



Historic Town of Hyde Park

Zoning Board of Appeals
4383 Albany Post Rd
Hyde Park, NY 12538
Office: (845) 229-5111 x 2 Fax: (845) 229-0349

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Town of Hyde Park
Zoning Board

"Working with you for a better Hyde Park"

APPLICATION NO. 21-192

APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF HYDE PARK, NEW YORK
REQUEST FOR *AREA* VARIANCE(S)

(TYPE, OR PRINT IN DARK INK)

I. **PROPERTY ADDRESS:** 1 Crum Elbow Rd.
TAX GRID NO.: 133200-6165-03-429214
ZONING DISTRICT: EPBD

II. **PROPERTY OWNERSHIP:**

NAME OF OWNER: East Park Development LLC

ADDRESS: 199 West Rd

Pleasant Valley, NY 12569

PHONE NUMBER: 845-635-2000 Email address: jkirchoff@kirchoffcompanies.com

III. **APPLICANT INFORMATION:**

APPLICANT NAME: GNS Group, Ltd

ADDRESS: 97 N Clinton St.

Poughkeepsie, NY 12601

PHONE NUMBER: 845-471-4366 Email address: hforrest@gngroupltd.com

(IF THE APPLICANT IS NOT THE OWNER, WRITTEN PROOF THAT THE OWNER
CONSENTS TO THE APPLICATION MUST BE SUBMITTED WITH THE APPLICATION.)

IV. SUBJECT TO APPEAL (If Applicable)

Pursuant to the provisions of the Zoning Code of the Town of Hyde Park, this application, relative to the above referenced property, constitutes an appeal from the decision of the Zoning Administrator/Building Inspector Kathleen Moss
(name)

A copy of this decision, dated 6/11/21, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for:

Area Variance(s)

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied. Additional sheets may be attached as necessary. Please also note carefully the list of required attachments on the last page of this application.

VI. AREA VARIANCE REQUEST

I/We, GNS Group, Ltd., hereby apply to the Zoning Board of Appeals for a variance of the following sections and requirements of the Provision of Chapter 108 of the Code of the Town of Hyde Park, specifically as follows:

SECTION	CONCERNING	CHANGE FROM:	CHANGE TO:
108-	<u>Please see attached sheet</u>		
108-			
108-			

Reason for request:

Rite Aid has recently re branded. Nationwide all stores have been upgrading to the new copyrighted logo + colors. The requested variances are to maintain the most frequently used size of signage manufactured for the pharmacies.

(i) Will the granting of the variance produce an undesirable changes in the character of the neighborhood or be a detriment to nearby properties. If not, please explain why.

There will not be any undesirable changes in the character of the neighborhood. The current signs were installed prior to the ordinance change and are larger than what is currently allowed. Given the distance from the road the building sign size is appropriate. The current heights of the monument signs are the same circumstance.

(ii) Explain if the granting of the variance is necessary, or whether the same result could be achieved by some other method not requiring a variance. If an alternative will result in economic hardship, explain.

The granting of the variance is necessary for the consistency of the signs nationwide.

(iii) Explain if the requested area variance(s) is substantial, and if not, explain why it is not substantial.

The building sign variances are not substantial as they are currently over the 50 ft allowed by the town and do not look oversize.

The same can be said for the heights of the existing pylons.

The logo on the pylon signs has been designed and sized for the new branding
→ layout

(iv) Explain if the variance(s) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If not, please justify why it won't have an adverse effect.

The current signs both on the bldg + monuments were approved prior to the change in ordinance and have not had any adverse effects or impact.

(v) Explain if your need for an area variance(s) is the result of self-created difficulties on your part. If not, please explain how the difficulties are not self-created.

When new branding for a nationwide chain is designed they cannot take into consideration every town, village + city. They have only a few layout sizes and this is the smaller of them. They chose this size because of the existing signs and the ordinance changes are random so they are unaware when they do. So not really self created although self created is not necessarily a reason for denial.

