

Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, New York 12538

MINUTES FOR SPECIAL MEETING

July 14, 2021 6:00 PM

Present: David McNary, Chairman **Absent:**
James Agrawal
Paul Donnelly
Richard Perkins
John Scileppi

Others Present: Kathleen Moss, Zoning Administrator
Patrick Logan, Attorney to the Board
Sarina Teuschler, Secretary to the Board

The meeting began at 6:00 pm. Chairman McNary lead the Pledge of Allegiance.

James Agrawal motioned to accept the minutes of June 23, 2021; and Paul Donnelly seconded the motion.

VOICE VOTE

ALL IN FAVOR: 5
ALL OPPOSED: 0 **CARRIED**

Resolutions on Previously Heard Applications:

#21-09Z Courtney St. Germain
6 Birchwood Terrace
Poughkeepsie, NY 12601
Tax Grid No. 6163-03-405378
Variance - Section 108-5.15
Change setbacks in the Neighborhood District of the front yard from 50 feet to 33 feet, side yard from 20 feet to 19.75 feet, and rear yard from 30 feet to 17.25 feet for the expansion of an existing garage and renovation of an existing porch to a mudroom.

Town of Hyde Park
ZONING BOARD OF APPEALS
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-5111

RESOLUTION TO GRANT AREA VARIANCE

Courtney St. Germain
6 Birchwood Terrace
Poughkeepsie, NY 12601
Tax Grid No. 6163-03-405378

Date: 7/14/2021

Motion: Paul Donnelly

Resolution # 21-09Z

Second: James Agrawal

WHEREAS, the applicant, Courtney St, Germain has submitted an application to for an area variance to change setbacks in the neighborhood District of the front yard from 50 feet to 33 feet, side yard from 20 feet to 19.75 feet, and rear yard from 30 feet to 17.25 feet for the expansion of an existing garage and renovation of an existing porch to a mudroom in the Neighborhood District. (the “Project) at property located at 6 Birchwood Terrace, Poughkeepsie, NY 12601, identified as tax parcel no. 6163-03-405378, in the neighborhood Zoning District (the “Site”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence 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 opened on June 23, 2021 during a remote meeting held by the Zoning Board of Appeals in accordance with New York State Governor Cuomo’s Executive Order 202.1 and the subsequent extensions thereof, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its June 23rd meeting but kept the record open for the submission of written comments for a period of seven (7) days thereafter; 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 single-family dwelling. The requested variance would allow the applicants to replace undersized one car garage and enclosed porch with a new two-car garage and mudroom in the same location as the current garage. The new garage will be in keeping with the size and character of the house and neighboring properties. Moreover, above the garage an additional bedroom will be constructed to accommodate the applicant's growing family.

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 seeks to construct a two-car garage and mudroom to the existing structure. To accommodate the construction the front yard, side yard, and rear yard setbacks need to be adjusted. An alternative method could not achieve the desired outcome the applicant seeks. This is because the current driveway is steep, rising from the street level to the current garage. To move the garage closer to the road to eliminate the need for the rear yard variance would worsen that condition to a point where it would be unfeasible.

- 3. The Requested Variance may be considered numerically substantial as the permitted setback will decrease the front yard from 50 feet to 33 feet, and rear yard from 30 feet to 17.25 feet. 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 requested variance will allow the construction of a garage and mudroom in the same location as the current garage and enclosed porch. The addition will not create an adverse impact on environmental conditions because additional cars parked on the asphalt driveway will now be housed within the garage and will lessen the chance of automotive fluids leaking onto the driveway and runoff into the storm system.

Additionally, there will be no increase of impervious surface. The expansion of the garage will be replacing a portion of the existing asphalt driveway.

- 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(s):

- 1. Payment of all fees and escrow.

VOICE VOTE

All in favor: 5
All opposed: 0

James Agrawal	AYE	
Paul Donnelly	AYE	
Richard Perkins	AYE	
John Scileppi	AYE	
David McNary	AYE	CARRIED

#21-11Z Mary & David Newberry
 1019 Violet Avenue
 Hyde Park, NY 12538
 Tax Grid No. 6164-01-433943
Variance – Section 108-5.15

Change setbacks in the Neighborhood District of the second front yard of a corner lot from 50 feet to 26 feet for the construction of a garage.

Town of Hyde Park
ZONING BOARD OF APPEALS
4383 Albany Post Road
Hyde Park, NY 12538
845-229-5111 ext. 2

RESOLUTION TO GRANT AREA VARIANCE

Mary and David Newberry
1019 Violet Ave.
Hyde Park, NY 12538
Parcel 6164-01-433943

Date: 7/14/2021

Motion: James Agrawal

Resolution # 21-11Z

Second: Paul Donnelly

WHEREAS, the applicants, Mary and David Newberry, are seeking an area variance to construct a garage (the “Project”) on a property located at 1019 Violet Ave, Hyde Park, NY 12538, identified as tax parcel no. 6164-01-433943, in the Neighborhood District (the “Site”); and,

WHEREAS, the Project is depicted on a sketch dated June 8, 2021; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard of 26 feet where 50 feet is required (the “Requested Variance”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(17), the granting of an area variance for a single-family, two-family or three-family residence 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 opened on June 23, 2021, during a remote meeting held by the Zoning Board of Appeals in accordance with New York State Governor Cuomo’s Executive Order 202.1 and the subsequent extensions thereof, during which all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at its June 23, 2021, meeting but kept the record open for the submission of written comments for a period of seven (7) days thereafter; 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 to the character of the neighborhood or a detriment to nearby properties. The garage will enhance the usability and appearance of the property by locating items and a vehicle(s) inside the garage so they will be less visible to neighbors. The design of the garage is visually attractive and the Project will enhance the look of the property.
2. The benefit sought by the applicant cannot be achieved by means other than an area variance as the lot topography doesn't make it feasible to locate the garage elsewhere.
3. The Requested Variance is substantial numerically, as it is a 48% decrease in the required front yard setback.
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 Project is a Type II action under SEQRA, meaning it is presumed not to have a significant adverse environmental impact. Moreover, the Requested Variance will not have adverse environmental impacts because it will be located in part in a previously disturbed area and will involve an insignificant increase in impervious surface area.
5. The hardship for which the variance is sought to rectify was self-created. The applicant purchased the property knowing the house and driveway were located close to the road.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following conditions:

1. Payment of all fees and/or escrow.
2. The applicants shall not remove any more trees than necessary in order to construct the garage.

VOICE VOTE

All in favor: 5
All opposed: 0

James Agrawal	AYE	
Paul Donnelly	AYE	
Richard Perkins	AYE	
John Scileppi	AYE	
David McNary	AYE	CARRIED

Chairman McNary explained that the special meetings – which had been scheduled for 2nd Tuesdays of each month to accommodate resolutions of previously heard applications – were no longer needed. He asked for a motion to cancel the upcoming special meetings on August 11, September 8, and October 13.

Richard Perkins motioned to cancel the upcoming special meetings; and Chairman McNary seconded the motion.

VOICE VOTE

ALL IN FAVOR: 5
ALL OPPOSED: 0 **CARRIED**

There was no other business.

John Scileppi motioned to adjourn; and James Agrawal seconded the motion.

VOICE VOTE

ALL IN FAVOR: 5
ALL OPPOSED: 0 **CARRIED**

The meeting adjourned at 6:11 pm.