



## Historic Town of Hyde Park

Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
(845) 229-5111, Ext. 2, (845) 229-0349 Fax

*“Working with you for a better Hyde Park”*

### **DRAFT** MINUTES OF THE **JANUARY 4, 2017** PUBLIC HEARING/WORKSHOP/REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN  
ANNE DEXTER - VICE CHAIR  
CHAN MURPHEY  
CHRISTOPHER OLIVER  
VICTORIA KANE  
DIANE DI NAPOLI  
VACANCY

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY  
PETE SETARO, PB ENGINEERING CONSULTANT  
CYNTHIA WITMAN, PLANNING BOARD SECRETARY

---

TABLE OF CONTENTS	PAGE #
TOWN CENTER NORTH-MAVIS TIRE	1-3
BARRY BED AND BREAKFAST	3-4
RIGHT HOMES RE-SUBDIVISION	4-9
EMERGENCY ONE-4200 APR	9-17

**Chairman Dupree:** Good evening everyone, welcome to the first meeting of 2017 for the Hyde Park Planning Board. Please take note of the exits around the room and now join me in praising the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

A quick housekeeping note for those who saw our last meeting, Mr. Groeninger, one of our vice chairs, stepped down, resigned so he can spend some time in Florida. He is here this evening in the audience. In the meantime, the Town Board reappointed, Ms. Kane, far to my left at their last December meeting. We have not filled Mr. Groeninger's position yet, they'll be doing so on the 9<sup>th</sup>.

May I get a motion to reopen the public hearing for Hyde Park Town Center North?

**CONTINUED PUBLIC HEARING:**

**HYDE PARK TOWN CENTER NORTH**

Site Plan Approval – Tire Repair (#16-15)  
Location: 4280 & 4274 Albany Post Road  
Grid #s: 6065-04-919007 & 933017

**MOTION:** Mr. Murphey

**SECOND:** Ms. Dexter

**To re-open the public hearing for the Hyde Park Town Center North-Mavis Tire.**

<b>Aye</b>	<b>Ms. Kane</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Murphey</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Mr. Dupree</b>
<b>Vacant</b>	

**VOICE VOTE: 6-0 Motion carried**

**Mr. Alexander:** Happy New Year everybody. For the record, Neil Alexander from Cuddy and Feder on behalf of the applicants. Tonight with me, obviously to my left is Kelly Libolt and we also have from Maser Consulting, Phil Grealy our PTOE. We're going to get there at some point this evening.

*The applicant's new submission was presented, followed by comments and questions from the Planning Board and its consultants. It was agreed that they should return for a workshop during the next Planning Board meeting, **January 18<sup>th</sup>.***

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To adjourn the public hearing for the Hyde Park Town Center North-Mavis Tire to February 1, 2017.**

**Aye**                    **Ms. Kane**  
**Aye**                    **Mr. Oliver**  
**Aye**                    **Mr. Murphey**  
**Aye**                    **Ms. DiNapoli**  
**Aye**                    **Ms. Dexter**  
**Aye**                    **Mr. Dupree**  
**Vacant**

**VOICE VOTE: 6-0 Motion carried**

**Chairman Dupree:** The next item on the agenda is a Continued Public hearing for Barry Bed and Breakfast. Can I get a motion to open the public hearing?

**BARRY BED AND BREAKFAST**

Site Plan Approval (#16-38)  
Location: 4331 Albany Post Road  
Grid #: 6065-20-857136

**MOTION:** Ms. DiNapoli  
**SECOND:** Mr. Oliver

**To re-open the public hearing for Barry Bed and Breakfast.**

**Aye**                    **Ms. Kane**  
**Aye**                    **Mr. Oliver**  
**Aye**                    **Mr. Murphey**  
**Aye**                    **Ms. DiNapoli**  
**Aye**                    **Ms. Dexter**  
**Aye**                    **Mr. Dupree**  
**Vacant**

