

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

Minutes
August 29, 2018

Present: Herbert Sweet
Brendan Lawler
Neil Krupnick
James Agrawal

Absent: John Bickford

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

Herbert Sweet, Vice-Chair, welcomed everyone to the August 29, 2018 meeting at 7:00 P.M.

Mr. Sweet commenced the Pledge of Allegiance

Motion was made by Brendan Lawler, seconded by James Agrawal to approve the June 27, 2018 minutes.
VOICE VOTE – ALL IN FAVOR

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

Approval of minutes for July 25, 2018 were postponed until the next meeting on September 26, 2018.
The secretary was asked to note the roll.

Continued Application:

#18-08Z Edward & Alisha Francabandiero
15 Watson Pl
Hyde Park, NY 12538

Variance – Section 108-5.15 changing front yard setback from 50 ft. to 28.5 ft. for the addition of a front porch; and changing side yard setbacks from 20 ft. to 19.5 ft. for reconstruction of a rear screened porch and changing from 20 ft. to 5 ft. for a garage addition in the Neighborhood District within the Historic Overlay District.

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

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

Mr. Sweet asked if anyone had any last minute thoughts. There was no one.
Mr. Sweet proceeded to read the resolution.

VARIANCE RESOLUTION

Application #: 18-10Z

Grid#: 6064-08-878891

Introduced by: Herbert Sweet
Seconded by: Brendan Lawler

Date: August 29, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application #18-10Z as submitted by Edward & Alisha Francabandiero, 15 Watson Place, 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 108-5.15 changing front yard setback from 50 ft. to 28.5 ft. for the addition of a front porch; and changing side yard setbacks from 20 ft. to 19.5 ft. for reconstruction of a rear screened porch and changing **from 20 ft. to 6 ft.** (ref: site plan revised on 6-11-2018) for a garage addition in the Neighborhood District within the Historic Overlay District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on May 14, 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. A review of the neighborhood on Dutchess County Parcel Access indicates that few developed lots in the neighborhood meet the ½ acre per dwelling unit bulk standard with most lots being about ¼ acre in size.
2. 15 Watson Place, (the “Property”) is located in the Neighborhood District and the Historic Overlay District. The setbacks for the district are front yard – 50 feet, rear yard – 30 feet and side yard – 20 feet.
3. The Property is 76 feet wide and 135 feet deep, leaving little room for expansion without obtaining an area variance.
4. The garage on the Property is too narrow to be functional. It is currently 10 feet wide. Board members have measured their own cars and determined that 13 feet is the minimum garage width necessary to allow the driver and passenger to exit an average vehicle inside the garage. This may not have been the case with older vehicles with smaller doors.
5. Parking vehicles inside of a garage, while not required, improves the visual character of the neighborhood. Parking vehicles in a garage benefits the owner by protecting the vehicles from the elements and an attached garage provides benefit to the owner by providing weather protected access to the living quarters.
6. The applicant’s house on the Property, less the attached garage, is 20.35 feet from the east side property line thereby placing the entire garage, as is or expanded, entirely within the 20 foot setback. (The applicant’s site plan drawing shows a west side setback of 19.4 ft and a house width of 36.25 ft.)
7. By increasing the width and length of the garage as requested, the applicant will be able to park one vehicle in the garage with reasonable ingress and egress space for the driver and passenger.
8. The property to the east of the Property, 13 Watson Place, has a garage that is approximately five feet from the property boundary and it was legally constructed before the Zoning Law was enacted.
9. The Property is located at a higher elevation than 13 Watson Place.
10. The increase in width, length and height of the garage on the Property, especially considering the increased elevation compared to 13 Watson Place, would increase the overshadowing of 13 Watson Place.
11. **The existing garage at 13 Watson Place does not have any garage windows facing the Property. The living quarters portion of the structures has a window approximately 38 feet from the existing garage at 15 Watson Place (as measured at Dutchess County Parcel Access).**
12. The rear yard line for the Property is only 51.5 feet from the house measured from the edge of the steps leading to the new rear deck. (54 feet - 2.5 feet) The rear yard line setback is 30 feet. The remaining 21.5 feet is insufficient to reasonably locate a garage and respect the setbacks. A single car garage set parallel to the house with a width of 15 feet would be in the middle of the back yard and only 6.5 feet from the rear deck.
13. Therefore, the only practical locations for any garage on the Property requires setback variances. If the garage was to be located at the far rear of the property at the north eastern corner, it would create a large wall along the rear yard for 13 Watson Place instead of an open yard. **It would also create a wall abutting the property to the north.** In addition, having the

garage placed so far back and not having room for a turnabout, would require backing out the full length of the property which is much more difficult than backing out the shorter distance from the proposed location.

