

**661 Dutchess Turnpike  
Variance Appendix**

The proposed action involves the redevelopment of a previously developed site. The site is currently consisting of a single story 2,980 square foot building occupied by Verizon retail store. The applicant is proposing to construct a 1,500 square foot addition to the building for an additional tenant.

The applicant is requesting the following variances;

- (1) Area variance from Section §210-36E Area and bulk regulations for BSC District requiring 100 feet side yard where 11.2 feet has been provided;
- (2) Area variance from Section §210-36E Area and bulk regulations for BSC District requiring 100 feet front yard where 51 feet has been provided;
- (3) Area variance from Section §210-36E Area and bulk regulations for BSC District requiring 100 feet rear yard where 73.6 feet has been provided;
- (4) Area variance from Section §210-81E(1)(a) requiring Illumination at the property line shall not exceed 0.2 foot candle at property line where the existing light level have a maximum of 5.8 footcandles;

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance.

**Setback Variances**

The existing building has a side yard of 11.2 feet and a front yard of 51 feet. The proposed addition will maintain these two setbacks. The proposed rear yard will be 73.6 feet from the property line. The building to the north if the site would be the property that is most impacted by the proposed addition. The existing building is located more than 120 feet from the rear of the proposed building and is separated by the Casperkill Creek and is screened by dense vegetation.

**Lighting Variance**

The areas where the lighting levels are above the 0.2 foot-candles in limited to the property lines along Burnett Boulevard and Dutchess Turnpike (US Route 55). The lighting fixtures are existing therefore there will be not change to the neighborhood, or a detriment to nearby properties

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

**Setback Variances**

The existing lot has an existing non-conforming lot located within the B-SC (Shopping Center Business). The minimum lot size in the B-CS is 15 acres. The existing lot is only 0.72 acres. As noted above 100-foot setbacks are required in the Highway-Business Zoning District for the front side and rear yards, leaving a non-existent building envelop. And proposed development would require a variance.

**Lighting Variance**

The existing layout makes it difficult to maintain a safe light level within the parking area and while not exceeding the maximum of 0.2 footcandles at the property line.

3. Whether the requested area variance is substantial.

Setback Variances

As noted above the existing building has a side yard of 11.2 feet and a front yard of 51 feet which will be maintain. The proposed rear yard will be 73.6 feet from the property line. We feel that the variances being requested are not substantial.

Lighting Variance

The existing light levels along Burnett Boulevard and Dutchess Turnpike have is an average of 2.2 foot-candles with a maximum of 5.8 footcandles. Typical lighting levels for a parking lot range from 0.75-3.0 footcandles. We feel that the variances being requested are not substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

Setback Variances

The proposed addition will not have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

Lighting Variance

The lighting fixtures are existing therefore there will not have an adverse effect or impact on the physical or environment conditions in the neighborhood or district

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The difficulty was not self-created, the lot is an existing non-conforming lot.