

TOWN OF HYDE PARK

Zoning Board of Appeals

4383 Albany Post Road

Hyde Park, New York 12538

Minutes

September 27, 2017

Present: John Bickford, Chair
Herbert Sweet
Brendan Lawler

Absent: Stanley Frangk, Vice Chair
Michael Whitman

Others Present: Victoria Polidoro, Attorney, Patrick Logan, Law Clerk, Kathleen Moss, Zoning Administrator, Linda Weiner, ZBA Secretary

John Bickford, Chair, welcomed everyone to the September 27, 2017 meeting at 7:00 P.M.

Mr. Bickford commenced the Pledge of Allegiance

The secretary was asked to note the roll.

Mr. Bickford announced that at the request of the applicant, the variance for Kathryn Whitman, 33 East Elm Ave., would be continued on the October 25, 2017 meeting.

Approve minutes: August 23, 2017

Approval of August 23, 2017 minutes were postponed until October 25, 2017 meeting due lack of a quorum.

The next meeting will be October 25, 2017

RELEASE OF ESCROW (Revised)

September 27, 2017
Resolution # 17-BZ

Moved By: Brendan Lawler
Seconded by: Herbert Sweet

BE IT RESOLVED, that the Zoning Board of Appeals of the Town of Hyde Park does hereby request that the Town Board authorize that the following escrow accounts be released:

PROJECT NAME		PROJECT #	ENGINEER/PLANNER	ATTORNEY	TOTAL
Hyde Park Town Center North	4280 Albany Post Rd Hyde Park, NY 12538	17-04Z		775.50	775.50
Enclave at Hyde Park	Cream St., Hyde Park	17-03Z		2,502.50	2,502.50

The Board was polled as follows:

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

Linda Weiner, Secretary

New Public Hearing:

#17-15Z Terri Holmes
18 Lumb Lane Ext
Hyde Park, NY 12538
Variance – Section 108-5.15 changing a side yard setback from 20 ft. to 8.5 ft. for construction of an addition in the Neighborhood District.

No one was present for the Holmes application. Mr. Bickford suggested they move the application to the end of the Agenda to give the applicant a chance to appear.

#17-14Z Lance & Kerri Nitahara
5 Rogers Place
Hyde Park, NY 12538
Variance – Section 108-4.4 (D) as defined in 108-5.15 changing a side yard setback from 20 ft. to 5.5 ft. to the egress well, and changing side yard setback from 20 ft. to 7.83 ft. for construction of a one story addition in the Neighborhood District.

No one was present for the Nitahara application. Mr. Bickford suggested moving to the next application.

New Application:

#17-16Z Dorinda Bolander

309 Netherwood Rd.
Hyde Park, NY 12538

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

Mr. Bickford stated he would recuse himself from this application if anyone had any objections. He has had business dealings with Mr. Bolander in the past. He said it would not impact any decision he made regarding the application. There were no objections.

Dorinda Bolander, Executor, Brian Baker, Attorney, and Kevin Pellan, DSB Plus presented the application to the Board.

Ms. Bolander explained what they were looking for on the variance. She requested that the Board read the affidavit from her father which is a synopsis of the history of the property.

Victoria Polidoro, Attorney, pointed out that an Area variance will be required in addition to the Use variance. The zoning in this district is 1 unit per 2 1/2 acres. Ms. Polidoro said they may want to consider submitting an Area variance along with the Use variance rather than having to reapply and appear before the Board again delaying their progress. Ms. Polidoro said it would be their decision.

Ms. Bolander agreed that they should do it all now.

Ms. Polidoro commented Use variances are very difficult to obtain. One of the main criteria is that owner can't realize a reasonable return on the property. It was suggested that the applicant converse with her own attorney on how to present the application showing that there is no reasonable rate of return on the property.

The Board and the applicant agreed to continue the application on October 25, 2017.

Motion was made to open the public hearing for Nitahara, 5 Rogers Place, was made by Brendan Lawler, and seconded by Herbert Sweet.

VOICE VOTE – ALL IN FAVOR

(3) AYE (2) ABSENT (0) NAY – MOTION CARRIED

Motion made by Brendan Lawler, seconded by Herbert Sweet to continue the public hearing on October 25, 2017.

VOICE VOTE – ALL IN FAVOR

(3) AYE (2) ABSENT (0) NAY – MOTION CARRIED

Motion made by Brendan Lawler, seconded by Herbert Sweet to open the public hearing for Holmes, 18 Lumb Lane

VOICE VOTE – ALL IN FAVOR

(3) AYE (2) ABSENT (0) NAY – MOTION CARRIED

There was no one present for the application.

Greg and Darren Eignor, 20 Lumb Lane, spoke against the variance. It will cut down on privacy and will affect property values.

Philip Smith, 10 Lister Drive, said he would wait for next month. He has concerns regarding large trees falling on his property.

Motion was made by Brendan Lawler, seconded by Herbert Sweet to continue the public hearing on October 25, 2017

VOICE VOTE – ALL IN FAVOR

(3) AYE (2) 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.

Motion was made by Brendan Lawler, seconded by Herbert Sweet to continue the public hearing on October 25, 2017

VOICE VOTE – ALL IN FAVOR

(3) AYE (2) ABSENT (0) NAY – MOTION CARRIED

OTHER BUSINESS:

Motion was made by Herbert Sweet, seconded by Brendan Lawler to adjourn at 8:05 P.M.

VOICE VOTE- ALL IN FAVOR

(3) AYE (2) ABSENT (0) NAY – MOTION CARRIED

Respectfully Submitted,

Linda Weiner
Secretary