



Historic Town of Hyde Park
Zoning Board of Appeals
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111, Ext. 2

"Working with you for a better Hyde Park"

DRAFT MINUTES
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK ZONING BOARD OF APPEALS

Meeting held at Hyde Park Town Hall, 4383 Albany Post Road, Hyde Park, NY

February 22, 2023 6:00 PM

ZBA Board Members in Attendance:

Present Chairman David McNary
Present Vice Chair Gerald Bowen
Present James Agrawal
Present Paul Donnelly
Present Richard Perkins

Others Present:

Sarah Wilson Attorney to the Zoning Board of Appeals
Kathleen Moss Zoning Administrator
Kathleen Hoppe ZBA Secretary

PLEDGE OF ALLEGIANCE

Chairman David McNary opened the meeting and led the Pledge of Allegiance.

APPROVE MINUTES: November 17, 2022 and December 15, 2022, and January 25, 2023 meeting minutes.

Chairman David McNary made a motion to approve the minutes noted above, and Vice Chair Gerald Bowen seconded the motion. The motion passed by unanimous voice vote.

CONTINUED PUBLIC HEARING:

CAMP VICTORY LAKE (#21-15Z)

Location: 277 Crum Elbow Road, Hyde Park
Grid #: 6265-04-630350

Owner & Applicant: Northeastern Conference Corporation (c/o Deanna Lambert)
Representative: Rennia Engineering (Peter Sander)
Project Name: Camp Victory Lake
Attorney: Bill Hurst, Young/Sommer LLC

Area Variance – Section 108-5.15 Bulk Regulations in Greenbelt District
Change maximum permitted building height from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.

Area Variance – Section 108-4.3G(2)(a)
Change stream corridor setback from 100 feet to 0 feet from the Fall Kill Creek for a stream crossing and other construction incursions.

Chairman David McNary made a motion to open the continued public hearing for Camp Victory Lake. Vice Chair Gerald Bowen seconded the motion. It passed by unanimous voice vote.

Chairman McNary welcomed Peter Sander of Rennia Engineering, who is representing Northeastern Conference Corporation for the Camp Victory Lake Project. Chairman McNary then summarized what has happened regarding the Camp Victory Lake variance application up to this point.

Chairman McNary read the following public comment letter into the record:

February 13, 2023

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

Mr. Joseph Bolander III
28 Grist Mill Lane
Pleasant Valley, NY 12569

Dear Zoning Board of Appeals:

This letter is written regarding the proposed Camp Victory Lake variance requests which are before the Board. As an adjoining landowner, I have a concern which I request that you address when reviewing this proposal. I would like to articulate my support of the requests with one condition.

I own the property, 301 Netherwood Road, located on the northeast corner at the intersection of Netherwood Road and North Quaker Lane. I am a third-generation owner of the property and inherited it from my father and grandfather.

On January 25, 2023, I attended the Zoning Board of Appeals meeting during which the Camp Victory Lake variances were discussed. It is my understanding that the Camp Victory Lake ("Camp") is proposing the following:

1. Change maximum permitted building height in the Greenbelt District from 35 feet to 47.5 feet for construction of a stadium-style sanctuary space.
2. Change stream corridor setback from 100 feet to 0 feet from the Fall Kill Creek for a stream crossing and other construction excursions.

The Camp representatives indicated at the meeting that the events would be moved indoors to reduce noise to the neighbors. This proposal is a definite attribute to the community. I have lived at this location for many years and am very familiar with the summertime events. At peak times throughout the summer, the events can start in the morning hours and conclude late in the evening. The events include public speakers and live music. Historically, the amplified aspect of these activities has most definitely impacted the quiet enjoyment of the neighborhood; adjoining landowners

were clearly able to hear the speeches and music which were amplified across the entire local area. The “natural amplification” based on the topography of the area only enhanced the noise level.

