

Rec'd 100.00  
CHK# 1030  
Lw.  
Rec'd  
55-9179

**TOWN OF HYDE PARK  
ZONING BOARD OF APPEALS**

4383 Albany Post Road  
Hyde Park, N.Y. 12538  
Phone (845) 229-5111 X 2  
Fax (845) 229-0349

**RECEIVED**

MAR 04 2020

Town of Hyde Park  
Zoning Board

APPLICATION NO. 17-03'2

**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:** See Attached List\*

**TAX GRID NO.:** See Attached List\*

**ZONING DISTRICT:** Greenbelt

II. **PROPERTY OWNERSHIP:**

**NAME OF OWNER:** 54 Hyde, LLC

**ADDRESS:** 2 Manhattanville Road, Suite 403

Purchase, NY 10577

III. **APPLICANT INFORMATION:** \*Mailing address

**APPLICANT NAME:** 54 Hyde, LLC

**ADDRESS:** 2 Manhattanville Road, Suite 403

Purchase, NY 10577

**PHONE NUMBER:** 914-285-1430

(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 \_\_\_\_\_ (name)

A copy of this decision, dated \_\_\_\_\_, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for:

(a) 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.

(b) Original Jurisdiction

If an area variance is required as part of a Special Use Permit or Site Plan application, no appeal is required; however, the application for a variance is to be submitted with your Planning Board application and the Zoning Administrator will forward it directly to the Zoning Board of Appeals. (Section 108.9.3H, Section 108.8.3D and Section 108.33.3)

VI. AREA VARIANCE REQUEST

I/We, LRC Group, 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>5.15</u>	<u>Max. Avg. Density</u>	<u>2.5 A/DU</u>	<u>1.41 A / DU</u>
108- <u>          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>
108- <u>          </u>	<u>                          </u>	<u>                          </u>	<u>                          </u>

**Reason for request:**

To develop an Average Density subdivision within the Greenbelt District and adaptively reuse the areas previously disturbed under the originally approved Meadows subdivision to develop 50 dwelling units where 28 are currently permitted and 74 are fully approved per Filed Map No. 11697B, dated February 5, 2008.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(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.**

\_\_\_\_\_  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(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.**

\_\_\_\_\_  
\_\_\_\_\_  
See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

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See attached.

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**VII. LIST OF ATTACHMENTS**

1. **Site or Plot Plan: Seven (7) copies.**
2. **Letter or communication which resulted in application to the ZBA (if applicable).**
3. **List of abutting property owners, by name, address and grid number.**
4. **Letter of owner consenting to application (if applicable).**
5. **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.**
6. **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) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_
  - (e) \_\_\_\_\_

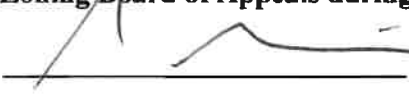
**VIII. SIGNATURE AND VERIFICATION**

**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:

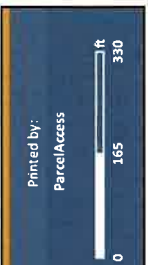
Signature of Applicant:  Date: 1/9/17

I the record owner do hereby authorize The LRC Group to represent me before the Zoning Board of Appeals during the area variance process:

