



Historic Town of Hyde Park

Zoning Board of Appeals

4383 Albany Post Rd

Hyde Park, NY 12538

Office: (845) 229-5111 x 2 Fax: (845) 229-0349

RECEIVED

JUL 26 2021

**Town of Hyde Park
Zoning Board**

"Working with you for a better Hyde Park"

APPLICATION NO. 19-062-2

APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF HYDE PARK, NEW YORK
REQUEST FOR AREA VARIANCE(S)

(TYPE, OR PRINT IN DARK INK)

I. **PROPERTY ADDRESS:** 1 East Dorsey Lane
TAX GRID NO.: 133200-6163-02-504633-0000
ZONING DISTRICT: Neighborhood Business District

II. **PROPERTY OWNERSHIP:**
NAME OF OWNER: HSC Hyde Park, LLC
ADDRESS: 805 Trione Street, Daphne, AL 36526
PHONE NUMBER: 251-923-7139 **Email address:** casey@hixsnedeker.com

III. **APPLICANT INFORMATION:**
APPLICANT NAME: HSC Hyde Park, LLC & Bohler Engineering MA, LLC
ADDRESS: 17 Computer Drive West, Albany, NY 12205
PHONE NUMBER: 518-438-9900 **Email address:** cmlodzianowski@bohlereng.com

(IF THE APPLICANT IS NOT THE OWNER, WRITTEN PROOF THAT THE OWNER
CONSENTS TO THE APPLICATION MUST BE SUBMITTED WITH THE APPLICATION.)

IV. SUBJECT TO APPEAL (If Applicable)

Pursuant to the provisions of the Zoning Code of the Town of Hyde Park, this application, relative to the above referenced property, constitutes an appeal from the decision of the Zoning Administrator/Building Inspector Kathleen Moss

(name)

3/27/19 (and email

A copy of this decision, dated dated 8/2/19, attached, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for:

Area Variance(s)

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied. Additional sheets may be attached as necessary. Please also note carefully the list of required attachments on the last page of this application.

VI. AREA VARIANCE REQUEST

I/We, HSC Hyde Park, LLC c/o Bohler Engineering MA, LLC, hereby apply to the Zoning Board of Appeals for a variance of the following sections and requirements of the Provision of Chapter 108 of the Code of the Town of Hyde Park, specifically as follows:

SECTION	CONCERNING	CHANGE FROM:	CHANGE TO:
108- <u>Attachment 2</u>	<u>Bulk Regulations (scale)</u>	<u>7500 square-feet allowed</u>	<u>11,874 square-feet proposed</u>
108-_____	_____	_____	_____
108-_____	_____	_____	_____

Reason for request:

108 - Attachment 2 - a Scale of 7,500 square-feet (total area of the building and parking stalls is allowed). 11,874 square-feet is proposed.

Area Variance - Scale - 108 Attachment 2

(i) Will the granting of the variance produce an undesirable changes in the character of the neighborhood or be a detriment to nearby properties. If not, please explain why.

The granting of the area variance for Scale requested should not produce an undesirable change in the character of the neighborhood as the site is large enough that the small retail building proposed meets the required minimum setbacks on the lot and there is also room for buffering.

There are other non-residential properties in the neighborhood as well.

(ii) Explain if the granting of the variance is necessary, or whether the same result could be achieved by some other method not requiring a variance. If an alternative will result in economic hardship, explain.

The size of the retail building has already been reduced to the minimum size that the proposed Retail Store can be to provide they service that they propose. The typical Dollar General retail building is 9,300+/- square-feet and the building proposed is 7,500+/- square-feet.

(iii) Explain if the requested area variance(s) is substantial, and if not, explain why it is not substantial.

The variance could be seen as substantial as 7,500 square-feet of building and parking area is allowed and 11,874 square-feet is proposed, however, the parcel is 77,537 square-feet in size and the maximum impervious coverage allowed on the lot is 70%. The project is only proposing 30% impervious coverage, which is less than half of what is allowed. In addition, the parking stalls size has been reduced to the minimum allowed by Code, and the number of parking stalls proposed is the minimum allowed by Code.

(iv) Explain if the variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If not, please justify why it won't have an adverse effect.

The granting of the variance should not have an adverse effect or impact on the physical or environmental conditions in the neighborhood as the site is designed to meet DEC regulations for storm water management and the site design will improve upon existing conditions.

(v) Explain if your need for an area variance(s) is the result of self-created difficulties on your part. If not, please explain how the difficulties are not self-created. The practical difficulty is not self-created as the applicant has not purchased the property yet and is under contract conditioned on obtaining the requested variances.