VII. LIST OF ATTACHMENTS

- ✓ 1. Site or Plot Plan: One (1) original and seven (7) copies
- 2. Financial (Economic) Statement. This statement should not be personal in nature. The data provided should relate directly to the property in question and should illustrate the economic injury or undue hardship suffered in the absence of the variance.
- ✓ 3. Letter or communication which resulted in application to the ZBA (if applicable).
- Town 4. List of abutting property owners, by name, address and grid number.
- ✓ 5. Letter of owner consenting to application (if applicable).
6. Type I Action Only – Original and six (6) copies of the SEQRA FULL ENVIRONMENTAL ASSESSMENT FORM, 617.21, Appendix A, DEC Model Form 14-16-2 (2/97) with Part I completed.
- ✓ 7. Unlisted Actions Only – Original and six (6) copies of SEQRA SHORT ENVIRONMENTAL ASSESSMENT FORM, 617-21, Appendix C, DEC Model Form 14-16-4 (2/87) Text 12, with Part I completed.
8. The owners of land as identified by the applicant in any agriculture data statement.

9. Other attachments deemed pertinent by the applicant (please list):

- (a) _____
- (b) _____
- (c) _____
- (d) _____

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: Nancy Fenest Date: 9/7/21

I the record owner do hereby authorize please see attached
to represent me before the Zoning Board of Appeals during the area
variance process:

Signature of Property Owner: Please Date: _____
see attached
notarized
approval


Tuesday, August 24, 2021

PROJECT: Rite Aid # 07849 1 Crum Elbow Rd Hyde Park, NY

I, Joseph T. Kirchhoff, property owner of Rite Aid located at 1 Crum Elbow Rd Hyde Park, NY, hereby give permission to Universal Signs and Service, and their sub-contractors to procure permits and install signage on my property.

Printed Name of Property Owner Joseph T. Kirchhoff

Signature of Property Owner 

State of: New York
County of: Dutchess
The forgoing document was acknowledged before me 26th day of August, 2021

Your Name Here, Notary Public
My Commission Expires: Valoree Burke
Notary Public, State of New York
No. 01BU6107314
Qualified in Dutchess County
Commission Expires March 22, 2024

AREA VARIANCE REQUESTS

1 CRUM ELBOW RD

RITE AID

SIGN R1-FREESTANDING ALONG 9G

#1 SECTION 108-24.2 F (2) (a) CONCERNING SYMBOL DIMENSIONS
CHANGE FROM 10" IN ANY DIMENSION TO 19 ½" X 15"

#2 SECTION 108-24.2 C (1) (b) CONCERNING SIGN AREA TEXT CHANGE FROM 7'
MAX HEIGHT TO 7'10"

#3 SECTION 108-24.2 C (1) (b) CONCERNING DECORATIVE ELEMENTS CHANGE
FROM 8' TO 11'

SIGNS R2,R3,AND R5

108-24.2 C (3) (b) CONCERNING SAFETY SIGNS SQ. FT. FROM 2 SQ. FT. TO 4 SQ. FT.

SIGN R 4

#1 SECTION 108-24 .2 C (1) (b) CONCERNING ONE FREESTANDING SIGN PER LOT
TO TWO FREESTANDING SIGNS ON LOT

#2 SECTION 108-24.2 F (2) (a) CONCERNING SYMBOL DIMENSIONS CHANGE FROM
10" IN ANY DIMENSION TO 19 ½" X 15"

#3 SECTION 108-24.2 C (1) (b) CONCERNING SIGN AREA TEXT MAX HEIGHT 7'
CHANGE TO 7'7"

#4 SECTION 108-24.2 C (1) (b) CONCERNING DECORATIVE ELEMENTS CHANGE
FROM 8' TO 11'

WALL SIGN OVER MAIN ENTRANCE

#1 SECTION 108-24.2 C (1) (a) CONCERNING SQ. FT. OF SIGN FROM 1 SQ. FT. PER LINEAR FT OF STOREFRONT (25.75) ALLOWING 25 $\frac{3}{4}$ SQ. FT CHANGE TO 107.25 SQ. FT.

