

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

Minutes
February 26, 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 February 26, 2020 meeting at 7:00 P.M.

The secretary was asked to note the roll.

Mr. Sweet asked for approval of the January 22, 2020 minutes.

Motion was made by David McNary seconded by James Agrawal to approve the January 22, 2020 minutes.

VOICE VOTE - ALL IN FAVOR

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

The next Zoning Board meeting will be March 25, 2020

New Public Hearing:

#20-01Z Verizon Cell Tower – Anderson
- 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.

Motion was made by James Agrawal, seconded by David McNary to open the public hearing

VOICE VOTE: -ALL IN FAVOR

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

Scott Olson, Attorney, Young/Somer, for Verizon Wireless, and Mike Crosby, RF Engineer for Verizon Wireless, presented the application to the Board.

Mr. Crosby stated Verizon was looking to improve service at the Anderson School campus. The cell also will provide service along parts of Route 9. There will be two antennas on top of the pole.

Mr. Crosby referred to page 19 Exhibit 5 for illustration of what the coverage at the hi band frequency will provide.

Michael Hoffman, 4960 Albany Post Road, questioned the location and whether there could be a better location for the site.

A motion was made by David McNary, and seconded by Richard Perkins to accept the Planning Board as the lead agency and proceed to the SEQRA review.

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) 229-0316

(845) 229-0349

RESOLUTION REFERRING APPLICATION TO

COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

**Verizon Cell Tower
Staatsburg South Micro**

Date: February 26, 2020

Moved By: Rich Perkins

Resolution #: 20-01Z

Seconded By: David McNary

WHEREAS, the applicant, Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless, has submitted an application for an area variance dated December 16, 2019, to permit an approximately 62 foot tall telecommunications tower on a property located at 11 Hudson Lane, identified as tax parcel no. 6066-02-778644, in the Waterfront Zoning District (the "Project"); and

WHEREAS, the Project is depicted on plans entitled, "Staatsburg South Micro," Sheets T-1, AD-1, SB-1, C-1, C-2, C-3, C-4, and R-1, prepared by Tectonic Engineering & Surveying Consultants P.C., last revised January 13, 2020; and

WHEREAS, pursuant to § 101-8B of the Hyde Park Telecommunications Towers and Facilities Law, new telecommunications towers shall have the minimum setback of the height of the tower plus 10% of its height, as measured from the ground level; and

WHEREAS, the applicant seeks an area variance from § 101-8B to allow a minimum setback of 50 feet where 68.2 feet is required; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of any state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon; and

WHEREAS, the property is located within 500 feet of New York State Route 9, also known as Albany Post Road.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals hereby directs its Secretary to refer the application to the Dutchess County Department of Planning and Development for a review and recommendation thereon pursuant to Section 239-m of the General Municipal Law.

Adopted: February 26, 2020

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

Motion to continue the public hearing was made by Richard Perkins, seconded by Brendan Lawler.
VOICE VOTE: - ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – CARRIED

#20-02Z John Kennett – Mid Hudson Builders
107 Roosevelt Road
Hyde Park, NY 12538
Variance – Section 108-5.15 Changing Front yard setback
from 50 ft. to 35 ft. for placement of a new single family home in the Neighborhood District

Motion to open the public hearing was made by James Agrawal, seconded by David McNary
VOICE VOTE: - ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – CARRIED

John Kennett presented the application to the Board.

There were no questions.

Motion to close the public hearing was made by David McNary, second by James Agrawal
VOICE VOTE: - ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT - 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 AN AREA VARIANCE

**KENNETT
107 Roosevelt Road**

Date: February 26, 2020

Moved By: David McNary

Resolution #: 20-02Z

Seconded By: Brendan Lawler

WHEREAS, the applicant, John Kennett, has submitted an application for an area variance to permit the construction of a one-family dwelling on property located at 107 Roosevelt Road (the "Project"), identified as tax parcel no. 6264-03-033395, in the Neighborhood Zoning District (the "Site"); and

WHEREAS, the Project is depicted on drawings received February 12, 2020 (the "Project Plan"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard of 35 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 February 26, 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 vacant lot on which the applicant wishes to construct a one-family dwelling. The Requested Variance would allow the applicant to construct the dwelling 35 feet from the front lot line.

The grant of the Requested Variance will not produce an undesirable change in the character of the neighborhood because the placement of the dwelling within the front yard setback allows it to better align with other dwellings along the road. The parcel immediately to the north has a one-family dwelling approximately 32 feet from the front lot line, and the parcel immediately to the south has a one-family dwelling approximately 37 feet from the front lot line. The applicant's proposed placement of the dwelling in the same relative location on its lot as other dwellings in the area helps present a

uniform streetscape and will therefore not produce an undesirable change in the character of the neighborhood.

Likewise, the grant of the Requested Variance will not produce a detriment to nearby properties as the construction will be in conformity with those of the neighboring properties.

- 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 wishes to construct a one-family dwelling that is roughly aligned with the dwellings on the neighboring properties. As those dwellings are within the front yard setback, the applicant could not achieve this goal without infringing on the front yard setback. However, the applicant could still construct the dwelling at the Site without needing a variance if he placed it in a more central location on the lot.

- 3. The Requested Variance may be considered numerically substantial, as the permitted dimensions for the required front yard setback will decrease by 15 feet (30%). 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 Site generally slopes down and away from Roosevelt Road, and the slope becomes steeper further into the lot. If the applicant were to build the dwelling further into the lot, it would require a greater amount of fill and would result in a greater disturbance to the immediate environment. Placing the dwelling within the front yard setback results in the same increase in impervious area at the Site while reducing the amount of disturbance. Therefore, granting 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 condition:

- 1. Payment of all fees and escrow.

Adopted: February 26, 2020

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

New Application:

#20-04Z Michael Lehan

1387 Rt 9G
Hyde Park, NY 12538

Interpretation – Section 108-6.5 Changing of a non-conforming use. The applicant, Michael Lehan, is seeking a finding from the Zoning Board of Appeals regarding the proposed use of the property for a base of operation associated with a small landscape business is of similar or lesser impact than the existing non-conforming use of monument display and sales and garage storage in the Neighborhood District.

Michael Lehan, owner of Lehans Lawn & Landscaping, would like to replace an existing non-conforming use of the property. The current use is the sales of headstones. He wants to continue selling headstones as well as a lesser non-conforming use storing landscaping trucks and trailers.

Motion to continue the application made by Brendan Lawler, seconded by David McNary
VOICE VOTE: - ALL IN FAVOR

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

Other Business:

Approve Planning Board as Lead Agency for Verizon Cell Tower Project

Release of Escrow:

RELEASE OF ESCROW

February 26, 2020
Resolution # 20-AZ

Moved By: David McNary
Seconded by: James Agrawal

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
Sake Brewery	19-17Z		97.00	97.00
Mintzer Solar Array	19-15Z		202.00	202.00

The Board was polled as follows:

Brendan Lawler AYE
Richard Perkins AYE
David McNary AYE
James Agrawal AYE
Herbert Sweet AYE

Motion made by Brendan Lawler, seconded by James Agrawal to adjourn at 7:30 PM

VOICE VOTE – ALL IN FAVOR

Respectfully Submitted,

Linda Weiner, ZBA Secretary