**VOICE VOTE: 6-0 Motion carried**

**Chairman Dupree:** In the interim since their last meeting, this application was before the Zoning Board of Appeals. They need to get several area variances including a number of bedrooms because our Code defines a bed and breakfast as a certain number and they are asking for one more and there is a 100 foot buffer between anything that's proposed on a parcel that is adjacent to anything on the National Historic Registry. The house sits within the 100 foot barrier so they are having to go for that and a couple or other smaller ones. In the interim, the applicant's representative misunderstood the date of appearance so he missed it and also they were waiting for a specific numeric calculation, which our secretary indicated to him. I don't think that there are any comments from the Board or our consultants because we have nothing new on this application. Would anyone like to speak about this? Any comments from anybody? May I get a motion to adjourn this to February 1<sup>st</sup>?

**MOTION:** Ms. DiNapoli

**SECOND:** Mr. Oliver

**To adjourn the public hearing for Barry Bed and Breakfast to February 1, 2017.**

<b>Aye</b>	<b>Ms. Kane</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Murphey</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Mr. Dupree</b>
<b>Vacant</b>	

**VOICE VOTE: 6-0 Motion carried**

WORKSHOP:

**RIGHT HOMES RE-SUBDIVISION**

3 lot Subdivision-lot line realignment (#16-46)  
Location: Reservoir Road, Staatsburg NY 12580  
Grid#: 6167-04-732397, 706377 and 714426

**Chairman Dupree:** Now we're moving out of Public Hearings into Workshop and the first item on our agenda is Right-homes. The applicants have an approved three lot subdivision located on Reservoir Road, they are proposing to change the lot lines to allow three separate driveways along Reservoir Road and this is a refinement of something we saw about a month and a half ago. Welcome back Mr. Martin, Ms. Tasker. Can you explain the changes from the last site plan?

**Mr. Martin:** Well the last time we were here. It was more of a concept plan. Just to recap, this is a subdivision that was done probably 8 or 12 years ago and it had a common driveway for all three lots and the owner has owned this property and he's tried to actively market it and he's had difficulty doing that and he feels that one of the impediments was the fact that there was a common driveway, so he asked us to take a look at making this three separate driveways which has some challenges, but we believe it can be done. All that being said, I think the Board raised some questions at the last meeting. Our newer submission had included driveway profiles, we did do sight distance analysis but I have a feeling that that was not included in the submission, but we do have it and there were a few other things as well but I think they are all reflective in the plans that you have.

**Chairman Dupree:** Thank you. Comments from our consultants? Mr. Setaro?

**Mr. Setaro:** Well, I sent around some email comments yesterday and we'll put those down in a Memo. I understand that the Highway Superintendent, that you had met Walt out there and that he's generally okay with the three driveways.

**Mr. Martin:** His concern was sight distance and we knew that and we thought we'd get him involved early on, only because it's a different concept, but his concern was the visibility and the site distance.

**Mr. Setaro:** While we're on the topic of sight distance, we're going to need to make sure that the sight triangles are shown on here because assuming that this all works out, we're probably going to need to have a sight easement on Lot 2 for the benefit of Lot 1 to ensure that Lot 2 keeps the triangle clear for the guy in Lot 1 wanting to make a left. Some of the grading may have to be pulled back a bit in order to get your 250 feet, but that will all come out once you show the sight triangle. I think that the biggest thing that I saw was that there seems to be some potential drainage impact onto the adjacent Utter property, because there is some portion of the site that drains naturally down onto Utter and under the formal proposal, in this particular area there weren't any driveways shown. Now, you're creating grading and asphalt and other things and there will be some drainage now that will have to be addressed so that we don't have an impact on the Utter property. That is something that we will have to look at because we can't have a drainage impact there. Lot 1 and Lot 2 driveway there is a high point on the driveway, maybe about a couple of hundred feet back, so we will have water that will be directed down to Reservoir Road, so you'll just have to make sure that drainage will make it safely into the drainage structures. I do want to go check, we redid Reservoir Road in 2007 or 2008, I don't remember if in this area, when we put in the drainage if we got easements from private property owners for the discharge. If we're going onto a private property and we did get easements, then we need to make sure we're not going to increase the drainage onto these people's properties, so that is something we'll have to go look at. We'll formalize these comments.