It is my understanding that the stadium-style space at 47.5 high and 47,000 square feet will move all amplified events, such as music and speeches indoors. As such, I would like to support approval of the variance. However, I would request that the variance include language which requires amplified activities to take place within the indoor stadium and limits the maximum noise level to reasonable decibels to ensure the quiet enjoyment of the community throughout the year and especially at a time of the year when neighbors are outside and have their windows open.

Historically, Camp Victory Lake has been a good neighbor. I have had the opportunity to meet the Camp staff from time to time and admire their commitment and mission.

Sincerely,

Joseph Bolander III

There was some discussion of the contents of the letter. There was no other public comment. Peter Sander of Rennia Engineering presented additional requested materials to the Board. The Board members asked questions regarding this material and they were answered. Chairman McNary asked each Board member to review the two requested variances, going through the five factors for each one. There was some discussion during this process.

Chairman David McNary made a motion to close the public hearing for Camp Victory Lake, and Paul Donnelly seconded the motion. The motion passed by unanimous voice vote.

Sarah Wilson explained the process of the re-hearing vote, whereas the Board can reverse, modify, or annul the previous decision denying the variances. The Board proceeded to vote on each variance separately.

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

**RESOLUTION REVERSING IN PART AND MODIFYING RESOLUTION 21-15Z
TO GRANT STREAM CORRIDOR AREA VARIANCE**

Camp Victory Lake
277 Crum Elbow Road
Hyde Park, New York

Date: February 22, 2023

Motion: Chair McNary

Resolution #21-15z-B

Second: Richard Perkins

WHEREAS, the applicant, Camp Victory Lake, submitted an application for an area variance to reduce the stream corridor setback (the “Project”) at property owned by Northeastern Conference Corporation, located at 277 Crum Elbow Road, identified as tax parcel no. 6265-04-630350, in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the proposed Project is depicted on a plan entitled “Camp Victory Lake,” prepared by Rennia Engineering Design, PLLC, dated December 22, 2020 and revised April 19, 2021 (the “Original Site Plan”), and significantly revised February 2, 2022 (the “Amended Site Plan”); and

WHEREAS, the applicant seeks the following area variance (the “Requested Variance”):

1. To permit a stream corridor setback of 0 feet from the Fall Kill Creek for a stream crossing and other disturbance, where a setback of 100 feet is required pursuant to Zoning Law Section 108-4.3(G)(2)(a); and

WHEREAS, in accordance with the Town Code and the State Environmental Quality Review Act (“SEQRA”), the Planning Board classified the Project as a Type I action pursuant to 6 NYCRR 617.5(b)(6)(i) and declared its intent to serve as lead agency in a coordinated review on October 20, 2021; and

WHEREAS, the Planning Board, in its capacity as lead agency, determined via Resolution 2018-66A dated December 7, 2022 that the Project as proposed will not result in any significant adverse environmental impacts and issued a Negative Declaration; and

WHEREAS, a duly noticed public hearing was opened on September 22, 2021 during a duly noticed meeting of the Zoning Board of Appeals, and said public hearing remained open during subsequent meetings held on November 18, 2021, December 16, 2021, and January 26, 2022, February 23, 2022, April 27, 2022, June 22, 2022, July 27, 2022, August 24, 2022, September 28, 2022, October 26, 2022, November 17, 2022, and December 15, 2022 during which times all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at the duly noticed meeting on December 15, 2022 and rendered a determination that denied the Requested Variance on that date; and

WHEREAS, the Zoning Board of Appeals unanimously voted to proceed with a re-hearing of the application pursuant to Town Law § 267-a[12] at a duly noticed public meeting on January 25, 2023; and

WHEREAS, the duly noticed public re-hearing was opened on January 25, 2023 and continued to February 22, 2023 during which time all those who wished to speak were heard; and

WHEREAS, the applicant submitted additional materials in response to questions and concerns raised by the Zoning Board of Appeals, including a plan entitled “100’ Stream Corridor Encroachment Exhibit” prepared by Rennia Engineering Design, PLLC and dated February 17, 2023 (“Encroachment Exhibit”); and

WHEREAS, the Zoning Board of Appeals closed the public re-hearing at the duly noticed meeting on February 22, 2023; 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; and

WHEREAS, pursuant to Town Law § 267-a[12], the Zoning Board of Appeals is authorized to reverse, modify, or annul the prior determination rendered on December 15, 2022 and filed with the Town Clerk on December 16, 2022.