- 14. The visual impact to 13 Watson Place and the neighborhood will be increased by the proposed width, length, and height increases to the proposed garage at the Property.
- 15. A height increase is not structurally necessary to enlarge the garage to house one or two contemporary passenger vehicles.
- 16. An accessory structure, such as an attached garage, if less than 15 feet in height, may be set back one half the distance otherwise applicable to rear and side yard setbacks. (108 attachment 2 Bulk chart, footnote 2)

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-10Z 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 as the front porch addition and the rear screened porch reconstruction will enhance the appearance and livability of the residence and enlarging the garage will make it more usable by allowing both driver and passenger to emerge from a conventional passenger vehicle while parked in the garage. This will provide an opportunity for the vehicle to be garaged instead of being stored outside making the property more attractive. Although the larger garage will be located close to the property line, it will be no closer than the existing garage at 13 Watson Place and is therefore consistent with the character of the neighborhood. While the increase in width, and length and height of the garage on the Property, especially considering the increased elevation compared to 13 Watson Place, will increase the overshadowing of 13 Watson Place, the ZBA considers it to be a minor impact.
2. The needs of the applicant cannot be achieved by other than an area variance as the setbacks are extremely constraining considering the small size of the lot being only 76 ft wide and 135 ft long. The existing garage is too narrow to be properly used and lot size and setbacks limit the placement of a garage on other locations at the Property.
3. The front setback change from 50 ft to 28.5 ft for the front porch is substantial but the side yard setback for the rear screened porch from 20 ft to 19.5 ft is not substantial and also is in line with the main building. The requested 14 ft variance for the garage, as measured from the 20 foot requirement in § 108-5.15, is substantial numerically but its impact is less as the existing structure is already located within the setback. The variance request would reduce the distance between the structure on the Property and the structure on 13 Watson from approximately 15 feet to approximately 11 feet (as measured at Dutchess County Parcel Access). This is a reduction of only four feet between the two garage walls.
4. The requested variance will not affect the physical or environmental conditions of the neighborhood as the alterations will improve the appearance of the building. The property at ¼ acre, is typical of lots in the neighborhood that were laid out and developed in the early fifties. The zoning standards that were later implemented resulted in many structures not meeting the new the setback requirements. Also, potential drainage issues have been addressed by relocating the front gutter further from the east side property line and the addition of a retaining wall east of the driveway.
5. The hardship for which the variance is sought to rectify was self-created as the owner was, or should have been, aware of the setback limitations at the time of acquiring the property in 2016.
6. The requested variance being granted is the minimum variance to meet the needs of the applicant as less of an expansion would not allow for vehicle egress for both driver and passenger inside of the garage nor the addition of the front porch or the repair of the rear screen porch.

Adopted August 29, 2018

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

Linda Weiner Secretary:

New Public Hearing:

Ne #18-12Z Staats Family Trust
60 River Rd
Hyde Park, NY 12538

Variance – Section 108-5.15 changing maximum average density from 2.0 acres per dwelling unit, decreasing the acreage by a lot line revision and adding a second

dwelling unit resulting in an average density of .447 acre per dwelling unit where 4 acre is required in the Waterfront District.

#18-13Z

Robert Frank
58 River Rd
Hyde Park, NY 12538

Variance – Section 108-4.4D; and **Section** 108-5.15 changing side yard setback from 12 1/2 ft. to 5 ft. and front yard setback from 50 Ft. to 43 ft. for an existing generator as proposed in association with a lot line revision pending Planning Board approval in the Waterfront District.

David Freeman, Architect, was present to represent the applicants for 60 River Rd., and 58 River Rd. The project for 60 River Rd. is for a special use permit for an accessory apartment which requires a density variance, and 58 River Rd. for a front and side yard setback for a generator.

Referring to 60 River Rd., needed is legalization of an accessory apartment that was originally a legal garage then converted to an accessory apartment in the late 1990's. The owners want to legalize the apartment.

Victoria Polidoro, Attorney, said her concern was moving the lot line the county requires an expansion area asked Mr. Freeman if he was confident on the measurements. Mr. Freeman said, he was. Mr. Freeman said he was confident it would fit.

No one wanted to comment.

