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

Absent: 

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

Herbert Sweet, Chair, welcomed everyone to the August 28, 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 approval of the July 24, 2019 minutes.

Motion was made by David McNary, seconded by James Agrawal to approve the minutes for July 24, 2019.  
VOICE VOTE - ALL IN FAVOR  
(5) AYE (0) NAY (0) ABSENT - MOTION CARRIED

The next Zoning Board meeting will be September 25, 2019.

New Public Hearing:

19-13Z  
James Kranik  
16 Hillman Drive  
Hyde Park, NY 12538  

**Variance – Section** 108-5.-15 Changing a front yard setback from 50 ft. to 30 ft. to allow placement of an accessory garden shed in the Neighborhood District.

Motion to open the public hearing was made by James Agrawal, seconded by Brendan Lawler  
VOICE VOTE – ALL IN FAVOR  
(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

James Kranik presented the application to the Board.  
There were no questions

Motion to close the public hearing was made by David McNary, seconded by Brendan Lawler  
VOICE VOTE – ALL IN FAVOR  
(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED
RESOLUTION TO GRANT AREA VARIANCE

Kranik
16 Hillman Drive

Date: August 28, 2019
Moved By: David McNary
Resolution #: 19-13Z
Seconded By: Brendan Lawler

WHEREAS, the applicant, James M. Kranik, has submitted an application for an area variance to permit the construction of a 100 square foot shed alongside an existing detached garage at property located at 16 Hillman Drive (the “Project”), identified as tax parcel no. 6065-02-842656, in the Neighborhood Zoning District (the “Site”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a front yard setback of 30 feet where 50 feet is required for the Project (the “Requested Variance”); and

WHEREAS, pursuant to 6 NYCRR 617.5(c) (17), the granting of individual setback and lot line variances and adjustments 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 August 28, 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 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 dwelling with a detached 462 square foot garage that is already located within the front yard setback. The Requested Variance would allow the construction of the shed alongside the garage. The shed will intrude into the front yard setback less the existing garage. Given that the existing garage is significantly larger than the shed and is located further into the front yard setback than the proposed shed, the Requested Variance will not alter the character of the area. In addition, the neighborhood is largely residential and numerous other properties have residential structures located within their front yard setbacks. Therefore, the grant of the Requested Variance will not produce a significant change in the neighborhood or a detriment to nearby properties.

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 applicants wish to construct a shed alongside the existing detached garage at the Site. As the garage is already located within the front yard setback, it is not possible to place the shed alongside the garage without infringing on the front yard setback. However, it is feasible for the applicant to place the shed elsewhere on the Site such that an area variance would not be necessary.

3. The Requested Variance may be considered numerically substantial, as the permitted dimensions for the required front yard setback will decrease by 20 feet (40%). 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 100 square foot shed in a previously cleared area. The construction of the shed will result in an insignificant disturbance to the Site and an insignificant increase in impervious surface area. Therefore, the Requested Variance will not have an adverse effect or impact on the environment.

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:

1. Payment of all fees and escrow.

Adopted: August 28, 2019

Brendan Lawler A YE
Rich Perkins A YE
Dave McNary A YE
Jim Agrawal A YE
Herbert Sweet A YE

New Application:

19-06Z Dollar General
1 East Dorsey Lane
Poughkeepsie, NY 12601

Variance – Section 108-4.5 B. (2)(e) Changing Bulk regulations (scale) from 7500 sq. ft. to 11,874 sq. ft. in the Neighborhood Business District.

Caryn Mlodzianowski, Bohler Engineering, presented the application to the Board.

Motion to set the public hearing for September 25, 2019 was made by James Agrawal, seconded by David McNary

VOICE VOTE – ALL IN FAVOR

(5) A YE (0) NAY (0) ABSENT

OTHER BUSINESS:

Return of Escrow: Aguilar & Quiroz

Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park NY 12538
Phone: 845-229-5111
Fax: 845-229-0349

RELEASE OF ESCROW

Date: August 28, 2019
Moved By: Richard Perkins
Resolution #19-BZ
Seconded by: David McNary

- 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:
<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>ADDRESSES</th>
<th>PROJECT #</th>
<th>ENGINEER/PLANNER</th>
<th>ATTORNEY</th>
<th>TOTAL</th>
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<td>Aguilar &amp; Quiroz</td>
<td>158 S. Quaker Lane</td>
<td>19-01Z</td>
<td>622.00</td>
<td>622.00</td>
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The Board was polled as follows:

- Brendan Lawler: AYE
- Richard Perkins: AYE
- David McNary: AYE
- James Agrawal: AYE
- Herbert Sweet: AYE

Linda Weiner, Secretary

Motion made by James Agrawal, seconded by Brendan Lawler to adjourn at 7:35 PM

VOICE VOTE – ALL IN FAVOR

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

Respectfully Submitted,
Linda Weiner, ZBA Secretary