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 related to the stream corridor will not cause an undesirable change or detriment to the surrounding area as the Project is being used in a similar manner as it has been for over fifty years. There is already considerable disturbance in the proposed area, including permanent structures and recreation areas. Adjacent properties also show evidence of site improvements and structures within the stream corridor. Furthermore, the stream crossing improvements will reduce the possibility of negative stormwater affects downstream.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the Requested Variance.

Initially, the applicant sought to construct on the northern area of the site. However, the New York State Department of Environmental Conservation ("DEC") raised concerns about the Blanding's Turtle habitat on the north side of the lake, making the proposed location on the south the most feasible location. The stream corridor setback is necessary to accommodate the required parking minimums and allow improvements to the stream crossing, while still preserving the sensitive habitat to the north.

The applicant's first proposal, shown on the Original Site Plan, included relocating bunk cabins into the stream corridor. In their Amended Site Plan, the applicant has decided to relocate the cabins completely outside the stream corridor, therefore removing part of that variance. A variance is still required, however, to accommodate the required amount of parking and the crossing area.

3. The Requested Variance is numerically substantial. If granted, the requested stream corridor setback to 0 feet will constitute a 100% decrease. However, the 0-foot setback is for stream crossing improvements, which is partially covered by a DEC permit.
4. The Requested Variances will likely not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. Allowing a variance of the stream corridor setback for stream crossing improvements may positively affect the environment, as the improved culverts will better allow rainwater to move under the existing bridge. Additionally, the parking lot will also have adequate stormwater treatment facilities as outlined in the applicant's Stormwater Pollution Prevention Plan that will mitigate pollution.
5. The difficulties are self-created as the applicant has owned the property for over fifty (50) years and now seeks to redevelop the site.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

1. Pursuant to Section 108-33.5 F(1), the authorized activity must commence within one (1) year from the date of issuance, otherwise the variance is revoked.
2. Payment of all fees and escrow.
3. The granted setback is limited to 0 feet within 20 feet of the stream crossing and otherwise limited in accordance with the Encroachment Exhibit dated February 17, 2023 and Site Plan submitted to the Town of Hyde Park Planning Board.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal AYE
Gerald Bowen AYE
Paul Donnelly AYE
Richard Perkins AYE
David McNary AYE

