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

JUL 29 2021

**TOWN CLERK
HYDE PARK, NY**

RESOLUTION TO GRANT AREA VARIANCES

Chestnut Market Signage
1110 Violet Avenue

Date: July 28, 2021

Motion: David McNary

Resolution #21-10Z-3

Second: James Agrawal

WHEREAS, the applicant, GTY NY Leasing, Inc., has submitted an application for area variances to increase the maximum permissible graphic and letter height for two wall signs proposed for an existing gas station (the "Project") at property located at 1110 Violet Avenue, identified as tax parcel no. 6165-03-424184, in the East Park Business District (the "Site"); and

WHEREAS, the proposed signage is depicted on a site plan entitled "Chestnut Markets," Sheets 1.3 and 2.3, prepared by GNS Group Ltd., dated May 18, 2020, last revised June 8, 2021 (the "Site Plan"); and

WHEREAS, on June 16, 2021, by Resolution # 2021-20A, the Hyde Park Planning Board granted the applicant a discretionary bonus to increase the maximum permitted height and width of the "squirrel" logo on the proposed signage to 10.1 and 13 inches, respectively, and to increase the maximum permitted height of the letters, "C," "h," and "t" in the word "Chestnut" on the proposed signage to 13 inches; and

WHEREAS, the applicant seeks the following area variances (the "Requested Variances"):

1. To permit a height of 19.2 inches and a width of 24 inches for the "squirrel" logo on the proposed signage, where a maximum height and width of 10.1 and 13 inches, respectively, is permitted for said logo pursuant to Zoning Law Section 108-24.2(F)(2)(a) and Planning Board Resolution #2021-20A; and
2. To permit a height of 17 inches for the aforementioned letters on the proposed signage, where a maximum height of 13 inches is permitted for said lettering pursuant to Zoning Law Section 108-24.2(F)(2)(b) and Planning Board Resolution #2021-20A; 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 June 29, 2021, that the Project was a matter of local concern; and

WHEREAS, the Project was referred to the Town of Hyde Park Planning Board for its comment thereon, which replied via letter dated July 12, 2021; and

WHEREAS, a duly noticed public hearing regarding the application was held on July 28, 2021, during which all those who wished to speak were heard; and

WHEREAS, on July 28, 2021, by Resolution # 21-10Z-2, the Zoning Board of Appeals 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 a detriment to nearby properties.

The increased dimension for the signs' squirrel symbol and letters allows the applicant to easily and effectively represent itself to passersby traveling along Violet Avenue, aka Route 9G. The sign design is not intrusive or out of character with the area. The scale of the symbol and lettering is proportionate to the size of the wall and building on which it is displayed. If the signs were made to comply with the logo and letter size restrictions of the Zoning Law, the signs would look out of scale and disproportionately small when compared to the scale of the building on which they are placed. The increase in the permissible symbol and letter height will therefore not have a significant impact on the neighborhood or negatively affect nearby properties.

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

The applicant wishes to display their logo and name in order to represent itself to passersby and alert potential visitors of its location. The applicant could potentially reduce the size of the squirrel symbol and letters but doing so would cause the signs to be awkwardly out of scale with their surroundings. Doing so would also make portions of the sign less easily discernible.

3. The Requested Variances are numerically substantial. If granted, the permitted dimensions for the height and width of the squirrel logo would increase by 9.1 inches and 11 inches respectively, an increase of approximately 91% and 85%. In addition, the permitted dimensions for the height of certain lettering on the signs would increase by 4 inches, an increase of approximately 31%.

4. 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 symbol and letter size to be larger than what is permitted by the Zoning Law will not result in the signs having any significant additional adverse effects on the environment. As discussed above, the impacts of the Requested Variance on the Site and neighborhood will be minimal. There will be no ground disturbance or impact on environmental resources as a result of the area variances, and the impact the signs will have on the environment would be approximately the same if the symbols and lettering were zoning compliant.

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. Payment of all fees and escrow.
2. All other signage at the site must be in compliance with the Zoning Law.

Adopted:

James Agrawal	YES	
Paul Donnelly	YES	
Richard Perkins	YES	
John Scileppi	YES	
David McNary	YES	CARRIED

Filed by,



Sarina Teuschler

Secretary to the Zoning Board of Appeals