

TOWN OF HYDE PARK

Zoning Board of Appeals

4383 Albany Post Road

Hyde Park, New York 12538

Minutes April 25, 2018

Present: John Bickford
Herbert Sweet
Brendan Lawler
James Agrawal

Absent: Neil Krupnick

Others Present: Victoria Polidoro, Attorney, Patrick Logan, Law Clerk, Linda Weiner, ZBA Secretary

John Bickford, Chair, welcomed everyone to the April 25, 2018 meeting at 7:00 P.M.

Mr. Bickford commenced the Pledge of Allegiance

The secretary was asked to note the roll.

Minutes to be approved: There were no minutes for approval.

The next meeting will be May 23, 2018

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.

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

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

Dorinda Bolander addressed the Board. She wanted to submit information regarding the questions the Board had from the March 28, 2018 meeting.

1. Reasonable Rate of Return, Information was submitted for reasonable rate of return for commercial property is 9 ½ % Financial Times Stock Exchange, the U.S. Real Estate index series, published by the National
2. Association of Real Estate Investment Trust which looks at the eastern part of the U.S. This showed rate of return between 7.89 % and 9 % which she would like to submit to the Board.
3. A packet was sent to New Horizons, they were not interested.
4. A Real Estate company was contacted. The letter received from the agent was distributed. Referring to the contents of the letter, the Agent's reply was difficult to put on the market, difficult to put a price on the property, but she would guesstimate she would put it on the market for \$390,000. A reasonable rate of return would not be achieved if sold.
5. History of property. Negative return for 2-family, 4.3% for 3-family
6. Inflation index rate of return was negative for 2-family, 1.4% for 3-family
7. Appraisal Value at date of death, negative for 2-family, 3.6% for 3-family
8. History for cost of construction, rate of return for 2-family 3.2%, 3-family 7.00%

Ms. Bolander stated that her research shows a 3-family is the only reasonable way to go.

Members of the Board thanked Ms. Bolander for all the work she put into the variance.

Herbert Sweet asked for a sworn statement regarding the historical information.

There were no other questions.

Motion was made by James Agrawal, seconded by Brendan Lawler to continue the Public Hearing May 23, 2018
VOICE VOTE – ALL IN FAVOR

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

New Public Hearing:

#18-05Z

Joseph and Ann-Marie Van Etten
408 Violet Ave
Poughkeepsie, NY 12601

Variance – Section 105-5.15 changing gross square feet from 7,500 to 50,500 gross square feet to allow relocation of their existing business, Associates Golf Car, Inc. in the Neighborhood Business District.

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

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

Ann Marie Van-Etten and Mark Day from Day Engineering were present to answer questions pertaining to the application.

Jim Agrawal asked what was being done to contain the gas tanks.

Mr. Day replied the tanks have been removed and replaced.
No one had any questions.

Motion to close 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

Town of Hyde Park Zoning Board of Appeals

4383 Albany Post Road

**Hyde Park NY 12538
(845) 229-5111 Ext. 2
(845) 229-0349 Fax**

RESOLUTION TO GRANT AREA VARIANCE

Associates Golf Car Service, Inc.

Date: April 25, 2018

Moved By: John Bickford

Resolution: # 18-05Z

Seconded By: Herbert Sweet

WHEREAS, the applicants, Joseph and Ann-Marie Van Etten, have submitted an application for an area variance in connection with their application for site plan approval to relocate their existing golf car service business to a 12.4-acre property located at 408 Violet Avenue (the "Property"), identified as tax parcel no. 6163-04-596439, in the Neighborhood Business District (the "Project"); and

WHEREAS, the Project is depicted on a site plan entitled "Associates Golf Car Service, Inc. Amended Site Plan" prepared by M.A. Day Engineering, P.C., dated August 17, 2017, last revised February 27, 2018, and color building elevations received by the Planning Board on March 6, 2018 (the "Site Plan"); and

WHEREAS, pursuant to Hyde Park Zoning Law Section 108-5.15, the permitted scale of uses or structures in the Neighborhood Business District is 7,500 gross square feet; and

WHEREAS, the applicant seeks a variance from Section 108-5.15 of the Zoning Law to permit a scale of 50,500 gross square feet where 7,500 gross square feet is allowed (the "Requested Variance"); and

WHEREAS, on March 28, 2018, the Zoning Board of Appeals directed its Secretary to refer the Project materials 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, and directed its Secretary to refer the Project materials to the Hyde Park Planning Board for a report and recommendation thereon; and

