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

Minutes
March 27, 2019

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

Absent: 

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

Herbert Sweet, Chair, welcomed everyone to the March 27, 2019 meeting at 7:00 P.M.

Mr. Sweet commenced the Pledge of Allegiance

The secretary was asked to note the roll.

Mr. Sweet asked for the approval of the February 27, 2019 minutes.

Motion was made by David McNary, seconded by James Agrawal to approve the minutes for February 27, 2019.

VOICE VOTE - ALL IN FAVOR

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

Mr. Sweet noted he next Zoning Board meeting will be April 24, 2019.

New Public Hearing:

#19-03Z  Tara Wild
For/ Renaissance Rehabilitation
4975 Albany Post Rd.
Staatsburg, N.Y. 12580

Variance - Section 108-24.2 C (1) (b) Changing maximum area of a free standing sign from 30 ft. to 36 ft.; and Section 108-24.2 F (2) (a) Changing maximum graphic size in any dimension from 10 in. to 15 in. x 18 in.; and Section 108-24.2 F (2) (b) Changing maximum letter height from 10 in. to 15 in. in the Waterfront District.

Motion to open the public hearing made by James Agrawal, seconded by Brendan Lawler.

VOICE VOTE - ALL IN FAVOR

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

Peter Urbanski, Maintenance Director, for Renaissance Rehabilitation. He gave a description of the sign that they are looking to receive approval for.

Brendan Lawler questioned how the sign became a different size from the original application.
Mr. Urbanski replied there were changes in management and the company making the sign was switched while he was on vacation. When it was posted, it was bigger than what was planned.

Jim Agrawal asked when the awnings would be changed. Mr. Urbanski replied the company came in March but it has to be run past the state before any changes take place. They awnings have to be fire proof. The company has to locate the requested color which they don’t have in stock.

Mr. Urbanski said the goal is to have changes made before the yearly carnival in July.

Jim Agrawal said he personally liked the looks of the sign. He finds it attractive and very visible.

Mr. Sweet stated what the differences of the Zoning and Planning Board were. He read the Zoning Code 108-24.2 F(1) Aesthetics, stating the application will be referred to the Planning Board for their review.

Herbert Sweet made a motion to refer the application to the Planning Board for review, seconded by Richard Perkins

VOICE VOTE - ALL IN FAVOR

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

#19-04Z

Enclave at Hyde Park
Cream St
Hyde Park, NY 12538

Extension of Variance - On March 22, 2017 the applicant was granted a variance for the following: Changing average density from 2.5 A per DU to 1.41 A per DU (70.51 acres) in the Greenbelt 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.

Motion to open the public hearing made by Brendan Lawler, seconded by James Agrawal.

VOICE VOTE - ALL IN FAVOR

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

Nicole Patti from the LRC Group presented the application to the board requesting to continue the extension on the pending variance.

There were no questions.

Motion was made by Brendan Lawler, seconded by David McNary to close the public hearing.

VOICE VOTE - ALL IN FAVOR

(5) AYE (0) 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 A SECOND ONE-YEAR EXTENSION OF A VARIANCE

The Enclave at Hyde Park

Date: March 27, 2019

Moved By: David McNary

Resolution: # 17-03Z

Seconded By: Brendan Lawler

WHEREAS, on March 22, 2017, by Resolution #17-03Z, the applicant, 54-Hyde LLC, was granted a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit (the “Variance”) in order to re-subdivide 70.51 acres into 25 residential lots with 50 dwelling units (the “Project”); and
WHEREAS, on September 20, 2017, by Resolutions #16-49C and #16-49D, the Town of Hyde Park Planning Board granted the applicant conditional final approval of a subdivision plat for the Project, as well as conditional site plan and special use permit approval; and

WHEREAS, on August 7, 2018, by Resolutions #16-49J and #16-49K, the Town of Hyde Park Planning Board amended the conditions of the site plan, special use permit, and final plat approvals for the Project; and

WHEREAS, the applicant cannot commence the activity authorized by the Variance until the conditions of the conditional site plan, special use permit, and final plat approvals are satisfied; and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the Town of Hyde Park Zoning Law, any variance under which the authorized activity has not commenced within one year from the date of issuance is revoked without further hearing or action of the Zoning Board of Appeals; and

WHEREAS, pursuant to Section 108-33.5(F)(2) of the Zoning Law, the Zoning Board of Appeals may, in its discretion, after conducting a public hearing, grant an extension to a variance; and

WHEREAS, on February 11, 2019, the applicant submitted a request for an extension of approval of the Variance; and

WHEREAS, on February 15, 2017, the Planning Board, serving as lead agency in a coordinated review under the State Environmental Quality Review Act (“SEQRA”) adopted a negative declaration, determining that the proposed Project would not result in any significant adverse environmental impacts; and

WHEREAS, the Zoning Board of Appeals has considered the circumstances warranting such an extension.

NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a one year of time in which commence the activity authorized under the Variance to March 22, 2020.

