

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

RESOLUTION TO GRANT THREE AREA VARIANCES

Hyde Park Quick Stop
4912 Albany Post Road
Staatsburg, NY 12580

Date: June 22, 2022

Motion: David McNary

Resolution: #22-03Z

Second: Richard Perkins

WHEREAS, the applicant, Mauri Architects PC on behalf of owners Jatt Boys Properties LLC, has submitted an application for three (3) area variances to renovate and increase the size of an existing gas station (the "Project") at property located at 4912 Albany Post Road, Hyde Park, New York identified as tax parcel no. 6066-02-879622, in the Neighborhood Business Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a plan entitled "Hyde Park Quick Stop," prepared by Mauri Architects PC, dated March 1, 2022 (the "Plan"), and engineering plans entitled "Grading & Utility Plan," prepared by Willingham Engineering, revised June 10, 2022; and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit increased lot coverage of 81.1% where 70% is the maximum, to allow for wrap-around asphalt drive for deliveries and access to additional gas pumps as authorized by the Town Code (the "First Variance"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a decreased front yard setback of 5 feet 7 inches where 20 feet is required, to allow for the relocation of underground fuel storage tanks out of the stream corridor buffer to an area on the west side of the property towards Route 9 (the "Second Variance"); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit a building scale (in square feet) of 9,071 sq. ft. where 7,500 sq. ft. is the maximum, to allow for an adequately-sized canopy over the increased number of gas pumps (the "Third Variance"); 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 applicant submitted a Full Environmental Assessment Form ("EAF") dated March 1, 2022 pursuant to SEQRA; and

WHEREAS, the Planning Board classified the proposed Project as a Type I 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 #2022-10A on June 15, 2022 which was subsequently filed with the Town Clerk on June 16, 2022; 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 on March 30, 200, which responded on April 27, 2022 that the Project was a matter of local concern; and

WHEREAS, on May 18, 2022, the Planning Board submitted correspondence to the ZBA in support of granting the requested area variances; and

WHEREAS, a duly noticed public hearing was opened on April 27, 2022, continued on May 25, 2022, and closed on June 22, 2022 at duly noticed public meetings 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 variances are 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 requested variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The First Variance, though the increased lot coverage is numerically substantial, allows for renovations and improvements to the Site that will both increase its safety and benefit the nearby residents. This Site is the only fueling station on Route 9 for miles between Hyde Park and Rhinebeck, in addition to being one of the only convenience stores in the area. The increased coverage allows for more vehicular traffic lanes, increasing safety of the Site for both pedestrians and drivers. Furthermore, the nearby KO Storage facility also exceeds its lot coverage limit. Consequently, the applicant's proposed increase keeps with the character of the immediate surroundings.

The Second Variance will not alter the character of the neighborhood as the fuel storage tanks are underground and not visible to patrons or passersby on Route 9.

The Third Variance for increased scale is necessary primarily to allow a larger canopy over the gas pumps. The scale could conform to code if the applicant removed some gas pumps and subsequently reduced the canopy size; however, as stated previously, this is the only fueling station along Route 9 for miles.

Importantly, this increase in scale is for the gas canopy, which is elevated twenty feet above the Site and therefore will not cause significant impact when customers use the Site.

2. The benefits sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the requested area variances.

The proposed variances will allow the applicant to develop a significantly larger portion of the parcel while constructing a new facility that can better accommodate customers. The Site design, with the wrap-around asphalt drive, will provide safe vehicular access for trucks and trailers, thereby increasing the general safety for all patrons. Additionally, relocating the underground fuel storage to the area near Route 9 will not encroach the front of the Site. The scale variance is only necessary due to the requirement of a canopy at the fueling station and occupies over 30% of the Project's total gross square footage. Relatedly, the canopy is mandatory to provide fire suppression over the fuel pumps, let alone protection for customers from the elements in inclement weather.

3. The Requested Variances are numerically substantial. The First Variance would increase the lot coverage to 81.1% where 70% is the maximum permitted, which is less than a 16% increase. The Second Variance that the applicant seeks is to reduce the front yard setback to 5 feet 7 inches where 20 feet is the minimum permitted. If granted, the Second Variance would result in a decrease of 14 feet 5 inches, which represents an over 70% decrease. It is noted that the front yard setback is required for the underground fuel storage that will not be visible. The Third Variance applicant seeks is to increase the scale to 9,071 square feet where 7,500 square feet is the maximum permitted. The additional 1,571 square feet represents an approximate 20% increase.
4. The Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

The First and Third Variances will have no discernible impact to the environment as the existing building on the Site is already large. Any impact of stormwater runoff from the increased lot coverage will be mitigated through stormwater treatment facilities around the Site.

The Second Variance, though numerically substantial, will in fact benefit the environment. The applicant seeks to move the underground fuel storage tanks further outside of the wetland stream corridor buffer to its east and south. After considering the related Site improvements and the addition of more gas pumps, this proposed location for the fuel storage is the best option.

5. The difficulties are self-created.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances subject to the following conditions:

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

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	YES	
Gerald Bowen	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
David McNary	YES	CARRIED

Filed by,

Sarina Teuschler
Secretary to the Zoning Board of Appeals