



## Historic Town of Hyde Park

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

### MINUTES OF THE **JANUARY 18, 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  
DIANE DI NAPOLI  
BRENT PICKETT  
ROBERT WATERS-ALTERNATE

MEMBERS ABSENT: VICTORIA KANE

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY  
PETE SETARO, PB ENGINEERING CONSULTANT  
TAD MOSS, ZONING ADMINISTRATOR (joined late)  
CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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**Chairman Dupree:** Good evening everyone, welcome to the January 18<sup>th</sup> meeting of the Hyde Park Planning Board. Please take note of the exits around the room in case of emergency and now join me as we re-pledge our fealty to the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

A quick housekeeping note, Board Member Kane is absent tonight owing to illness and we have our new Board Member Mr. Pickett to my left, who has been our alternate for the last two years and served ably. Welcome to the Board now in your official capacity.

The first item on the agenda is the continued public hearing for Mintzer Veterinary Clinic. Applicants are seeking site plan approval for a new building to be constructed at 4938 Albany Post Road. This subject has been discussed many times. The applicants submitted revised plans and a revised response memo to the Morris Associates memo that was sent earlier and with that I will turn it over to you Mr. Tirums, Dr. Mintzer. Anything new to offer besides what you brought us?

CONTINUED PUBLIC HEARING:

**MINTZER VETERINARY CLINIC**

Site Plan Approval (#16-44)

Location: 4938 Albany Post Road

GRID#: 6066-02-878695

**Mr. Tirums:** Well since we submitted the revised plans, Liz sent us another dozen comments. We're just going to revise it. There is nothing here that is...it's easy things to indicate after the plans are clarified. I think we'll make the revisions. We're also making some minor changes with the inside layout of the building and putting on some different dormers on the building, so by our next submission we should have everything completed and finalized.

**Chairman Dupree:** We hope so. I'd like to get this through. First, just to clarify, you're still showing steps to enter the front of the building and earlier I had said you'd actually need an ADA ramp and you said, "oh, that's an old version and there's no steps", but there are still steps shown. I'm pretty sure through building Code that you'd have to have...

**Mr. Tirums:** Yes, that's one thing I did not get around to changing was the front steps. We're still looking over some window choices, dormer styles and a few things. That will be revised on the next plan.

**Chairman Dupree:** The other confusing thing to me on the site plan you show a fenced dog-walk, but on the floor plans to the building there are four bump outs in the same area that are shown and look to be a part of the building. And on the elevation it shows a window, I think, for each. So are there bump outs plus a fenced in dog-walk area?

**Mr. Tirums:** No, that will be a fenced in area where the dogs that are there for the day can get some fresh air and then there will be a door alongside of it in that same area that is fenced in so that they will be able to walk around.

**Chairman Dupree:** The other, sort of bigger issue is the scale. Tad as the Zoning Administrator has opined on numerous occasions that storage is accessory to a principal use. So if you're storing anything to be used with the veterinary service that is considered part of scale. So when you did your scale calculation, you just did the living space on the second floor, so you'd need to add that in there. In addition, I know that Ms. Moss will say that the dog-walk adds to the scale too because it is part of the use and since that's fenced in, you need to add that in. I just want to make sure the four bump outs are in the scale too. I don't remember the scale calculation, I just looked at it quickly, but I want to make sure scale is resolved because remember it is 7,500 square feet max. I'm hoping that you don't have to go to the ZBA based on whatever the final number is.

**Mr. Tirums:** I think we have cushion in there that these two minor things will not affect that.

**Chairman Dupree:** From my non-engineering calculation, it looked like you had about 1,200 to play with.

**Ms. Polidoro:** The second floor isn't that minor because basically half of the second floor needs to be included.

**Mr. Tirums:** Yes, but the second floor, given the way the roof comes in is only about 2/3 of the space as downstairs. Anyway, you lose 1/3 of it due to the way the steep roof comes in on the side.

**Chairman Dupree:** That makes more sense too. And like I said, on the site plan you don't show the bump out that shows on the floor plan. When you're looking down at the building it doesn't show that. That's where I was confused. I had a new item, I realized that the proposed retaining wall was fifty feet wide, but you don't show the height, nor do you describe the materials that are going to be used. So that should be added to the plans.

**Mr. Tirums:** Okay. I think it's a 2.5 to 3 foot wall. We're going to use a Unilock style wall, but we can come up with a color and things like that for you.

**Chairman Dupree:** I'm trying to help you, because remember we have a strict constructionist for a zoning administrator, as you would say legally. So, if you have a 50 foot wall and no height, the first thing she's going to say is where is the height that's shown on the plans. To get you through all of that, I really went through with a fine-tooth comb. Ms. Axelson and I wondered about the lighting that is not shown on the plans. It says 15 foot height in the narrative, but we've had cases in the past where the lamp was 15 foot but it was put on a 3 foot stone base which makes it 18 feet the way Ms. Moss measures it and so we had to go through lots of contortions to make it legal. So, just clarify that that is 15 feet from whatever it has to be mounted on, if it's mounted. Some don't. Some are just on flat concrete. That may be what you're doing.

**Mr. Tirums:** These will have a concrete footing, but they will be under the height.

**Chairman Dupree:** Sometimes they are only like this big, the concrete footing, it's all in the ground. Sometimes they are this big. It depends on how much traffic is involved and you're not in a shopping center with a lot of traffic. When you are in a shopping center like the applicants behind you, where you kind of want that, because you don't want cars crashing into your pole all the time. You don't want them to hit anything, but if they are going to hit anything, you want them to hit the stanchion that it's mounted on to. Those are my points. Mr. Setaro any comments?

**Mr. Setaro:** No, I went over Liz's memo with her. There were some new items on here based upon some addition details that were shown on the map. Again, these are pretty minor. We're not going to have any further...some things didn't get taken care of from the last time, but again it's minor stuff. All of my drainage questions were answered so I think if we just take care of these then we should be done.

**Chairman Dupree:** Thank you. I neglected to say, when I started on my points, that we've come a long way. 90% of everything is done, it's just that last 10%, because scale is an issue, we weren't prepared to take action tonight based on that one feature alone because I want to make sure you don't have...we can't take action if you require a variance. Let me put it that way.

**Mr. Setaro:** None of the items that we had here would prevent the Board from giving a conditional approval. There is nothing here that is a show-stopper. This is all just little details.

**Chairman Dupree:** It's primarily scale. That's the issue because we can't approve something without knowing if it exceeds it because it would need a ZBA variance then. Ms. Polidoro?

**Ms. Polidoro:** My issues have been addressed already.

**Chairman Dupree:** Thank you. Good to hear. Mr. Murphey?

**Mr. Murphey:** Everything was covered that I had.

**Mr. Pickett:** I think everything has been covered. I had the scale issue, the floor plan not matching the site plan and the clarifications on the concrete walk areas and bump-out for the dogs. That is all being clarified, so I'm good.

**Chairman Dupree:** I should have also added that Mr. Pickett was an alternate, but was assigned this application from day one, so he is not just stepping in new. He is familiar with this since we first started. Ms. Dexter?

**Ms. Dexter:** I just had a question about the Morris Associates Memo, number 2, Pete-the adding more notation as needed about the kennel shown on the floor plan and the dog-walk area to assure that the site will be a veterinary office with kennel use specifically related to veterinary care. What are we looking for there?

**Mr. Setaro:** I think there is something in the Code, which is why Liz made the comment. A kennel use is accessory to the veterinary office and not going to be used as a fulltime kennel. It's just accessory for temporary waiting.

**Chairman Dupree:** Kennel use requires a minimum of 10 acres, which this does not have, but there is already a note on the site plan that says, “the veterinary clinic business will not operate as a kennel”.

**Ms. Dexter:** Is that sufficient?

**Mr. Setaro:** I’ll have to ask her.

**Mr. Tirums:** We will relabel that to say it’s a recovery area. We see where that might be misleading.

**Mr. Oliver:** No further comments. Excited to get this going and see you opened for business soon. Thank you.

Ms. DiNapoli: **You brought the colors in, fabulous. It’s so nice that it’s not beige.** On the plans it says, ‘deck’, is there a second story deck? It also says, ‘deck, natural stone trim’, are you going to be putting that around the second story deck?

**Mr. Tirums:** It would be like a Trex color for the deck, not pressure treated, like a Trex color to it.

**Ms. Polidoro:** The site plan doesn’t show the deck, so we need to know if it’s within the setback.

**Mr. Tirums:** We keep moving the deck, so we haven’t had the final location yet, but it will be on the next one.

**Ms. Polidoro:** Because if you need a variance, you won’t be able to get approval until you go through that process, so you’d want to start sooner.

**Mr. Tirums:** We’re not going to put it on a side that requires a variance. That’s part of what is holding us up.

**Chairman Dupree:** That’s also on my list, that I had picked up, because the deck is actually shown, at one point you see a little glimpse of a deck, but then you don’t see it again on anything else. It’s one of those that disappears a lot like those bump-outs.

**Dr. Mintzer:** I originally wanted it on the east side but it will affect the setbacks, so it will probably go on the north side where we have enough room for setback. It’s for the employees to sit out and have lunch, basically.

**Chairman Dupree:** Really? Okay. It might be cheaper and easier to put out a bench on the lawn, but that’s just me saying that.

**Dr. Mintzer:** I’m one of the employees. *Laughter.*

**Ms. Polidoro:** It’s a corner lot so be aware that it’s two front setbacks. The kennel is questionably within the setback, but we weren’t sure because you didn’t show the lines.

*The Chairman commiserated that he also has a property with two front yards.*

**Chairman Dupree:** Since we were getting granular here, the other issue is that you have natural stone trim and building elements sited right below the color choices, but I don't see any natural stone trim anywhere.

**Mr. Tirums:** These architectural details have been a work in motion and some alterations in the last weeks...and that will all be settled as you see a depiction in the next submittal.

**Chairman Dupree:** I'm going to say this for the record but I don't mean this rudely because I like working with Mr. Tirums a lot. I understand that sometimes you are still making decisions, but remember that we can't approve a moving target. What we approve is what we approve and remember...strict constructionist, so decide everything, so that we can approve it. We changed the Code years ago to allow de minimis changes because the way the Code used to read if your building was even 4 inches front where it was supposed to be, you'd have to come back for a site plan amendment. We don't do that anymore. Ms. Moss has the discretion to decide what is minimal. There are a lot of things she just doesn't even like to think of as being minimal or not, so just to make it easier on yourselves. When would you like us to continue this hearing to, the 15<sup>th</sup> of February?

**Mr. Tirums:** The 15<sup>th</sup> of February would work.

Mr. Murphey: I don't think we opened up the public hearing, did we?

Chairman Dupree: Can I get a motion to re-open the public hearing?

**MOTION:** Mr. Murphey

**SECOND:** Ms. DiNapoli

**To re-open the public hearing for Mintzer Veterinary Clinic.**

<b>Absent</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>Aye</b>	<b>Mr. Pickett</b>

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

**Chairman Dupree:** Is there anyone from the public who would like to speak **about** this application? There being none, may I get a motion to adjourn the public hearing to February 15<sup>th</sup>?

