

3. To permit a maximum of 54.6 square feet for wall-mounted signage facing Route 9G where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
4. To permit a maximum of 63.25 square feet for wall-mounted signage facing Crum Elbow Road where the maximum permitted is 32 square feet pursuant to Zoning Law Section 108-24.2(C)(1)(d); and
5. To permit a maximum letter height of 21 inches on the proposed wall signage where the maximum letter height of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(b); and
6. To permit a maximum symbol or graphic dimension of 30 inches on the proposed wall signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
7. To permit a maximum of two individual freestanding signs on a single lot where the maximum permitted is one individual freestanding sign pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
8. To permit a maximum height of 11 feet for decorative elements on the proposed freestanding signage where the maximum height of 8 feet for freestanding signs is permitted pursuant to Zoning Law Section 108-24.2(C)(1)(b); and
9. To permit a maximum symbol or graphic dimension of 19.5 inches on the proposed freestanding signage where the maximum symbol or graphic dimension of 10 inches is permitted pursuant to Zoning Law Section 108-24.2(F)(2)(a); and
10. To permit a maximum of 4 square feet in total area per sign for safety signage where the maximum permitted is 2 square feet pursuant to Zoning Law Section 108-24.2(C)(3)(b);

James Agrawal motioned to open the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5

All opposed 0

CARRIED

Grace Ruseskas of Gloede Signs, representative to the applicant, was present.

Chairman McNary explained that the Dutchess County Department of Planning & Development had responded to the project's referral, and recommended a denial of the application – specifically the variance for increase to total square footage of signage (which would subsequently affect all other variances). He suggested a 24-inch logo on the wall-mounted signs, rather than the requested 30-inch logo. Attorney to the Board, Sarah Wilson, explained further the County's denial. The County is unhappy with redundant signage (specifically, having both free-standing signs at the road entrances and wall-mounted signage just a few yards away; and also duplicative safety

/directional signage), and recommended that some signs be entirely removed so that the total square footage would be further in compliance.

Ms. Ruseskas and the Board discussed which signs would be best to remove, if the client agreed. Ms. Ruseskas would prefer to keep the wall-mounted sign facing 9G (west), and remove a directional sign in the same area. This would eliminate 4 square feet of signage. Ms. Wilson reminded the Board that the County would prefer either the wall-mounted sign facing 9G or the free-standing sign at that entrance to be removed, because they are redundant. Ms. Wilson recommended removing the wall-mounted sign, pursuant with the County's recommendation. Chairman McNary recommended instead that they remove the free-standing sign. This would both reduce the total square footage and remove an entire variance. Richard Perkins disagreed, stating the freestanding sign is more important than the wall-mounted sign. James Agrawal also prefers keeping the freestanding sign. Ms. Wilson reminded the Board that this was the County's recommendation. Ms. Ruseskas summarized the two options; 1) eliminating the freestanding sign, and keeping the wall-mounted sign, or 2) keeping the freestanding sign, and eliminating the wall-mounted sign.

Next, Ms. Wilson addressed the Environmental Assessment Form (EAF) dated November 17, 2021. The Zoning Administrator identified an incorrect answer on the applicant's EAF, and Ms. Wilson wanted to state for the record that the Board would be changing this answer.

As a closing remark, Ms. Wilson asked Ms. Ruseskas that they submit new calculations for dimensions of the 24-inch logo, eliminated signage, and all other subsequent changes.

There were no public comments.

Richard Perkins motioned to continue the public hearing to April 27, 2022; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

CANCELLED PUBLIC HEARING:

#22-01Z *Speedway
3694 Albany Post Road
Poughkeepsie, NY 12601
Tax Grid No. 6063-04-992465
USE VARIANCE (or adjustment to the strict application of the Town of Hyde Park Zoning Code) regarding a prohibited use within commercial signage in Section 108-24.4 B — to allow internally lit, toggleable message above digital gas prices on all dispensers at Speedway gas station, while no internally lit signs are permitted in the Town of Hyde Park.*

Chairman McNary explained the applicant withdrew this request.

James Agrawal motioned to cancel the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

NEW PUBLIC HEARINGS:

#22-02Z Thompson, c/o David Freeman
3 Pond Road
Poughkeepsie, NY 12601
Tax Grid No. 6163-03-023417
Area Variance – Section 108-5.15 Bulk Regulations in Neighborhood District to change maximum permitted density from 2 dwelling units per 1 acre to 2 dwelling units per 0.39 acres to allow an existing accessory apartment.

David Freeman, architect for the project, was present. He submitted to the Board photos of the house and apartment.