**Chairman Dupree:** Thank you and thank you for the email as well. Ms. Polidoro?

**Ms. Polidoro:** The first issue for the Board is to consider whether this meets the contiguous requirement for open space in the Code. This fingers in and out, I believe it would be hard for the Town to mark and enforce so that is something for you to consider. Once the plans are refined, I'd like some of these map notes amended. For instance, note 13 should have much stronger language. The permitted uses- I believe that table can come off because the uses could change and I don't want someone who buys a lot to think that they are entitled to the uses on the map as of today's date. Another consideration is because there is so much grading, if this goes forward, whether you want to have very strict house sizes and non-disturbance envelopes because as it stands now, house footprints can move and change.

**Chairman Dupree:** I believe I had made that as my comment in the last meeting in November, was that we would need to show limits in construction disturbance around each house, site and septic, and fix where they are because the open space requirement in our Code, it can't be lawns either. They can't just cut down trees and make it open space. That is the difficulty of enforcement and I did send an email to the applicant's representatives just giving them a heads up about the seeming lack of contiguousness of the open space that is proposed now. Any other comments or questions?

**Mr. Setaro:** Ernie, I know your client doesn't want common driveways and I can understand that but, what about if there was at least a common driveways for Lot 1 and Lot 2? Do you think he would consider that?

**Mr. Martin:** I think that came up at the last meeting and I think he still would like to keep them separate.

**Mr. Setaro:** One problem I think you are going to have is the grading for these lots right where they converge, I don't know how it's going to be done because you almost have to build both the driveways together in order to make the grading work. I don't know how one could go before the other.

**Mr. Martin:** I'll talk to him again and revisit it.

**Mr. Setaro:** It would be different if we could have a grading easement, but what if Lot 2 gets built first, when Lot 1 comes in he's going to have to mess up the Lot 2 driveway to make his driveway work. They are very, very close.

**Mr. Martin:** One thing I just wanted to point out, the driveway going to Lot 2 is actually an old wood road from way back when. Although it has been regraded in places and redone, but we tried to keep that driveway in that particular location but we can maybe talk to him that maybe we can incorporate those together and then split off and go to 1, so 1 and 2 would share at least part of a common drive. We'll look at it and I hear what you're saying. That may address some of the issues on drainage.

**Ms. Dexter:** I basically have the same concerns as I have before. I understand the owner's concerns but I see him spending a bit of time and money to make the site different and I'm not sure if he's making it any more saleable. My big concerns are the amount of rock removal and given that this has an approved subdivision that did not require need massive amounts of rock removal, I'm not very happy or comfortable removing that amount of rock especially if it's going to cause potential drainage problems for the neighbors. It's like a corner right there, if this were to start causing issues where that were to freeze up and ultimately accidents. I could not ever be behind something like that. For all of the hoops that are going to have to be jumped through to make this, I personally don't think it's going to make this any more saleable than what he already has and again my recommendation would be to drop that site that requires you to blast through all of that rock and just make 2 sites. It seems like that would make it even more saleable. Remember it's going under electric lines and that is probably the biggest barrier he has.

**Mr. Martin:** It runs through the site, but there is nothing that goes under that.

**Ms. Dexter:** It bisects through. There is an entire population that won't buy if the lots have the electric lines going through them. I think that it's a tough economy and if he just hangs in there, they will sell as is.

**Mr. Oliver:** I agree. It seems like we're trying to make it more difficult than it needs to be, maybe in this case with the drainage and grade issues, keeping it the way it was seems to make more sense. Thank you.

**Mr. DiNapoli:** For a very short period of time, I did sell real estate and one of the first things most couples with children stated to me was do not show them any property that was anywhere near electrical lines. I want to restate what Ms. Dexter and Mr. Oliver stated. This gentleman is spending money where I don't think he's going to reap the return for it. My decision cannot always be based on the cost for the applicant, I guess I'm just befuddled of trying to explain that this is not going to get him the desired results. Besides the electrical lines being a major concern, also the fact that the open space does not appear to be contiguous is a major concern, I think for this property and he needs to think about that. The suggestion that you just do two lots maybe might make it more saleable because his goal is to sell it without incurring unruly costs, I would guess.

