



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

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Town of Hyde Park
Zoning Board

"Working with you for a better Hyde Park"

APPLICATION NO. 22-031

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:** 4912 Albany Post Road, Staatsburg, NY 12580
TAX GRID NO.: 6066-02-879622
ZONING DISTRICT: NBD - Neighborhood Business District

II. **PROPERTY OWNERSHIP:**

NAME OF OWNER: Harry Dhaliwal - Jatt Boys Properties LLC
ADDRESS: 4912 Albany Post Road
Staatsburg, NY 12580

PHONE NUMBER: 914.261.5069 Email address: lambardhaliwal@yahoo.com

III. **APPLICANT INFORMATION:**

APPLICANT NAME: Jay Diesing, RA AIA - Mauri Architects PC
ADDRESS: 73 Mansion Street
Poughkeepsie, NY 12601

PHONE NUMBER: 845.452.1030 Email address: jay@mauri-architects.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)

A copy of this decision, dated June 28, 2021 (email), 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, Mauri Architects PC, 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.C</u>	<u>Coverage</u>	<u>70%</u>	<u>81.1%</u>
108- <u>5.15.D</u>	<u>front yard Setback Yards (UST only)</u>	<u>20'-0"</u>	<u>5'-7"</u>
108- <u>5.15</u>	<u>Scale</u>	<u>7,500 (GSF)</u>	<u>9,071 (GSF)</u>

Reason for request:

The applicant is requesting these variances to achieve the following goals; improve the existing gas station and convenience store by reconstructing the deteriorated structures, replace and modernize the septic system, provide additional fueling stations to reduce queuing time and improve traffic patterns to increase the safety on and entering / exiting the site.

(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.

No, the structures and pumps currently on the site are deteriorated and have reached the end of their useful life. The project proposes to replace the current structure with a new energy efficient building including improved fuel pumps and canopy. The new structures will be more in keeping with the Town's aesthetics and

(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.

1. In order to provide safe vehicular access into, through and out of the site for trucks and trailers the asphalt area has been increased requiring the coverage variance.
2. A reduction in the yard for the underground fuel storage tanks is necessary. The tanks are located on the west side of the canopy to avoid impeding the traffic patterns through the site when the fuel delivery vehicle is present. An alternative location on the eastern side of the fuel pump canopy would impede on traffic and is being utilized for the new septic fields and expansion area. The tanks are entirely underground and do not encroach on the 'front yard' from ground to sky.
3. A variance in scale is required due to the requirement of a canopy at a fueling station. The canopy, at 2,860 GSF, occupies over 30% of the projects total GSF and is the reason the scale is over the maximum 7,500 GSF. The canopy is required to provide fire suppression over the fuel pumps.

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

No, the variances are not substantial; the coverage variance is less than a 16% increase in the code's allowable coverage area, the front yard is only encroached by structures completely below grade and the scale is only exceeded by the fuel pump canopy which is open, visually minimal and is integral to the site's use and safety.

(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 project improves the existing gas station and convenience store use. The storm water management, fuel dispensing, heating / cooling and fire prevention systems will

all be modernized and improved as a result of the proposal producing a positive impact on the physical and environmental conditions of the district and neighborhood.

(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 variances are required to allow the reconstruction and improvement of an existing fuel dispensing use in its present location. The parcel size limits the available areas of development and is not self-created. Required areas for safe vehicle maneuvering and fuel pump canopy requirements are not self-created difficulties either, as they are inherently related to a modern fuel dispensing use.

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) _____
- (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: Jay Disting Date: 23 Feb 22

I the record owner do hereby authorize Mauri Architects PC

to represent me before the Zoning Board of Appeals during the area variance process:

Signature of Property Owner: H. S. [Signature] Date: 02/25/22

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KM

From: Kathleen Moss zoneadmin@hydeparkny.us
Subject: HP Quick Stop
Date: June 28, 2021 at 11:36 AM
To: jay@mauri-architects.com
Cc: Cynthia Witman planningsec@hydeparkny.us

Town of Hyde Park
Zoning Board

Hi Jay,

I have done a preliminary review.

Before this can be presented to the board the derelict vehicles need to be removed from the property, the temporary signage removed and trophy world signage removed.

Is the fueling a separate business entity from the convenience store?

In the meantime:

- The Ht of the store is ok
- The Ht of the shelter over the fueling stations is ok. This is a building by definition.
- Impervious allowed is 70%: impervious is shown as 81% , a **variance** will be needed.
- Scale of 7500 square feet will be close. Scale includes all floors of all buildings plus parking spaces. I am not sure if there is a basement. You do indicate a partial second floor which bumps you over the 7500 sq ft. A **variance** is needed.
- Please check again for an access easement for the parcel 898637 which does have an access easement, but it might be on the parcel just south of this one.
- UST's also have to meet the setback distances, it looks like a **variance** will be needed.
- Redevelopment requires green infrastructure for stormwater.
- This is a critical environmental area. Some type of pretreatment will be needed before runoff is directed to wetland HP 33.
- Best Management Practices for Service Stations will need to be included, maybe oil and water separator, filter strip, keep clean water clean, supplies for small spills while fueling, etc.
- Connecting to DOT storm drains need approval.

Thank you so much for the very complete application. It was a pleasure to review.
Tad