



Historic Town of Hyde Park

4383 Albany Post Road
Hyde Park, NY 12538
Zoning Board of Appeals
P: (845) 229-5111, Ext. 2
E: zbasec@hydeparkny.us

“Working with you for a better Hyde Park”

Agenda for Regular Meeting ZONING BOARD OF APPEALS

Wed., February 23, 2022 6:00 PM

*This meeting will be held in person. All those who wish to speak may attend,
or watch the meeting broadcast live on Channel 22. Attendees are required to wear a face covering.*

*If you wish to speak but cannot attend— written comments are due by 4:00pm on the day of the meeting.
Email to zbasec@hydeparkny.us | Or mail to ATTN: ZBA Secretary, 4383 Albany Post Road, Hyde Park, NY 12538*

Meeting begins 6:00pm
Pledge of Allegiance

New Application Introduction:

#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
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 in the Neighborhood District.

Continued Public Hearings:

#21-15z Camp Victory Lake
277 Crum Elbow Road
Hyde Park, NY 12538
Tax Grid No. 6265-04-630350
Area Variance – Section 108-5.15 Bulk Regulations
Change maximum permitted building height from 35 feet to 47.5
feet for construction of a stadium-style sanctuary space in the
Greenbelt District.
Area Variance – Section 108-4.3 G(2)(a)
Change stream corridor setback from 100 feet to 0 feet from the
Fall Kill Creek for a stream crossing and other construction
incursions in the Greenbelt District.

#21-19z Rite Aid Pharmacy
1 Crum Elbow Road
Hyde Park, NY 12538

Tax Grid No. 6162-03-429214

Located in East Park Business District

Area Variance – Section 108-24.2 C(1)(a)

Change total square footage allowed of all wall-mounted signs on a single lot from 100 square feet up to 166.35 square feet.

Change single sign area (sq. ft.) from 1 square foot for every 1 linear foot of storefront up to 2.53 square feet for every 1 linear foot of storefront to allow larger wall-mounted signs.

Area Variance – Section 108-24.2 C(1)(b)

Change total number of allowed freestanding signs per business per lot from 1 to 2 signs.

Change maximum height of decorative elements on a freestanding sign from 8 feet up to 11 feet.

Area Variance – Section 108-24.2 C(1)(d)

Change maximum single wall-mounted sign area from 32 square feet up to 63.25 square feet, for two signs.

Area Variance – Section 108-24.2 C(3)(b)

Change total sign area of safety signs from 2 square feet to 4 square feet.

Area Variance – Section 108-24.2 F(2)(a)

Change maximum symbol dimensions from 10 inches up to 30 inches for two freestanding signs; and maximum symbol dimensions from 10 inches up to 30 inches for two wall-mounted signs.

Area Variance – Section 108-24.2 F(2)(b)

Change maximum letter height from 10 inches up to 21 inches on two wall-mounted signs.

#21-21Z

Key Construction

1234 Route 9G

Hyde Park, NY 12538

Tax Grid No. 6165-04-524481

Area Variance – Section 108-5.15 Bulk Regulations

Change maximum permitted building scale from 40,000 square feet to 66,941 square feet for the construction of an office space, warehouse, and storage units on a 17.2-acre parcel in the East Park Business District.

New & Old Business

Adjourn

Next meeting: Wed., March 23, 2021

Agendas are subject to change.

For full details regarding the above applications, please visit <https://www.hydeparkny.us/617/Applications> or visit the Zoning Office during normal business hours to view a file.

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

RESOLUTION TO GRANT AN AREA VARIANCE

Key Construction, LLC
1234 Route 9G
Hyde Park, NY 12538
Tax Parcel No. 6165-04-524481

Date: February 23, 2022

Motion: _____

Resolution: #21-21z

Second: _____

WHEREAS, the applicant, Key Construction, has submitted an application for an area variance to increase the maximum permissible building scale square footage to construct commercial buildings (the “Project”) at property located at 1234 Route 9G, Hyde Park, New York 12538, identified as tax parcel no. 6165-04-524481, in the East Park Business District (the “Site”); and

WHEREAS, the Project is depicted on a plan entitled “Site Plan,” prepared by LRC Group, dated June 1, 2021 and revised December 21, 2021 (the “Plan”); and

WHEREAS, the applicant seeks an area variance from Zoning Law Section 108-5.15 to permit an increased building scale of 66,914 sq. ft. where 40,000 sq. ft. is the maximum allowed for the construction of an office space, warehouse, and storage units on a 17.2-acre parcel (the “Requested Variance”); and

WHEREAS, a duly noticed public hearing was held on February 23, 2022 during a duly noticed meeting during which all those who wished to speak were heard; and

WHEREAS, in accordance with the Town Code and the State Environmental Quality Review Act (“SEQRA”), the Planning Board is required to determine the classification of the proposed Project as lead agency; and

WHEREAS, the Planning Board classified the proposed Project as an Unlisted action under SEQRA and determined that the proposed Project will not result in any significant adverse environmental impacts and issued a Negative Declaration by Resolution #2020-30A on January 19, 2022 and filed with the Town Clerk on January 20, 2022; 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 Variance:

1. The Requested Variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The subject parcel covers 17.2 acres in the East Park Business District and the proposed development will be visually concealed from the roadway and screened from adjacent properties by extensive vegetation, including both evergreen and deciduous trees.
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 proposed area variance will allow the applicant to develop a significantly larger portion of the sizable parcel. Moreover, the proposed development complies with the remaining bulk requirements and is outside of the wetland buffer.

The alternative is to subdivide the property into multiple parcels and locate the buildings separately across each new parcel. This is both financially inconceivable for the applicant and also environmentally detrimental as it would likely increase the area of disturbance.

3. The Requested Variance is numerically substantial. The applicant seeks to increase the building scale to 66,941 sq. ft where 40,000 sq. ft. is the maximum permitted. If granted, the additional 26,941 sq. feet. represents a 67% increase.
4. The Requested Variance will not have an adverse effect or impact on the physical or environmental conditions in the general neighborhood or district. While the proposed Project will result in a significant amount of ground disturbance to develop several commercial structures, this type of development will not negatively impact the East Park Business District. Further, the development does not extend into the wetland buffer, and extensive vegetation on the 17.2-acre parcel will screen the development from the roadway and adjacent properties. Lastly, the Planning Board determined that the proposed Project would not cause any significant adverse environmental impacts.
5. The difficulties are self-created as the property owner, JASA Properties, LLC, has owned the parcel since 2012 and now seeks to develop the site in conjunction with the applicant.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals hereby grants the Requested Variance subject to the following condition(s):

1. Payment of all fees and escrow.

Adopted:

ROLL CALL VOTE BY SECRETARY

James Agrawal	___	
Gerald Bowen	___	
Paul Donnelly	___	
Richard Perkins	___	
David McNary	___	___