

TOWN OF HYDE PARK

Zoning Board of Appeals

4383 Albany Post Road

Hyde Park, New York 12538

Minutes

February 28, 2018

Present: Herbert Sweet
Brendan Lawler
Neil Krupnick
James Agrawal

Absent: John Bickford, Chair

Others Present: Linda Weiner, ZBA Secretary

Herbert Sweet, Vice-Chair, welcomed everyone to the February 28, 2018 meeting at 7:00 P.M.

Mr. Sweet commenced the Pledge of Allegiance

The secretary was asked to note the roll.

The next meeting will be March 28, 2018

Motion was made by James Agrawal, seconded by Neil Krupnick to approve the January 24, 2018 minutes.
VOICE VOTE – ALL IN FAVOR

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

Continued Public Hearing:

#17-16Z Dorinda Bolander
309 Netherwood Rd.
Hyde Park, NY 12538
Use Variance – Section 108-5.14 Changing from multiple dwelling “not permitted” to “permitted”, to allow the establishment of one three-family dwelling on a lot in the Greenbelt District.

#17-19Z Dorinda Bolander
309 Netherwood Rd
Hyde Park, NY 12538
Area Variance – Section 108-5.15 Changing maximum average density from 2.5 acres per dwelling to 2.56 acres for 4 dwellings in the Greenbelt District.

Mr. Sweet announced the applicant requested that the application be put on hold. He asked if anyone present wanted to speak regarding this application. There was not.

Motion was made to continue the public hearing March 28, 2018 by Brendan Lawler, seconded by James Agrawal
VOICE VOTE – ALL IN FAVOR

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

New Public Hearing:

#17-20Z

Janet Hughes
531 Creek Rd
Poughkeepsie, NY 12601

Appeal of the October 20, 2017 Notice of Violation issued by the Zoning Administrator which found that the premises were being occupied unlawfully and directed the owner to limit the use of each building to a two family dwelling in the Greenbelt District.

Motion was made by Brendan Lawler, seconded by Neil Krupnick to open the public hearing.
VOICE VOTE – ALL IN FAVOR

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

Robert O'Shea, 528 Creek Rd., Hyde Park questioned what is actually allowed. Herbert Sweet answered for this district a two family dwelling is what is allowed. He added the Board hasn't received any substantial request for action from the Hughes attorney. Mr. O'Shea gave the Board information on his observations, saying he saw the construction activity adding the extra units and mailboxes. Mr. Sweet asked Mr. O'Shea to leave his contact information with the secretary.

Motion was made by Neil Krupnick, seconded by James Agrawal to continue the public hearing on March 28, 2018
VOICE VOTE – ALL IN FAVOR

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

#18-02Z

Jesse Cutaia
For/ Quick
5 Phillips Dr
Hyde Park, NY 12538

Variance – Section 108-4.3G(2) To allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 75 ft. for construction of a solar array in the Neighborhood District.

Motion was made by Brendan Lawler, seconded by Neil Krupnick to open the public hearing.
VOICE VOTE – ALL IN FAVOR

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

Jesse Cutaia presented the application to the Board. No one had any questions.

Motion was made by Jim Agrawal, seconded by Neil Krupnick 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

Application #:18-02Z

Grid #: 6265-03-080167

Introduced by: Herbert Sweet
Seconded by: James Agrawal

Date: February 28, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on February 28, 2018 reviewed the facts in Application # 18-02Z as submitted by Jesse Cutaia/for Lloyd Quick, 5 Phillips Dr, Hyde Park, NY 12538

WHEREAS, the application was determined to be a 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 108-4.3G(2) To allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 75 ft. for construction of a solar array in the Neighborhood District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on February 21, 2018 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 stream in which the variance is being sought is fed by an overflow drainage pipe from a nearby pond. It is also typically dry during parts of the year.
2. The foliage and structures on the 1.35 acre lot provide little flexibility for the location of a functional solar array.

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-02Z 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 as the solar array will be set back from view from the road and also be screened by vegetation as specified by the Planning Board.
2. The needs of the applicant **can not** be achieved by other than an area variance. No alternate for the installation of a functional solar array is possible due to the property's existing foliage and structures.
3. The requested variance **is** substantial numerically but not so in its impact. The stream is not pristine and likely not life supporting either due to its stagnant nature.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The variance will not have an adverse impact on the environment as the structure is nontoxic and can easily be removed at its end of life.
5. The hardship for which the variance is sought to rectify **was** self created as setback requirements were in place prior to the purchase of the property.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: **February 28, 2018**

Brendan Lawler	AYE
Herbert Sweet	AYE
Neil Krupnick	AYE
James Agrawal	AYE
John Bickford	ABSENT

:lw
Cc: Quick

Secretary: _____
Linda Weiner

New Application:

#18-03Z Robert Dupont, Architect
For/ A. Hilliker, V. Liu
8 Howard Blvd.
Hyde Park, NY 12538

Variance – Section 108-5.15 Changing a side yard setback from 20 ft. to 8 ft. at eaves; and **Section 108-5.15** Replacing an existing accessory building increasing height from 15 ft. to 18 ft. in the Neighborhood District within the Historic Overlay District.

Robert Dupont presented the application to the Board. Mr. Sweet asked if anyone had any questions.

Motion was made to set the public hearing for March 28, 2018 by James Agrawal, seconded by Neil Krupnick
VOICE VOTE – MOTION CARRIED

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

#17-03Z The Enclave requesting to extend time limit for granted variance and set public hearing.

Nicole Patti, LRC Group, was present to answer questions regarding the application to extend the time on the variance which was granted on March 2017.

There were no other questions.

Motion was made by Brendan Lawler, seconded by Neil Krupnick to set the public hearing on March 28, 2018
VOICE VOTE – ALL IN FAVOR

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

Other Business:

Applications for Zoning Board of Appeals must be submitted two weeks prior to the meeting date to be placed on the current months Agenda.

Application Submission Dates

Meeting Date

March 28, 2018
April 25, 2018
May 23, 2018
June 27, 2018
July 25, 2018
August 29, 2018
September 26, 2018
October 24, 2018
November 28, 2018
December 26, 2018

Submission Date

March 14, 2018
April 11, 2018
May 9, 2018
June 13, 2018
July 11, 2018
August 15, 2018
September 12, 2018
October 10, 2018
November 14, 2018
December 12, 2018

Herbert Sweet asked for motion to accept the submission schedule for the remainder of 2018.

Motion was made by James Agrawal, seconded by Brendan Lawler
VOICE VOTE - ALL IN FAVOR

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

Motion was made by Herbert Sweet, seconded by Herbert Sweet 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