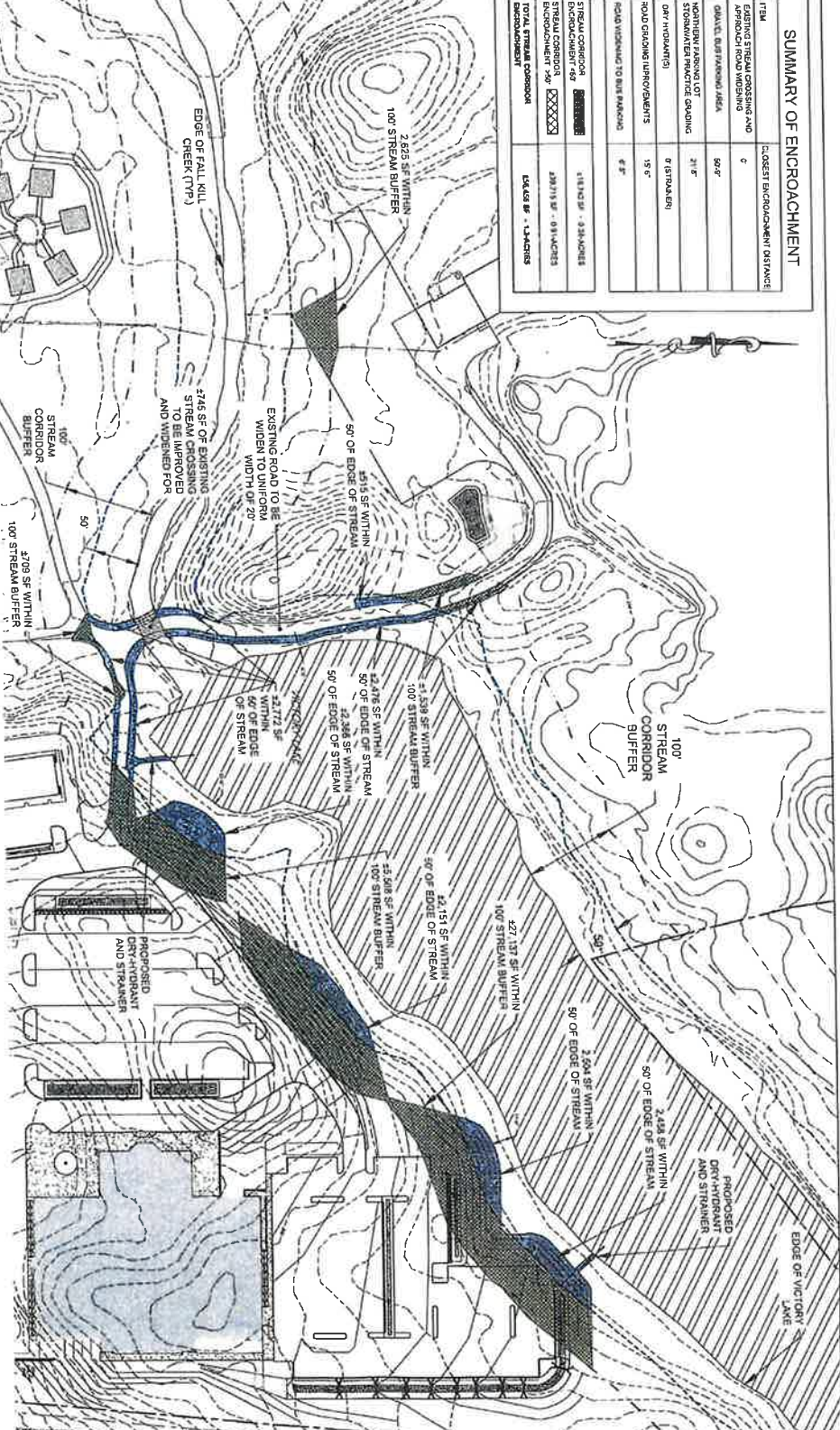
MOTION CARRIED

The stream corridor encroachment exhibit is included below.

SUMMARY OF ENCROACHMENT

ITEM	CLOSEST ENCROACHMENT DISTANCE
EXISTING STREAM CROSSING AND APPROACH ROAD WIDENING	0
GRAVEL RIPRAP CHANNEL BEDS	50'-0"
NORTHERN PAVING LOT STRIPWASHING WITH DRY HYDRANTS	21'-0"
ROAD GRADING IMPROVEMENTS	0 STROKER BR
ROAD WIDENING TO BE ENHANCED	15'-0"
	0'-0"

STREAM CORRIDOR	118,142 SF - 2.68 ACRES
STREAM CORRIDOR ENCROACHMENT 50'	289,719 SF - 6.61 ACRES
TOTAL STREAM CORRIDOR ENCROACHMENT	407,861 SF - 9.29 ACRES



LEGEND

ENCROACHMENT DISTANCE

- 50' - 100'
- 100' - 150'
- 150' - 200'
- 200' - 250'
- 250' - 300'
- 300' - 350'
- 350' - 400'
- 400' - 450'
- 450' - 500'
- 500' - 550'
- 550' - 600'
- 600' - 650'
- 650' - 700'
- 700' - 750'
- 750' - 800'
- 800' - 850'
- 850' - 900'
- 900' - 950'
- 950' - 1000'

