

TOWN OF HYDE PARK

Zoning Board of Appeals

4383 Albany Post Road

Hyde Park, New York 12538

Minutes

June 28, 2017

Present: Stanley Frangk, Vice Chair
Brendan Lawler
Herbert Sweet
Michael Whitman

Absent: John Bickford, Chair

Others Present: Linda Weiner, ZBA Secretary

Stanley Frangk, Vice Chair, commenced the Pledge of Allegiance.

Mr. Frangk welcomed everyone to the June 28, 2017 meeting at 7:00 P.M.

The secretary was asked to note the roll.

Approve minutes: May 24, 2017, and Special meeting June 12, 2017

Mr. Frangk recommended that the approval for the May 24, 2017 and June 12, 2017 minutes be postponed until July 26, 2017 so Board members that were present on those dates can make the approval.

Motion was made by Herbert Sweet, seconded by Michael Whitman to postpone the vote for approval of the May 24, 2017 and the June 12, 2017 minutes.

VOICE VOTE – ALL IN FAVOR

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

The next meeting will be July 26, 2017

Continued Public Hearing:

17-07Z Kathleen Hinz- Shaffer
7 Maple Lane
Hyde Park, NY 12538

Variance – Section 108-5.15 changing a rear yard setback from 50 ft. to

10 ft.; and **Section** 108-5.15 changing a side yard setback from 25 ft. to 4ft. at the closest point to allow placement of a new accessory structure in the Waterfront District.

Kathleen Hinz-Shaffer was present to answer question pertaining to the variance.

Motion to reopen the public hearing was made by Brendan Lawler, seconded by Michael Whitman.
VOICE VOTE – ALL IN FAVOR

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

Mr. Frangk questioned if the measurements are the final measurements on the variance. Ms. Hinz-Shaffer stated she would try to get the structure as far back as possible.

Mr. Frangk asked if anyone would like to speak regarding the application.

Louise DeCaro and Sylvia Laddaran, 9 Maple Lane wished to speak.

Ms. Decaro said she would like to see where Ms. Hinz-Shaffer is going to put the structure making sure it's placed as far back as possible. Until the final decision is made, she objects to the accessory.

She would like to see where in Hyde Park there is a similar structure of that size.

Mr. Frangk asked Ms. DeCaro to confirm their property according to the applicant's survey.

Kathleen Hinz-Shaffer stated she could get it further back than the original measurements, believes 10 ft. measurement would be on the rock bed. She said her excavator said he can do it. She will get as close to the 10 ft. as possible.

Mr. Frangk said he was concerned over the size of the building and its proposed use. The storage of equipment and storage for the sign business.

Ms. Hinz-Shaffer said it would be used mainly for storage. The sign business is operated inside the house.

Mr. Frangk said he feels the concerns of the neighbors are legitimate to wanting to know where the structure is going.

Ms. Laddaran spoke of the equipment in the driveway. Ms Hinz-Shaffer agreed it looked hideous. She took inventory, measured the equipment, and came up with the size she needed for the structure.

Mr. Frangk still has concerns. Ms. Hinz-Shaffer invited Mr. Frangk to make a site visit and view the property.

Michael Whitman had concerns over the statement made regarding the measurements. If the variance is granted at 10 ft., he doesn't want it moved to 2 ft. by the excavator.

Ms. Hinz-Shaffer she would not move it to 2 ft.

Mr. Frangk said the concerns of the neighbors are legitimate in wanting to know where it's going to be before they withdraw any opposition or impose the opposition.

Michael Whitman said the concerns of the neighbors is that want to know exactly where it's going.

Mr. Frank stated the Board's job is to grant the least amount of variance possible.

Herbert Sweet commented that in this situation by moving it further back, it would be less of an impact because it's being moved away from the residences.

Stanley Frangk replied based on the neighbors comments it which isn't the controlling factor but it is legitimate to where the building is going to go. It's a huge variance.

Ms. Hinz-Shaffer said she is responsible for telling the excavator exactly where the building is going to go.

Mr. Frangk invited Ms. Laddaran back to the mike. She stated bottom line, she wants to see where the accessory building is going to be.

Mr. Frangk said it would be helpful if Ms. Hinz-Shaffer could stake it out, have Mr. Lombardi look at it to see what could be done and what the cost would be. Mr. Frangk suggested that if it was staked out where the neighbors could see, they could determine whether they would be comfortable with it. Mr. Frangk said for him that would not be a controlling factor.

Mr. Frangk said if Ms. Hinz-Shaffer got the property staked out, she should notify the Zoning Secretary. The secretary will let the Board know so they could make a site visit to see the location.

Ms. Ladarran said she wanted it understood that she is not going to agree to anything unless she sees it with her own eyes. Mr. Frangk said understood, the Board values Ms.Laddaran's, opinion but it's only a factor in the Board's decision.

Motion to adjourn until July 12, 2017, 5:00 P.M. as a special meeting for a continued public hearing was made by Brendan Lawler, seconded by Michael Whitman.

VOICE VOTE – ALL IN FAVOR

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

New Application:

#17-09Z Michelle Dyal
16 W. Market St.
Hyde Park, NY 12538
Variance – Section 108-5.15 Changing a side yard setback from 7.5 ft. to 0.9 ft.
for a detached garage in the Neighborhood Core District.

Michelle Dyal presented the application answering question from the board regarding location and measurements. No one had any questions.

Motion was made by Michael Whitman, seconded by Herbert Sweet to set the public hearing for July 26, 2017.

VOICE VOTE – ALL IN FAVOR

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

#17-10Z Kathryn Whitman
33 East Elm Ave.
Staatsburg, NY 12580

Use Variance– Section 108-5.14 Changing from multiple not permitted to permitted, one three family dwelling in the Hamlet District.

Michael Whitman recused himself from this application.

Tom Mansfield, of Mansfield, Gautier, and Rosenthal, was present to represent the applicant. He presented information and answered questions pertaining to the variance. Mr. Frangk requested a letter from the applicant be submitted to give Mr. Mansfield permission to represent in her absence.

Herbert Sweet asked what the Certificate of Occupancy said. Mr. Mansfield stated he didn't have it and would have to get it from the Building department. The documents he did have all show multi which is more than two or three family.

Stanley Frangk stated it was probably built prior to zoning and doesn't have a C.O.

The secretary was directed to send the application to Dutchess County Planning for 239m.

Motion was made by Brendan Lawler, seconded by Herbert Sweet to set the public hearing for July 26, 2017.
VOICE VOTE – ALL IN FAVOR

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

OTHER BUSINESS:

Motion was made by Brendan Lawler, seconded by Michael Whitman to adjourn at 8:25 P.M.
VOICE VOTE- ALL IN FAVOR

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

Respectfully Submitted,

Linda Weiner
Secretary