James Agrawal motioned to open the public hearing; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

Mr. Freeman reviewed the project and summarize what he explained at the previous meeting. It has existed this way since 1983. He claimed that, in discussion with the Planning Board, this project meets all of their requirements for an accessory apartment. They will be addressing potential Health Department issues.

Mr. Freeman noted that, while Pond Road itself is single-family homes, most adjacent roads and neighborhoods have multi-family dwellings and condominiums. He believes it does fit with the character of the neighborhood. He also clarified that they are not increasing square footage of either of the two dwelling units; the variance is for increasing number of dwelling units allowed, and both of these have existed since 1983.

Paul Donnelly asked if there had been any complaints about the property. There are none on record. He also asked how the possible accessory apartment would be utilized. Mr. Freeman stated that the accessory apartment's use is a Planning Board issue, but answered that it is currently occupied by a family member of the owners and according to Town Law should remain that way. Mr. Donnelly stated that enforcement of this stipulation is difficult.

Mr. Donnelly pointed out that the property has only been taxed as a single-family dwelling. Mr. Freeman countered that the proper square footage has been taxed and does not think the taxes will change if legalized to a two-family dwelling.

Ms. Wilson shared that tax codes are different between single-family and two-family or single-family with accessory apartment, and this change would likely raise the taxes.

Chairman McNary asked what the owners will do if the variance is denied. Mr. Freeman explained it will be connected to the existing house and used as a family room.

Mr. Donnelly asked if they would need to increase the capacity of the septic tank. Mr. Freeman says the current septic tank is adequately sized for the number of existing bedrooms on this property, so there will likely be no changes.

Chairman McNary expressed concern over the substantial size of the variance – over 250% increase in density. Mr. Freeman reiterated that the actual footprint and size of the house is not changing, and it has been as such for 40 years.

Ms. Wilson and Mr. Freeman discussed potential deed restrictions on the property. There was some debate about whether there was a restriction for single-family homes at this parcel. Ms. Wilson explained that the Town does not enforce private deed restrictions, but since it was brought to the Board's attention, they will consider it.

There were no public comments.

Richard Perkins motioned to continue the public hearing to April 27, 2022; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#22-04Z David Rozan & Funda Saygin, c/o Kristina Dousharm Architecture
42 Old Post Road
Staatsburg, NY 12580
Tax Grid No. 6167-03-018325
Area Variance – Section 108-5.15 Bulk Regulations in Hamlet District to change side yard setback from 10 feet to 3 feet 10 inches for the construction of a deck on a house already built within the setback.

Dawn Santiago, of Kristina Dousharm Architecture, representative to the applicant, was present. Ms. Santiago explained the owners are planning to build a deck on the back of the house, off the kitchen. The existing house was built in 1900, prior to zoning, and is now within the side yard setback itself. The proposed deck will align with the existing exterior wall of the house, so it will not encroach any further into the setback.

Richard Perkins motioned to open the public hearing; and Gerald Bowen seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0

CARRIED

Chairman McNary asked if there was elsewhere the deck could be built which would not require a variance. Ms. Santiago explained if the deck were to move into conformity, it would cover the doorway and staircase to the basement.

Gerald Bowen asked if the deck could be attached to the living room, which would keep it fully inside the setbacks. Ms. Santiago explained the owners want it attached to the kitchen to allow better access to their grill.

The material of the deck will be cedar wood, therefore allowing for drainage of rainwater.

Mr. Bowen expressed concern about the potential increase in noise with outdoor living. Ms. Santiago explained there is a tall fence and driveway between the deck and nearest house. It will not be visible from the road, or from the nearest neighbor.

Ms. Wilson asked if the deck could be shortened or reoriented to both have access to the kitchen door and avoid encroaching in the setback. Ms. Santiago explained the owners were not interested in that orientation, because it would not be as aesthetically pleasing, and leave an awkward empty space between the deck and the exterior wall of the house.

There were no public comments.

Gerald Bowen motioned to continue the public hearing to April 27, 2022; and Richard Perkins seconded the motion.

(There was no official vote.)

NEW APPLICATION INTRODUCTIONS:

#22-03Z Hyde Park Quick Stop, c/o Mauri Architects
4912 Albany Post Road
Staatsburg, NY 12580
Tax Grid No. 6066-02-879622

Three (3) Area Variances – Section 108-5.15 Bulk Regulations in Neighborhood Business District to change maximum permitted lot coverage from 70% to 81.7%; change front yard setback from 20 feet to 5 feet, 7 inches; change maximum permitted scale from 7,500 gross square feet to 9,071 gross square feet to allow septic improvements, building renovations, and construction of additional fueling stations on an existing gas station and convenience store.

