



3. From Zoning Law Section 108-4.3(G)(2) to permit a 76-foot, 5-inch stream corridor where a 100-foot stream corridor is required (a 23-foot, 7-inch incursion) for the construction of a wastewater treatment facility (“WWTF”); and
4. From Zoning Law Section 108-4.3(G)(2) to permit an 85-foot 5-inch stream corridor where a 100-foot stream corridor is required (a 14-foot, 7-inch incursion) for the construction of a generator to serve the WWTF; and

WHEREAS, on September 5, 2018, by Resolution # 2018-25A, the Planning Board, serving as lead agency in a coordinated review of the Project under the State Environmental Quality Review Act, adopted a negative declaration, finding that the Project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, by letters dated September 3 and 19, 2018, the Planning Board recommended that the Zoning Board of Appeals grant the Requested Variances; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development, which responded on October 19, 2018, that it was a matter of local concern with no comments; and

WHEREAS, a duly noticed public hearing was held on October 24, 2018, 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 two Requested Variances regarding signage will not produce an undesirable change in the character of the neighborhood or be detrimental to nearby communities.**

**The wall-mounted sign is located over 300 feet from the nearest roadway and requires an increase in size in order to be visible to the tourists it is meant to attract. Given its distance from the road and the intermittent screening from trees on the Site, the sign will not be overbearing or imposing on the neighborhood. Rather, the kanji character will complement**

**the Japanese architecture of the building and enable passersby to quickly identify the Project. Furthermore, the increase in the graphic size on the wall-mounted sign is not out of character with other signs along Route 9, one of which has lettering that is 33 inches tall.**

**The increase in the size of the graphic on the free-standing signs is necessary in order to effectively alert drivers of the Project and inform them that its entrance is on Saint Andrews Road. In addition, the free-standing signs incorporate materials and designs so as to invoke the aesthetics of nearby stone walls and the FDR National Park Service street signage. Thus, the larger lettering on the free-standing signs will allow the Project to inform tourists of the means of ingress and egress while still presenting a sign that conforms with the character of neighborhood.**

**The two Requested Variances regarding the stream corridor will not produce an undesirable change in the character of the neighborhood or be detrimental to nearby communities. The WWTF and associated generator were relocated within the stream corridor at the request of the Planning Board. This allows the WWTF and generator to be more effectively screened and prevents them from dominating visitors' views as they first enter the Site. There will be no off-Site impact as there are no nearby houses east of the Project and there is an existing buffer of trees between the proposed facility location and the closest occupied neighboring parcels. The intrusion into the stream corridor will therefore not negatively impact the neighborhood and will have a beneficial impact on the aesthetics of the Site.**

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

**The existing building was constructed over 300 feet back from the closest roadway. The current Zoning Law and sign standards, however, anticipate construction in the Town Center Historic District to be much closer to the road. Given the location of the existing building on the Site, the nature of the applicant's company name, and the fact that the Zoning Law prohibits internally lit signs, the Project's location and entrances cannot be effectively broadcast to drivers on Route 9 absent an increase in sign size.**

**The relocation of the WWTF and generator to screen it from view, per the Planning Board's request, cannot be achieved without placing them behind the Project's main structure. Placing the WWTF and generator behind the main structure but outside of the stream corridor is not possible without impacting the flow of traffic around the building. Due to the existing location of the main structure and the roadway around it, the Planning Board's requested relocation necessitates that the WWTF and generator be placed within the stream corridor.**

3. **The Requested Variances may be considered substantial, as the permitted dimensions for the wall-mounted signs and free-standing signs will increase by 7 ¾" (32.29%) and 14" (140%), respectively, and the WWTF and generator will encroach in the stream corridor by 23' 7" (23.58%) and 14' 7" (14.58%), respectively. However, as discussed above, 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 Planning Board, acting as lead agency, has already determined that the Project as proposed would not result in any significant impacts to the environment. In addition, as discussed above, the impacts of the Requested Variances on the Site and neighborhood will be non-existent or minimal.**

**The increases in signage dimensions are necessary for the Project's scale, were designed to complement other nearby signs and architectural elements, and will have no effect on the environmental conditions of the Site.**

**The stream corridor encroachment allows the WWTF and generator to be better screened, minimizing the visual impact of the structures on the area. The stream corridor encroachment also allows the applicants to avoid disturbing steep slopes located along the eastern edge of the Site by locating the generator on a more level surface. By avoiding these slopes, the applicant minimizes the potential for erosion and leaves in place a natural barrier that will prevent wildlife from travelling near the WWTF and generator. The slopes create a natural boundary within the stream corridor such that wildlife may continue to traverse the stream corridor undisturbed. Finally, the encroachment also allows the applicant to remove fewer trees than as initially proposed.**

5. **The difficulties are self-created with respect to the signage variances. The difficulties with respect to the stream corridor encroachments are the result of the Planning Board's request and, in that respect, are not 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: October 24, 2018

John Bickford	AYE
Jim Agrawal	AYE
Neil Krupnick	AYE
Brendan Lawler	AYE
Herb Sweet	AYE