TOWN OF HYDE PARK  
Zoning Board of Appeals  
4383 Albany Post Road  
Hyde Park, New York 12538  

Minutes  
April 24, 2019

Present: Herbert Sweet  
Brendan Lawler  
Richard Perkins  
James Agrawal  
David McNary  

Absent:

Others Present: Victoria Polidoro, Attorney, Linda Weiner, ZBA Secretary

Mr. Sweet commenced the Pledge of Allegiance

Herbert Sweet, Chair, welcomed everyone to the April 24, 2019 meeting at 7:00 P.M.

The secretary was asked to note the roll.

Motion to approve the March 27, 2019 minutes was made by Brendan Lawler, seconded by David McNary. VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

The next meeting will be May 22, 2019.

Mr. Sweet noted that the Adams and the Owens variances were no longer needed therefore they’ve been pulled from the Agenda. Dollar General requested that the application be postponed for needed additional time for further site evaluation.

Continued Public Hearing:

#19-03Z Tara Wild  
For/ Renaissance Rehabilitation  
4975 Albany Post Rd.  
Staatsburg, N.Y. 12580  

Variance – Section 108-24.2 C (1) (b) Changing maximum area of a free standing sign from 30 ft. to 36 ft.; and Section 108-24.2 F (2) (a) Changing maximum graphic size in any dimension from 10 in. to 15 in. x 18 in.; and Section 108-24.2 F (2) (b) Changing maximum letter height from 10 in. to 15 in. in the Waterfront District.

Motion to open the continued public hearing made by Brendan Lawler, seconded by David McNary. VOICE VOTE – ALL IN FAVOR.
(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

Jim Agrawal asked if anyone had taken measurements for the sign prior to see what was compliant before the sign was installed.

Tara Wild, Administrator, for Renaissance Rehabilitation, said the sign had been approved a couple of years ago. The new owner had asked for the sign to be put up. Ms. Wild wasn’t aware that the variance had expired.

Victoria Polidoro, Attorney, noted the confusion was the sign that is being proposed now is a different size than the one that was approved.

Ms. Wild said they would remeasure.

James Agrawal questioned if anyone checked to see if the sign was in compliance.

David McNary said he measured the sign. He explained his measurements showed 30 sq. ft. Mr. Sweet said this is exceedingly important in the fact a variance may not be needed for that portion. Mr. Sweet suggested that Miss Wild double check the measurements.

Victoria Polidoro suggested she contact Tad Moss, Zoning Administrator if she had any questions on how to measure.

Ms. Polidoro made the recommendation that the Board continue the Public Hearing on the variance for the overall sign area. The Board can move forward with the variance for the Logo if they feel there’s enough information.

Jim Agrawal asked if the applicant was firm on the chosen colors. Ms. Wild said it was the corporate colors.

Motion made by Brendan Lawler, seconded by Jim Agrawal to close the public hearing on the variance for maximum graphic size and letter size and keep open the variance for maximum sign area.

VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Town of Hyde Park Zoning Board of Appeals
4383 Albany Post Road
Hyde Park NY 12538
(845) 229-0316
(845) 229-0349

RESOLUTION GRANTING AREA VARIANCES

RENAISSANCE REHABILITATION
Area Variances for Maximum Graphic Size and Letter Height

Date: April 24, 2019

Moved By: David McNary
Resolution #: 19-03Z -B  

Seconded By: Brendan Lawler

WHEREAS, the applicant, R & B Renaissance Realty, LLC, has submitted an application for area variances for an existing sign that was erected without the requisite approvals on the property located at 4975 Albany Post Road, identified as tax parcel No. 6066-02-856792, in the Waterfront Zoning District (the "Project"); and

WHEREAS, the applicant has applied for the following area variances:

1. From Zoning Law § 108-24.2 C(1)(b) to permit a maximum area of a free-standing sign of 36 square feet where 30 square feet is permitted; and

2. From Zoning Law § 108-24.2F(2)(a) to permit a maximum graphic size in any dimension of 15 x 18 inches for the logo, a letter “R” intertwined with leaves, where 10 inches is permitted; and

3. From Zoning Law § 108-24.2F(2)(b) to permit a maximum letter height of 15 inches for the logo, a letter “R” intertwined with leaves, where 10 inches is permitted in the Waterfront District; and

WHEREAS, the variances are being considered separately, and this resolution only considers the maximum graphic size and letter height variance requests (the “Requested Variances”); and

WHEREAS, on February 27, 2018, the Zoning Board of Appeals classified the Project as an unlisted action under SEQRA; 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, which responded on March 8, 2019, that it was a matter of local concern; and

WHEREAS, on March 27, 2019, the Zoning Board of Appeals referred the Project to the Hyde Park Planning Board for its recommendation thereon, which responded on April 18, 2019, that variances for letter/graphic height do not appear necessary, as a complying sign would attract the attention of drivers wishing to access the site; and

WHEREAS, a duly noticed public hearing was opened on March 27, 2019 and closed on April 24, 2019, during which all those who wished to speak were heard; and

WHEREAS, on April 24, 2019, the Zoning Board determined that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; 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 variance is 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 be detrimental to nearby properties.