#2 SECTION 108-24.2 F 92) (a) CONCERNING SYMBOL SIZE CHANGE FROM MAX 10" TO 50 $\frac{7}{8}$ " X 41 $\frac{1}{2}$ "

#3 SECTION 108-24.2 F 92) (b) CONCERNING LETTER HEIGHT CHANGE TO ADD 4 $\frac{3}{8}$ "

#4 SECTION 108-24.2 F 92) (d) CONCERNING MAX WALL SIGN AREA OF 32 SQ. FT. CHANGE TO 107.25 SQ. FT.

SIGN R8 SAFETY SIGN FOR TRAFFIC

#1 SECTION 108-24.2 C 93) (b) CONCERNING 2 SQ' MAX CHANGE TO 3/375 SQ. FT.

WALL SIGN FACING ROUTE 9G

#1 SECTION 108-24.2 F 92) (a) CONCERNING GRAPHIC SYMBOL SIZE CHANGE FROM 10' TO 50 $\frac{7}{8}$ " X 41 $\frac{1}{2}$ "

#2 SECTION 108-24.2 F 92) (b) CONCERNING LETTER HEIGHT CHANGE TO 21 $\frac{3}{8}$ "

#3 SECTION 108-24.2 F 92) (d) CONCERNING MAX SIGN AREA CHANGE FROM 32 SQ. FT. TO 71.5 SQ. FT.

CUMULATIVE SIGN AREA

108-24.2 C (1) (a) CONCERNING CUMULATIVE SIGN AREA ALLOWED FOR LOT CHANGE FROM 100 SQ. FT. TO 239.375 SQ. FT.



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Office of the Zoning Administrator
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111, Ext. 2, (845) 229-0349 Fax

Kathleen Moss, Zoning Administrator

"Working with you for a better Hyde Park"

June 11, 2021

Nancy Forrest
GNS Group, Ltd
Via Email: nforrest@gnsgroutd.com

RE: Proposed sign changes at Rite Aid, 1 Crum Elbow Road, Hyde Park Revised 5/25/2021

Dear Ms. Forrest:

Thank you for reviewing and clarifying the proposed re-branding signage for the Rite Aid store at 1 Crum Elbow Road. I have reviewed the documents and find several aspects of the signage do not comply with the code and will require variances and / or relaxation of standards from the Planning Board.

The process to obtain approval will involve two boards. First you will need to request relaxation of standards for certain signs from the Planning Board. After the Planning Board reviews the requests and takes action the remainder of the area and dimensional aspects of the signage will require variances from the Zoning Board of Appeals.

Sign area is defined in Chapter 108-2, Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. Where a sign consists solely of individual letters or symbols directly fastened to or painted on the surface of the structure and there is no defined border or frame, the area shall be deemed to be that of the smallest geometric shape that encompasses all such letters or symbols. The total sign area shall be the sum of the areas of all sign faces provided by any particular structure other than a building. In the case of a building, each sign face shall be deemed to be a separate sign area.

Sign R1 - The freestanding sign along Route 9G.

21 Sq ft

One free standing sign is permitted. R1 is identified as the main identity sign. This is considered the one permitted free-standing sign (unless you designate R-4 as the one permitted free-standing sign).

The current sign is up-lit, the application form indicates un-lit. Will the up-lighting be removed?

A **variance** will be required for the symbol dimensions from 10 inches in any dimension to 19 ½ inches by 15 inches, reference 108-24.2 F (2) (a).

This free-standing sign was approved prior to adoption of the current sign code standards. When the sign is changed, it must come more in compliance, or variances are required, reference 108-24.2 C (1) (b).

A **variance** will be required to allow the sign area text to extend above the maximum height of 7 ft to 7 ft 10 inches. (Perhaps reduce the size of the background panel and lower it by 10 inches? This background panel is not a decorative element that can extend above the 7 feet.)

A **variance** is also required to allow the decorative elements above the text to exceed the maximum of 8 feet to 11 feet.

Signs R2, R3 and R5 – Considered safety signs for traffic directional flow. 12 sq ft

Variance required for each of these signs from 108-24.2 C (3) (b). Safety signs shall not exceed 2 square feet. Each of these three signs are 4 square feet.

Sign R4 – Second free-standing sign. 21 Sq ft

Variance required from 108-24.2 C (1) (b) from one free standing sign to two.

The current sign is up-lit, the application form indicates un-lit. Will the up-lighting be removed?