PROPOSED STREAM CORRIDOR

- 100' STREAM CORRIDOR
- 50' STREAM CORRIDOR

EXISTING STREAM CORRIDOR

- 100' STREAM CORRIDOR
- 50' STREAM CORRIDOR

ENCROACHMENT DISTANCE

- 50'
- 100'
- 150'
- 200'
- 250'
- 300'
- 350'
- 400'
- 450'
- 500'
- 550'
- 600'
- 650'
- 700'
- 750'
- 800'
- 850'
- 900'
- 950'
- 1000'

ENCROACHMENT DISTANCE

- 50'
- 100'
- 150'
- 200'
- 250'
- 300'
- 350'
- 400'
- 450'
- 500'
- 550'
- 600'
- 650'
- 700'
- 750'
- 800'
- 850'
- 900'
- 950'
- 1000'

SCALE

SCALE	LENGTH
1" = 100'	0
1" = 100'	100
1" = 100'	200
1" = 100'	300
1" = 100'	400
1" = 100'	500
1" = 100'	600
1" = 100'	700
1" = 100'	800
1" = 100'	900
1" = 100'	1000

ENCROACHING DISTANCE TO NEAREST PROPERTY BY

RENNIA ENGINEERING DESIGN, P.L.C.

400 W. BROADWAY, SUITE 1000, CHARLOTTE, NC 28202

TEL: 704.333.3333 FAX: 704.333.3334

WWW.RENNIAENGINEERINGDESIGN.COM

CAMP VICTORY LAKE - PHASE 1

100' STREAM CORRIDOR

ENCROACHMENT EXHIBIT

DATE: 11/10/10

SCALE: 1" = 100'

PROJECT NO: 100

DATE: 11/10/10

SCALE: 1" = 100'

PROJECT NO: 100

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

**RESOLUTION REVERSING IN PART AND MODIFYING RESOLUTION 21-15Z
TO GRANT BUILDING HEIGHT AREA VARIANCE**

Camp Victory Lake
277 Crum Elbow Road
Hyde Park, New York

Date: February 22, 2023

Motion: Chair McNary

Resolution #21-15z-B-2

Second: Vice Chair Bowen

WHEREAS, the applicant, Camp Victory Lake, submitted an application for an area variance to increase the maximum building height (the "Project") at property owned by Northeastern Conference Corporation, located at 277 Crum Elbow Road, identified as tax parcel no. 6265-04-630350, in the Greenbelt Zoning District (the "Site"); and

WHEREAS, the proposed Project is depicted on a plan entitled "Camp Victory Lake," prepared by Rennia Engineering Design, PLLC, dated December 22, 2020 and revised April 19, 2021 (the "Original Site Plan"), and significantly revised February 2, 2022 (the "Amended Site Plan"); and

WHEREAS, the applicant seeks the following area variance (the "Requested Variance"):

2. To permit a building height of 47.5 feet for construction of a stadium-style sanctuary space, where a maximum height of 35 feet is permitted for a building pursuant to Zoning Law Section 108-5.15, Bulk Regulations; and

WHEREAS, in accordance with the Town Code and the State Environmental Quality Review Act ("SEQRA"), the Planning Board classified the Project as a Type I action pursuant to 6 NYCRR 617.5(b)(6)(i) and declared its intent to serve as lead agency in a coordinated review on October 20, 2021; and

WHEREAS, the Planning Board, in its capacity as lead agency, determined via Resolution 2018-66A dated December 7, 2022 that the Project as proposed will not result in any significant adverse environmental impacts and issued a Negative Declaration; and

WHEREAS, a duly noticed public hearing was opened on September 22, 2021 during a duly noticed meeting of the Zoning Board of Appeals, and said public hearing remained open during subsequent meetings held on November 18, 2021, December 16, 2021, and January 26, 2022, February 23, 2022, April 27, 2022, June 22, 2022, July 27, 2022, August 24, 2022, September 28, 2022, October 26, 2022, November 17, 2022, and December 15, 2022 during which times all those who wished to speak were heard; and

