

# TOWN OF HYDE PARK

## Zoning Board of Appeals

4383 Albany Post Road  
Hyde Park, New York 12538

### Minutes June 27, 2018

Present: John Bickford  
Herbert Sweet  
Brendan Lawler  
James Agrawal

Absent: Neil Krupnick

Others Present: Linda Weiner, ZBA Secretary

John Bickford, Chair, welcomed everyone to the June 27, 2018 meeting at 7:01 P.M.

Mr. Bickford commenced the Pledge of Allegiance

Minutes to be approved: March 28, 2018, April 25, 2018, May 23, 2018

Motion made by James Agrawal, seconded by Brendan Lawler to approve minutes for March 28, 2018, April 25, 2018, and May 23, 2018.

VOICE VOTE-ALL IN FAVOR

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

The secretary was asked to note the roll.

The next meeting will be July 25, 2018

#### Continued Public Hearing:

#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 Brendan Lawler, seconded by James Agrawal.  
VOICE VOTE - ALL IN FAVOR

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

Brendan Lawler stated that he was approached by one of the owners of 13 Watson Place asking him to sign a petition in opposition to changing the setback requirements and not grant the variance. Brendan wanted to state for the record, he told the owner that he was unable to do that as a member of the Zoning Board and there was nothing he would be able to do.

Mr. Bickford asked if the request made had no direct influence. Mr. Lawler stated it did not.

Steve Hackbarth, Architect, stated as per last month's meeting, there have been revisions on the drawings. He attempted to contact the neighbors at 13 Watson by phone to possibly come up with a solution but, the call has not been returned. The building width has been reduced from the original 5 ft. 9 in. to 4 ft. 3 in. in an effort to respond to comments made the last meeting. They indicated they would pitch the driveway away from neighbor's property, and located leaders for down spouts for the gutters away from neighbor's property line. They eliminated the door on the east side of the garage.

Andrea Gellen, McCabe & Mack, represented the residents, Ms. Burr, at 13 Watson. Mr. Bickford questioned whether proceedings should wait for a time when the Town's attorney could be present. Mr. Sweet said they could proceed and decide to continue. Ms. Gellen stated everything she would discuss is in the information she handed out which can be shared with the attorney. Ms. Gellen outlined the points referring to the variance being requested.

She stated the applicant misstates that there's precedence siting to prior approved variances. She made reference to a F.O.I.L. request for four previous variances that were granted which are minor to what's being requested. This variance would set a precedent that was not previously set. There was reference to properties at 13 and 17 Watson place in the neighborhood that had additions, but they were done prior to the zoning code.

Referring to photos that were included in the handout, Ms. Gellen pointed out the distance between the two properties.

She asked that the side yard setback requested be denied due to the fact it sets a precedent for other similar variance requests in the future which is inconsistent with community wishes. Other additions that were made to the neighborhood were done before the Zoning code was in effect.

Mr. Bickford asked if anyone had any questions. Herbert Sweet stated the Board recently enacted a procedure to get information in a timely manner two weeks in advance. Ms. Gellen apologized for not knowing about the time requirement.

Diana Smith, 17 Watson Place, agrees with the owner of 13 Watson, that the houses are already close together. She stated she can see from her daughter's bedroom into her neighbor's son's bedroom from the window. If it was closer, it wouldn't be appreciated. If granted by the Board, it would open future variances.

Mr. Hackbarth asked if the garage addition could be separated from the rest of the project so they can apply for the building permit on the rest of the project and leave the garage addition off the initial project?

Mr. Bickford said it could be split. He suggested contacting Kathleen Moss, Zoning Administrator to help with the application. It would have to be advertised as a new application.

There were no other questions.

Motion was made by Herbert Sweet, seconded by James Agrawal to continue the public hearing on July 25, 2018.

VOICE VOTE - ALL IN FAVOR

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

**New Public Hearing:**

**#18-11Z** Michael Farrar  
3 Coll Hollow Rd

Poughkeepsie, NY 12601

**Variance- Section** 108-5.15 changing a front yard setback from 50 ft. to 25 ft. to replace an underground fuel oil tank with an above ground tank in the Neighborhood District.

Motion to open the public hearing was made by Brendan Lawler, seconded by Herbert Sweet  
VOICE VOTE - MOTION CARRIED

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

Michael Farrar presented the application to the Board. There were no questions or public comment.

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

**VARIANCE RESOLUTION**

Application #: 18-11Z

Grid #: 6264-57-597455

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Introduced by: Herbert Sweet  
Seconded by: James Agrawal

Date: June 27, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on June 27, 2018 reviewed the facts in Application 18-11Z as submitted by Michael Farrar, 3 Coll Hollow Rd., 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** 108-5.15 changing a front yard setback from 50 ft. to 25 ft. to replace an underground fuel oil tank with an above ground tank in the Neighborhood District.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on June 22, 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 fuel tank being installed needs to be above ground due to environmental considerations.
2. The property has no access for rear yard for a tank installation.
3. A rear yard located fuel tank would require a reconstructed path to the furnace for the fuel line which would be impracticable due to the building's slab construction.

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-11Z 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 for environmental reasons, all underground fuel tanks will need to become so situated and not taking this action could result in a detriment to nearby properties should an unknowable leak occur.
2. The needs of the applicant **can not** be achieved by other than an area variance due to restraints of the property for location elsewhere.
3. The requested variance **is** substantial numerically but non action exposes the applicant and neighborhood to ground contamination which would be far more substantial.

4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood as the need for this action is becoming commonplace.
5. The hardship for which the variance is sought to rectify **was** self created as the property was purchased with the knowledge that the tank was underground and had a limited lifespan.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: June 27, 2018

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

:lw

Secretary: \_\_\_\_\_  
Linda Weiner

Barbara Sweet, 6 Covey Rd., Hyde Park, NY stated she received word that the Planning Board was going to start their meetings at 6:00PM. She wondered if the Zoning had given thought to this. Mr. Bickford answered the Planning Board has a very large amount of applications on the Agenda.

**Other Business:**

Motion was made by Brendan Lawler, seconded by Herbert Sweet to adjourn at 8:15 P.M.  
VOICE VOTE - ALL IN FAVOR

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

Respectfully Submitted,

Linda Weiner  
Secretary