



Historic Town of Hyde Park

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

MINUTES OF THE **FEBRUARY 1, 2017** PUBLIC HEARING/REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: ANNE DEXTER - VICE CHAIR
CHAN MURPHEY
CHRISTOPHER OLIVER
DIANE DI NAPOLI
BRENT PICKETT
VICTORIA KANE
ROBERT WATERS-ALTERNATE

MEMBERS ABSENT: MICHAEL DUPREE, CHAIRMAN

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY
CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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CONTINUED PUBLIC HEARING:

HYDE PARK TOWN CENTER NORTH

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

Vice Chair Dexter: Welcome everybody to the February 1st meeting of the Planning Board of Hyde Park. Please note the exits and if you could please stand with me as we salute our flag. *Vice Chair Dexter commenced the Pledge of Allegiance.*

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

The first item on the agenda is Hyde Park Town Center North. Can I have a motion to reopen the public hearing?

MOTION: Mr. Murphey

SECOND: Mr. Oliver

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

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

VOICE VOTE: 6-0 Motion carried

Ms. Libolt: Good evening. I just wanted to come really and explain to you that we're not presenting this evening. I'm assuming that you knew that since you didn't have a submission. *Vice Chair Dexter confirmed this.* At the last Planning Board meeting there were essentially two things we were tasked with doing. One was the noise study which has advanced. I shared some information with you today, I don't know if that was distributed to the Board yet. What has occurred is the noise consultant that we have retained, which was Novis Engineering, has had a subsequent conversation with Morris Associates just to clarify the scope. If you recall George from Morris Associates is their noise consultant. So just to make sure everyone understood the scope and where we were going and what we were doing, so that occurred, I think yesterday. So that is proceeding. We are hoping that that is completed before February 15th. So our goal is to submit by February 15th, which is two weeks from today and include the noise study and whatever amended SEQR documents we need to give to you. In order for that submission to occur we would also need to get some feedback from your traffic, which I believe came down yesterday, AKRF, on Monday. They had asked for some CAD drawings which were forwarded over to them, through Phil Grealy's office. So things are

going on behind the scenes. I didn't want to just not show up tonight, so I just wanted to let you know what the status was and what was going on. So again, our goal would be to submit that amended package, a complete package on February 15th. Victoria, we'll amend the EAF accordingly. I'm just going to do an amendment and I'm going to keep the same documents and we'll do a 1 and a 2-3, we'll do a draft 2, and give you that as well as the site plan package, the elevations and so forth. So our goal then would be to adjourn the public hearing to March 1st. I know that's an aggressive schedule but we're really trying to keep everyone moving forward on that timeline.

Ms. Polidoro: So have you applied for the variances yet?

Ms. Libolt: No, Neil Alexander and I had a conference call to go over that, so we are going to submit the variance application. We'd like to just keep going concurrently though, with the Planning Board as well. The original EAF was circulated to the Zoning Board of Appeals so that's covered as far as lead agency circulation.

Ms. Polidoro: We had discussed moving the public hearing to the 15th of March. The Board can meet again and do a workshop of the new submission, but it's up to the Board.

Ms. Libolt: So, there would be no meeting March 1st? Is that what you were saying?

Vice Chair Dexter: Well, this is just what we were discussing...

Mr. Murphey: Whatever you feel is the track you want to stay on. You know, we'll stay on it with you if you think...

Ms. Libolt: Well, we've kind of tasked all of the consultants, myself included to make that February 15th submission, again the caveat would be if the noise study isn't completed. That would be the hang up, but they have two full weeks to work on that.

Vice Chair Dexter: Can I ask, for the noise study, how long does it take once they've done it? So they're going to do it on a Sunday, correct? Are they targeting this Sunday?

Ms. Libolt: That was something that was discussed with them when they discussed it with George. It is weather dependent, so that's obviously a big factor. I'm just trying to coordinate with one last property owner, which is the house on the other side of Crumwold, just to make sure. I didn't realize...this is going to sound naïve, I thought someone was just standing there with a meter, but it's actually equipment that is set up, that they have to leave for a duration of time. You can't really just leave it on the road.

Vice Chair Dexter: Oh, so you need the homeowner to understand that there's going to be something on the property.

Ms. Libolt: So we've already talked with Alex Serroukas, you know we've talked to the other people, but that one we're trying to finalize, so I don't know the answer to that, but the consultant was tasked with, we need to submit on the 15th and that's our goal. I can't guarantee we're going to make that because we know that a lot of things are out of my control, but that was our goal.

Ms. Dexter: Admirable.

Ms. Libolt: Trying, I tend to push. People tell me that. *Laughter.*

After some discussion between the applicant, the Board Members and Planning Board attorney, it was decided to schedule a workshop for March 1st and to adjourn the public hearing until March 15th.