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

**To adjourn the public hearing for Mintzer Veterinary Clinic to February 15, 2017.**

<b>Absent</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>Aye</b>	<b>Mr. Pickett</b>

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

*The Chairman offered to email his detailed notes to Mr. Tirums and he accepted.*

*Mr. Pickett stepped down from the dais and was replaced by alternate Board Member, Robert Waters.*

WORKSHOP:

**HYDE PARK TOWN CENTER NORTH**

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

**Chairman Dupree:** The next item on the agenda is a workshop. Mr. Pickett is going to recuse himself from this application and our alternate, Mr. Waters, I'm appointing herewith for the duration of the review. This project, this is Hyde Park Town Center north, more specifically for those who've been following, it's Mavis Tire Repair. This is located at 4280 and 4274 Albany Post Road. At our last public hearing, Ms. Libolt, Mr. Alexander and the applicants were here and showed us just a new, simplified site plan, if I can call it that, Ms. Libolt? Just for the purposes of showing us relocations of bays and some other changes they have made in the interim. Since then, in this latest application, other changes that were discussed that night were somehow incorporated magically, on a dime. I congratulate you guys. I didn't even notice at first that you closed off the other entrance that is close to Pinewoods and relocated that. A speed-table got moved...let me turn it over to you...

**Ms. Libolt:** Thank you for that good introduction. But, yes, at the last meeting we were talking about some of the site plan component changes that the Board had asked for, so I won't go back through this whole project again, I'll just go through the changes if that's okay with you. One of the things that had come up with the Town Engineer was the relocation of that handicapped parking space. It was on the west side of the building right opposite the building and as Pete had indicated it was a bit cumbersome for people to get into the building because the entrance is now in the

north side of the building. So, they were going to have to cross that mountable curb and it made more sense to move the handicapped space north, so they'll cross this handicapped entrance directly into the building.

**Chairman Dupree:** And I agree.

**Ms. Libolt:** We made the modifications to the curb-cut that you referenced and Alex Serroukas is here tonight and hopefully he can come up and talk about this. We shifted it further to the south and if you go east or west...so east into the vacant building or the Feeds Plus building, or west into Alex Serroukas' parking lot, they're lined up together at that cut. We closed this northeast curb-cut as well. Back to the Mavis site, we added the bollards that we talked about really at the end, just against the sidewalk so that if a car is backing out of those north bays, it doesn't hit someone that is potentially walking across the sidewalk. You know, sometimes the front end of the car or from the tires forward can go up over the curb, so there's bollards that were added inside of that concrete. Do you see them Diane. Okay. We shifted this stop-bar. You know if you're on this east or north-south corridor, you stop really far back, just because you stop before the loading dock of the old Amish Market. So, that was shifted to the north, so that you really stop and it's more of a four way intersection.

**Chairman Dupree:** Better sightlines, I think, as well.

**Ms. Libolt:** Yes, absolutely.

**Mr. Murphey:** Didn't you put a speed hump in there too?

**Ms. Libolt:** We did. You're taking the wind out of my sails there. Everyone is. So, we added that second speed table up there in the front.

**Chairman Dupree:** Which was Mr. Oliver's suggestion at the last meeting too.

**Ms. Libolt:** Yes, we also added directional signage for the bank and I think the discussion two weeks ago was that people were kind of coming in and out of this, which is supposed to be an ingress only for the bank. And there was apparently maybe a sign that had been taken down at some point in time. So, we proposed a sign on our property. This is a little quirky entrance that is on my client's property and it's an entrance for the bank, so we added a sign on our property but we also showed a sign on the bank's property, now that's a little bit presumptive, I'm not sure if that is something that they are going to approve or not approve, but we showed it on there. We only have control over putting a sign on our property.

**Chairman Dupree:** Right, I don't think we can approve something that shows it unless we have....

**Ms. Polidoro:** *Inaudible*

**Ms. Libolt:** I caught it tonight as I was looking at the plan.

**Chairman Dupree:** It's tiny.

**Ms. Libolt:** We also talked to DOT, one of the bigger issues that had come up at the last meeting was that we thought it was best to modify the entrance road. So again on Route 9 right now you have a double stacked ingress only and Phil Grealy was proposing to make that an ingress and an egress. That was a lot of discussion about whether or not it was good or bad. Ultimately the decision was we'll talk to DOT, so we called Chuck Walter and had a conversation with him. He has no objection to it. He was going to check with the regional office for one thing. It just seems weird that it was a double stacked in, so he wanted to make sure that when this was approved eons and eons ago that there wasn't some restriction that no one remembers, that it was an ingress only, so he was going to check with the regional office and get back to Phil Grealy.

**Chairman Dupree:** When this was approved originally, you had on-street parking in this area. I know from talking to the Molloy children and this was before I moved here 23 years ago, long before. There was a taking of some of the property when they widened Route 9, so it is possible that there was something, I don't know.

**Ms. Libolt:** He just wanted to make sure before he said.

**Chairman Dupree:** I put in a call myself to Tom Weiner, who is going to ultimately weigh in on this too, because he is their planner. He said that he would take a look at everything, but he said that I don't have it yet, so I forwarded him the digitized copy for him to take a look at it as well.

**Ms. Libolt:** And we sent it to Phil as well, or Chuck, Phil sent it to Chuck. So he had it. Again, I go back to, I think it makes sense because I just know this intersection and you guys do too, that it would alleviate some of the pressure that you have on Pine Woods, because everyone that is going north on Route 9 goes out there.

**Chairman Dupree:** The bigger issue I see is that...since you proposed it, I have been driving by. In the afternoons and I'm talking really about 4, this time of the year it's blocked completely from the light at Pine Woods, completely. That doesn't mean it poses a safety issue, it means that people might not use it during that time period. Once you're there waiting and waiting, depending on the kindness of another driver letting you in and that happens all over the place. This is particularly tough because it is just a long light with all of the traffic. We have 10,000 cars that go there, back in 2009 according to the DOT study, so it's a lot. You're right, it's so short on Pine Woods, that you have backing problems there as well. I used to think that somehow getting that road to go further east on Pine Woods, but that actually is worse too because of the sight-lines. They really travel fast there, so we're trying to make the best of a tough situation, that wouldn't be designed this way these days.

**Ms. Libolt:** Exactly. This is one of those things where I say, it's really in the purview of DOT. I think everyone has their own personal opinion about it, but it comes down to what is the best as far as from a safety standpoint. That's the response for that. The big modification that we made was the elevation. I'll just go to that real quick. All of the other things on the site plan stayed, the landscaping, all of those things, so I'm not going to go over those. I brought the old building so everyone could see and this is the new building. And so again, the biggest modification is...we listened and one of the big suggestions for the alternatives was to modify the direction of the bays.

Originally they were facing west, facing Route 9 and everything has been rotated so that those 5 bays are facing east and two bays are facing north. So, if you start with the west elevation, which is what we would all see if we were driving down Route 9, of course Ruth's building, the building in the front, this presumes that there is no building in the front. I think the architect did a pretty amazing job here. He has kept... if we start on the north side, this was the original entrance for the old building, which was the northwest corner and we're rotated that to the north, but we wanted to maintain that corner to look like it was different than the rest of the building. So he kept that and made a storefront window and kept that awning. You know the pitch of the roof obviously has changed because now he has three separate and distinct sections of the building with the false sliding doors so it looks like a barn. These buildings here or the windows here are storefront windows that are meant to look like garage doors, but they are storefront windows. We talked about what we might do with the glass there, we'll get into that later, once we start talking about more architectural stuff. Perhaps that glass is covered or glazed or something because the inside of the building right there is where you're going to have storage, so we want to make sure that's protected. If we go to the north side of the building, this is where you would enter now. So we have that same feature with the awning and storefront windows and the two bay doors. The south side is essentially the side that faces the gray barn. You're really never going to see it. It still has the Hardie plank siding. You'll never see it. We did continue the stone all the way around the building. The east side is the side that faces what I call the third world nation entrance road. It just faces that north-south connector road. So we kept those two features that we have on the other side of the building, on the west side, just to give this side a face, so it didn't look like a faceless building with the garage bay doors. Everything stays the same with the Hardie plank, the stone...I think he did a really great job of figuring out a way to modify the building to what I think met everyone's needs. We did provide just a little floor plan so you can get a sense of what that is going to look like. The fire chief had asked for a few questions, so we're going to clarify the specific uses inside of that space. We just kind of quickly wanted to get this in front of you so that we had something to talk about tonight. The lighting will stay the same. The ornamental lighting that we talked about on the building. The colors and so forth would stay the same. So those are really the changes that we were hoping tonight, as you had said Mr. Chairman, to workshop this and hopefully get some direction from you so we can finalize any additional items that you're looking for.

**Chairman Dupree:** Before I turn it over to the consultants, I just want to say that I think that's a really nice looking building. I think it surpasses the esthetics of any Mavis that I've ever seen anywhere I can even think of. I think it will be an attractive addition there. One of the things when I first argued for it to be in the northeast corner, when I really got down and not engineering-wise, used a scale, I realized suddenly, that while this is a large and tall building, it is going to be tucked behind a lower building, a flat front lower building. So you'll miss some of it and then behind it is a building that is really big as well, the Old Grand Union and I think that nestled between there. I've been using this analogy in my head, when you picture an image of a New England town you almost always see the roofline and steeple of a church and it's nestled inside sort of a village look and there are buildings around it of different sizes and I'm kind of thinking that's what this is going to be like, except non-religious and no steeple. In other words, you'll be seeing an attractive top with the three windows and that I think will look nice. To me, I still think we need to have a noise

impact study or a variety of reasons, I can go into those later, but I think a lot of my concerns for impacts to community character and certainly noise would appear to be mitigated by this because you're directing the sound in the opposite direction.

**Ms. Libolt:** That was the intent.

**Chairman Dupree:** I just wanted to say that straight out. I think the building is...so while there are always certain people who have come out earlier saying that we should accept the very first thing that is proposed. I feel as though this dialog and colloquy between the two of us has resulted in a project that's even better than what was initially proposed, especially for the site itself. I am aware of all of the amenities that you've added, including the central landscaped area in through there...I'll go into this more at the end, but I just wanted to get my opinion out there initially for the record. Because, again, the architect has done a really nice job. I also want to point out that what we call the gray building that's located perpendicular next door was actually originally stalls and a barn for the horses that was originally part of the Roger's Estate, which was called Crumwold. It was back at the time, it had sliding doors to get into the stalls etcetera. You're recreating, in other words that kind of history that we're supposed to be looking for here. Being an historic community, I think that the architecture is magnificent. Let me start with the consultants. Mr. Setaro any comments?

**Ms. Libolt:** Can I just interrupt. In case anyone catches it, there is a dimensional error on the elevation. It says 34 feet and I wanted to make sure that you knew it isn't. It is 28'10".