Adopted: March 27, 2019

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

#19-022

Chad Adams
6 Robert Dr.
Hyde Park, NY 12538
Tax Map# 6164-04-878412
Variance - Section 108-5.15 Changing a side yard setback from 20 ft. to 16 ft. for an existing deck in the Neighborhood District

Motion made by Brendan Lawler, seconded by David McNary to open the public hearing.

VOICE VOTE - ALL IN FAVOR

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

Sheron Adams presented the application to the Board. Mrs. Adams stated upon the advice of the Board, she took pictures of the deck and checked the measurements. She explained how she took the measurements. Mr. Sweet advised her how to measure for a more accurate number.

Mrs. Adams discussed the location of trees and the neighbor's fence. She wasn't sure where the exact lot line was.
Patrick Logan, Attorney, explained why correct measurements are important. Per the state law, the Zoning Board is limited to grant the minimum variance necessary.

Richard Perkins suggested contacting the neighbor to see if they would have markers on property measurements to help determine where the lines are.

David McNary suggested the neighbor may have a survey for the property line.

Jim Agrawal suggested checking with Tad Moss to see if any paperwork was needed regarding installation of the fence.

Motion to continue the public hearing for April 24, 2019 made by Brendan Lawler, seconded by James Agrawal.

VOICE VOTE - ALL IN FAVOR

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

#19-05Z  Carl Kitching 3 W. View Dr. Hyde Park, NY 12538 Tax Map# 6163-01-447607

**Variance - Section** 108-5.15 Changing a side yard setback from 10 ft. to 6 ft.; and **Section** 108-5.15 Changing rear yard setback from 15 ft. to 6 ft. for an accessory structure in the Neighborhood District.

Motion 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

Carl Kitching presented the application to the Board. He stated this would be the only location acceptable for the accessory structure.

Richard Perkins asked if it could be moved to the center. Mr. Kitching stated it could not. The septic was there.

No one had any questions.

Motion to close the public hearing made by James Agrawal, seconded by David McNary.

VOICE VOTE - ALL IN FAVOR

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

Town of Hyde Park Zoning Board of Appeals
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(845) 229-5111
(845) 229-0349

RESOLUTION TO GRANT AREA VARIANCES

**KITCHING**
3 West View Drive

Date: March 27, 2019
Moved By: Richard Perkins
Resolution #: 19-05Z
Seconded By: Brendan Lawler
WHEREAS, the applicant, Carl Kitching, has submitted an application for area variances to construct a shed to serve a single-family dwelling on property located at 3 West View Drive (the “Project”), identified as tax parcel no. 6163-01-447607, in the Neighborhood District (the “Site”); and

WHEREAS, the proposal is depicted on a site plan entitled “Model: Super Barn Shed”, prepared by Matt Mason, Architect, dated October 23, 2018 (the “Site Plan”); and

WHEREAS, the applicant has submitted an application for area variances dated March 5, 2019 (the “Variance Application”); and

WHEREAS, the applicant seeks the following area variances (the “Requested Variances”):

1. From Zoning Law Section 108-5.15 to permit a side yard setback of 6 feet where 10 feet is required;
2. From Zoning Law Section 108-5.15 to permit a rear yard setback of 6 feet where 15 feet is required; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(16), the granting of setback variances for one project on one lot 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 March 27, 2019, 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 Variances:

1. The Requested Variances will not produce an undesirable change in the character of the neighborhood or be detrimental to nearby communities.

   The proposed shed will match the dwelling on the Site in color and style. By complementing the dwelling's architecture, the shed will be less of a visual intrusion on the neighborhood. The Site is wooded on multiple sides. The existing trees and dwelling shield the view of the shed from the road and obscure part of the view that any neighbors may have.

2. The granting of the Requested Variances is the only way to obtain the desired results.

   The owner wishes to erect a shed in his rear yard. Due to the terrain of the yard and the presence of a septic system under a portion of the yard, the only feasible location for the shed is within the setbacks.

3. The Requested Variances may be considered numerically substantial, as the permitted dimensions for the required side and rear yard setbacks will decrease by 4 feet (40%) and 9 feet (60%), respectively. However, as discussed herein, the impacts of the Requested Variances will not be substantial.

4. Issuance of the Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

   The Project proposes a 240 square foot shed, which will not result in a significant impact during construction or create a significant amount of stormwater runoff. Furthermore, granting the Requested Variances will permit the owner to place the shed on the one portion of the Site that has level terrain and is not located above the septic system. Requiring strict compliance with the zoning law could result in the owner having to further disturb the Site in order to create a level area for the shed. Thus, allowing the shed to be built within the setbacks could result in less disturbance to the Site and would have a beneficial effect on the local environment.

5. The difficulties are self-created.

   BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances subject to the following conditions:
1. Payment of all fees and escrow.

Adopted: March 27, 2019

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

**OTHER BUSINESS:**

Approve Town Board to serve as Lead Agency on the Route 9 Sewer District project

There were no objections from the Board.

VOICE VOTE - ALL IN FAVOR

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

Motion to adjourn at 7:21 PM made by Brendan Lawler, seconded by James Agrawal.

VOICE VOTE - ALL IN FAVOR

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

Respectfully Submitted,

Linda Weiner
ZBA Secretary