The increased size of the dimensions for the logo allow the applicant to easily represent itself to passersby traveling along Route 9. The logo design is aesthetically pleasing and a requested increase in its dimensions would not produce an undesirable change in the neighborhood.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

The applicant seeks the Requested Variances in order to increase the size of its logo so that it will be easily distinguishable to passersby. The logo is comprised of a letter "R" intertwined with leaves. The "R" is similar in style to other text on the sign and needs to be larger than that text in order to distinguish itself as a logo.

3. The Requested Variances are substantial, as the permitted size of a graphic in any dimension will increase by 8 inches (80%) and the permitted size of a letter in any dimension will increase by 5 inches (50%). However, the impact of the variances is not substantial as the larger logo is not distracting, can be placed on a compliant sign and does not necessitate a larger sign.

4. The granting of the Requested Variances will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district.

Allowing the logo to be larger than permitted by the Zoning Law would not result in the sign having any additional effect on the environment.

5. The difficulties are self-created. The Zoning Law’s signage regulations were in place prior to the erection of the new sign.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variances, as the benefit to the applicant from the increase is logo size outweighs any corresponding detriment to the health, safety, and welfare of the general neighborhood or community, subject to the following conditions:

1. Payment of all fees and escrow.
2. The variances to letter and graphic dimension apply only to the logo consisting of the letter "R" intertwined with leaves.

Adopted: April 24, 2019

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

Motion was made by Richard Perkins, seconded by Brendan Lawler to continue the public hearing for changing the maximum area of a free standing sign to May 22, 2019.
VOICE VOTE – ALL IN FAVOR
(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

New Public Hearing:

#17-16Z  Dorinda Bolander  
309 Netherwood Rd.  
Hyde Park, NY 12538  
Tax Map #: 6265-04-810355 (Greenbelt District)  
**Extension of Use Variance – Section 108-5.14** Changing from multiple dwelling “not permitted” to “permitted”, to allow the establishment of one three-family dwelling on a lot in the Greenbelt District. **Extension of Area Variance – Section 108-5.15** Changing maximum average density from 2.5 acres per dwelling to 2.56 acres for 4 dwellings in the Greenbelt District.

Motion made by James Agrawal, seconded by Brendan Lawler to open the public hearing.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Dorinda Bolander gave an update to the Board regarding the variance.

Sherman Lockard, 1 Francis Court, Hyde Park, had questions on how the code is written. He asked what the reasoning was regarding needing a variance for multiple dwellings. His concern was if there are too many dwellings in one spot, what does it mean for water and septic.

Mr. Sweet said Department of Health checks those things out to insure it meets standards.

Ms. Bolander explained what the dwelling was previously used for and what they are planning at present.

There were no other questions.

Motion made Brendan Lawler, seconded by David McNary to close the public hearing.  
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

**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

RESOLUTION TO GRANT AN EXTENSION OF VARIANCES
Resolution: # 17-16Z
Moved By: Brendan Lawler
Seconded By: James Agrawal

WHEREAS, on May 23, 2018, by Resolution # 17-16Z, the applicant, Dorinda Bolander, agent for the estate of Joseph A. Bolander, was granted an area variance to allow an average density of 4 dwelling units per 2.56 acres and a use variance to allow a multiple dwelling use in the Greenbelt District (the "Variances") in order to permit the use of three dwelling units in an existing structure in addition to an accessory apartment on property identified as 309 Netherwood Road (the "Project"); 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 April 3, 2019, the applicant submitted a request for an extension of approval of the Variances; and

WHEREAS, a public hearing on the proposed extension of the Variances was held on April 24, 2019, during which all those who wished to speak were heard; 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 extension of time in which to commence the activity authorized under the Variances to May 23, 2020.

Adopted: April 24, 2019
Herb Sweet AYE
Jim Agrawal AYE
Brendan Lawler AYE
David McNary AYE
Richard Perkins AYE

Filed with the Secretary of the Zoning Board of Appeals on: April 25, 2019

#19-07Z

Michael Muscat
22 Horns Park Rd
Hyde Park, NY 12538

Variance — Section 108-5.15 Changing a front yard setback from 50 ft. to 32 ft. for construction of a deck in the Neighborhood District.
Michael and Paul Muscat, gave a description of the application to the Board.

Motion was made by James Agrawal, seconded by Brendan Lawler to set the public hearing for May 22, 019.
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Other Business:

Approve Planning Board to serve as Lead Agency on the Athanas East Solar Project

There were no objections from the Board. Motion made by David McNary, seconded by James Agrawal
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) NAY (0) ABSENT – MOTION CARRIED

Motion to adjourn at 7:45 PM made by Brendan Lawler, seconded by James Agrawal.
VOICE VOTE – ALL IN FAVOR

(5) AYE (0) ABSENT (0) NAY – MOTION CARRIED

Respectfully Submitted,

Linda Weiner
ZBA Secretary