**Mr. Setaro:** The height of the old Amish market?

**Ms. Libolt:** I think it's 29'6". I have it in my notes. *The actual height number submitted in the site plan scale calculations for the Amish Market/Old Grand Union is 26'7".*

**Mr. Setaro:** About the same.

**Ms. Libolt:** We're less than a foot.

**Chairman Dupree:** They had adjusted that before where it's close to one another. Like I said this isn't going to dominate and be hugely above even the Grand Union.

**Ms. Libolt:** And that 28'10" is to the peak, this roofline is lower. We may be right in line with the top of the Amish Market. We are nearly identical.

**Chairman Dupree:** Also remember this is a peaked roof, it's not like a big square like the Grand Union building is. You're just looking at a height that is on a peak.

**Mr. Setaro:** For whatever my opinion is worth, I really do like the architecture. I was impressed when I opened up the pdf and offering my two cents, I think this could set a good tone for whatever else that they've got planned for the site.

**Chairman Dupree:** We all value your opinion.

**Mr. Setaro:** Liz had some comments, I think that most of those were just generated based on the agenda meeting from last week. A couple of things that were talked about, which I'm sure we'll discuss more was whether the Board wants to consider having a traffic person here just to take a look at the circulation. I wasn't quite sure about item 2D the visual and photo simulations, but I guess you'll discuss that. Liz was talking about a section view, but again that was something that was brought up at your agenda meeting.

**Chairman Dupree:** It's a low-tech way, I call it low-tech. It's a fairly low-tech way for anybody who has concerns up here about the bulk and mass of it and how it would fit into the site. I used my analogy of like a church fitting nestled within the village, but that is my fancy verbiage for something that I can see now, so we're going to discuss it amongst the Board. I have it in my prepared written comments as well.

**Mr. Setaro:** The only other thing that was discussed at the agenda meeting was the sound receptor locations. I'm sure we'll have a discussion about those unless you'd like to do it now.

**Chairman Dupree:** I would like to finalize those. Has everyone had a chance to read the Morris Associates memo? *Affirmative answers were heard.* It's at the bottom, or I should say the reverse page. At the agenda meeting we suggested some changes in site. There are seven receptor sites proposed. The first is the residence and daycare behind the site and I want to point out that there is a rock outcrop that is roughly opposite some of the back bays, or the east facing bays. I'm not a sound expert so someone was saying would it bounce back and go back over and we can find out by getting a receptor point over there, because I think if it bounces off the rock I assume it would go back off the top of the building which is taller than the rock outcrop and kind of keep bouncing within, but I'm not a sound person, so I don't know. The second site would be where we originally had a location, which is 5 Crumwold Place, that's the residence behind the Laundromat and Chase Bank. The third location would be the second floor apartments over the gray barn at 100' and the fourth would be at 40' from the Mavis building. Again this is the gray barn that Ms. Libolt just pointed out and I said used to store horses. Then we wanted a receptor point in front of the Serroukas Plaza, where there is outdoor dining, Hyde Park Pizza and a new tenant, El Guacamole. To see if that would impact if you're sitting outside. Then we wanted to look at an area around building four to see if that would impact future uses there, maybe like an outdoor dining area for a café or something. And then the seventh that Ms. Axelson put in there was a receptor in the commercial plaza to the south of the site. This was her sort of idea. We didn't discuss it at the agenda meeting, it was her throwing that in there, saying do you want to discuss this.

**Ms. DiNapoli:** I thought we had talked about the open space.

**Chairman Dupree:** That's what I thought, so again, this just sort of appeared in there. It's up to us to make the final decision. I believe when I spoke to her on the phone, she thought that if you knew what the sound was like at El Guacamole, you would probably be able to extrapolate, interpolate, what the sounds would be like in the green space, but if you prefer the green space.

**Ms. DiNapoli:** I guess I just don't understand where the commercial plaza to the south of the site is.

**Chairman Dupree:** In other words, have something near McDonalds or near Senator Serino's office. To me that doesn't seem like a critical area.

**Mr. Alexander:** We were just hoping for a little bit of a narrowing of the numbers. Just to think collaboratively, that your concerns are covered, but 7 or 8 seemed more than...we didn't want to, especially after all of the lovely architecture comments, we didn't really want to push back on it, but it just seemed a lot and we thought if maybe we were a little more strategic, collaboratively we could...4...you know would work...

**Chairman Dupree:** I'm not sure why we need to have two at the gray barn to be honest with you.

**Mr. Alexander:** Yeah, that was the low fruit that we saw as well.

**Chairman Dupree:** I think the sound will be nice to know, but the sound has now been pushed to other directions so it's not going to be where it was before which was on the backside of that building. I mean there is just very little of that building that even shows on that corner and there is a big portion of the building, lengthwise that is just used for storage, rather than having the bays right there. *Directing a laser pointer at the site plan.* All of this would then be...the sound would come out here and the building is located there, so this wouldn't even produce sound over on this side. In addition, there are no windows or anything that would allow sound off the south elevation to go over there. I'm going to ask everybody to speak on this. Those were my thoughts. I'm more concerned with knowing if there is sound in front of the plaza because I know that at different times their tenants have sat outside in the evening. Granted, as a reminder, there is ambient sound there already from Route 9. Let me start on my left, Mr. Murphey, do you have any comments on the sound receptor locations?

**Mr. Murphey:** Yeah, I guess I'm a little critical the other way, if you're eating right next to Route 9, 10' from it or if you've moved into an apartment 30' from Route 9, I don't think you logically expect to have a lot of quiet.

**Chairman Dupree:** I want to point out that the restaurant is typically, at least right now, is more filled in the evening hours, but I believe they are open for lunch. I went by today and the lights were on and it said open I assume El Guacamole is open for lunch. On Thursdays, if approved this place would be open until 8 pm so you would have diners at 7 when the traffic goes down in the summer, potentially hearing sounds so at any rate, thank you.

**Mr. Murphey:** I think you probably have to have a receptor there. One across the street in the development and then one someplace south and why don't we put one up by the nursery school or wherever. I think that is all we need. We've got it pretty much surrounded, I don't think we need to go beyond that.

**Chairman Dupree:** Okay. Thank you. Mr. Waters?

**Mr. Waters:** So the receptors that were selected or agreed upon...

**Chairman Dupree:** Not agreed upon, just recommended.

**Mr. Waters:** Those are the right locations I think. I agree though the gray barn probably, because they're both second floor right? *Chairman indicated in the affirmative.* One is over the building, one is at the building.

**Chairman Dupree:** They are both over the building. It's commercial on the first floor I believe and residential on the top.

**Mr. Waters:** So we could probably do away with one of those and everything else looks good, so I'm okay with it.

**Chairman Dupree:** Ms. Dexter?

**Ms. Dexter:** Of the seven there, I agree the daycare is good, Crumwold is good, pick maybe the 40' one for the gray barn. I don't think we need it at El Guacamole because you are doing the outdoor plaza seating area. I think that it's easy to interpret that going farther than to be further and come in. At this point, I'm not sure we need anything south of the site. So that would be getting rid of 3, right? That would leave 4.

**Mr. Oliver:** I'm going to lean towards agreeing with Chan on this one and one of my other comments though is that I'm not sure that we need a receptor on the applicant's property. We should try to see where the sound is coming off the property, so I'm not sure we need one on building #4, in front of that. And I think it might be better at El Guacamole instead of at the green space because that is on the applicant's site and they know that they are getting involved with the noise.

**Chairman Dupree:** In other words, assuming the risk.

**Mr. Oliver:** Exactly. We should be focused on where the noise is coming off the site, rather than staying on the site.

**Chairman Dupree:** I take it you're agreeing that there is no reason to put the commercial plaza to the south...

**Mr. Oliver:** Yeah, I agree with that.

**Ms. Polidoro:** Is the daycare to the south?

**Mr. Oliver:** No the daycare is to the east, 14 Pine Woods Road.

**Chairman Dupree:** Not St. Francis Daycare. I'm sorry. We call it daycare, but there is a nursery and daycare use that is on the plot behind it.

**Mr. Setaro:** That's number 1.

**Chairman Dupree:** Yes, that's number 1.

**Mr. Oliver:** I'd be fine with four. One to the east, one at El Guacamole, one at Crumwold Pl. and one 40' at the gray barn.

**Chairman Dupree:** Okay. Ms. DiNapoli?

**Ms. DiNapoli:** I'm fine with getting rid of the commercial plaza one. I agree with only one for the gray barn, because I too was puzzled with why we were doing both. I would keep the residence and the daycare. The one by Crumwold I would keep. El Guacamole I would keep. I would want to have the outdoor space, the proposed outdoor space. I really think that is important. If this is for the community, the locals to utilize, I fit is so loud and noisy that people don't want to go there, then what is the sense in having an outdoor space for them to use if it's too uncomfortable? That's the only reason why I really thought that one was important.

**Mr. Alexander:** I think that point is well taken. We will definitely will take it...trying...

**Ms. DiNapoli:** In terms of Pine Woods, the outdoor seating, I'm neither here nor there, so whichever way moves the needle.

**Chairman Dupree:** Because I didn't hear a lot of people say anything about that site...that was me, so let's just take it out.

**Mr. Setaro:** So we're going to get rid of 6.

**Ms. Libolt:** Well, let's start from the top. So it looks like everyone likes the daycare (#1). Everyone likes, even though I object to it because it's on the wrong side of Route 9, everyone likes #2, but I'll give them #1, #2. So we have #1, #2, #4. Just on #4 though, when I spoke to the noise consultant, he said second floor is really difficult because then he has to keep going in and out of these people's residences, or have a ladder, so if we can just do one on the ground, he said second floor is really difficult.

**Ms. DiNapoli:** But the second floor is where they live.

**Mr. Waters:** Coming around that corner it's going to be elevated.

**Ms. Libolt:** But whatever you hear on the ground is going to be the same that you're hearing on the second floor. I don't think you're going to decipher that much difference between...

**Mr. Waters:** I don't know about that.

**Chairman Dupree:** How did you guys do it last time? You didn't go in their houses.

**Ms. Libolt:** We didn't, we never did the second floor. We did our study which had different receptors and then the second floor got added later and when I spoke to him about it, he said really complicated to do second floor.

**Ms. DiNapoli:** If he had a ladder?

**Chairman Dupree:** There is a walkway in the front. He can't just stand in the walkway, covered area?

**Ms. Libolt:** I'm okay with that, as long as he's on the ground, not going up to their apartment.

**Chairman Dupree:** Well, no, it's a covered. The outside is covered. There is not a staircase for each person, you walk up the stairs and there is a long...

**Ms. Libolt:** So he'll be on the south side of the building, on the walkway.

**Chairman Dupree:** He'd have to be, right?

**Ms. Libolt:** Okay.

**Chairman Dupree:** As I've said, there are no windows on the north side.

**Ms. Libolt:** So #1, #2, #4 and #5, somewhere in front of the Serroukas plaza?

**Chairman Dupree and Mr. Alexander:** And then the central park too.

**Ms. Libolt:** Well, that was kind of in or out. I mean, I kind of agree with Chris, if you are going to get the El Guacamole area, then you are going to get the noise that is coming through there. I guess I'll put it this way, I don't really know what...I don't like to use this word mitigation, but what we would do vastly different in the outdoor seating area. We'd still want to build it. It's up to someone if they want to sit there or if they don't want to sit there and the noise that we get at the restaurant is currently going to be a few feet away.