Signature of Applicant:  Date: 1/9/17

**THE ENCLAVE AT HYDE PARK**

<u>LOT #</u>	<u>ADDRESS #</u>	<u>STREET</u>	<u>GRID #</u>	<u>NOTES</u>
1	TBD	LONG BRANCH RD	6263-01-470921-0000	KEPT ORIGINAL GRID #
2	TBD	LONG BRANCH RD	6263-01-478912-0000	KEPT ORIGINAL GRID #
3	TBD	LONG BRANCH RD	6263-01-487905-0000	KEPT ORIGINAL GRID #
4	TBD	LONG BRANCH RD	6263-01-498899-0000	KEPT ORIGINAL GRID #
5	TBD	VALLEY RIDGE CT	6263-02-522891-0000	KEPT ORIGINAL GRID #
6	TBD	VALLEY RIDGE CT	6263-02-533893-0000	KEPT ORIGINAL GRID #
7	TBD	VALLEY RIDGE CT	6263-02-543897-0000	KEPT ORIGINAL GRID #
8	TBD	VALLEY RIDGE CT	6263-02-552902-0000	KEPT ORIGINAL GRID #
9	TBD	VALLEY RIDGE CT	6263-02-562910-0000	KEPT ORIGINAL GRID #
10	TBD	VALLEY RIDGE CT	6263-02-568880-0000	KEPT ORIGINAL GRID #
11	TBD	VALLEY RIDGE CT	6263-02-559875-0000	KEPT ORIGINAL GRID #
12	TBD	VALLEY RIDGE CT	6263-02-549869-0000	KEPT ORIGINAL GRID #
13	TBD	VALLEY RIDGE CT	6263-02-538869-0000	KEPT ORIGINAL GRID #
14	TBD	TREELINE CT	6263-02-517869-0000	KEPT ORIGINAL GRID #
15	TBD	TREELINE CT	6263-02-514859-0000	KEPT ORIGINAL GRID #
16	TBD	TREELINE CT	6263-02-509847-0000	KEPT ORIGINAL GRID #
17	TBD	TREELINE CT	6263-01-495841-0000	KEPT ORIGINAL GRID #
18	TBD	TREELINE CT	6263-01-484840-0000	KEPT ORIGINAL GRID #
19	TBD	TREELINE CT	6263-01-472842-0000	KEPT ORIGINAL GRID #
20	TBD	TREELINE CT	6263-01-460847-0000	KEPT ORIGINAL GRID #
21	TBD	TREELINE CT	6263-01-459862-0000	KEPT ORIGINAL GRID #
22	TBD	TREELINE CT	6263-01-473883-0000	KEPT ORIGINAL GRID #
23	TBD	TREELINE CT	6263-01-480868-0000	KEPT ORIGINAL GRID #
24	TBD	TREELINE CT	6263-01-492864-0000	KEPT ORIGINAL GRID #
25	TBD	TREELINE CT	6263-01-495876-0000	KEPT ORIGINAL GRID #
26	231	CREAM ST	6263-01-465957-0000	KEPT ORIGINAL GRID # & ADDRESS
PARCEL A	TBD	LONG BRANCH RD	6263-01-475939-0000	NEW GRID #
PARCLE B	TBD	LONG BRANCH RD	6263-01-436890-0000	KEPT ORIGINAL GRID #
PARCEL C	15	LONG BRANCH RD	6263-01-447937-0000	KEPT ORIGINAL GRID # & ADDRESS - STRUCTURE STAYING
WATER PARCEL	26	VALLEY RIDGE CT	6263-02-675871-0000	KEPT ORIGINAL GRID # & ADDRESS
SEWER PARCEL	24	VALLEY RIDGE CT	6263-02-585865-0000	KEPT ORIGINAL GRID # & ADDRESS



# Parcel Lines

Dutchess County, NY

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

*Granting of the variance will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The originally approved subdivision for the Meadows at Hyde Park was for a 74 lot, single-family subdivision. The proposed Enclave at Hyde Park will utilize the already disturbed areas from the partial Meadows construction to construct a 25 lot, two-family subdivision for a total of 50 dwelling units.*

*Currently the site is vacant and partially developed, subdivision in various stages of deterioration with homes that have been broken into and vandalized. The proposed development would provide a much desired change to the area by removing those homes and constructing a village-like development, walking trails, street trees, solar farm and a membership club. These changes would only provide an enhancement to the character of the neighborhood as the existing state of the property continues to be a detriment to the area.*

- ii. Explain if granting of the variance is necessary, or whether the same result could be achieved by some other method not requiring a variance.

