

# TOWN OF HYDE PARK

## Zoning Board of Appeals

4383 Albany Post Road  
Hyde Park, New York 12538

### Minutes July 25, 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 July 25, 2018 meeting at 7:00 P.M.

Mr. Sweet commenced the Pledge of Allegiance

Minutes to be approved: June 27, 2018

Mr. Sweet requested that the approval of June 27, 2018 be postponed until the August 29, 2018 meeting.

The secretary was asked to note the roll.

The next meeting will be August 29, 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 Herbert Sweet, seconded by James Agrawal.  
VOICE VOTE - ALL IN FAVOR

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

Roderick MacLeod, Attorney, Gellert, Klein, & MacLeod LLP, representing Mr. and Mrs. Francabandiero, presented the application to the Board. Also present was Steve Hackbarth, Architect, and Mr. Francabandiero. Mr. MacLeod referred to a letter

in support of the application. He pointed out the numbers recorded were not correct. He said its 11 ½ ft. away from the neighbor to the east.

Mr. Sweet talked about the front step on the plans that were not mentioned in the measurements. Mr. Hackbarth said for some municipalities a step would be considered an architectural feature and not included in the setback.

Tad Moss, Zoning Administrator, said the Code before 2005 did have exclusions for stairs, bay windows, and overhangs, but changed in 2005 and are no longer excluded. Ms. Moss stated an alternative to consider would be inseting the steps. Mr. Hackbarth said that could be easily done.

Mr. Sweet questioned the possibility of splitting the variance into two resolutions. One for the porch, one for the garage.

Jim Agrawal asked if the proposed garage addition is for an extra car, could it not be at the same height as the current garage. Would it be able to be made wider and deeper instead of higher so not on the neighbor? Mr. Hackbarth stated he doesn't think it would be better aesthetically. They are proposing to match the roof pitch to the existing house.

Neil Krupnick asked Mr. Hackbarth if the garage could be a separate variance from the house.

Mr. MacLeod said the building being proposed goes all together as part of one project. If they weren't to get all the variances, he's not sure his client would want to proceed with any building.

Jim Agrawal asked if the height could be maintained as it is and still accomplish the goal. It would be less intrusive on the neighbor.

Mr. Agrawal also asked the purpose of the window. Mr. Hackbarth answered ventilation, and natural light in the attic.

Neil Krupnick asked about making the garage a separate building. Mr. Hackbarth stated Mr. Francabandiero wants to do it all or none of it. Mr. Krupnick asked if the character of the neighborhood was considered. Mr. Hackbarth said they tried to keep what was existing as much as possible. Mr. Krupnick stated he wanted to make sure there wasn't another way around this.

Brendan Lawler confirmed the location of the septic.

Herbert Sweet spoke in terms of mitigating the impacts.

Andrea Gellen, Attorney, representing Ms. Burr, said they had no objection that the public hearing be closed. She asked that she would be able to respond after she has read the letter dated July 16, 2018. Victoria Polidoro, Attorney, stated that what Ms. Gellen is requesting is that the Board hold off on voting to give her a seven day written comment period.

Barbara Sweet, 6 Covey Rd., Hyde Park, N.Y. questioned if the new garage will have a window on the east side? The applicant stated no. Barbara asked where the exhaust from the dryer will go. Mr. Hackbarth answered to the rear of the house as it is now. Mrs. Sweet suggested a gable on the east side, or north and south side to keep fresh air flowing.

There were no other comments at this time.

Comments need to be submitted by August 3, 2018 4:00 PM

Motion made by Jim Agrawal, seconded by Brendan Lawler to close the public hearing and accept comments until August 3, 2018 4:00PM

### **New Public Hearing:**

**#18-14Z** Kathleen & Howard Fisher III  
4 Horseshoe Dr.  
Hyde Park, NY 12538

**Variance – Section 108-5.15** changing front yard setback from 50 ft. to

34 ft. for an addition of front porch and stairs; also changing side yard setback from 20 ft. to  
19 ft. for west edge of porch.