**Chairman Dupree:** One thing from having read the copious minutes that we'll be adopting sooner or later on this application, and I do mean copious. A lot of the discussion on sound when we had Mr. Schmitt here, again we are just looking to identify magnitude. One of the first things he says is that if he concludes that this doesn't rise to a significant impact, people have come up afterwards and said, "You said there wouldn't be any noise". So let's make sure we're stating on the record again, the purpose of this is not to assess whether there will be noise because there's going to be some. It's how far it travels and since this kind of noise is percussive this is automatically going to be categorized as a nuisance or annoying. It's how annoying is it going to be, how far away. Chances are, it may not be annoying unless you're really close to the building. So, we'll know more once we get this study. We'll know more because the bays have all been altered and changed. The north facing bays are the ones of course that will potentially impact this, that's about it and there are only two.

**Ms. Libolt:** Right, those are the ones that we are interested in, but the point is what difference would we do to the park if we...

**Chairman Dupree:** The answer I would make is that maybe from the way Ms. DiNapoli suggested, maybe the Board would not require you to put that park in. I

don't know. Maybe that would save you some money there. I like the park and I would hope...

**Ms. DiNapoli:** I like the park too. I think it's a great idea.

**Ms. Libolt:** It would be up to someone if they want to sit there or not.

**Chairman Dupree:** To me it also visually breaks up the size.

**Ms. DiNapoli:** It may also help to determine maybe the bays that face north may have to be re-looked at.

**Chairman Dupree:** Or have sound attenuation put in the doors or something.

**Ms. Libolt:** We would know that from the restaurant.

**Chairman Dupree:** That's how I feel.

**Ms. Napoli:** But the open field is the first sound you come to, by the restaurant it's getting dissipated and there are low buildings.

**Ms. Libolt:** We don't have to beat it to death. It's whatever the Board wants. I think we've said our piece.

**Ms. DiNapoli:** But I may be the only one.

**Ms. Libolt:** I think you are. I did note it, but I won't bring it up again. *Laughter.* Forget I said that.

**Chairman Dupree:** Are others concerned that we have a receptor located specifically in this area? *One negative reply was the only thing voiced.* Okay.

**Ms. Libolt:** So we're #1, #2, #4, #5.

**Mr. Murphey:** You spoke about a different kind of a gun too. Are you going to compare both guns?

**Ms. Libolt:** We're going to look at that and see. First we're going to look at the original.

**Mr. Murphey:** I'd like to see both rather than one. I'd like to see what the loud ones are going to be like, just in case there is some kind of regression.

**Chairman Dupree:** At one point when the applicants were still proposing the bays facing the other direction there was discussion, just discussion, it was never put into a proposal, about utilizing the quieter guns.

**Mr. Setaro:** A muffler attachment, isn't there something like that?

**Mr. Alexander:** They agreed to do that.

**Mr. Murphey:** That's what I mean. I'd just like to get an idea of with and without.

**Mr. Alexander:** It may be the situation that if the two north bays need the quieter attachment and the other five don't need it.

**Ms. Libolt:** The only other thing that I want to clarify is the times that we're going to do the readings. Originally the readings had varied daytimes. They were between 8:00 am-2:30 pm and then the Board had asked for one after I think 6 pm.

**Chairman Dupree:** Right. When the traffic calms down and then the residence are back at their homes.

**Ms. Libolt:** So there will be, let's call it a daytime that could be between 8:00 am-2:30 pm and then there'll be a pm, I'll call it, which will be after 6:00 pm for those four receptors.

**Ms. Polidoro:** Does it make a difference to the Board if it was conducted on a weekday or a weekend?

**Ms. DiNapoli:** I would want to see both. I'm not saying both days of the weekend, but we had discussed this the last time, that the weekday traffic is one thing, but then someone had brought up the whole issue about...this is going to be a working business on a Sunday morning, people going to church, what are the sounds. Remember that discussion.

**Chairman Dupree:** I do. Again, I read the minutes. Mr. Schmitt points out that on weekends, you may have somewhat less traffic, your peak volumes are different on the weekends versus the weekdays, but also on weekends you would have I don't remember exactly the term that he used, I'm sorry. He said when you're taking it there is more neighborhood noise, that is basically it. Lawnmowers, leaf-blowers, etc., those all have to be factored in as well because typically those kinds of everyday activities for the weekend, residential maintenance are done often by the owners on the weekends. He didn't give us clear direction as I recall about whether it's preferable to have any particular day of the week, all he said was that in the study everything needed to be accounted for, that way you would have still an ideal assessment of what the noise impacts will be because you factored in, 'oh there was a lot more traffic on Route 9 that day' or at the interval that it was taken. If the majority of the Board wants to see it on a weekday and a weekend, I think for me I would normally have said just a weekend day rather than a weekday. Because that's when I feel like as though traffic is a little less on Route 9 in through there, that's when people are home.

**Mr. Setaro:** Normally, if it's on a weekend, that should be the worst case.

**Ms. DiNapoli:** My question was, is it normal just to do one or the other? Only from the previous discussion I had the impression we were looking at one, I don't know.

**Mr. Alexander:** I think part of it is, I understand, I think part of what our thought process is that the design has substantially mitigated it and I think in a lot of ways the noise study is there just to confirm what we all kind of already know, which is that it's

done it's work, we've done the work. So what we're really trying to do is scale back the noise study to an appropriate way to confirm what I already think all of us already have sort of a limbic feeling in our gut that this works. And we're just looking to not say...qualitatively getting a sliding scale of what it all feels like, but rather an on/off switch, which is like, 'Hey, this has worked, it has done it'. So, just a weekend, which is worst case scenario, as Pete put it, would be preferable to us than having to...it's getting bigger, you know and we're trying to just politely just sort of make sure that you get the confirmation that you're looking for and that we all feel in our guts is going to occur and also not try and push it so small that we wind up having to do it twice.

**Chairman Dupree:** Thank you for saying that. I was just going to say, what my goal is here is to make sure that it is broad enough to satisfy the entire Board that what they get is the correct answer. That noted, to respond to Ms. DiNapoli's question earlier, this Board was only going to undertake a noise impact study for the project Mavis proposed being just south of Sweet's Funeral Home. We got into it, we discussed methodology and we had receptor locations. I believe we chose a Saturday. No, we chose a Sunday because funerals take place on Saturdays and Sundays and there is a church nearby. So we were looking at impacts on all of that and that's why we chose it, but then the applicant withdrew the application so we never actually got to the sound study.

**Ms. DiNapoli:** I'm fine with just one day.

**Chairman Dupree:** As Pete said you're trying to find the worst case scenario, so that would probably be a Sunday.

**Ms. Libolt:** Okay.

**Chairman Dupree:** And I think we've sort of ended that discussion now. Thanks to my colleagues and as always to the applicants. Mr. Setaro any other comments?

**Mr. Setaro:** I just want to be clear, so as far as...we are going to do a weekday?

**Ms. Polidoro:** My notes say Sunday, but still two times, one is day time and one is after 6:00 pm.

**Mr. Setaro:** Is that right?

**Chairman Dupree:** Why would you do after 6:00 pm if they are not going to be open at 6:00 pm on a Sunday?

**Ms. Libolt:** Before we picked Sunday, that was the two times during the week day.

**Chairman Dupree:** Because the business will not be open...actually we don't know the hours on Sunday, it says varies in your narrative, Sundays and Holidays says varies, so we don't know.

**Ms. Libolt:** Yeah. You're right. Yup.

**Mr. Alexander:** Sunday afternoon is going to be even quieter.

**Mr. Setaro:** They are going to be open, we know for sure they're going to be open in the am, so why don't we...I mean...I don't know, between 9:00 and 12:00.

**Chairman Dupree:** I'll tell you what, why don't we speak to Mr. Schmitt briefly tomorrow.

**Mr. Setaro:** Yeah, I will.

**Chairman Dupree:** We actually have a sound engineer to evaluate this and so he can, if we say it's a single time on the weekend, he can maybe come up with the best time.

**Ms. Libolt:** So we're going to wait to hear from...

**Chairman Dupree:** We'll do this tomorrow.

**Ms. Libolt:** Okay good, because we want to get started on this right away.

**Chairman Dupree:** I want everything started as well, because of course we can't do a negative declaration until we receive all of this information.

**Ms. Libolt:** So at the moment we're talking about, looking at the both guns, we're talking about Sunday, but we're waiting on the time and we know the four receptors. Okay.

**Chairman Dupree:** Right.

**Ms. Polidoro:** When he said guns, when Chan brought that up earlier I thought he was talking about the noise gun, but he was actually talking about the wrenches.

**Chairman Dupree:** Yes, one has, we'll call it sound canceling technology.

**Ms. Polidoro:** So I think last time there was a question about the actual instrument that was used. I don't think it was on the right setting.

**Ms. Libolt:** It's a different company that's doing the noise study. I have the rest of the criteria that Liz gave us as far as the LEQ, the LE this, we'll follow.

**Ms. Polidoro:** Okay.

**Mr. Setaro:** What did we decide on the park in the front?

**Chairman Dupree:** It's out. Four receptor points.

**Ms. Libolt:** It's out. It's #1, #2, #4 and #5.

**Mr. Setaro:** Okay, just want to make sure.

**Chairman Dupree:** Any other comments, Mr. Setaro? Ms. Polidoro, any comments?

**Ms. Polidoro:** Not on Noise. The only one I have at this point is just a reminder that we need the letter of authorization.

**Ms. Libolt:** We have it tonight. *The letter was handing in to the Planning Board Secretary.*

**Chairman Dupree:** While I have you though, this is legal, so, it's my fifth point tonight, but I brought up in the very beginning under 108-4.4A1, there is a requirement that the maximum cubic volume is 60,000 and this is considerably over that. I think about three times, again, I'm not an engineer. Is this a standard?

**Ms. Polidoro:** It requires a variance.

**Chairman Dupree:** So there is a bed and Breakfast before us right now, Mr. Tirums is representing it and its being located right next to the Hyde Park Elementary, that's on the Historic Registry. So, it can't have a volume over 60,000, but it does so he's getting a variance for that.

**Ms. Libolt:** What was the section, I'm sorry?

**Chairman Dupree:** It's 108-4.4A1. I brought it up at the first meeting back in March. Aha, I was wrong, 108-4.4 A2. So, since we're doing a noise impact study, etc. You have time to start that.

**Mr. Alexander:** Wait, 108-4.4A2, walls and fences and deemed...it's on height.

**Chairman Dupree:** No this is, 'any structure visible from any point along the boundary of a designated place on the State or National Historic Registry of Historic Places...no height exceeding 35 ft., no volume greater than 60,000 cubic ft.