**Mr. Martin:** Well, he's a builder, so his goal is to build and sell, but he's consistently heard back from real estate agents that the common driveway concept was not met favorably. Two, we got this approved 8 years ago. It's been a different economy for 9 years and he realizes that, but he's currently building up in Columbia County, a small operation, building one to two houses a year. He has had this listed locally for many, many years.

**Mr. Murphey:** I'm not going to tell somebody how to operate their business but that is a pretty busy thing. From my standpoint, if you make Victoria and Peter happy, that's what they get paid for, I'm okay with it.

**Chairman Dupree:** Your comment at the last meeting by the way was that the open space needs to be contiguous and I think that is what Victoria pointed out. We need to establish amongst ourselves if this satisfies the criteria. Ms. Kane?

**Ms. Kane:** In one sense I agree with Chan, it's his land if that's what he thinks is going to make it more saleable, but we do have to be very careful about the laws of our Town and the contiguous open space is a big issue, the blasting is a big issue, the site lines, the drainage. I think that there is a laundry list of issues that we're going to have to deal with and I do think that it's a lot of expense for maybe not a lot of return, but we just have to look at all of these things carefully.

**Chairman Dupree:** I'll conclude with, I do not think the open space is contiguous. Got me. I just don't. You've separated it with a little tongue in the middle and that does not satisfy what our Code says. It is supposed to be contiguous on a parcel and to any open space on adjoining parcels, so for me, if you're going to be looking for my vote, I'm going to need to see an improvement to the way that is organized. This isn't me saying that open space is valuable, desirable or anything else. I'm just here to administer the Law of the Code and I don't think this meets the intent or the letter of it. I also believe, I'm with my colleagues that I think that... my own property here in town, I've got lots of rock. I mean tons of rock and I've utilized it in landscaping schemes. People now think, you must have seen all of this when you first saw it. No, it looked like junk, nobody had raked it or done anything for a while. Rock outcrops to me are really nice and our Code as I mentioned to you in the email is replete with references to treating rock outcrops as a scenic and natural resource. That noted, I'm like Mr. Murphey, if our engineer says that we can maintain stormwater so that it stays within the actual lot itself and that the sightlines are going to be adequate, if this is really what he wants to do...I mean I drove by the site, it's a nice rock outcrop, but

there are plenty more like it in that area. I'm willing to go along with it, but I also need to echo that as I said the very first time, I'm not sure that it's just the common driveway that's preventing the sale of any of these lots. I think there are many other factors, but if the owner thinks that this is the best way forward than I'm willing to work with him, but I think you need to reconfigure the open space. I believe we have a resolution because it's clear that he wants to move forward with this, so we need to reopen SEQRA. Negative Declarations are usually somewhat binding, but in this case you've changed everything that you're going in the proposal so we'll have to reexamine SEQRA so to get that started we'll have to declare for lead agency, Type the action, etc., so we have a resolution ready to go on that so we can get this going and started.

**Town of Hyde Park Planning Board**  
**4383 Albany Post Road**  
Hyde Park NY 12538  
(845) 229-5111 Ext. 2  
(845) 229-0349 Fax

**RESOLUTION TYPING ACTION AND REFERRING THE APPLICATION TO  
THE HYDE PARK CONSERVATION ADVISORY COUNCIL AND TOWN  
HIGHWAY SUPERINTENDENT**

Right Homes Resubdivision

Date: January, 4, 2017

Moved By: Ms. DiNapoli

Resolution: #16-46

Seconded By: Mr. Oliver

**WHEREAS, the applicant, Right Homes LLC, has submitted an application for subdivision approval to resubdivide three existing lots located on Reservoir Road, tax parcel nos. 6167-04-732397, -706377 & -714426, in the Greenbelt District (the "project"); and**

**WHEREAS, the project is depicted on a subdivision plat entitled "Final Plat for Right Homes LLC" prepared by KC Engineering and Land Surveying, PC, dated October 10, 2016, (the "subdivision plat"); and**

