

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

Minutes
January 22, 2020

Present: Herbert Sweet
Brendan Lawler
Richard Perkins
David McNary
James Agrawal

Absent:

Others Present: Patrick Logan, Attorney, Linda Weiner, ZBA Secretary

Mr. Sweet commenced the Pledge of Allegiance

Herbert Sweet, Chair, welcomed everyone to the January 22, 2020 meeting at 7:00 P.M.

The secretary was asked to note the roll.

Mr. Sweet asked for approval of the December 11, 2019 minutes.

Motion was made by David McNary, seconded by James Agrawal to approve the December 11, 2019 minutes.

VOICE VOTE - ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

The next Zoning Board meeting will be February 26, 2020

New Public Hearing:

#19-19Z Paola Valencia Cano
5 Carlyle Road
Hyde Park, NY 12538
Variance – Section 108-5.15 Changing a front yard setback from
50 ft. to 18 ft. for an addition of a front entry in the Neighborhood District

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

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Steve Burns, Contractor, presented the application to the Board.

There were no questions or comments.

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

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

**Town of Hyde Park Zoning Board of Appeals
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-5111
(845) 229-0349**

RESOLUTION TO GRANT AREA VARIANCE

**CANO
5 Carlyle Road**

Date: January 22, 2020

Moved By: David McNary

Resolution #: 19-19Z

Seconded By: James Agrawal

WHEREAS, the applicant, Paola Valencia Cano, has submitted an application for an area variance to permit the construction of a 96 sq. ft. vestibule on an existing structure on property located at 5 Carlyle Road (the “Project”), identified as tax parcel no. 6164-04-802375, in the Neighborhood District (the “Site”); and

WHEREAS, the proposal is depicted on a plan entitled “Renovation Plans for Juarez Residence, 5 Carlyle,” Sheets 1 and 2, prepared by Burns Engineering Services, P.C., received December 4, 2019, 2019 (the “Site Plan”); and

WHEREAS, the applicant has submitted an application for an area variance dated December 4, 2019; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard of 18 feet where 50 feet is required (the “Requested Variance”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(16), the granting of an individual setback variance is a Type II action under the State Environmental Quality Review Act and is not subject to review under the Act; and

WHEREAS, a duly noticed public hearing was held on January 22, 2020, during which all those who wished to speak were heard; and

WHEREAS, the applicable standards for considering an area variance are set forth in Town Law Section 267-b and Hyde Park Zoning Law Section 108-33.6(B)(2), which require the Board to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the general neighborhood or community by such grant.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals makes the following findings in accordance with Section 267-b of the Town Law and Hyde Park Zoning Law Section 108-33.6(B)(2) regarding the Requested Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The Site contains a dwelling with a small set of steps leading to a front door. The Requested Variance would allow the applicant to construct a new entry with a 96 sq. ft. vestibule at the front of the dwelling to replace the steps. The grant of the Requested Variance will not produce an undesirable change in the character of the neighborhood, as the addition is minor and other buildings in the area have similar structures located within their front yard setbacks. The grant of the Requested Variance will not produce a detriment to nearby properties as the addition is not significant and will not protrude as far into the front yard as other parts of the existing dwelling at the Site.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The applicant proposes an addition to the dwelling to allow for a vestibule at the building's front entry. As the front of the dwelling is already located within the front yard setback, it is not possible to construct such an addition without infringing on the front yard setback.

3. The Requested Variance may be considered numerically substantial, as the permitted dimensions for the required front yard setback will decrease by 32 feet (64%) However, as discussed herein, the impacts of the Requested Variance will not be substantial.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

The Requested Variance will allow an approximately 96 sq. ft. addition to the front of the dwelling at the Site. The construction of the proposed addition will occupy a previously disturbed area adjacent to the existing dwelling. The addition will result in insignificant ground disturbance and an insignificant increase in impervious surface area at the Site. Therefore, the Requested Variance will not have an adverse effect or impact on the environment.

5. The difficulties are self-created.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following conditions:

1. Payment of all fees and escrow.

Adopted: January 22, 2020

Herb Sweet	AYE
Jim Agrawal	AYE
Brendan Lawler	AYE
Dave McNary	AYE
Rich Perkins	AYE

New Application:

#20-01Z Verizon Cell Tower – Anderson “Staatsburg South Micro”

- 11 Hudson Lane
Staatsburg, NY 12580
Variance – Section 101-8B Changing a property line setback from
68.2 ft to 50 ft. for installation of a tall structure with telecommunications in the
Waterfront District.

Scott Olson and Sara Coleman from Young/Sommer LLC presented the application to the Board.

Mr. Olson answered questions explaining how it was the only acceptable location for the tower.

Patrick Logan, Attorney, asked Mr. Olson where he was with the Planning Board process and when he would submit the complete application. He asked Mr. Olson if he wanted to consider waiting another month to set the public hearing with the Zoning Board. The Variance couldn't be approved without SEQR.

Mr. Olson stated his client wasn't there, but feels his client would want be on the Zoning Board Agenda for February 26, 2020. He was hoping to get information needed to the Planning Board so they could be on their Agenda for February 5, 2020.

There were no other questions.

Motion to set the public hearing for February 26, 2020 was made by James Agrawal, seconded
by David McNary
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Other Business:

Motion made by Brendan Lawler, seconded by Richard Perkins to adjourn at 7:30 PM
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

Respectfully Submitted,

Linda Weiner, ZBA Secretary