WHEREAS, the Zoning Board of Appeals closed the public hearing at the duly noticed meeting on December 15, 2022 and rendered a determination that denied the Requested Variance on that date; and

WHEREAS, the Zoning Board of Appeals unanimously voted to proceed with a re-hearing of the application pursuant to Town Law § 267-a[12] at a duly noticed public meeting on January 25, 2023; and

WHEREAS, the duly noticed public re-hearing was opened on January 25, 2023 and continued to February 22, 2023 during which time all those who wished to speak were heard; and

WHEREAS, the applicant submitted additional materials in response to questions and concerns raised by the Zoning Board of Appeals, including height analysis documents, elevation plans, and site illustrations; and

WHEREAS, the Zoning Board of Appeals closed the public re-hearing at the duly noticed meeting on February 22, 2023; 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; and

WHEREAS, pursuant to Town Law § 267-a[12], the Zoning Board of Appeals is authorized to reverse, modify, or annul the prior determination rendered on December 15, 2022 and filed with the Town Clerk on December 16, 2022.

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 proposed building height variance will not create a visible difference to the surrounding area as the structure will be well-screened and graded. Additionally, most of the new building will be constructed into the surrounding topography. The construction of this facility will also allow the applicant to hold large events indoors as opposed to outdoors, thereby reducing negative externalities. The applicant indicated that the diameter of the landscaping trees to be installed along North Quaker Lane will be increased to the extent practicable, said changes to be reflected on the Site Plan submitted to the Town of Hyde Park Planning Board.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the Requested Variance. The proposed building height variance will allow the applicant to accommodate large events for over 3,900 people within one structure using stadium-style seating, instead of causing significantly more site disturbance by constructing multiple smaller structures to accommodate the same number of attendees or by continuing to host the event outdoors.

Initially, the applicant sought to construct on the northern area of the site. However, the New York State Department of Environmental Conservation ("DEC") raised concerns about the Blanding's Turtle habitat on the north side of the lake, making the proposed location on the south the most feasible location.

3. The Requested Variance is numerically substantial. If granted, the permitted height for the building will increase by 12.5 feet, an increase of approximately 35%.
4. The Requested Variances will likely not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. Allowing the building height to be increased beyond what is permitted by the Zoning Law will not have a significant adverse impact on the environment, as the applicant is required to prepare and adhere to a Stormwater Pollution Prevention Plan. There are significant

preventative measures which will mitigate any related environmental impact from stormwater runoff. Visual impacts of the building are minimal, as the Project is built into a hillside, graded, and well-screened with landscaping. The applicant has submitted graphic renderings of what the Project will look like from Quaker Lane, Crum Elbow, and the intersection that illustrate same. Finally, having a building with capacity to accommodate gatherings indoors will improve the auditory experience of neighbors during events.

- 5. The difficulties are self-created as the applicant has owned the property for over fifty (50) years and now seeks to redevelop the site.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

- 4. Pursuant to Section 108-33.5 F(1), the authorized activity must commence within one (1) year from the date of issuance, otherwise the variance is revoked.
- 5. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal AYE
Gerald Bowen AYE
Paul Donnelly AYE
Richard Perkins ABSTAIN
David McNary AYE MOTION CARRIED

NEW PUBLIC HEARING:

JASA, LLC (#21-21Z)
Location: 1234 Route 9G, Hyde Park
Grid #: 6165-04-524481

Owner: JASA, LLC
Applicant & Representative: KARC Planning Consultants, Inc. (c/o Kelly Libolt)
Project Name: Key Construction

Area Variance - from Town Code Chapter 108-5.15 in the East Park Business District Increase the maximum permitted building scale from 40,000 square feet to 66,941 square feet for the construction of an office space, warehouse, and storage facilities on a 17.2 acre parcel.