*The variance is necessary in order to develop the 50 dwelling units within the previously disturbed areas of the Meadows 74 lot subdivision under the Average Density section of Town Code §96-9 and the applicable Greenbelt zoning district code under §108-5.15 Schedule of Bulk Regulations. Issuance of the variance will allow the Applicant to construct the dwellings units utilizing the existing infrastructure previously installed as part of the original approved Meadows at Hyde Park subdivision, as well as include a proposed solar farm to provide a green, renewable energy source for the homes not only within the subdivision but to other homes in the community as well.*

*Under the Town Code §108-5.15, the density permitted allows for 28, dwelling units, which equates to 14 two-family lots to be developed. The density calculation now requires the area needed for the solar lot, areas of wetlands, and flood zones to be removed from the acreage of the parent parcel to determine the density permitted. The Applicant is requesting a variance to develop 50 dwelling units, or 25 lots, an increase of 22 additional dwelling units or 11 lots from the allowable density.*

*The reduction in units from the approved 74 lots to the proposed 50 units would further reduce the overall impacts from the project.*



*The approved Meadows subdivision projected an additional 53 school aged children to be added the district based on the development of 74 single family homes with 3-4 bedrooms. The Enclave is proposing a smaller impact to the school district with only 42 school aged children, of which, only 31 would be public school aged children, to be brought into the district. This equates to an anticipated 22 less public school aged children would be added to the Hyde Park school district.*

*The total anticipated water and wastewater usages per day for the Meadows at Hyde Park was approximately 28,000 GPD each for the 74 dwelling units with 3-4 bedrooms. Based on the development of 50 dwelling units with 2-3 bedrooms, usages for the Enclave at Hyde Park will be approximately 16,500 GPD for water and wastewater which is an overall reduction in usage of 11,500 GPD.*

*Based on a traffic study prepared in March 2005 for the Meadows subdivision, the Meadows at Hyde Park 74 single-family homes anticipated to generate approximately 75 new vehicle trips during the afternoon peak hour. An updated study prepared on December 28, 2016 for the proposed Enclave at Hyde Park concluded that the project would add approximately 35 vehicle trips during the peak PM hour to Cream Street.*

*Additionally, the Enclave will utilize the existing infrastructure, and overall disturbance will be less than what was approved with the Meadows. This reduction in lots and disturbance creates an overall reduced impact to the environment, traffic, school district, community services and associated utilities.*

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

*The requested area variance is not substantial. 74 Lots currently exist at the Meadows, The Enclave is only looking to approve 25 lots and 50 dwelling units a reduction from the existing density of 74 residential units. The Applicant is requesting a variance for 22 additional dwelling units above the base density of 28 units. An increase in permitted dwelling units from 28 to 50 would still be less of an impact to the site than what is fully approved today to construct.*

*In comparison the Meadows at Hyde Park is approved to build 29 single family homes within the same project area the Enclave is proposing 25 two-family homes.*

*Additionally, the proposed Enclave at 50, three-bedroom units would total 150 bedrooms where the fully approved Meadows project would have 74, four-bedroom units for a total of 296 bedrooms.*

*The issuance of the variance will allow for a development that will create only minor impacts to the surrounding area including traffic, community services and utilities which, in comparison, would be far less of an overall impact than what is approved by the Meadows at Hyde Park, which could be built, as approved, as a much larger 74 lot, single-family home subdivision with far less open space and the need to develop additional infrastructure within the project area.*

- iv. Explain if the variances(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 variance will have minimal effect or impact on the physical or environmental conditions of the neighborhood or district.*

*The proposed development will work within the areas previously disturbed by the approved Meadows 74 lot subdivision and will utilize the water and sewer connections and roadways already in place. There will be ground disturbance associated with the development of the dwelling units, membership club and associated parking areas for the re-development but the disturbance will be minimal in comparison to what could be developed under the approved subdivision.*