**WHEREAS, the existing lots were created by Filed Map Number 12225; and**

**WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated October 27, 2016, pursuant to the State Environmental Quality Review Act ("SEQRA"); and**

**WHEREAS, in accordance with SEQRA, said Board is required to determine the classification of the proposed project.**

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:

1. Classifies the project as an unlisted action under SEQRA;
2. Declares its intent to conduct an uncoordinated review of the project; and
3. Directs its secretary to refer the subdivision plat to the Hyde Park Conservation Advisory Council and the Town Superintendent of Highways for a report and recommendation thereon.

Aye Mr. Dupree  
Aye Ms. DiNapoli  
Aye Ms. Dexter  
Aye Ms. Kane  
Aye Mr. Murphey  
Aye Mr. Oliver  
Vacant

---

Michael Dupree, Planning Board Chair

**VOICE VOTE: 6-0 Motion carried**

*Chairman Dupree gave instructions to the applicant's agents for delivering circulation materials as well as to the Planning Board Secretary to alert the CAC when the materials arrive. Both parties agreed to add this to the February 15<sup>th</sup> agenda as a workshop. Chairman Dupree indicated that he would email Mr. Martin if the CAC requests to walk the site in order to receive permission. Ms. Polidoro stated that PB members may ask questions of the applicants but may not discuss the project amongst themselves if quorum is present due to the open meetings law. She also indicated that she would send them an email with items that need to be cleaned up on the map and Chairman Dupree reminded them that she had previously requested copies of the deeds to review access easements and open space restrictions. He also stressed the need for waiver requests for showing all trees above breast height and anything else Ms. Moss may require.*

**EMERGENCY ONE-4200 APR**

Site Plan Approval (#16-48)  
Location: 4200 Albany Post Road  
GRID#: 6064-02-968804

**Chairman Dupree:** The next item on the agenda is also still a workshop. This is Emergency One, the applicants are seeking site plan approval to move from what is

now called Town Center South to 4200 Albany Post Road, which locals know as the former Pete's Famous. Welcome back gentlemen. Just to remind everyone, we first saw this application on November 16<sup>th</sup> and we and the consultants had sent some information that needed to be included; I think we're really close now to where we should be. There are a few small minor details that I can discuss later on. Let me turn it over to you gentlemen. Welcome back Mr. Lockwood.

**Mr. Lockwood:** We made the revisions per the Board's request and I brought everything for you to review tonight so I'm open to your questions.

**Chairman Dupree:** First let me point out that at one point the stone fascia was only on certain walls and it now extends all the way around all four sides. Ms. Kane made comments about how there were arched-styled windows in only one area and some of those windows have been added to other sides so that there is more symmetry. There are still some different windows but I am assuming that there is a functional reason for those.

**Mr. Lockwood:** Correct.

**Chairman Dupree:** That's what I thought. This is an urgent care walk in clinic so you're not always going to want to have everyone staring down at your waist. They've changed some of the sign locations. The signs are still under discussion slightly, owing to size, but there is a maximum amount of signage allowed and that's based on the linear footage facing Route 9, so the signs they originally proposed, there was way too much for what we can do but if the applicants would like to pursue that further, they can by an area variance by the Zoning Board Of Appeals but what they are proposing now basically is so that when you're driving north you would see this large sign and when you're driving south and north you would see the free standing sign. This is at a higher elevation than the Antique's Center and pond that sit just to the south so it's pretty visible sign area there and there is nothing occluding or obstructing it. Another change on the site plan is that there is now a walkway, I think this is an exit or an emergency exit door and there is an asphalt path around. In other words before there was one way in and one way out at the entrance now there is a back entrance in case of emergency, I'm imagining.

**Mr. Lockwood:** Emergency and staff. It's a staff break-room.

**Chairman Dupree:** Those are the major changes that I noticed. The other things that we requested were what I would call minor or technical. They've relocated the ADA parking so it is now closest to the entrance. They added significant amounts of landscaping and added the 911 signage etc., you also gave us a calculation of how much landscaping there is and on, so let me stop blathering and turn it over to the consultants. Mr. Setaro and comments?