Chairman David McNary made a motion to open the public hearing for JASA, LLC, and Vice Chair Gerald Bowen seconded the motion. The motion passed by unanimous voice vote.

Chair McNary welcomed Kelly Libolt of KARC Planning Consultants, Inc. She explained how the previously granted variance occurred in a ZBA meeting that was not properly noticed, so that is why the same variance is before the Board again. She briefly summarized the application. Chair McNary asked Sarah Wilson, the ZBA attorney, for further explanation of what happened previously, which she provided. A question from a Board member was answered. There were two neighbors of the property in attendance, but they declined to make any comment. They voiced no objections.

Chairman David McNary made a motion to close the public hearing for JASA, LLC, and James Agrawal seconded the motion. The motion passed by unanimous voice vote.

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

RESOLUTION TO GRANT AN AREA VARIANCE

JASA, LLC
1234 Route 9G
Hyde Park, NY 12538

Date: February 22, 2023

Motion: David McNary

Resolution #21-21z-B

Second: James Agrawal

WHEREAS, the applicant, KARC Planning Consultants, Inc. on behalf of property owner JASA, LLC, has submitted an application for an area variance to increase the maximum permissible building scale square footage to construct commercial buildings (the "Project") at property located at 1234 Route 9G, Hyde Park, New York 12538, identified as tax parcel no. 6165-04-524481, in the East Park Business District (the "Site"); and

WHEREAS, the Project is depicted on a plan entitled "Site Plan," prepared by LRC Group, dated June 1, 2021 and revised December 21, 2021 (the "Plan"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit an increased building scale of 66,941 sq. ft. where 40,000 sq. ft. is the maximum allowed for the construction of an office space, warehouse, and storage units on a 17.2-acre parcel (the "Requested Variance"); and

WHEREAS, a duly noticed public hearing was held on February 22, 2023 during a duly noticed meeting during which all those who wished to speak were heard; and

WHEREAS, in accordance with the Town Code and the State Environmental Quality Review Act ("SEQRA"), the Planning Board is required to determine the classification of the proposed Project as lead agency; and

WHEREAS, the Planning Board classified the proposed Project as an Unlisted action under SEQRA and determined that the proposed Project will not result in any significant adverse environmental impacts and issued a Negative Declaration by Resolution #2020-30A on January 19, 2022 and filed with the Town Clerk on January 20, 2022; 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:

6. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The subject parcel covers 17.2 acres in the East Park Business District and the proposed development will be visually concealed from the roadway and screened from adjacent properties by extensive vegetation, including both evergreen and deciduous trees.
7. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The proposed area variance will allow the applicant to develop a significantly larger portion of the sizable parcel. Moreover, the proposed development complies with the remaining bulk requirements and is outside of the wetland buffer.

The alternative is to subdivide the property into multiple parcels and locate the buildings separately across each new parcel. This is both financially inconceivable for the applicant and also environmentally detrimental as it would likely increase the area of disturbance.

8. The Requested Variance is numerically substantial. The applicant seeks to increase the building scale to 66,941 sq. ft where 40,000 sq. ft. is the maximum permitted. If granted, the additional 26,941 sq. feet. represents a 67% increase.
9. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. While the proposed Project will result in a significant amount of ground disturbance to develop several commercial structures, this type of development will not negatively impact the East Park Business District. Further, the development does not extend into the wetland buffer, and extensive vegetation on the 17.2-acre parcel will screen the development from the roadway and adjacent properties. Lastly, the Planning Board determined that the proposed Project would not cause any significant adverse environmental impacts.
10. The difficulties are self-created as the property owner, JASA, LLC, has owned the parcel since 2012 and now seeks to develop the site.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

6. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	AYE
Paul Donnelly	AYE
Richard Perkins	AYE
Vice Chair Bowen	AYE
Chairman McNary	AYE

MOTION CARRIED

ADJOURN:

Richard Perkins made the motion to adjourn the meeting, and Chairman David McNary seconded it. The motion passed by unanimous voice vote.

The meeting ended at approximately 7:31 pm.