WHEREAS, on April 18, 2018, the Planning Board, serving as lead agency in a coordinated SEQRA review of the Project, adopted a negative declaration, determining that the Project as submitted would not

result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, by letter dated April 18, 2018, the Planning Board recommended that the Zoning Board of Appeals grant the Requested Variance for the Project; and

WHEREAS, on April 4, 2018, the Dutchess County Department of Planning and Development responded that the Project was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on April 25, 2018, 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 Town Code 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 Town Code Section 108-33.6(B)(2) regarding the Requested Variances:

- 1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or be detrimental to nearby properties.**

The Property is currently used, albeit without approval, for the storage of golf cars, storage containers, trucks, and trailers that the applicants use in their day-to-day business. The existing 1,520 square foot house will be demolished and a 4,800 square foot building, 8 parking spaces, 2 6'x8' concrete pads, fuel tanks, and condensers will be erected in its place. The new building will screen or store some of the equipment currently on the site. In addition, the applicant will install trees and shrubs to the south and west of the new building and parking lot in order to improve appearances and provide an adequate vegetative buffer, as required by the Town of Hyde Park Code.

The Planning Board has worked closely with the applicants and their consultants to produce a plan for the Property that is aesthetically pleasing, properly screens the Project, is as small as possible for the use, and will complement the surrounding area. The result will be the erection of a new building and structures to house the business rendering the site more appealing than what currently exists.

- 2. The granting of the Requested Variance is the only way to obtain the desired result.**

The desired result in this matter is for the applicants to relocate their golf car service business to the Property. The main building required for the business has a scale of approximately 4,800 square feet. In addition to the building, the operation of the business requires areas for parking, structures necessary to serve the building, and storage for the golf cars and other equipment. These additional areas, combined with the main building, total over 50,000 square feet of space dedicated to the use. Given that the Zoning Law only permits a scale of 7,500 gross square feet and the fact that the applicants' business requires

a scale of approximately 50,500 gross square feet, there is no way to accommodate the applicants' goal of relocating their business without granting the Requested Variance.

3. The Requested Variance is substantial, as the applicants request an area variance for an additional 43,000 gross square feet of scale where only 7,500 is permitted. However, given that materials are already stored on the Property, the Requested Variance will improve the look of the Property by allowing the applicants to store materials and vehicles inside of the proposed structure.
4. Issuance of the Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. On April 18, 2018, the Planning Board determined that the relocation of the applicants' business to the Property, along with the associated construction will not result in any significant adverse environmental impacts. In addition, given the current use of the Property for very similar purposes, the grant of the Requested Variance will not produce significant changes in the environmental impact of the site or use. The variance would allow the construction of a storage building which will result in a more aesthetically pleasing site.
5. The hardship is 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.

John Bickford, Chair	AYE
Jim Agrawal	AYE
Neil Krupnick	ABSENT
Brendan Lawler	AYE
Herb Sweet	AYE

Filed with the Secretary of the Zoning Board of Appeals on: April 26, 2018

Secretary

#18-06Z

Deborah Seidman
60 Mills Cross Rd
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 0 ft. for site work associated with a proposed 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

Rod Morrison, LRC Group, presented the application to the Board.

Mr. Bickford read an email from Ms. Saidel, adjoining property owner, regarding her concerns about the water flow on her property. Mr. Morrison has responded to Ms. Seidel.

Ann Meredith, Mills Cross Rd., questioned the height of the chimney room of the new residence. Mr. Morrison responded with measurements.

There were no other questions.

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

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

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

VARIANCE RESOLUTION

Application #: 18-06Z

Grid #: 6167-01-410839

Introduced by: Herbert Sweet
Seconded by: Brendan Lawler

Date: April 25, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on April 25, 2018 reviewed the facts in Application # 18-06Z as submitted by Deborah Seidman, 60 Mills Cross 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 108-4.3G(2) To allow construction within the 100 ft. stream corridor changing the undisturbed corridor from 100 ft. to 0 ft. for site work associated with a proposed 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 April 11, 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 lot has a constricted access from the roadway
2. The lot slope limits the placement of a structure
3. The stream is seasonal
4. Drain off is from adjacent properties draining onto the applicants site

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application

#18-06Z 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 required culvert will improve drainage and the house will be located deep within the property.
2. The needs of the applicant **can not** be achieved by other than an area variance as the property slopes and setbacks limit the location of the planned house.
3. The requested variance **is** substantial but essential due to the limits on house location due to slopes and setback requirements.
4. The requested variance **will** affect the physical or environmental conditions in the neighborhood in a favorable way by improving drainage accompanying the building of the house.
5. The hardship for which the variance is sought to rectify **was** self created.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: April 25, 2018

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

:lw

Secretary: _____
Linda Weiner

#18-08Z Dominic and Vida Odescalchi
228 South Quaker Lane
Hyde Park, NY 12538

Variance – Section 108-5-15 changing front yard setback from 50 ft. to 30 ft. for construction of a front porch with roof in the Greenbelt District.