A **variance** will be required for the symbol dimensions from 10 inches in any dimension to 19 ½ inches by 15 inches, reference 108-24.2 F (2) (a).

This free-standing sign was approved prior to adoption of the current sign code standards. When the sign is changed, it must come more in compliance, or variances are required, reference 108-24.2 C (1) (b).

A **variance** will be required to allow the sign area text to extend above the maximum height of 7 ft to 7 ft 10 inches. (Perhaps reduce the size of the background panel and lower it by 10 inches? This background panel is not a decorative element that can extend above the 7 feet.)

A **variance** is also required to allow the decorative elements above the text to exceed the maximum of 8 feet to 11 feet.

R6 – Wall sign over main entrance. 107.25 sq ft

Variance from 108-24.2 C (1) (a) change from one square foot of signage for the lineal front of the building (shown as 25.75 feet long) allowing 25 ¾ square feet to allowing 107.25 feet. If there is a background around these images, please show the background panel. This is calculated as one sign.

Request a **relaxation** of the standard symbol size in any dimension from 10 inches to 17 inches based on the distance from the Crum Elbow entrance of about 145 feet.

Variance required from 108-24.2 F (2) (a) from maximum graphic/symbol size from 10 inches relaxed by the Planning Board to (unknown at this time) inches in any dimension to 50 7/8 inches by 41 ½ inches.

Request a **relaxation** of the maximum letter height from 10 inches to 17 inches for the letters 'RITE AID' based on the distance of the wall sign from the entrance of about 145 feet.

Variance required from 108-24.2 F (2) (b) for the remainder of the letter height, 4 3/8 inches.

Request a **relaxation** of the maximum letter height from 10 inches to 11 inches for the letters in the word 'PHARMACY' based on the distance of the wall sign from the entrance.

Variance required from 108-24.2 F (2) (d) from a maximum wall sign area of 32 square feet to 107.25 square feet.

R7 Considered safety sign for traffic. 1.6 sq ft

Measures 1.6 square feet and complies.

R8 – Considered safety sign for traffic. 3.375 sq ft

Variance from 108-24.2 C (3) (b) change from 2 square feet to 3.375 square feet for the clearance sign.

R9 – Considered safety sign for traffic.
Measures 1.5 square feet and complies.

1.6 sq ft

R 12 Wall signage facing Route 9G

71.5 sq ft

Request a **relaxation** of the standard symbol size in any dimension from 10 inches to 16 inches based on the distance from the Route 9G entrance of 135 feet.

A **variance** required from 108-24.2 F (2) (a) from maximum graphic/symbol size from 10 inches relaxed by the Planning Board to (?) in any dimension to 50 7/8 inches by 41 ½ inches.

Request a **relaxation** of the maximum letter height from 10 inches to 16 inches for the letters RITE AID based on the distance of the wall sign from the Route 9G entrance of 135 feet.

A **variance** required from 108-24.2 F (2) (b) for the remainder of the RITE AID letter height to 21 3/8 inches.

Variance required from 108-24.2 F (2) (d) from a maximum wall sign area of 32 square feet to 71.5 square feet.

Please specify how this sign is to be lit.

A **variance** will be required for the cumulative sign area. Reference 108-24.2 C (1) (a): maximum square footage for a site is 100 square feet. The total sign area is calculated at 239.375 square feet.

This denial gives you standing to apply to the Planning Board for relaxation of the standard 10 inch maximum letter height and symbol size for the wall signs and to Zoning Board of Appeals for variances. The non-residential area variance application fee is \$500 and Escrow will be collected. The initial escrow for the Attorney to the ZBA is \$1,000.

Please provide a letter of authorization from the property owner, East Park Development LLC, for you to represent them in front of the Town of Hyde Park Planning and Zoning Boards regarding the change in signage at this location.

The area variance application form is on the Town's website: www.hydeparkny.us . Once the ZBA application is complete, I will forward the request to relax the standard symbol/letter sizes to the Planning Board, reference 108-24.3 A (4) (d).

Sincerely,



Kathleen Moss, Zoning Administrator

CC: ZBA Secretary
Planning Board Secretary
Reading File