**Mr. Setaro:** Once again we issued some email comments yesterday and we'll put those down in a Memo. The scale of the site plan, I can't quite match that up to anything that I have.

**Mr. Lockwood:** Correct. I noticed that our draftsman had set it up at 1 to 200 and it and it was 1 to 240, it spread out 1 inch equals 20 feet scale which actually would

have reduced the size of it on the paper quite a bit. It's actually better for viewing at 1 to 200, even though we can't scale it.

**Mr. Setaro:** If we can do something about that just so we can check the dimensions. The applicant requested a Waiver of the Topography, but I think there should be some topography shown around the area of the building, it's going to be significantly expanded to the east and I didn't get a chance to get out there today, but I believe in the back of the current building its flat for a little bit but then the grade goes up so I think you're going to need that to set your new curb elevations and make sure that the first floor elevation of the building works. I don't have a problem not having the Topo on the whole site but just in the area around the building. Then, the roof leaders, I want to see how they are going to discharge, where they are going to go. Are we going to have a collection pipe? We don't want any direct discharge onto the Antique Center property. While we're talking about drainage a little bit, what are you going to do about that pipe that goes underneath that building. Are you guys going to TV this thing?

**Mr. Devitt:** Let me just say on that pipe, we're going to tear that whole area up there and most likely we're going to replace the pipe. We're going to look at the condition of it but I think there is a good chance if it is degraded at all, we're just going to replace it. We don't want problems down the road.

**Mr. Setaro:** Right, exactly, that's why I bring this up. That pipe I'm sure is very, very old and you don't want to put this money into the building and later on have problems. If that is going to be part of the plan than that should be on here and I think we just need to have some type of a sequence to do this. For instance, you're going to have to block up the drainage upstream so there is no water flowing through the area that you're working on, so there needs to be a temporary bypass and that needs to be shown. What I would do is get with the owner of the Antique Center and share the costs and replace the whole thing. Whether they are interested in participating in it on their site, I don't know. It is something that would be good idea to check out.

**Mr. Lockwood:** I think that it would be wise to have the camera down there and if potentially not have to replace the whole thing if it is in good shape. The last time you brought up the idea of potentially sleeving it and things like that. The main concern was any corrosion under the building, when we're constructing the building, the idea is to potentially saw cut the slab where the pipe is so we can possibly replace the sections under the buildings specifically. A section at a time, but not when there is stormwater running and so forth. I think that is how we would want to approach it.

**Mr. Setaro:** Whatever your plan is should be detailed on here as to how it is going to be done.

**Mr. Lockwood:** We could do that.

**Chairman Dupree:** Just to clarify, you're talking about a staging plan basically so we know...

**Mr. Setaro:** How you're going to do it. A construction plan as to how it is going to be done because there will need to be some bypassing and where is that going to go?

**Chairman Dupree:** This does hinge on whether or not the pipe is damaged and needs to be replaced. You don't necessarily know that until you...

**Mr. Lockwood:** Well, that's it, is this more of a Planning Board issue or is this something that we submit our plan under permit and you review it as the Town Engineer and say if our plan of how to do it is appropriate.

**Mr. Setaro:** I would say we would address it now. If you're going to be replacing that pipe or slip-line the pipe, you're still going to have to have a bypass, so you're going to get permission from the Hyde Park Antique Center and put like a pump and discharge hose to bypass this area while you're doing whatever, whether you're replacing or slip-lining it, you're going to have to get an easement or some type of permission and we're going to want to see that they are going to end up giving you permission. I'm sure that they will. I think we need to have this here. We want to get you through the process but we want to make sure that nobody is surprised as to why is that going on, it wasn't on the plan or we didn't talk about it. The other thing is, I sent you an email and we want you to go to the health department. The email I got back from the county health department, I don't think there is going to be any issues since it was a restaurant before. The septic system was upgraded in the early 2000's in fact our office designed it and so I'm sure it's fine, but I would feel better if they gave you the blessing that it's fine and will be more than adequate for your use. I don't think that they are going to make it into a big deal. There will need to be a report done for them, what the system was approved for before and what your flow is now based upon the number of employees, however that is going to be calculated.