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

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

Motion to close the public hearing for 60 River Rd. was made by Brendan Lawler, seconded by Neil Krupnick.
VOICE VOTE – ALL IN FAVOR

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

Motion to continue the public hearing on October 24, 2018 for 58 River Rd. was made by James Agrawal, seconded by Neil Krupnick.
VOICE VOTE – ALL IN FAVOR

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

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

VARIANCE RESOLUTION

Application #:18-12Z

Grid #: 6064-02-539981

Introduced by: James Agrawal
Seconded by: Neil Krupnick

Date: August 29, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application #18-12Z as submitted by David Freeman, Architect/For Staats Family Trust, 60 River Rd., 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 108-5.15 changing maximum average density from 2.0 acres per dwelling unit, decreasing the acreage by a lot line revision and adding a second dwelling unit resulting in an average density of .447 acre per dwelling unit where 4 acre is required in the Waterfront District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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. Parcel and buildings are already present and existing

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-12Z 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. Existing buildings, the driveway, parking, and landscaping will not change. The property is somewhat shielded from the main road.
2. The needs of the applicant **can not** be achieved by other than an area variance. The lot can not be increased in size plus additional land is not available.
3. The requested variance **is** substantial. Numerically, the change in the average density from 2 acres per unit to 0.447 acres per unit represents an approximate 75% reduction.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The variance will have no effect as there is no physical change to the property.
5. The hardship for which the variance is sought to rectify **was** self created. Owner either purchased the property or created the accessory apartment knowing, or should have known that a variance was needed due to the noncompliance with Zoning laws.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

Brendan Lawler	AYE
Herbert Sweet	AYE
Neil Krupnick	AYE
James Agrawal	AYE

:lw

Secretary:

Linda Weiner

Motion was made by Herbert Sweet, seconded by James Agrawal to change the continued public hearing for 58 River Rd. from October 24, 2018 to September 26, 2018
VOICE VOTE – ALL IN FAVOR

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

#18-16Z

Anderson Center Services, Inc.
11 Hudson Lane
Staatsburg, NY 12580

Variance – Section 108-5.15 changing front yard setback from 50 ft. to 48 ft. for an existing building in the Waterfront District.

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

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

Mark Day, Day Engineering, presented the application to the Board. The building is an equipment storage facility to house all the equipment sitting in the yard.

There were no questions.

Motion was made by James 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 #: 18-16Z

Grid #: 6066-02-778644

Introduced by: James Agrawal
Seconded by: Brendan Lawler

Date: August 29, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application #18-16Z as submitted by Anderson Center Services, Inc., 11 Hudson Lane, Staatsburg, NY 12580

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 108-5.15 changing front yard setback from 50 ft. to 48 ft. for an existing building in the Waterfront District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 building was inadvertently moved during construction
2. The error was unintentional
3. The error was not realized until the as-built survey was completed

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-16Z 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 building is part of the Anderson Center campus.
2. The needs of the applicant **can not** be achieved by other than an area variance. The building can not be moved.
3. The requested variance **is not** substantial. The requested change in the front yard setback is only 2 ft.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The building was constructed as approved and the closest other building not on the campus is over 800 ft. away.
5. The hardship for which the variance is sought to rectify **was not** self created. The building was inadvertently moved.
6. **The variance being granted is the minimum variance to meet the needs of the applicant.**

Adopted: **August 29, 2018**

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

:lw

Secretary:

Linda Weiner

#18-18Z

Mark Grimaldi
3 Kim Lane
Poughkeepsie, NY 12601

Variance – Section 108-4.3G(2) To allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 60 ft. for site work and construction of a garage associated with an existing single family home in the Greenbelt District.

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

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

Jerry Thorpe, Bayhorse & Gazebos & Barns, Mark and Christine Grimaldi presented the application to the Board.

The applicant owns two acres, 30% of the land is useable. The rest is wetlands. There is no other place to put the structure.

No one had any comments.