Brandon Petrella, of Mauri Architects, representative to the applicant, was present. He showed photos of the existing gas station and contiguous lands. He explained that a

major factor of this project is relocating the fuel storage tanks out of the 100-foot stream corridor buffer (for wetlands to the south), as well as general improvements to the site. The owners want to modernize the gas station with new safety features and better traffic flow. Mr. Petrella explained this project is also in front of the Planning Board, and the Department of Transportation will have comments regarding the potential impacts to traffic.

He further explained that request for front yard setback encroachment is to accommodate the relocation of the underground fuel storage tanks, which need to be moved out of the stream corridor buffer, and have literally nowhere else to go except the proposed location. He clarified that the variance was only for the underground tanks, and all above-ground, visible structures conform to setback requirements. The request for an increase in scale (gross square footage of building) is to accommodate the new canopy over the gas pumps. This canopy, which is necessary for fire suppression systems and safety lighting, must be included in scale (building square footage) even though it is far above the ground. Finally, the third variance is for lot coverage. The increase in coverage has much to do with pavement and access improvements, some of which are required by code.

Mr. Petrella concluded that this proposal is a huge improvement on the site and for Hyde Park. It is safer, nicer to look at, and more efficient.

Mr. Perkins questioned if they could reduce the lot coverage by switching to pervious material for the drive at the rear of the building. Mr. Petrella thinks that would be unwise, because it will be used by heavy vehicles. Mr. Perkins also asked about stormwater treatment. Mr. Petrella explained they have collection and treatment facilities, which are being reviewed by the Planning Board.

James Agrawal motioned to set the public hearing for April 27, 2022 and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5
All opposed 0 CARRIED

#17-03Z-5 Enclave Extension #5, c/o LRC Group
The Enclave at Hyde Park
Cream Street at Long Brand Road
Poughkeepsie, NY 12601

Tax Grid No.'s: 6263-01-470921, 6263-01-478912, 6263-01-487905,
6263-01-498899, 6263-02-522891, 6263-02-533893, 6263-02-543897,
6263-02-552902, 6263-02-562910, 6263-02-568880, 6263-02-559875,
6263-02-549869, 6263-02-538869, 6263-02-517869, 6263-02-514859,
6263-02-509841, 6263-01-495841, 6263-01-484840, 6263-01-472842,
6263-01-460847, 6263-01-459862, 6263-01-473883, 6263-01-480868,
6263-01-492864, 6263-01-495876, 6263-01-465957, 6263-01-475939,
6263-01-436890, 6263-01-447937, 6263-02-675871, and 6263-02-585865

FIFTH EXTENSION OF 2017 VARIANCE, Resolution #17-03Z

Section 108-5.15 Bulk Regulations in Greenbelt District

Extend for another year the authorized change of average density from 2.5 acres/dwelling unit to 1.41 acres/dwelling unit on a project site totaling 70.51 acres

Ken Casamento of LRC Group, representative to the applicant, was present. He reviewed the project and prior applications. This 2017 increase in density is actually coming more into conformance than what was previously approved many years ago. After the grant of the variance in 2017, there was some progress on site. However, the project remains incomplete after the applicant experiences many delays and issues due to the COVID-19 pandemic. Mr. Casamento briefly summarized which permits and approvals are still valid, and which need to be reopened. The applicant's goal for 2022 is to complete the water and wastewater treatment facilities, because most other construction hinges on this.

Chairman McNary asked for clarification as to why extensions are necessary. Zoning Administrator Kathleen Moss explained that the applicant must "exercise" (meaning, complete the related work) within one year of the granting of the variance. Until there is a building permit and house foundation on every single lot, the applicant will need to continue extending their variance approval.

Mr. Casamento explained further that when the COVID pandemic hit and the project went dead, many of their service facilities were already built but had not been inspected or received CO's. Since then, building code has changed, and the buildings must be updated. It has turned out to be more cost effective to completely demolish the buildings and start from scratch, than to retrofit the existing facilities. This has added even more delay to their project.

Chairman McNary asked how realistic it was for the applicant to actually construct a house this year, if the Board granted an extension. Mr. Casamento could not answer accurately, but shared the applicant is very eager to progress the project.

Richard Perkins asked for clarification on the number of dwelling units on the site. There will be 25 total houses, with 50 dwelling units; while the code allows a total of 28 dwelling units.

Paul Donnelly motioned to set the public hearing for April 27, 2022; and Richard Perkins seconded the motion.

VOICE VOTE:

All in favor 5

All opposed 0

CARRIED

OTHER BUSINESS:

James Agrawal motioned to adjourn; and Richard Perkins seconded the motion.

VOICE VOTE:

MINUTES OF THE ZONING BOARD OF APPEALS – March 23, 2022

All in favor 5
All opposed 0 CARRIED

The meeting adjourned at 7:52 pm.