**Chairman Dupree:** I read the Dutchess County Sanitary Code, thrilling reading. I didn't see anywhere about a change in use permit but there are references throughout and it all deals with sanitary sewage disposal. I did speak to the Department of Health as well, briefly, because I had always assumed that if you have a wet use and it goes to nominally a dry use that you're all okay because the septic is big enough to handle everything. What I discovered from them is that if your septic is too big and not utilized enough it has just as many problems as with a septic not designed with adequate capacity. Once he started explaining it to me I thought, I remember now when we did the Camp Victory Lake septic system. Camp Victory Lake has five times a year where they have peak use as individuals are there for camp, one huge, and they have to keep feeding all the way through, otherwise it will dry out and it won't function and so part of what you're getting in this permit as I understand it, there will be some instructions for it. If you have an oversized one, how to make sure it stays functioning when you don't have the water flow it's designed for.

**Mr. Setaro:** One last question. Is there any change to entrance coming, or is it just staying the same? No changes to the curb?

**Mr. Lockwood:** It is staying the same, we have a 16 foot curb cut and it's staying.

**Ms. Polidoro:** I believe last time we had asked for some documentation for the right to drive over this lot and I don't know if you've uncovered anything or were working on that.

**Mr. Dewitt:** Yeah, we're going to keep it separate and do the cross easements to ourselves, basically.

**Ms. Polidoro:** There is nothing existing.

**Mr. Dewitt:** That's the question we have.

**Mr. Murphey:** I was on the Town Board when we approved it and we approved it with shared parking and cross easements. See if you can find them. Everything was approved because it was a conceptual thing that was...

**Ms. Polidoro:** If you do a title search....

**Mr. Murphey:** It should all be in there because Mr. Frank wanted to have all of these spots and sell them separately and have common parking. It was a pretty modern concept at the time. So it's there if you can find it.

**Ms. Polidoro:** And then just on the next submission, it doesn't look like you're changing anything on this third lot but maybe just put the existing conditions on and write 'no change', just so everyone understands that there is no change.

**Mr. Murphey:** I'm going to take your approval dates that you need as a personal challenge. I would like to have things speeding along and have you hit your date. Things like Pete's telling you before things prop up or problems prop up are helpful.

**Mr. Dewitt:** I absolutely agree and I appreciate that.

**Chairman Dupree:** We are prepared to Type and circulate the action tonight to get the process started and over to County Planning. It's plenty close enough to have all of that done now, have no fear. Thank you Mr. Murphey. Ms. Kane?

**Ms. Kane:** I would just like to say the building looks beautiful. I am really excited about this project. I love it. I think you guys are doing a great job. I think that the concerns that Pete and Victoria brought up are valid concerns and need to be addressed, but other than that I'm looking forward to getting it going.

**Chairman Dupree:** Ms. Dexter?

**Ms. Dexter:** I would just like to echo my colleagues, both of them, their statements. Any engineering issues, get them addressed and of course the legal easements, all of that stuff if you get that taken care of. I also love the building and it will be great to have a use there. It's been sad to see that empty so thank you.

**Chairman Dupree:** Mr. Oliver?

**Mr. Oliver:** Thank you for listening to our comments and making the changes that you did. Again, I'll echo my colleagues that I think it's a great use for the existing space and I'm excited to see it come to life. Thank you.

**Chairman Dupree:** Ms. DiNapoli?

**Ms. DiNapoli:** With a little luck may you be able to open up on time. It is a lovely building and just as my colleagues have also stated it's nice to see it being put to good use.

**Mr. Dewitt:** Thank you.

**Chairman Dupree:** Well it's been a pleasure working with you. I feel like I've been harsh on Mr. Brinnier, "you need this, this and this!". I realize afterwards, you guys are architects and probably not used to doing all of this sort of code stuff along the way.