Motion was made by Neil Krupnick, seconded by James Agrawal to close the 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 #: 18-18Z

Grid #: 6263-01-186845

Introduced by: James Agrawal

Date: August 29, 2018

Seconded by: Brendan Lawler

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application # 18-18Z as submitted by Mark Grimaldi, 3 Kim Lane, Poughkeepsie, NY 12601

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 60 ft. for site work and construction of a garage associated with an existing single family home in the Greenbelt District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 is very rarely wet and is more of a run off swale.
2. The stream is parallel to the road crossed by the existing driveway.
3. Topographical features limit the location of the garage
4. The proposed garage will be in line with the existing house

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-18Z 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 existing primary residence is already 60 ft. from the stream.
2. The needs of the applicant **can not** be achieved by other than an area variance. The size of the garage and the angling of side property line along with the slope of the property inhibits location elsewhere.
3. The requested variance **is** substantial. Numerically the change in the stream corridor from 100 ft. to 60 ft. represents a 40% change.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The property appearance will be enhanced by removing the vehicles in plain view and housed in an attractive new garage.
5. The hardship for which the variance is sought to rectify **was** self created. Applicant purchased property with knowledge of the pre-existing sloping and angling limiting location of projects.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

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

:lw

Secretary: _____
Linda Weiner

#18-19Z Nancy Cashman
35 Hudson 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 31 ft. for installation of a generator in the Neighborhood District.

Mo Motion to open the public was made by James Agrawal, seconded by Brendan Lawler.
VOICE VOTE – ALL IN FAVOR

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

Nancy Cashman presented her application to the Board.

Neil Krupnick asked if the location requested for the generator was because of where the gas line is located. Ms. Cashman stated yes, and there was no other location that would work.

No one had any other questions.

Motion to close the public hearing was made by Jim Agrawal, seconded by Brendan Lawler
VOICE VOTE – ALL IN FAVOR

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

VARIANCE RESOLUTION

Application #: 18-19Z

Grid #: 6165-01-032515

Introduced by: Neil Krupnick

Date: August 29, 2018

Seconded by: Brendan Lawler

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application #18-19Z as submitted by Nancy Cashman, 35 Hudson Drive, 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 31 ft. for installation of a generator in the Neighborhood District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 bisects the property running through the rear of the property

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-19Z 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 generator will not be visible from the road and will only be used in case of a power outage.
2. The needs of the applicant **can not** be achieved by other than an area variance. There is no other practical place for the generator.
3. The requested variance **is** substantial. The number is very substantial, almost 70%, but the house is actually closer to the stream than the generator would be.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood since the generator will not be visible, there will be no effect visually but there will be a noise factor.

- 5. The hardship for which the variance is sought to rectify **was** self created as the applicant is responsible for having understood the setback requirements at the time of purchase of the property.
- 6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

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

:lw

Secretary:

Linda Weiner

#18-20Z

Perham Bullock
 31 W Pine Rd
 Staatsburg, NY 12580

Variance – Section 108-4.3G (2) To allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 70 ft. for installation of a rear deck and front entry-way stoop in the Greenbelt District.

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

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

Pelham Bullock presented his application to the Board. He explained there is no evidence of a stream. It's grown over with trees that have been there a long time. Mr. Sweet stated technically a stream, but not visually.

James Agrawal asked if there were drawings. He also questioned how the measurements were taken.

Brendan Lawler also asked Mr. Bullock about property line measurements.

Barbara Sweet, 6 Covey Rd., Hyde Park, NY. ,said she thought the Conservation Advisory Committee should take a look at this because there are streams that are dry in the summer months.

Kathleen Moss, Zoning Administrator stated it's her understanding it may be underground. She hasn't been out to the property, but a blue line on the map is what was used as her reference point from Dutchess County Parcel Access. Ms. Moss said she doesn't believe he's filling, just constructing the front porch and rear deck. He's not doing any grading on the side by the stream.

No one had any other questions.

Motion was made by James 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 #: 18-20Z

Grid #: 6267-01-135584

Introduced by: Brendan Lawler

Date: August 29, 2018

Seconded by: James Agrawal

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application #18-20Z as submitted by Perham Bullock, 31 W. Pine Rd., Staatsburg, NY 12580

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 70 ft. for installation of a rear deck and front entry-way stoop in the Greenbelt District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 house is currently closer to the stream than the proposed deck and stoop
2. The stream on the map is not visible, even during flooding conditions

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-20Z 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. Due to the number of trees and vegetation on the property the proposed deck and stoop will enhance the enjoyment of the property.
2. The needs of the applicant **can not** be achieved by other than an area variance. Based on the design of the house, there is no other practical location for the deck and the stoop.
3. The requested variance **is** substantial. The variance is numerically substantial.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The proposed deck and stoop will not be particularly visible to neighbors.
5. The hardship for which the variance is sought to rectify **was** self created. The applicant should have been aware of the Zoning requirements upon purchase.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

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

:lw

Secretary: _____
Linda Weiner

#18-22Z

Michael Dooley
169 South Cross Rd
Staatsburg, NY 12580

Variance - Section 108-5.15 Changing rear yard setback from 30 ft. to 22 ft. for an existing above ground pool in the Neighborhood District.