**Mr. Alexander:** Oh, it's three, it's A3, but hold on, I think we had our thought process on that. Let me deviate. Just hold on a second, if I can sort of hit my memory banks here...*Mr. Alexander read the referenced section of Code.* I think the question is whether we're actually visible.

**Chairman Dupree:** Do a visual impact analysis from the entrance to the Historic Site, the Berg-Stoutenburgh House. If you'll recall you have to down up steps because it's raised up about the sidewalk. The sidewalk itself, I should say, is raised up.

**Mr. Alexander:** Where should we...we should do that from the front door, because that's where a person would look from.

**Chairman Dupree:** Or, let's see, 'any point along the boundary of a designated place...

**Ms. Polidoro:** The hundred feet applies to the property.

**Chairman Dupree:** Yeah, it's the property.

**Mr. Alexander:** I read that applying to the structure, ‘any structure visible from any point along the boundary of a designated...

**Chairman Dupree:** So let me, so we won’t be caviling legally tonight. We’re all cooperating. What I would suggest you do, because I’m merely repeating Ms. Moss’s, who actually is the arbiter here, not you, nor I. I’m telling you how she interprets it, if you want to challenge that interpretation, guess where you go? The ZBA.

**Mr. Alexander:** So you referred to her as *inaudible*, earlier today, so...

**Chairman Dupree:** You go to the ZBA after that, so challenge it, either way you may have to go to the ZBA is what I’m saying. I’m just trying to get this one, so you can get through this hurdle.

**Ms. Libolt:** Just a question then, if we were to go to the ZBA would we get a favorable recommendation from the Board on that variance.

**Chairman Dupree:** You’d have to ask the Board, but I can tell you...let me outline the process we went through for the Barry B&B. Hyde Park Elementary, I read this in the Code as if you have a historic resource, you don’t want some huge building next door blocking it. It’s a quirk of the Code that it’s on the boundary and since I already raised it at the March 2<sup>nd</sup> meeting, I want to take care of it, so we have a perfect legal record when we get through. So, in our assessment there, the building that I’d be referring to, the B&B is pretty close to Route 9 and the Elementary sits way back and plus the Elementary is huge in comparison to the B&B so even through it exceeds the cubic volume, we recommended favorably. In this case, I can see it being argued that there are so many intervening buildings that the mass itself won’t impact the Historic Resource. I would then suggest that you would add, I’m not telling you how to do your job, but you’re smart, you would then add also your letter from SHPO, saying no impacts, so between the two...When I leave this role in three years, I’m going to go work for you guys over there somehow. *Laughter.* So anyway, that’s what I would do.

**Ms. Libolt:** Did the ZBA grant the variance?

**Ms. Polidoro:** They had a hearing and it was continued.

**Chairman Dupree:** Because Mr. Tirums, the applicants representative, forgot it was scheduled that night and there is more than one variance being sought and I believe based on comments that I’ve seen in their minutes, that it is being viewed favorably, that one. But there is also that 100 foot buffer that they need to maintain along the side, that they are asking for a variance for as well and he couldn’t tell them what the...as you know by law they have to grant the minimum variance allowed and he just said, ‘it’s somewhere less than 100’. So they couldn’t write that in the resolution and since he wasn’t there it got continued.

**Ms. Libolt:** Okay.

**Ms. Polidoro:** I have another pesky comment. Once we’re at a spot where everyone kind of agrees that there is a layout moving forward. Does 1125 Broadway, LLC need to submit site plan amendment because some of these changes are on the other, I

mean they can go in an addendum, but they need an application and something that can be filed. Because I know Hyde Park likes to have site plan for that site in a particular file.

**Mr. Alexander:** I'm just wondering and this is thinking out loud, if we just bond it over that we're going to do the work, since we have a letter of intent. Is that enough, because when someone signs off on the CO for our site plan it included what's shown on the plan and if we just bond it over since it's an off-site improvement.

**Ms. Polidoro:** I don't think it's a bonding issue, I think it's more just having a plan on file that shows this change...

**Mr. Alexander:** I know, I'm just really concerned with...I totally...

**Chairman Dupree:** I think I may have a solution, in advance...let's discuss this with Ms. Moss. It may be that she'll allow an onion skin that shows the changes there to be appended as long as it's stamped by somebody on your side.

**Ms. Libolt:** That would be great if we could do that.

**Chairman Dupree:** So let me talk to Ms. Moss about that. That's a good point, I hadn't thought about that.

**Ms. Polidoro:** I'm not saying a formal application is necessary, I just know that...

**Chairman Dupree:** Tad will want a record, it's better to have a record.

**Mr. Alexander:** We're totally comfortable with memorializing it. That was not the panic button that I was about to hit, I think it's implicit, right? Myopia gets scary sometimes and we don't really want to open that...

**Ms. Polidoro:** I rather bring these issues up now than get...

**Mr. Alexander:** No, no, I have no problem with the comment, I have no problem with the comment at all...

**Ms. Libolt:** Mr. Chairman, you'll speak to Tad and then let us know.

**Chairman Dupree:** I'm going to tomorrow, believe me, because this also brings up if you want to put the sign on the actual bank side, do they have to come in for a site plan amendment?

**Ms. Polidoro:** Technically, should be maybe another onion skin. The sign can't be enforced unless it is on their plan.

**Ms. Libolt:** I'm going to take the sign off. We have one on our property that we're showing.

**Chairman Dupree:** There you go. Let me discuss with Ms. Moss. This has a big, huge star on it right now, and I'll get back to you.

**Ms. Libolt:** Okay.

**Chairman Dupree:** Any other potential road bumps ahead, up there that you can identify? More pesky items as you called it.

**Mr. Alexander:** I'd say it's like Scooby Doo, 'We would have gotten away with it, if it we're for those pesky kids'.

**Ms. Polidoro:** That was it for now.

**Chairman Dupree:** Okay, thank you. Mr. Murphey any comments based on the new layout.

**Mr. Murphey:** I just had a quick question, it's more curiosity than anything. How far did you move the western wall of the building closer to Route 9, in other words from the old to the new, how much is it?

*Using the site plan and input from the Board and consultants, the question was clarified for Ms. Libolt.*

**Ms. Libolt:** It didn't, that's what I'm saying.

**Ms. Polidoro:** It looks almost the same.

**Mr. Murphey:** You took it all from inside the building?

**Ms. Libolt:** Yeah, you can see we had the existing footprint right here. *Ms. Libolt brought the site plan poster over to Mr. Murphey at the dais.*

**Mr. Murphey:** In other words, you're saying that gap is the same as it always was? So you took it all out of the building.

**Chairman Dupree:** That would mean it's the East wall that moved west. The east wall moved.

**Mr. Alexander:** Kelly, it's going from about 9,100 to 7,100, right.

**Ms. Libolt:** Yes, correct.

**Mr. Setaro:** Square feet?

**Mr. Alexander:** Yes, roughly.

**Mr. Waters:** Total, first and second floor?

**Ms. Libolt:** This west side is essentially the same side as the existing building.

**Chairman Dupree:** The east wall moved west.

**Mr. Waters:** Is there a staircase going up?

**Ms. Libolt:** Yes.

**Mr. Alexander:** Hold on one second, back to one conversation and we'll definitely answer that question. So the question is roughly, ballpark, obviously we're going to nail this all down. We're going to give you a revised full EAF, part 1, 2 and 3. To try to pull it all together in one place, but rough ballpark, the existing structure is approximately 9,100 square feet at grade level. Correct Kelly? Correct me if I'm wrong. And I believe that all together including the little bit of that tire storage, however we're measuring that little thing, we're at like 7,100 and...

**Ms. Libolt:** 9,115 now and it's 7,191 proposed.

**Chairman Dupree:** Does that answer your question Mr. Murphey?

**Mr. Murphey:** Yes.

**Mr. Alexander:** But, we're going to pull it all together once we know. So that's why I was hesitant, at the next meeting someone says, 'but you said', 'yeah, it was wrong until we got more precise'.

**Ms. Libolt:** Does that help?

**Mr. Waters:** And that is the space on the second floor or whatever, there is a staircase.

**Ms. Libolt:** I know this is confusing because the architect keeps showing a staircase, but there is no real second floor. What it is, is there are tires that are stored...I'm going to attach a photo to the documents that I submit so that it's crystal clear, because a photo is worth a thousand words. It's really like a catwalk, so the tires are stored on a rack and there is a ladder that accesses up to the top so that you can get to it. There is no true, real second floor that you can walk on.

**Mr. Waters:** What is the head height?

**Ms. Libolt:** I can get that for you.

**Mr. Waters:** If it's I believe, I'm not sure what Code is, but there is a Code on that, I believe if it's over 7 foot, then it could be deemed as square footage.

**Ms. Libolt:** We went through with the architect a very detailed analysis for scale and calculated worst case scenario. We calculated the tire storage area as square footage for scale, so we did worst case scenario, so it's already been included.

**Chairman Dupree:** Yeah, Mr. Waters, earlier, we had many meetings on scale and the last one we all agreed finally on everything. I'll add that you will need to change the scale since there have been some changes in parking because of the tree that everybody wanted. The important thing to remember is that it now exceeds scale and they will be going below it.

**Ms. Libolt:** Correct. We're bringing this site that's existing nonconforming into conformity.

**Chairman Dupree:** Just to remember, as I pointed out before, so I'll say it again, by doing so you can not apply for a special use permit if you ever wanted to increase scale beyond that.

**Mr. Alexander:** Okay.

**Chairman Dupree:** Mr. Waters other comments? Mr. Murphey, I'm sorry, was that your only question or comment?

**Mr. Murphey:** Other than I like your layout.

**Mr. Waters:** It's a vast improvement to what is there. That being said, I just, like I said, I just wasn't sure about seeing that staircase on there, I wasn't sure if there was a second floor, what's the square footage because it's not a scalable drawing so I couldn't...it's between 3/32 and 1/8 scale, so I just didn't know. There are no dimensions on these...are the bays open to the floor above? You'll show me that...

**Ms. Libolt:** There is no real floor.

**Mr. Waters:** I understand, it could be a catwalk, whatever you want to call it, storage area, whatever, and it just needs to be depicted on the drawing. In a dashed line, I don't know what it is. It's a lot of roof line that's the concern. It's a lot of roofline, so it depends on how it's framed, that, that could be...it's no intention of the owners to do anything with it up there but it could be closed off with a floor system and there could be a second story space.

**Ms. Libolt:** Yeah, that would have to be subject to approval by the Planning Board. Today we're proposing this building which has no real second floor, it's a rack. I'm using, I'm sure the wrong word, I'm going to show you a picture.

**Mr. Alexander:** It's really like a shelf, really.

**Chairman Dupree:** The one I saw was a series of poles and they were stacked around the centers like doughnuts on top of one another.

**Mr. Alexander:** Exactly.

**Mr. Waters:** The evolution of the two bays on the north side, I just didn't understand...I understand the east, moving them from the west to the east for noise and you did that in consideration so that they're not shown visible from Route 9.