**Mr. Dewitt:** You probably haven't been nearly as harsh as we have been.

**Chairman Dupree:** Oh, okay. *Laughter.* I have no comments other than what I have been sending to you, by the way, for the record there is always a copy put in the file, it's FOIL able (Freedom of Information Act), it's just meant to make the process go more quickly so you don't have to wait for every two weeks for me to then load out everything on you. This process has worked because as I said I think we're very close because the building is very attractive. Thank you for not making it beige. It's nice to see color and it's going to continue the blue from CVS pharmacy, like a visual echo. It's what our code in our comprehensive plan actually wants us to do, create a sense of place in Hyde Park and your design has done this admirably.

**Town of Hyde Park Planning Board**  
**4383 Albany Post Road**  
Hyde Park NY 12538  
(845) 229-5111 Ext. 2  
(845) 229-0349 Fax

RESOLUTION TYPING ACTION AND REFERRING THE APPLICATION TO  
DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

Emergency One

Date: January, 4, 2017

Moved By: Mr. Oliver

Resolution: #16-48

Seconded By: Ms. Dexter

**WHEREAS, the applicant, FATM Properties, has submitted an application for site plan approval to construct and establish a health care facility on property located at 4200 Albany Post Road, tax parcel no.6064-02-968804, in the Town Center Historic District (the “project”); and**

**WHEREAS, the project is depicted on a site plan entitled “Emergency One” prepared by William Brinnier, RA., dated December 27, 2016, (the “site plan”); and**

**WHEREAS, a health care facility is a permitted use subject to site plan approval in the Town Center Historic District; and**

**WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated January 3, 2017, pursuant to the State Environmental Quality Review Act (“SEQRA”); and**

**WHEREAS, in accordance with SEQRA, said Board is required to determine the classification of the proposed project; and**

**WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.**

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:

4. Classifies the project as an unlisted action under SEQRA;
5. Declares its intent to serve as lead agency in a coordinated review of the application and directs its Secretary to send notice of its intent to all involved and interested agencies; and
6. Directs its secretary to refer the site plan set to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

Aye Mr. Dupree  
Aye Ms. DiNapoli  
Aye Ms. Dexter  
Aye Ms. Kane  
Aye Mr. Murphey

Aye Mr. Oliver  
Vacant

---

Michael Dupree, Planning Board Chair

**Involved and Interested Agencies**

NYS Department of Transportation  
Dutchess County Department of Health  
Dutchess County Water and Wastewater Authority  
Hyde Park Fire District  
Hyde Park Conservation Advisory Council  
Hyde Park Police Department

**VOICE VOTE: 6-0 Motion carried**

*There was a brief discussion regarding the details of the SEQRA circulation. Ms. Polidoro also asked what the date was that the applicant was hoping to have their CO and the answer was June 1<sup>st</sup>, 2017. Mr. Setaro agreed to assist them with the stormwater concern if they want his help.*

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To set a public hearing on February 15<sup>th</sup>, 2017 for Emergency One.**

<b>Aye</b>	<b>Ms. Kane</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Murphey</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Mr. Dupree</b>
<b>Vacant</b>	

**VOICE VOTE: 6-0 Motion carried**

**Chairman Dupree:** I'll go through everything with a fine tooth comb again, but the only thing I am seeing that still needs to be done, I emailed already, to show water and utility lines, that's pretty simple and we need a calculation of the square footage of the freestanding sign. It is not a perfect rectangle.

**Mr. Lockwood:** I have that on the plans. It's actually the leader pointing to the elevation of the sign. It has the area on it. I did a Poly line area.

**Chairman Dupree:** Oh, you do? I didn't look closely enough. Great, thank you. There is not much else that I can see except for the stormwater stuff that you'll be

working out. See you in 6 weeks and if there is any issue in the interim, just contact our office. Thank you so much. Any other business for this evening? *Hearing none.* May I get a motion to adjourn?

**MOTION:** Mr. Murphey

**SECOND:** Ms. Dexter

**To adjourn.**

<b>Aye</b>	<b>Ms. Kane</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Murphey</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Mr. Dupree</b>
<b>Vacant</b>	

**VOICE VOTE: 6-0 Motion carried**