

TOWN OF HYDE PARK

Zoning Board of Appeals

4383 Albany Post Road
Hyde Park, New York 12538

Minutes April 26, 2017

Present: John Bickford, Chair
Stanley Frangk, Vice Chair
Herbert Sweet
Michael Whitman

Absent: Brendan Lawler

Others Present: Victoria Polidoro, Attorney, Linda Weiner, ZBA Secretary

John Bickford, Chair, commenced the Pledge of Allegiance.

John Bickford welcomed everyone to the April 26, 2017 meeting at 7:00 P.M.

The announcement was made by Mr. Bickford that Brendan Lawler was absent for tonight's meeting. He was home celebrating the birth of his first child.

The secretary was asked to note the roll.

Approve minutes: March 22, 2017

Motion was made by Michael Whitman, seconded by Herbert Sweet to approve the March 22, 2017 minutes.
VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

The next meeting will be May 24, 2017

New Public Hearing:

#17-04Z Hyde Park Town Center North
4274 and 4280 Albany Post Rd
Hyde Park, NY 12538

Variance – Section 108-4.4A (3) changing Building volume from 60,000 cubic feet to 211,406 cubic feet; and **Section 108-4.6 (B)** changing Building distance from 100 ft. to 20.5 ft. to 60 ft. in the Town Center Historic District.

Motion was made by Stanley Frangk, seconded by Herbert Sweet to open the public hearing.
VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

The applicant requested that the Application be postponed until May 24, 2017.

No one wanted to speak for or against the variance.

Motion was made by Stanley Frangk, seconded by Herbert Sweet to continue the public hearing on May 24, 2017.
VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

A resolution to refer the application to Dutchess County Planning for 239m was read.

Town of Hyde Park Zoning Board of Appeals

4383 Albany Post Road

Hyde Park NY 12538

(845) 229-5111 Ext. 2

(845) 229-0349 Fax

RESOLUTION TO REFER THE APPLICATION TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

Hyde Park Town Center North - Mavis

Date: April 26, 2017

Moved By: John Bickford

Resolution: # 17-04Z

Seconded By: Stanley Frangk

WHEREAS, the applicant, N & N Hyde Park, LLC, has submitted an application for area variances in connection with its application for site plan approval to partially redevelop an existing shopping center with a new “Mavis” auto repair shop, located at 4280 Albany Post Road, tax parcel nos. 6065-04-919007 & 6065-04-933017, in the General Business District (the “Project”); and

WHEREAS, the Project is depicted on a site plan entitled “Hyde Park Town Center - North” prepared by Berger Engineering and Surveying, dated June 1, 2016, last revised February 22, 2017 (the “Site Plan”); and

WHEREAS, the applicant has applied for a variance from: 1) Section 108-4.4(A)(3) of the Zoning Law to permit a cubic volume of 211,406 cubic feet where 60,000 cubic feet is allowed; and 2) Section 108-4.6B of the Zoning Law to permit a buffer of 20.5 feet where 100 feet is required, as depicted on the Site Plan (the "Requested Variances"); and

WHEREAS, pursuant to Section 239-m of the General Municipal Law and the Intermunicipal Agreement with Dutchess County, an application for an variance for a non-residential use 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 directs 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.

John Bickford, Chair	AYE
Stanley Frangk	AYE
Brendan Lawler	ABSENT
Herb Sweet	AYE
Michael Whitman	AYE

Filed with the Secretary of the Zoning Board of Appeals on: April 26, 2017

Secretary

#17-05Z

Ronald Morse II

10 Enderkill Dr.

Staatsburg, NY 12580

VARIANCE – Section 108-5.15 Changing a front yard setback from 50 ft. to 25 ft. for construction of an attached garage; and **Section 108-5.15** changing a front yard setback from 50 ft. to 13 ft. for construction of a deck in the Neighborhood District.

Motion was made by Stanley Frangk, seconded by Herbert Sweet to open the public hearing.

VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

The secretary verified publication in the Poughkeepsie Journal on April 20, 2017.

Ronald Morse presented his application to the Board. He verified pictures of the property from the google earth website. Mr. Morse also explained how the measurements were taken.

No one wanted to speak for or against the application.

Motion was made by Herbert Sweet, seconded by Michael Whitman to close the public hearing.

VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

**TOWN OF HYDE PARK
Zoning Board of Appeals**

VARIANCE RESOLUTION (Revised)

Application #: 17-05Z

Grid #: 6167-03-011041

Introduced by: Herbert Sweet
Seconded by: Stanley Frangk

Date: April 26, 2017

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on April 26, 2017 reviewed the facts in Application #17-05Z as submitted by Ronald Morse II, 10 Enderkill Dr., Staatsburg, NY 12580

WHEREAS, the application was determined to be an Type II Action under Section 6NYCRR Part 617 and Section 54-7 of the Code of the Town of Hyde Park, and

WHEREAS, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding a

VARIANCE – Section 108-5.15 Changing a front yard setback from 50 ft. to 25 ft. for construction of an attached garage; and **Section 108-5.15** changing a front yard setback from 50 ft. to 13 ft. for construction of a deck in the Neighborhood District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on April 20, 2017 and posted as required by law, and

WHEREAS, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

1. The deck is preexisting
2. The lot is small
3. No garage is currently on the site

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #17-05Z a request for a variance from Section 108, as set forth above, be granted on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. The garage will enhance the home by housing the owner's vehicles.
2. The needs of the applicant **can not** be achieved by other than an area variance as there is no other place on the property that the garage could be placed considering the location of the septic field and the chosen location is the most logical location.
3. The requested variance **is** substantial numerically but not in its impact. Note that the new garage will be attached to and equally set back as the house currently is.

4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood for reasons previously stated.
5. The hardship for which the variance is sought to rectify **was** self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: April 26, 2017

Brendan Lawler	ABSENT
Herbert Sweet	AYE
Stanley Frangk	AYE
Michael Whitman	AYE
John Bickford	AYE

Secretary: _____
Linda Weiner

#17-06 Robert Irish
1 Kari Blvd
Poughkeepsie, NY 12601
VARIANCE – **Section 108-5.15** Changing a front yard setback from 50 ft. to 43 ft. 3 in. for an existing storage shed in the Greenbelt District.

The secretary verified publication in the Poughkeepsie Journal on April 20, 2017.

Motion was made by Michael Whitman, seconded by Herbert Sweet to open the public hearing.
VOICE VOTE – ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

Robert Irish presented the application to the Board. He confirmed that the google earth photo was his property.

Mr. Frangk asked the applicant if he had estimated the measurements in the manner commonly used and the applicant said that he had.

Motion was made by Stanley Frangk, seconded by Michael Whitman to close the public hearing.
VOICE VOTE – ALL IN FAVOR

(4) AYE (1) AYE (0) NAY – MOTION CARRIED

**TOWN OF HYDE PARK
Zoning Board of Appeals**

VARIANCE RESOLUTION

Application #: 17-06Z

Grid #: 6264-03-261093

Introduced by: Stanley Frangk
Seconded by: Michael Whitman

Date: April 26, 2017

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on April 26, 2017 reviewed the facts in Application #17-06Z as submitted by Robert Irish, 1 Kari Blvd., Poughkeepsie, NY 12601

WHEREAS, the application was determined to be an Type II Action under Section 6NYCRR Part 617 and Section 54-7 of the Code of the Town of Hyde Park, and

WHEREAS, said application requests a variance or adjustment to the strict application of the Zoning Code, specifically regarding a

Variance – Section_108-5.15 Changing a front yard setback from 50 ft. to 43 ft. 3 in. for an existing storage shed in the Greenbelt District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on April 20, 2017 and posted as required by law, and

WHEREAS, at said Public Hearing all who desired to be heard were heard and their testimony recorded, and

WHEREAS, all testimony has been carefully considered and the following pertinent facts noted:

1. The lot is a corner lot
2. The shed is tucked into trees that act as a natural buffer/screen between the shed and the road. The shed is painted a dark green that blends with the tree buffer/screen.
3. The tree screening also acts as a buffer between the house, road, pool and the detention pond.

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #17-06Z a request for a variance from Section 108, as set forth above, be **granted** on the following grounds:

1. The variance requested **will not** produce an undesirable change to the character of the neighborhood or a detriment to nearby properties. The shed is well screened from the roads and blends well with the other structures on the property. To move it farther into the property will make the structure more noticeable and stand out more.
2. The needs of the applicant **can not** be achieved by other than an area variance as the lot is a corner lot. To move the shed out in the yard will make it intrusive.
3. The requested variance **is not** substantial given that if it was not a corner lot the side yard would be 5 ft.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood as the shed is well screened and blends well into trees.
5. The hardship for which the variance is sought to rectify **was** self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: April 26, 2017

Brendan Lawler	ABSENT
Herbert Sweet	AYE
Stanley Frangk	AYE
Michael Whitman	AYE
John Bickford	AYE

Secretary: _____
Linda Weiner

OTHER BUSINESS:

Motion was made by Stanley Frangk, seconded by Michael Whitman to adjourn at 7:35 P.M.
VOICE VOTE- ALL IN FAVOR

(4) AYE (1) ABSENT (0) NAY – MOTION CARRIED

Respectfully Submitted,



Linda Weiner
Secretary