



COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

March 21, 2022

To: Zoning Board of Appeals, Town of Hyde Park
Re: **ZR22-058, Rite Aid – Signage Area Variances**
Lot: 429214, Route 9G and Crum Elbow Road (CR 41)

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The applicant is seeking numerous area variances to allow updated signage related to corporate rebranding.

COMMENTS

The Town's sign regulations have been updated since the existing Rite Aid signage was installed, requiring the applicant to request numerous area variances as they seek to implement a corporate rebranding effort. As the Town's approach to signs has evolved, new applications for signage should make every effort to comply with the new code. In reviewing the comprehensive package of signage requested by the applicant, we note opportunities to eliminate duplicative signs, thus reducing the number and scope of requested variances:

- The wall sign (R12) located at the north end of the west building façade and facing the Route 9G access is duplicative and unnecessary. This wall sign would be visible as customers are entering the site at the location of the second freestanding sign (R1), which contains the same information. Only one of these signs is necessary. Since the freestanding sign serves the purpose of alerting passersby to the existence of the business, that may be the more important sign to retain.
- The three smaller "Drive Thru Pharmacy" directional signs are not all necessary:
 - The proposed R2, located adjacent to wall sign R12 discussed above, should only be retained if R12 is removed. If R12 is retained, it already includes the drive thru messaging and directional arrow and thus R2 should be removed.
 - The proposed R5 sign is located along the sidewalk connecting the parking lot and the 9G/Crum Elbow intersection. Given the safety concerns of having pedestrians attempt to utilize the vehicular drive thru, a practice which is often expressly prohibited by retailers, this sign is unnecessary and could potentially cause a safety issue. Other signs will be in place to alert drivers entering the site of where to access the drive thru, so this pedestrian-oriented sign is unnecessary.

New York State law requires that, when granting an area variance, the municipality must grant the minimum variance necessary to afford relief from the code while protecting community character and public health, safety and welfare. Given the observations noted above, there are multiple opportunities for reducing the number of signs and proposed cumulative sign area, which would bring the overall signage plan more into conformance with the code.

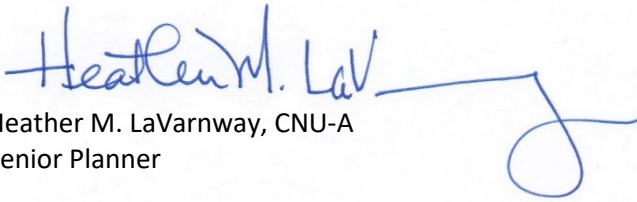
RECOMMENDATION

For the reasons stated above, we recommend the Board not grant the requested area variance for cumulative sign area of 166.35 square feet where 100 square feet is permitted.

Voting and Reporting Requirements: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Eoin Wrafter, AICP, Commissioner

By

A handwritten signature in blue ink that reads "Heather M. LaV" followed by a stylized flourish.

Heather M. LaVarnway, CNU-A
Senior Planner

Dutchess County Department of Planning and Development

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **Town of Hyde Park**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Number(s): **4292140000**

Project Name: **Rite Aid signage (#3)**

Applicant: **GNS Group, Ltd**

Address of Property: **1 Crum Elbow Rd, Hyde Park, NY 125380000**

Please Fill in this section

Exempt Actions:* 239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

Actions Requiring 239 Review

- Comprehensive/Master Plans
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- Rezoning involving all map changes
- Architectural Review
- Site Plans (all)
- Special Permits for all non-residential uses
- Use Variances for all non-residential uses
- Area Variances for all non-residential uses
- Other (Describe):

Parcels within 500 feet of:

- State Road: **Route 9G**
- County Road: **Crum Elbow**
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested: **3/22/2022**

Entered By: **Teuschler, Sarina**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted:

Notes:

Major Project

Date Received: **3/3/2022**

Date Requested: **3/22/2022**

Referral #: **ZR22-058**

Date Required: **4/1/2022**

Also mailed hard copy

Reviewer:

Heather M. Lal

Date Transmitted: **3/21/2022**