Motion was made to open the public hearing made by Neil Krupnick, seconded by James Agrawal.

VO VOICE VOTE – ALL IN FAVOR – MOTION CARRIED

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

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Michael Dooley presented the application to the Board. He explained he’s adding a deck going from the house to the pool.

No one had any questions.

Motion was made by James Agrawal, seconded by Brendan Lawler to close the public hearing.

VOICE VOTE – ALL IN FAVOR – MOTION CARRIED

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

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

VARIANCE RESOLUTION

Application #: 18-22Z

Grid #: 6166-02-807625

Introduced by: James Agrawal
Seconded by: Brendan Lawler

Date: August 29, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application#18-22Z as submitted by Michael Dooley, 169 South Cross Rd., Staatsburg, NY 12580

WHEREAS, the application was determined to be a Type II Action under Section 6NYCRR Part 617 and Section 54-7of 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 rear yard setback from 30 ft. to 22 ft. for an existing above ground pool in the Neighborhood District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 existing pool is 22 ft. from the rear yard and pre-existing.

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-22Z 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. Pools are commonplace in the neighborhood.
2. The needs of the applicant **can not** be achieved by other than an area variance due to the size of the lot.
3. The requested variance **is** substantial.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. The pool is pre-existing and partially blocked from view by tall shrubs.
5. The hardship for which the variance is sought to rectify **was** self created. The applicant should have known the pertinent zoning regulations when applying for the deck.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

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

:lw

Secretary:

Linda Weiner

#18-23Z

Craig Poyser & Renee' Lucieer
14 Hill & Hollow Rd
Hyde Park, NY 12538

Variance – Section 108-5.15 Changing the accessory building height from 22 ft. to 30 ft. for construction of a detached garage in the Neighborhood District.

Motion made to open the public hearing was made by Brendan Lawler, seconded by Neil Krupnick

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

Craig Poyser presented the application to the Board.

James Agrawal questioned the elevations and location of the entrance.

No one had any comments.

Motion was made by James Agrawal, seconded by Brendan Lawler 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 #: 18-23Z

Grid #: 6265-03-045219

Introduced by: Brendan Lawler
Seconded by: Neil Krupnick

Date: August 29, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on August 29, 2018 reviewed the facts in Application#18-23Z as submitted by Craig Poyser & Renee' Lucieer, 14 Hill and Hollow Rd., Hyde Park, NY 12538

WHEREAS, the application was determined to be a Type II Action under Section 6NYCRR Part 617 and Section 54-7of 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 the accessory building height from 22 ft. to 30 ft. for construction of a detached garage in the Neighborhood District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on August 24, 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 proposed garage will be behind the existing house
2. The proposed garage will be more than 300 ft. from the road

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-23Z 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 proposed structure will be shielded by the existing house.

2. The needs of the applicant **can not** be achieved by other than an area variance.
3. The requested variance **is** substantial. It is numerically substantial but will have little impact.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood due to the location of the proposed structure and the house.
5. The hardship for which the variance is sought to rectify **was** self created. The applicant is responsible to know the zoning requirements when purchasing the property.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: August 29, 2018

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

:lw

Secretary:

Linda Weiner

#18-21Z

Chad Rymph
7 River Rd
Hyde Park, NY 1538

Variance – Section 108-5.15 changing a side yard setback from 25 ft. to 20 ft.; and **Section** 108-4.3G(2) to allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 40 ft. to replace an existing mudroom in the Waterfront District.

Chad Rymph gave a small presentation explaining what his intentions were for the application.

Motion to set the public hearing for September 26, 2018 was made by Brendan Lawler, seconded by Neil Krupnick.

VOICE VOTE – ALL IN FAVOR – MOTION CARRIED

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

OTHER BUSINESS:

T Motion to adjourn at 9:00 P.M. was made by Neil Krupnick, seconded by Brendan Lawler.

VO VOICE VOTE – ALL IN FAVOR

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

“All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Zo Zoning Board Secretary in advance so that arrangements can be made.”

Ot Other Business:

- Motion was made by Brendan Lawler, seconded by Herbert Sweet to adjourn at 8:02 P.M.
VOICE VOTE - ALL IN FAVOR

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

Respectfully Submitted,

Linda Weiner
Secretary