**Ms. Libolt:** Well it was a suggestion from the Planning Board as an alternate.

**Mr. Waters:** And the aesthetics are to keep it so that the design of the elements look like...on the west elevation, is to depict that they...Those bays, I'm questioning how that evolved to be there and the access.

**Chairman Dupree:** Well, Ms. Libolt answered that and I can tell you that, that was a suggestion from a couple of members of the Planning Board to also reduce the noise impacts so that noise would be directed both toward the east, there is a big open expansion and trees before you actually get to houses and then the ones north would be keeping any noise impacts within their site. There are no residences past in Pine Woods. There is a commercial site and then the beginnings of the park and the flat usable area of the park is set way back off Pine Woods. You go pretty far back in. That's where that came from I believe.

**Ms. Libolt:** Correct.

**Mr. Waters:** These are to make it look like they're bays, is that correct? Is that something that Mavis wanted?

**Ms. Libolt:** Well, we wanted storefront windows there and it seemed like the most sense to have them look like the doors on the other side so it's a balanced building.

**Mr. Waters:** Would they consider doing the water table across that and just having storefront above the water table?

**Ms. Libolt:** This is the plan that I think we're at, at this point, this is what we're proposing.

**Mr. Alexander:** I think we're trying to balance and also keep...there is an announcement aspect to the building too, from a commercial speech standpoint as well. Trying to get it to read to people, to know that the facility exists as well as also balancing the architecture for a community nestling feel to...

**Mr. Waters:** That's the evolution. That's what I'm talking about.

**Mr. Alexander:** Exactly. That's right.

**Chairman Dupree:** I also want to just underscore that Ms. Kane who is absent tonight, at one point had said if the building were flipped, she wouldn't mind seeing those bays as, I think she used the term, fake windows or something. You know, to allow light and for the same reason as to speak commercially that it is a business.

**Mr. Waters:** Okay. I think that is my thing. The dimensions on the plans, you'll get them to us at some point?

**Ms. Libolt:** Yeah, we pulled this together in like a week so we'll detail it.

**Chairman Dupree:** It was pretty quick when they did it. Ms. Dexter?

**Ms. Dexter:** Thank you, I really like the new elevations for the new proposal. You said you were going to go into a little more detail about those west elevation windows, tonight or some other night?

**Ms. Libolt:** No, we're going to have to flush through those when we start getting into more details about the architecture. One of the issues I think that we discussed in the beginning when we presented the first building was what the color of the glass was and I think that is what I intended to flush out. What is the color of the glass there and what are you going to see when you look in from that side?

**Ms. Dexter:** Right, and we'll probably see nothing right, because that's storage?

**Ms. Libolt:** That is the intent because there is tire storage there. What we did...I've seen where you black out windows, you know you can actually purchase windows blacked out, so we'll have to work with the architect on that and see what they recommend and then present it to you and see what you think.

**Ms. Dexter:** Yes, Dollar General has the fake windows with ...*inaudible*

**Ms. Libolt:** Yeah, I just wanted you to know that we had thought...I brought that up tonight, so you knew that we had thought through that in case you brought it up...There's going to be storage there, you have windows there. We know, we understand that, but we want to retain the windows.

**Ms. Dexter:** Absolutely, no, I guess my point is that I really like the barn doors and one of the things I was thinking, is now it looks like a barn, the last iteration didn't look so much like a barn. It looked kind of like it was trying to be a converted barn. This looks more like a barn, this looks like a nice big, old barn. Just a thought, every barn I see has a vent thing on the top.

**Chairman Dupree:** A cupola.

**Ms. Dexter:** There you go, a cupola. And you have cupolas to the south and I know that they may end up redoing that too at some point, but...weathervanes...*Someone mentioned a couple of cows. Laughter...*no seriously.

**Ms. Libolt:** As long as the Board acknowledges that it would exceed the height.

**Chairman Dupree:** Wait, before we get out of hand here, even the owners behind you are laughing now. I just want to point out that I agree now that you said that. Adding an architectural element would be nice up there and it would typically be a cupola you'd see.

**Ms. Dexter:** Yeah, it doesn't have to be huge or fancy or anything like that. Something to consider. It's Michael's fault, because when he talked about the church spire and stuff, I'm like, well if this is looking more like a barn.

**Ms. Libolt:** As long as everyone understands that that section of the building may be taller than obviously the buildings in the area.

**Ms. Dexter:** That falls under a different set of the Code, when you do a Church spire or...

**Ms. Moss:** As long as it's not occupiable space.

**Chairman Dupree:** The Code actually specifically sets out that says that turrets, parapets are not counted towards your height, so we're okay.

**Ms. Libolt:** Weathervane?

**Chairman Dupree:** Yes.

**Ms. Dexter:** Okay, then cupola with a weathervane. *Laughter.*

**Ms. Libolt:** We'll look at it.

**Ms. Dexter:** I'm a long time Hyde Park resident and there was a big gigantic barn between the pond antique center and the Eveready Diner, there was a big, red barn back there and that's why I moved to Hyde Park. They were building boats in there, back in the day. It has since burned down, but that had one of those.

**Chairman Dupree:** That building was used, when the prior Planning Board reviewed for what was then Molloy Pharmacy. Pictures of that were used during the review and that guided some of the design. Because I remember being in the audience and seeing some of the pictures. It goes to something that was important back in the day that burnt unfortunately. That's great. Any other comments?

**Ms. Dexter:** My only other comment is having to do with the traffic. I would welcome having a consultant kind of help guide us on that because I'm just concerned maybe he would suggest something that if you're going to have two way traffic on the main entrance on Route 9, that you shut down one of those, maybe that first entrance off to the left to parking because you can get that way through the bank. I don't know, I'm always worried about too many conflict points and that seems like there are a lot of conflict points.

**Ms. Libolt:** We have no objection to the traffic consultant, we just wanted to talk tonight about procedurally, how you want to proceed, so that we can keep this moving forward. We already spoke to Phil Grealy and he knows the consultant that you were recommending.

**Ms. Dexter:** Okay, good, good.

**Chairman Dupree:** I was just going to say, I had sent an email to the applicants just informing them what I thought we would be looking for in the noise impact study, having a traffic consultant and I want to place into the record, I don't think this warrants a traffic impact study by any means, but I'd like to have an additional set of professional eyes because these are pretty big changes that are proposed with the Route 9 thing. And was like, 'I know Phil, I review his stuff all the time'. I sent him the digital plans and the digital first plans that were submitted, so he could see some changes, also that way it shows current conditions because this is just a simplified set, so I wanted him to look at current conditions. I kind of gave him an idea what I thought the Board would want to look at. He's not reviewing anything yet, I wanted him to give me an idea what the initial escrow would be. He didn't think it would be a lot.

**Ms. Libolt:** What would you need from us in order to get him underway?

**Chairman Dupree:** Nothing. It will be a motion tonight to get a traffic consultant. Once they authorize me, then I'll have him send me a contract. We'd actually hired the same firm years ago, I think three years ago for work because we thought we were going to be getting the submission across from the CIA and we know we need a traffic consultant. Then that didn't materialize, so rather than appoint them from year to year as our official, when we're not using anybody, I thought we could just do that on a project by project basis and they've agreed to that.

**Ms. Polidoro:** In your motion you should set an initial escrow amount.

**Chairman Dupree:** How do I do that if he hasn't given me any information?

**Ms. Libolt:** Can you just pick an amount, just to keep things moving forward.

**Chairman Dupree:** Yeah, okay. That way we can get it started and go, okay.

**Ms. Dexter:** I would just say that that will help because the changes you've made as far as the speed bumps and the...I don't know and I, I just want it to be something that flows really well and so a consultant would help me do that.

**Chairman Dupree:** In addition, I guess for some reason, it doesn't occur to me as much, but there has been discussion or there's been concerns expressed about having all of the customers walk over the mountable curb to get in the front door if they're parking to the west of the entrance, which we think most people will. So, he'll be able to opine on that too. I mean they added bollards last time, Ms. Libolt thought about it and they got added, so that stops people from walking along the sidewalk from being hit by cars going out, but again, I think a professional set of eyes on this. Chances are he may agree with everything that Dr. Grealy says so that would give me confidence that we're having someone look at it from the Town's perspective, rather than the applicant's perspective, so, thank you.

**Ms. DiNapoli:** Can I ask a question about that? Will they be also looking, besides the traffic flow, are you saying that they will look at some of how the parking is set up and the crosswalks.

**Chairman Dupree:** Oh yeah, pedestrian, it's all internal circulation. The consultants, AKRF Consulting, Anne and I had met to interview them and we had a series of individuals who applied to be traffic consultants and we met with them. We were by far more pleased with them, than anybody else because they do take a macro, holistic approach to it, so that's why I initially reached out to them. Mr. Oliver comments?

**Mr. Oliver:** I just want to thank everyone here. Everyone on the Board and our applicants and the owners for working together. Thinking back a couple of months ago, where we were on this and looking at the architecture that was brought tonight and all of the site improvements that we touched upon from the last meeting, the changing of the building. I said this awhile back, this is such an important part to our Town and I'm really excited to get a project together here that everybody is happy with and hopefully move forward in the near future, so thank you.

**Chairman Dupree:** Thank you Chris. Ms. DiNapoli?

**Ms. DiNapoli:** The traffic specialist answers several of my questions, so that's good. A quick question about the south side of the building, originally where the hidden garden was going to be, is that area at all being addresses in terms of infiltration and stormwaters, how is that being mitigated and does it have to be?

**Ms. Libolt:** At this point, Joe Berger has not redone his, I'm going to call it a SWPPP, but his storm report. When we previously prepared the plan, when we moved the pocket park to the central park, we were leaving that area green and it was going to act as an infiltration area. I would presume that he would keep it the same, but the next submission to you will address that, so I assume there will be no change. Just so we're clear though, that's not a heavily landscaped pocket park, it's a green area that's used for stormwater discharge.

**Ms. DiNapoli:** Okay. Right, I wasn't sure if it was going to be asphalt or what.

**Chairman Dupree:** No, that's where they're putting a lot of stormwater.

**Ms. DiNapoli:** That's what I thought. With the glass, I think it looks stunning. I think it's going to look lovely. My thought was in terms of heat radiating in the inside and how hot that's going to be, thinking for the workers. Are these treated windows?

**Ms. Libolt:** When the architect works on this, they think of all of those things. They look at the heat, the light and determines whether or not, what's appropriate for those glass. So I think it's a good point but maybe we might be getting ahead of ourselves. He put this together and I think we now need to have him give us a detailed elevation, so I don't know what the type of glass is that they're going to use. Whether or not it's Argon gas or whatever he's going to use as far as the windows are concerned, but he'll look at that from an MEP standpoint as well.

**Mr. Alexander:** And they're also going to look at it from an OSHA standpoint. There is a whole other rubric that is well outside or the purview of what we're dealing with here that they'll have to figure out.

**Ms. DiNapoli:** On the east elevation with the barn doors, was this just in a rush that he put light fixtures over the make-believe doors, yet on the north where the customers come in there's no light fixtures?