VII. LIST OF ATTACHMENTS

1. Site or Plot Plan: One (1) original and seven (7) copies
2. Financial (Economic) Statement. This statement should not be personal in nature. The data provided should relate directly to the property in question and should illustrate the economic injury or undue hardship suffered in the absence of the variance.
3. Letter or communication which resulted in application to the ZBA (if applicable).
4. List of abutting property owners, by name, address and grid number.
5. Letter of owner consenting to application (if applicable).
6. Type I Action Only – Original and six (6) copies of the SEQRA FULL ENVIRONMENTAL ASSESSMENT FORM, 617.21, Appendix A, DEC Model Form 14-16-2 (2/97) with Part I completed.
7. Unlisted Actions Only – Original and six (6) copies of SEQRA SHORT ENVIRONMENTAL ASSESSMENT FORM, 617-21, Appendix C, DEC Model Form 14-16-4 (2/87) Text 12, with Part I completed.
8. The owners of land as identified by the applicant in any agriculture data statement.

9. Other attachments deemed pertinent by the applicant (please list):

- (a) Site Plan, last revised 7/21/21 _____
- (b) _____
- (c) _____
- (d) _____

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: [Signature] Date: 7/23/21

I the record owner do hereby authorize BOHLER ENGINEERING
to represent me before the Zoning Board of Appeals during the use
variance process:

Signature of Property Owner: [Signature] Date: 7/23/21

RECEIVED

July 25, 2021

JUL 26 2021

via electronic-mail delivery

Town of Hyde Park
4383 Albany Post Road
Hyde Park, NY 12538

Town of Hyde Park
Zoning Board

Attention: Zoning Board of Appeals

**Re: Area Variance Application
Extension Request; Resolution #: 19-06Z
1 East Dorsey Lane**

Dear Members of the Zoning Board of Appeals:

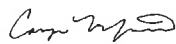
On behalf of our client and owner of the property located at 1 E. Dorsey Lane, HSC Hyde Park, LLC, we would like to request an extension on a previously approved area variance for this site. Due to unique circumstances related to the Covid-19 pandemic this project was delayed from its original construction schedule and is now getting ready to go to construction. We experienced unprecedented long review timeframes from outside agencies such as the Dutchess County Department of Public Works which resulted in a delay to satisfy a condition of the project's site plan approval. We kindly request that the Town of Hyde Park Zoning Board of Appeals extend the approval resolution attached herein. We would like to request that this extension be granted for 12 months. Please find the following attached for your review and Zoning Board of Appeals distribution:

- Town of Hyde Park Application to the Zoning Board of Appeals for Area Variance, dated 7/23/21.
- Resolution 19-06Z, dated November 13, 2019.
- Hix Snedeker Companies Letter, dated October 23, 2019.
- Site Plan, Sheet 4, dated 1/05/19, last revised 7/21/21, prepared by this office.

Should you have any questions or require any additional information, please do not hesitate to contact our office at (518) 438-9900.

Sincerely,

BOHLER ENGINEERING AND LANDSCAPE ARCHITECTURE



Caryn Mlodzianowski

**Cc: HSC Hyde Park, LLC
Kathleen Moss, Town of Hyde Park
Patrick Logan, Esq., Rodenhausen Chale & Polidoro LLP
Victoria Polidoro, Esq., Rodenhausen Chale & Polidoro LLP**

RECEIVED

JUL 26 2021

Town of Hyde Park
Zoning Board



HIX SNEDEKER
COMPANIES

October 23, 2019

Town of Hyde Park
4383 Albany Post Road
Hyde Park, NY 12538

Attention: Zoning Board of Appeals

Re: **Area Variance Application**
Proposed Retail Store
1 East Dorsey Lane

Dear Chairman and Honorable Members of the Zoning Board of Appeals:

Thank you all in advance for your consideration of our variance request with respect to our proposed building size. Market research conducted by Dollar General has indicated that demand in Hyde Park would easily justify their 9,100 sf store which is the optimal size.

In an effort to match the character of smaller communities such as Hyde Park, Dollar General created a much smaller 7,500 sf floorplan which is the smallest floor plan/configuration they can operate and still provide a limited product assortment including groceries at the lower pricing customers expect. Ultimately, this keeps from traveling to neighboring communities by providing a convenient retail option not currently offered in Hyde Park.

Sincerely,

Haynes Snedeker
HSC Hyde Park, LLC