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

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

Dominic Odescalchi presented the application to the Board.

No one had any questions.

Motion to close made by James Agerwal, seconded by Herbert Sweet
ALL IN FAVOR – MOTION CARRIED

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

TOWN OF HYDE PARK

Zoning Board of Appeals

VARIANCE RESOLUTION

Application #: 18-08Z

Grid #: 6264-02-770995

Introduced by: James Agrawal
Seconded by: Brendan Lawler

Date: April 25, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on April 25, 2018 reviewed the facts in Application #18-08Z as submitted by Dominic and Vida Odescalchi, 228 South Quaker Lane, 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 30 ft. for construction of a front porch with roof in the Greenbelt District.

WHEREAS, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on April 16, 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 lack of a front porch makes access almost impossible
2. The front porch will enhance the appearance
3. The prior porch was removed by prior owner

NOW. THEREFORE BE IT RESOLVED by the Zoning Board of Appeals, that Application #18-08Z 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 appearance will be enhanced.
2. The needs of the applicant **can not** be achieved by other than an area variance. Access to the front entry cannot be achieved without a step or two incorporated in the new porch.
3. The requested variance **is** substantial. 40% setback change is substantial. The side of the structure is about 13ft. closer to the front property line.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. There is no effect on neighboring properties.
5. The hardship for which the variance is sought to rectify **was not** self created. The porch was removed by the prior owner, limiting access to the front entry.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: April 25, 2018

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

:lw

Secretary: _____
Linda Weiner

#18-07Z Hyde Park Town Center North Bldg. 5
4272 and 4274 Albany Post Rd
Hyde Park, NY 12538

Variance – Section 108-4.4 A (3) Changing the maximum building volume from 60,000 Cubic feet to 66,000 Cubic feet in the Town Center Historic District which is visible along the boundary of a designated place on the State and National register of historic places.

Neil Alexander, Cuddy & Feder presented the application to the Board.

The secretary was directed to send 239m referral to county

Motion to set the public hearing for May 23, 2018 was made by James Agrawal, seconded by Brendan Lawler
VOICE VOTE – ALL IN FAVOR

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

#16-20Z Barry Bed & Breakfast
43310 Albany Post Rd
Hyde Park, NY 12538

Extension of Variance – On February 22, 2017, the applicant was granted a variance on the following: **Section – 108-5.15** Changing a front yard setback from 50 ft. to 15 ft. and changing a side yard setback from 20 ft. to 10 ft. for reconstruction of a single family dwelling on a different footprint; and a variance from **Section 108-4.6 B** from the 100 ft. open space restriction to allow parking within 9 ft. and new structures to 24 ft. for a garage and to 40 ft. for the main building from the property line associated with a Historic site; and **Section 108-2.12** allowing an increase from 4 guest rooms to 5 guest rooms in a bed and breakfast establishment in the Neighborhood District. The applicant is seeking an extension of the time in which to exercise this variance pursuant to **Section 108-33.5 (F)** of the Code.

Paul Tirums, P.E. sent notice that he was unable to attend tonight’s meeting. Victoria Polidoro gave a brief description of the application and why the extension is needed.

Motion made by Brendan Lawler, seconded by Herbert Sweet to set the public hearing for May 23, 2018
VOICE VOTE – ALL IN FAVOR

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

#18-09Z

Joseph Olah
30 Russett Rd
Hyde Park, NY 12538

Variance – **Section** 108-5.15 Changing rear yard setback from 30 ft. to 22 .5 ft. for a deck, and from 30 ft. to 14 ft. for stairs, and changing side yard setback from 20 ft. to 6.3 ft. for an existing deck in the Neighborhood District.

Jim Funk, J & R Contracting presented the application to the Board.

Motion made by Brendan Lawler, seconded by James Agrawal to set the public hearing on May 23, 2018

VOICE VOTE – ALL IN FAVOR

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

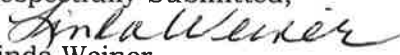
Other Business:

Motion was made by James Agrawal, seconded by Brendan Lawler to adjourn at 8:50 P.M.

VOICE VOTE - ALL IN FAVOR

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

Respectfully Submitted,


Linda Weiner
Secretary