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

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

Kathleen and Howard Fisher presented the application to the Board. There were no 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**

**VARIANCE RESOLUTION**

Application #: 18-14Z

Grid #: 6064-08-937809

---

Introduced by: James Agrawal

Date: July 25, 2018

Seconded by: Neil Krupnick

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on July 25, 2018 reviewed the facts in Application #18-14Z as submitted by Kathleen & Howard Fisher III, 4 Horseshoe Dr., 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 34 ft. for an addition of front porch and stairs; also changing side yard setback from 20 ft. to 19 ft. for west edge of porch.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on July 20, 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 home was built under prior zoning and already non-conforming
2. The front porch is not detrimental in appearance
3. The front porch will not limit any visibility of neighbors

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-14Z 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 porch will enhance the character of the neighborhood.
2. The needs of the applicant **can not** be achieved by other than an area variance. There are no other viable options.
3. The requested variance **is** substantial. The additional 8 ft. is substantial numerically.

4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. There's nothing detrimental to the neighborhood.
5. The hardship for which the variance is sought to rectify **was** self created. The applicant purchased the property as non-conforming with a known small lot size.
6. The variance being granted is the minimum variance to meet the needs of the applicant.

Adopted: July 26, 2018

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

**#18-15Z** Salvatore Scardaci  
 14 Roosevelt Rd  
 Hyde Park, NY 12538

**Variance - Section** 108-5.15 changing front yard setback from 50 ft. to 4ft.7 in. for an existing pool in the Neighborhood District.

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

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

Larry Scardaci presented the application to the Board. He stated that the pool was installed 52 years ago. There was a building permit, but the setbacks failed to be included on the permit. The permit was approved for construction, but there was never a final C.O.

There's a buyer for the house so they want to get the issue resolved.

Brendan Lawler commented having looked at the property, he understands the pool's location.  
 Jim Agrawal said he doesn't see where there were a lot of options that were viable.  
 Neil Krupnick agreed, there were no other options.

Michael and Dominique Shaw, buyers for the house. They want to buy it because their two daughters love the house.

Motion to close the public hearing 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**

Introduced by: Neil Krupnick  
Seconded by: Brendan Lawler

Date: July 25, 2018

The Town of Hyde Park Zoning Board of Appeals, at a meeting duly convened on July 25, 2018 reviewed the facts in Application #18-15Z as submitted by Salvatore Scardaci, 14 Roosevelt 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 front yard setback from 50 ft. to 4ft.7in. for an existing pool in the Neighborhood District.

**WHEREAS**, the Board held a Public Hearing, notice of which was duly published in the Poughkeepsie Journal on July 20, 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 pool was built 52 years ago and received a permit but no C.O.
2. No neighbors have objected to the pool

**NOW. THEREFORE BE IT RESOLVED** by the Zoning Board of Appeals, that Application #18-15Z 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 pool is existing and has been part of the neighborhood since 1966.
2. The needs of the applicant **cannot** be achieved by other than an area variance.  
The pool cannot be moved.
3. The requested variance **is** substantial. The number is substantial, but the pool already exists.
4. The requested variance **will not** affect the physical or environmental conditions in the neighborhood. Again, the pool has existed for 52 Years.
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: July 25, 2016

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

**New Application:**

**#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 to 0.954 acres for 2 dwellings in the Waterfront District.

**#18-13Z** Robert Frank  
58 River Rd  
Hyde Park, NY 12538  
**Variance - Section** 108-4.4D changing side yard setback from 25 ft. to 5 ft. and front yard setback from 50 Ft. to 10 ft. for an existing generator in the Waterfront District.

There was no one present for the applications for 58 and 60 River Rd., Hyde Park. Mr. Sweet made the Planning Board would be Lead Agency on this project.

Motion to set the public hearing for August 29, 2018 was made by Herbert Sweet, seconded by James Agrawal.  
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.

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.

Mr. Sweet stated there would be a fee of \$500.00 for Escrow. The application is a Type II action.

There were no questions.  
Motion was made by James Agrawal, seconded by Neil Krupnick to set the public hearing for August 29, 2018.  
VOICE VOTE - ALL IN FAVOR

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

**#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.

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 garage.

Motion was made by Neil Krupnick, seconded by James Agrawal to set the public hearing for August 29, 2018.  
VOICE VOTE - ALL IN FAVOR

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

**Other Business:**

RELEASE OF ESCROW

July 25, 2018  
Resolution # 18-BZ

Moved By: Brendan Lawler  
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
Hyde Park Town Center North Bldg 5	4280 Albany Post Rd Hyde Park, NY 12538	18-07Z	500.00	415.50	915.50

The Board was polled as follows:

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

---

Linda Weiner, Secretary

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