**Ms. Libolt:** I'll answer question two, the light fixtures over the fake barn doors are there because we still want to light that path, so they are going to act to some extent as lighting that area. The lights over the north elevation was probably an oversight.

**Chairman Dupree:** I thought they would be in the awning.

**Ms. Libolt:** They probably will be. We had goosenecks. Before the distance between the awning and the roofline, remember when we had that taller building and that's where we absorbed a lot of that height, so we had the gooseneck fixtures in there, but we'll have him look at that and see. It was probably an oversight.

**Chairman Dupree:** That's a good point though Diane. You use the same fine tooth comb, I see.

**Ms. Libolt:** Oh they are in the awning, they are telling me that they are in the awning.

**Ms. DiNapoli:** And again, I just want to be on record that back in September, 21<sup>st</sup> at that Planning Board meeting, I had submitted a handout from the Greenway Guidelines section, E3-site specifics on the parking lots and I guess I'm still concerned that the parking lot looks like an outdated parking lot and limited attempts have been done to bring this up to the 21<sup>st</sup> century parking lot. And while I'm reciting history, at the August 17<sup>th</sup> meeting of 2016, I did state the Town Code, section 108-4.5G on the architectural features. This is a big building still, it has come down tremendously, don't get me wrong and I think you've done a remarkable job over time. But it has also been stated that there's approximately 25 cars a day from Mavis, we're down just one bay that leaves less than 4 cars a day per bay for a building this long and this height with 7 bays, doesn't add up with what Mavis is saying. I know Mavis cannot say for sure definitively how many cars, but they've been in business a long time, I'm sure they did not pull that number out of a hat. So, going forward, I still don't understand the size, why we need seven bays. And just to follow in on that same comment, I know the last meeting, Ms. Kane had mentioned that this is not really a Ruge's model. Ruge has one 'in' and one 'out', this has seven in and seven out. I appreciate the turning of the building, but I still don't understand how people can use the words, 'this is a Ruge's model'. I just don't see it. That's the end of my comment. Thank you.

**Chairman Dupree:** Thank you. So let me go through first. Is there a concern still that we need the sight section and Photo Sims to understand this better, because no one made that in their comments? I don't have that concern, but if other's do then I want to make sure we get everything on the table and give them clear directions for what the next steps are. So when you do a Photo Sim and sight section is you take a look...they put in the building...they Photoshop it. Is that the right way to say it, basically? They Photoshop the building inside...

**Mr. Alexander:** Two different things, one would be a sightline to go through to get a sense of, kind of like cutting through a garden, getting a sense of how everything interacts. A Photo Sim's a whole other...

**Chairman Dupree:** That just drops it in and then the sight section is like when you see in Greenway Guidelines, where you see buildings and the trees and the cars and pedestrians, so you get a...

**Mr. Setaro:** A line drawing.

**Chairman Dupree:** A line drawing, you get an idea of how everything operates, that's why I called it fairly low-tech. So, those two. Photo Sims are what we usually get to give to an idea. So they scale the photo correctly then drop it in, it's a Photoshop. So that tells you one thing and the other is a line drawing and it gives you an idea of...

**Mr. Alexander:** Giving you perspective.

**Chairman Dupree:** Yes, I was going to say it's also when you... I don't know which one it's on, I think it's on the north elevation, where you see there is a woman and a child coming in, and it gives you perspective. All of that is entailed and through there, like I said if that is something we need to do or want them to do then we need to give them that direction tonight. The other things I had...

**Mr. Waters:** Wouldn't it be addressed though in the cross sections of the drawings.

**Ms. Libolt:** I think the question is whether or not...what we've provided you with is an elevation of the building and what the chairman and the consultants have suggested is that we provide you with some perspective showing what the other buildings would look like against this elevation. That's really what it is. Our argument really has been all along that we have stated over and over again and you had so eloquently stated that this building is kind of slammed in between three other buildings. You've got the gray building to the south, you've got Ruth's building in the front and you've got the Amish building in the back and we've slid this in. We've provided you an elevation that shows, in our opinion, worst case scenario, this is if you saw the building 360 degrees, all the way around. We've said over and over again that it was our opinion that we didn't think that we needed it because we gave you this which represents the worst case scenario. We also have the letter from SHPO which says there is no impact, you know it really came into play because prior to you coming on the Board when we did the part 2 EAF, there was a lengthy discussion about the impacts to the Historic building and we do have the letter that we gave you, that said there wasn't going to be an impact. Our opinion is, we have mitigated that issue and we have provided this to you and we think that this is sufficient and we'll color this, so you have this as a rendering and give you the additional details.

**Mr. Murphey:** The other part of that, I think too, is that we're hoping this is the first building...

**Chairman Dupree:** Jumpstarts...

**Mr. Murphey:** The rest is going to change with it, so I just don't see...hopefully it goes forward.

**Chairman Dupree:** I for one, I'm sorry to say this because you own one, but I'd love to see all three of those buildings back there gone for good. Just as Pete said, this sets a great example for what can be coming forth in the future. It really does.

**Mr. Murphey:** I don't see the point in making them go through that myself.

**Mr. Waters:** As the plaza develops, you might just want to take a look at what those are in relationship to each other in just a cardboard model.

**Mr. Alexander:** Completely agree with you and when we come back for that next building which we're going to be so happy, and I think everyone is going to be happy when that person, tenant, shows up, please show up! *Laughter.* You're right, I think they're going to be a lot of different questions we're going to have to ask.

**Ms. Libolt:** The issue is, is this sufficient? And so again since I think this represents the worst case scenario...

**Chairman Dupree:** I believe that I'm hearing that it is sufficient. Anne has agreed, Chris, Chan and I agree as well. The other is, as we move forward the plans for the landscape park should be finalized. There was the earlier discussion of a robust planting or possibly a clock. Now that Ms. Moss is here, I don't have to tell you that she wants to see everything in advance so when it's constructed you get your CO easily. We want to make sure that's all finalized. We don't have details of the proposed stone walls that were there for seating. I didn't expect any of this. I'm trying to signal that I think it's time to go with Ms. DiNapoli's question about what is going to happen to the site at the southern portion of the building where originally the pocket park was proposed. It makes no sense for you to spend the money working on a full set of plans until you have some idea that you can move forward more comfortably with the site that's proposed. I think I'm hearing that now, that's why I'm trying to now reset the clock and make this go forward. Tad, now you're here, the cubic volume, I believe is something that you viewed as a standard that has to be relaxed by the ZBA, like for the Barry B & B, correct?

**Ms. Moss:** Don't ask me that on TV. *Laughter.*

**Chairman Dupree:** That's why we sent Barry B & B there so we'll need some direction for this applicant as well. As long as I have you here, Ms. Polidoro in your absence brought up a pesky detail and that is that there are offsite improvements shown to the plaza to the south, so her question was whether that required a full site plan amendment and before I allow discussion to continue on that, I said, let me discuss this with Ms. Moss. I don't expect you to discuss it tonight, but I'm just bringing it up to ponder whether you would consider some like maybe onion skin, if it's just a small section of the plan to the south. What those changes are so we have a record of it on both sites. If it was stamped, legalized, noted, something. So just think about that or whether you think that they have to come through for a site plan amendment. Again, should this site be approved since we have offsite improvements, how to handle that for the record. That's all. Then, going back we had that discussion about the number of vehicles serviced per day. The number 25 was provided by Mavis, according to you guys based on the number of bays and that was back then, eight. Now, I have in my notes that Mr. Alexander and Ms. Libolt said that they were going to contact Mavis and find out how it was arrived at because no one knew, it was just there. But if seven bays were approved, then I'm assuming the number would go down a little bit and that would only be three cars each bay all day, which seems low. I want to note again that there are 10,000 cars along Route 9, it doesn't matter if you have 50, the site was approved for a fully developed shopping center and there is only one business in there that has random, sporadic business in it right now, so this isn't going to impact the service of Route 9, etc., I just want to have a better idea of what the actual numbers would be there. That just seems really low to me. As Ms. DiNapoli said it seems strange if you're just going to have that many why you'd have so many bays then, but again that's not really my issue.

**Mr. Oliver:** Can I make a quick note on that? It could be possible that if they're working on a car and it's occupying a bay or there are 2 or 3 cars being worked on, they want to have things they can pull in and out.

**Chairman Dupree:** And actually, by the way, you made that comment last time. What I since found out was that, a lot of times when they're working on cars if it stays disassembled, like if they're going to get the part the next day, they leave it in the bay. And I only did this from talking to Monroe, but at Monroe, if they have to wait a few days, they put the car outside, because they don't want to take up their working space and in the same discussion because Mr. Alexander, you have wonderful retentive recall, you said that in the original approval of Monroe, they also said 25 cars, even though they have less bays. So there is this mystery number out there that everybody seems to propose, so if you could just contact them and drill down a little bit, that would help us. And, I'd emailed you as well about how often the reclaimed oil gets drained, how often that's removed and whether there is a special truck.

**Ms. Libolt:** It's on average once a month and it's a small, like a box truck. It's a small truck and they visit...

**Mr. Murphey:** They wait until it's full, or near full.

**Chairman Dupree:** That would make sense to me, thank you. Have we given you proper direction, I hope, for this evening? The owners are actually nodding.

**Ms. Libolt:** We'll have to follow up tomorrow just on a couple of paperwork things.

**Chairman Dupree:** Mr. Setaro do you want to talk to Mr. Schmitt about this? Because he works along with you.

**Mr. Setaro:** I have that down.

**Chairman Dupree:** Thank you. Can I get a motion...I have no idea what to set for initial escrow, \$2500, like...*inaudible comments from Ms. Polidoro*...I don't think it will take him \$2,500 to be honest with you. Okay. *The owners asked if he wanted the money now, which was followed by laughter.* No. May I get a motion to appoint AKRF as traffic consultant on this project?

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To hire Mr. Russo from ACRF as a traffic consultant on this project.**

<b>Absent</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>Aye</b>	<b>Mr. Waters</b>

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

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To set escrow for Mr. Russo from ACRF at \$2,500.00.**

<b>Absent</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>Aye</b>	<b>Mr. Waters</b>

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

**Mr. Alexander:** On the timeline, just looking at the calendar. Obviously it doesn't make sense to have the public hearing on...

**Chairman Dupree:** We already set the public hearing so I have to open it, as you know, to adjourn it.

**Mr. Alexander:** No, no, no, that's fine. I just want to look at a calendar and just...

**Chairman Dupree:** You tell us and we will at the next meeting, you don't have to come at the next meeting, we will set it up because I know you've got to do a lot of stuff to make a full submission.

**Mr. Alexander:** That's exactly what I'm thinking and I want to give people time.

**Ms. Libolt:** I don't think it's fair for us to try to set a schedule at this point, but I think that on the 1<sup>st</sup>, then let's have a conversation and analyze what we have because we need to take to the noise guy...

**Chairman Dupree:** I won't be here, Ms. Dexter will be running the meeting, unless she's felled by something, in which case there is no one else to run it. *Laughter.* I only have one vice chair now, I used to have two. The first runner up and then the second runner up. I don't have a second runner up now.

