 beds, 8-10 employees, and 60-70 patients over a year. The maximum expansion allowed by state would be to 16 beds.

No one was in the Zoom waiting room that wished to speak.

A letter was received today from Donna Hudak, 25 E Dorsey La, with many concerns. It was forwarded to the Planning Board for their consideration during their SEQRA evaluation and Site Plan Review.

A letter was received today from Susan Digillio and also sent to the Planning Board.

There were no comments from the zoning officer or attorney.

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

The ZBA will accept public comments until 10 days following the close of the public hearing.- They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us)

In consideration of the need for the planing board to complete SEQRA and sub-division, the application will be continued to December 9<sup>th</sup>.

Mr McNary moved the motion and Mr Agrawal seconded it.

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

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**Robin E. Hughes-Ghee**

3 Bircher Ave  
Poughkeepsie, NY 12601

**Variance – Section** 108-5.15 Changing front yard setback from 50 ft. to 30 ft.; and changing rear yard setback from 30 ft. to 27 ft. for new construction between two existing porches in the Neighborhood District.

Due to a noticing error, the public hearing will be opened at the November 17<sup>th</sup> meeting.

The applicant was not present.

There were no public comments received nor any members of the public in the Zoom waiting room wishing to speak.

There were no comments from the board, zoning officer or attorney.

The public can see the detail of the application by examining the plans available at the town hall at the planning and zoning office.

The ZBA will accept public comments for 10 days following the close of the public hearing. They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us)

Mr Lawler motioned to set the public hearing for Nov 17<sup>th</sup>.

Mr Agrawal seconded the motion.

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

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**Floyd Holt & Evelyn Holt**  
**11 Stoutenburgh Dr**  
**Hyde Park, NY 12538**

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

The zoning officer has determined that the stream is a Class C tributary of the Crum Elbow Creek. The stream is on a sub-division map even though it is not shown on the DEC map. The house is proposed to be placed so that a stream crossing will be needed. The driveway will use two 30 inch culverts to cross stream.

Michele Zerfas represented and responded to board questions.

Arrangements were proposed for a site visit by board members.

The public can see the detail of the application by examining the plans which are at the town hall at the planning and zoning office.

The ZBA will accept public comments until 10 days following the close of the public hearing. - They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us)

Mr Lawler motioned to set the public hearing for Tue, Nov 17<sup>th</sup>.

Mr Perkins seconded the motion.

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

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**Howard Mintzer  
26 Mountain View Rd  
Staatsburg, NY 12580**

**Variance - 108-4.3G(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.

Peter Andros presented and responded to board questions. The site has a pond near the Indian Kill which receives overflow from it but is often stagnant. Improvements will be made to rectify that and a second pond will be built to the south of it for overflow then discharge further downstream back into the Indian Kill.

A driveway will be built to access the pond and may be rerouted around the proposed southern pond.

A second driveway will be built to access the owner's 20 acre property to the rear. It is a flag lot and the entrance portion will not easily support a driveway. Three 48 inch culverts are planned for the southern driveway to cross the stream.

It may be necessary to condition any variance to establish relations between the two parcels with a driveway right of way and maintenance agreements for the driveway and culvert.

Arrangements will be made for board members to visit the site.

The public can see the detail of the application by examining the plans which are at the town hall at the planning and zoning office.

The ZBA will accept public comments until 10 days following the close of the public hearing. - They should be sent to: ZBA Secretary at 4383 Albany Post Rd, Hyde Park, NY or email them to [zbasec@hydeparkny.us](mailto:zbasec@hydeparkny.us)

Mr Lawler motioned to set the public hearing for Tue, Nov 17<sup>th</sup>.

Mr Perkins seconded the motion.

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

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There was no other business.

Mr Perkins motioned to adjourn and Mr Agrawal seconded the motion.

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

Respectfully submitted,

Herbert Sweet  
temporarily assisting the ZBA Secretary