*Removal of the acreage associated with the lot designated for the proposed solar array reduces the maximum average density permitted for the project area and increases the amount of dwelling units requested as part of this variance application. The addition of solar energy will provide a renewable energy source and enable New York State to meet the requirements of its Clean Energy Standard and its Renewable Portfolio Standard.*

*Essentially, the Applicant seeks to adaptively re-use a failed 74 lot subdivision by building only 2/3<sup>rd</sup> of the number of previously approved dwelling units, and then build a solar farm in the general vicinity where the other 1/3<sup>rd</sup> of single-family homes would have been built. Further, each of the 50 proposed dwelling units, itself, will be approximately 20% smaller in size and with 146 fewer bedrooms than each of the single-family homes. The Enclave will also have in excess of 40% open space area while the solar farms new lot will be fully compliant with the new Solar Law and the membership club lot will be completely conforming.*

- 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 need for an area variance is self-created based on the density permitted under the current zoning code.*

*The Meadows at Hyde Park subdivision was approved for 74 single-family homes under the previous code. That subdivision could be developed today without the need for any permits. However, the Applicant is seeking to utilize the previously disturbed areas and existing infrastructure to develop a subdivision on a smaller scale that will provide 42% open space, with a village-like feel, walking trail and reduction in the overall impact to the environment, community services and surrounding area.*

Town of Hyde Park Zoning Board of Appeals  
4383 Albany Post Road  
Hyde Park NY 12538  
(845) 229-5111 Ext. 2  
(845) 229-0349 Fax

RECEIVED  
MAR 28 2019  
TOWN CLERK  
HYDE PARK, NY

**RESOLUTION TO GRANT A SECOND ONE-YEAR EXTENSION OF A VARIANCE**

**The Enclave at Hyde Park**

**Date: March 27, 2019**

**Moved By: David McNary**

**Resolution: # 17-03Z**

**Seconded By: Brendan Lawler**

WHEREAS, on March 22, 2017, by Resolution # 17-03Z, the applicant, 54-Hyde LLC, was granted a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit (the "Variance") in order to re-subdivide 70.51 acres into 25 residential lots with 50 dwelling units (the "Project"); and

WHEREAS, on September 20, 2017, by Resolutions # 16-49C and # 16-49D, the Town of Hyde Park Planning Board granted the applicant conditional final approval of a subdivision plat for the Project, as well as conditional site plan and special use permit approval; and

WHEREAS, on August 7, 2018, by Resolutions # 16-49J and 16-49K, the Town of Hyde Park Planning Board amended the conditions of the site plan, special use permit, and final plat approvals for the Project; and

WHEREAS, the applicant cannot commence the activity authorized by the Variance until the conditions of the conditional site plan, special use permit, and final plat approvals are satisfied; and

WHEREAS, pursuant to Section 108-33.5(F)(1) of the Town of Hyde Park Zoning Law, any variance under which the authorized activity has not commenced within one year from the date of issuance is revoked without further hearing or action of the Zoning Board of Appeals; and

WHEREAS, pursuant to Section 108-33.5(F)(2) of the Zoning Law, the Zoning Board of Appeals may, in its discretion, after conducting a public hearing, grant an extension to a variance; and

WHEREAS, on February 11, 2019, the applicant submitted a request for an extension of approval of the Variance; and

WHEREAS, a public hearing on the proposed extension for the Variance was held on March 27, 2019, during which all those who wished to speak were heard; and

WHEREAS, on February 15, 2017, the Planning Board, serving as lead agency in a coordinated review under the State Environmental Quality Review Act ("SEQRA") adopted a negative declaration, determining that the proposed Project would not result in any significant adverse environmental impacts; and

WHEREAS, the Zoning Board of Appeals has considered the circumstances warranting such an extension.

**NOW THEREFORE BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a one year of time in which commence the activity authorized under the Variance to March 22, 2020.**

Adopted: March 27, 2019

Herb Sweet	AYE
Jim Agrawal	AYE
Brendan Lawler	AYE
Dave McNary	AYE
Rich Perkins	AYE