**Ms. Libolt:** My guess is we would submit on or about the 15<sup>th</sup> and try to have the final review on that first meeting in March, that would be a workshop meeting, but could we actually review the documents.

**Chairman Dupree:** We're happy to meet for workshop anytime.

**Ms. Libolt:** But we could review the submittal at that meeting.

**Chairman Dupree:** Yeah, yeah.

**Ms. Libolt:** And then maybe wrap it up sometime in March. Okay.

**Chairman Dupree:** Well we've already adjourned the public hearing to the next meeting, the February 1<sup>st</sup> meeting, so they're thinking to adjourn it from there to the first meeting in March or the 15<sup>th</sup> of March and have a workshop on the first meeting.

**Ms. Libolt:** We anticipate, I anticipate submitting the 15<sup>th</sup> of February. We'll come the first and adjourn the meeting at that point in time. We'll have a better sense that we could adjourn the public hearing to that first week in March.

**Chairman Dupree:** I believe that the other site owner is next to you. This isn't a public hearing but since they're here, come on up and speak if you'd like to.

**Mr. Serroukas:** *Alex Serroukas.* The last time I came for the public hearing, you recommended that we discuss the entry way here, or the closing off of the easement. Up in Albany, at our restaurant, *The Standard*, at Crossgates Mall, it's the same exact scenario where you pull into the lot and then they allow you to make a right into the parking lot immediately to alleviate any traffic because there are a lot of cars that need to get into that parking lot so they want to relieve that artery as much as possible. We love the fact that they mirrored the in and out here, but we strongly reconsider making this a one way in, with a do not...

**Chairman Dupree:** Well you can channelize that so it literally is a one way in only. Why don't you talk to Dr. Grealy about that?

**Mr. Serroukas:** A one way in would be great it would just kind of alleviate a lot of the stress here...

**Mr. Murphey:** As long as we can control the people coming out there. It's bad, you know it's bad.

**Mr. Serroukas:** Yeah. I think two do not enter signs would do the trick.

**Chairman Dupree:** You can make it narrow enough that really only...

**Mr. Serroukas:** Or even make it curved a little bit. That's our only concern. We love Mr. DiBrizzi and Mr. Citera, and Kelly did a great job. We love it.

**Chairman Dupree:** Just to point out, you lose, or rather they lose some of their parking spaces if you do that. They add parking spaces, what they lost there they gain by closing that off, in other words.

**Mr. Serroukas:** You know there is a corridor here already.

**Chairman Dupree:** Not disagreeing with you. Just saying from the applicant's standpoint they do lose some parking there, but they've, like I said replaced.

**Mr. Serroukas:** But that parking is pretty much on our side.

**Chairman Dupree:** No, the property line is through there.

**Mr. Serroukas:** I see the property line but I can't imagine people crossing that to go...

**Chairman Dupree:** In other words, that's all "their parking", having said that, that's up to the applicant and to the Board of course too. I think the traffic consultants can guide that, but I think that's a good idea.

**Mr. Serroukas:** I think just for the wellbeing of that plaza, it really depends on having more access to it. I just feel it's going to bottleneck here and create a traffic jam all the time, because then this would be coming into some parking spots which I foresee being a problem. Not only that but when this becomes developed here, I know for myself, I wouldn't go here and turn around, I would choose to use this entrance, the shortest way possible to get to this parking lot. So when you have 50 cars here, 50 cars here and 50 cars here it just seems difficult to me.

**Chairman Dupree:** You won't know this because you don't watch our meetings, I'm sure, unless you are trying to go to sleep.

**Mr. Serroukas:** I do.

**Chairman Dupree:** I've been mentioning El Guacamole over and over again because we always try to advertise new businesses here and we mention all those sites in the plaza.

**Mr. Serroukas:** That's great. I think Mr. Citra and Mr. DiBrizzi did a great job with the architectural element of this and we hope to one day kind of mimic the pattern of design and the architectural embellishments. It looks really good.

**Chairman Dupree:** I love hearing that, thank you. It was difficult, I just your father is Gus, yes? He didn't even want to skim-coat that side of the building. He wanted to leave it like it was when we were going through some changes so.

**Mr. Serroukas:** Well, my Dad's old school. *Laughter.*

**Ms. Dexter:** Can I just say that as a Board member this really helps to hear the adjoining property owner talking about how this impacts him and what might help. I mean, I appreciate you sitting through this meeting just to mention that, because that is really important to me. Thank you so much for coming out tonight and speaking to us in person.

**Chairman Dupree:** And last, I didn't do it at the very beginning because I was trying to get through a lot but I did want to point out and thank the applicants and their representatives for all of the, as I called it earlier, colloquy, the back and forth, I said it but I do think it resulted in a better project quite frankly and I think that once we have the traffic consultant weigh in and then we have noise impacts assessed, I think we're there, to me. Again, and I'm going to say this one more time, I am comfortable with the fact that this has not been a full blown site plan because you don't know what you're doing with the areas where buildings #2,3 and 4 occupy. When I read the minutes from the public hearing, again, copious, a lot of comments that we heard were actually about the character of the two owners and I had to say in the meeting that that doesn't affect us in terms of we weigh in how it's going to fit into the site itself.

But at the same time, I have to trust that the owners are not going to say, well we're going to do this and then let the rest of it stay empty and look horrible the rest of our lives because that's not going to get you the rate of return you want on the land. So, in seeing the careful consideration you've given to so many things to come up with a building like this, their faux, but the sliding barn doors, etc., shows where your heart and your head is moving forward. So, anyway, I appreciate everything and then we will see you, I won't see you, but you're back on the agenda on the first and in the meantime Mr. Setaro will speak to Mr. Schmitt to make sure we have everything set up for the noise impact study. I will contact Mr. Russo again tomorrow, talk to him and tell him where we're going and then he can get started as well.

**Ms. Libolt:** If there is anything he needs, just let me know.

**Chairman Dupree:** I will. What I will suggest he do...would you like him to go through you rather than contact Dr. Grealy directly if he wants to do that?

**Ms. Libolt:** He can call Phil Grealy directly. It's easier that way.

**Chairman Dupree:** The last time we had a traffic engineer, they wound up speaking to each other, because I would sign the bills not knowing when they spoke.

**Ms. Libolt:** It's much easier if he just speaks with Phil Grealy.

**Chairman Dupree:** I'll instruct him of that but if there is anything major or something, then I'll make sure he contacts you as well. Have you dealt with Mr. Russo before?

**Ms. Libolt:** Yes.

**Chairman Dupree:** I thought probably you had, okay. Thank you very much. Then, we see you back on the first and look forward to the next submission of plans. Thank you.

*Mr. Waters stepped down from the dais and Mr. Pickett returned to the dais.*

**Chairman Dupree:** The next item on the agenda... Mr. Pickett will be back up, Mr. Waters thank you for your service as always. The next item on the agenda is a recommendation for a sign permit, this is for Hudson Valley Chimney.

OTHER BUSINESS:

**HUDSON VALLEY CHIMNEY**

Sign Permit Approval (#2017-1)

Location: 3647 Albany Post Road

GRID#: 6063-04-968350

**RESOLUTION RECOMMENDATION for ISSUANCE OF SIGN PERMIT  
PURSUANT TO TOWN CODE SECTION 108-24.3 A (4) (d)**

**3647 Albany Post Road  
Wall Sign  
Parcel 6063-04-968350**

**Date: January 18, 2017**

**Moved By: Mr. Oliver**

**Resolution: # 2017-1**

**Seconded By: Mr. Murphey**

**WHEREAS**, Visual Concepts, on January 11, 2017, submitted an application for one replacement sign to be associated with the business located at 3647 Albany Post Road, Grid No. 6063-04-968350, in the Neighborhood Business District; and

**WHEREAS**, the applicant has requested that the Board exercise its authority under Section 108-24.2F(2) of the Town Code to grant a discretionary bonus to increase the maximum permitted size of the graphic from 10 inches to 24 inches for a wall sign located approximately 85 feet from the vehicular entrance from Route 9;

**WHEREAS**, pursuant to Section 108-24.2F(2)(b), the Planning Board may grant an increase in the maximum size of any letter by 1 inch for every 20 feet a wall sign for a business or structure is set back from its primary access roadway to a maximum of 24 inches, if it finds that the additional size is necessary or appropriate due to the sign's distance from the road, the design speed of the road or the size of the building on which the sign is placed; and

**WHEREAS**, the requested increase is suitable to the size of the sign, which is replacing a larger sign on the building and is well within the allowed square footage based on the lineal front of the building, and the distance from the access point, and

**WHEREAS**, the graphics associated with the wall sign provides balance and are visually minor based on the specific design, line distinction and color contrasts.

**BE IT RESOLVED**, the Board hereby recommends the Zoning Administrator issue the sign permit for Hudson Valley Chimney as submitted by Jeff Herzlinger, latest revision date: 1/11/2017.

**Aye Mr. Dupree  
Aye Ms. Dexter  
Aye Mr. Pickett  
Absent Ms. Kane  
Aye Mr. Oliver  
Aye Mr. Murphey  
Aye Ms. DiNapoli**

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

**MOTION:** Mr. Oliver

**SECOND:** Ms. DiNapoli

**To approve the minutes of the December 21, 2016 Planning Board meeting.**

**Absent Ms. Kane**  
**Aye Mr. Oliver**  
**Aye Mr. Murphey**  
**Aye Ms. DiNapoli**  
**Recused Ms. Dexter**  
**Aye Mr. Dupree**  
**Recused Mr. Pickett**

**VOICE VOTE: 4-0 Motion carried**

**RESOLUTION DESIGNATING PLANNING BOARD VICE-CHAIRPERSON  
FOR THE YEAR 2017**

**January 18, 2017**  
**Resolution #17-A**

**Moved By: Mr. Dupree**  
**Seconded By: Mr. Murphey**

**NOW BE IT RESOLVED, that Anne Dexter be designated the Vice-Chairperson of the Planning Board, authorized to conduct meetings of the Planning Board and to sign final plats and related documents, including invoices and correspondence, on behalf of the Planning Board in the absence of the Chairperson.**

**Absent Ms. Kane**  
**Aye Mr. Murphey**  
**Aye Mr. Pickett**  
**Abstain Ms. Dexter**  
**Aye Mr. Oliver**  
**Aye Ms. DiNapoli**  
**Aye Mr. Dupree**

**Voice Vote 5 Aye 1 Abstain 1 Absent 5-0 Motion Carried**

**Chairman Dupree:** Thank you so much. Any other business for this evening?  
*Hearing none.* May I get a motion to adjourn?

**MOTION:** Ms. Dexter

**SECOND:** Mr. Murphey

**To adjourn.**

**Absent Ms. Kane**  
**Aye Mr. Murphey**  
**Aye Mr. Pickett**  
**Aye Ms. Dexter**  
**Aye Mr. Oliver**  
**Aye Ms. DiNapoli**  
**Aye Mr. Dupree**

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

***These minutes were approved at the March 1, 2017 meeting of the Hyde Park Planning Board.***