Vice Chair Dexter: And so just to summarize what I heard, is that we have made progress, we've gotten agreement with the noise consultant on the scope of the test. We talked with the traffic consultant and have given him additional materials that he requested and he came on the site this past Monday. Okay, great and you're going to try to get us some new information on the 15th.

Ms. Libolt: Again just to follow up on the traffic consultant. I have had no communication with the traffic consultant, which is fine, so I don't know what your communication was with them or when you wanted information back from them. So, for example, we couldn't receive something back on the 15th and submit on the 15th. We need a window of time to take in whatever their comments are, make those changes to the site plan and then submit on the 15th.

Vice Chair Dexter: Right, well, I think Pete was meeting the traffic consultant on the site and were able to...? *To Ms. DiNapoli.*

Ms. DiNapoli: Pete Setaro was there. Michael Dupree was there. And I was there. I left before they stopped talking. It was like an hour and a half later. The wheels are in motion, so I don't know what the final was...

Ms. Libolt: Could someone just follow up with Pete and see if they could set up at least a deadline and see if the consultant could work towards that, if they can't, they can't. For us the ideal would be if we had it a week from today and then that would give us a week to make whatever changes that they have. I can't imagine that they're going to be substantial because it's a small site but whatever changes that they have we can at least get them onto the site plan and get that printed and in to you.

Vice Chair Dexter: Sure, sure. Especially since he's already done the site visit and he has the drawings. He should be able to do whatever it is...

Ms. Libolt: And I think that he spoke to Phil Grealy, which is good so at least they are communicating.

Vice Chair Dexter: Alright. I'd like to ask Victoria is you have any additional items at this point.

Ms. Polidoro: I don't have anything additional at this point.

Vice Chair Dexter: Because we did, the whole cubic volume issue was...

Ms. Libolt: Was addressed...

Ms. Polidoro: The Zoning Administrator has opined on the applicability of two provisions of the Zoning Law regarding the cubic volume and the open space buffer. She's provided their attorney with a letter and I just asked earlier and Kelly stated that she would be applying for a variance.

Vice Chair Dexter: I just wanted to get some of the back story of that onto the record. Other than that there has been no other new information, we're not going to be addressing other than...

Ms. Polidoro: Not objected, as far as I know, you'll just be applying for variances.

Ms. Libolt: The one thing that we had asked for at the last meeting and I think that you would need to receive the variance before you could act on it, but we were seeking the Board's support of the variance application. I think it's not rocket science what we're going to be applying for.

Vice Chair Dexter: Once you make your application this Board can consider drafting a letter and sending it to the Zoning Board of Appeals.

Ms. Libolt: Good, okay.

Ms. Polidoro: They don't meet until after the 2nd meeting in March, so there will be two opportunities to get in.

Ms. Libolt: Okay. They meet once a month? Okay, very good.

Vice Chair Dexter: The fourth Wednesday of every month they meet. I'd like to get any input from my colleagues, Ms. Kane you were not here last time and they did have some new elevations and I'm not sure that you were able to get your comments and luckily Kelly is here so...

Ms. Kane: I'm sorry I wasn't here, I had a virus that was going around my school. So I looked at the elevations and the building, I think it looks really nice. I had two things...I guess three things that stuck out to me. One was that the ADA parking space was across the road from the building and that just seems like not an ideal space for somebody who has mobility issues to get traffic.

Ms. Libolt: Do you want me to address yours one by one or do you want to list all three first?

Ms. Kane: I'll list them, they're not that big. I know that there are now parking spaces or at least room for parking spaces right next to the building on the west side. That might be a better place for ADA parking. The other one is I have some concerns about the traffic pattern across the front of the building, the north side of the building to get into those two bays that because of the bollards cars would have to drive across the path of pedestrians coming in and out of the retail area and I don't think that that is ideal. I just worry that somebody is there waiting with children and a child runs out the door just as somebody is pulling a car up. I'd like to look at different ways of approaching that. Another one was whether or not the parking on the east side of the

park, there is a strip of parking within the boundaries of that lot and I'm not sure if that's a necessary strip of parking.

Ms. Libolt: It would have to be the west side of the park because the park is bumped up next to the....up against the...

Ms. Kane: No.

Ms. Libolt: Oh alright, you're saying on the other side.

Ms. Kane: So it's on the east side of the park there is a strip of parking and I'm wondering if it's necessary and if it's not we could extend the park just the distance of those parking spaces. The lot continues further but there is a roadway that goes from Mr. Serroukas' property across and we wouldn't want to interfere with that, but there is room to continue the park out the distance of those parking spaces. I think that is all I can remember right now.

Ms. Libolt: The ADA parking space was actually moved at the recommendation of the Town Engineer. So it was originally just west of the building, so it was next to Ruth Mesuda's building and everyone felt that that was a difficult transition for someone to make. To get out of that parking space and get across into the building because the door for the retail area is now on the north side. What occurred is when we brought the ADA parking space to the north side of the main entrance road, there is now a raised curb, so it's like...let's see, if you've been to where Red Robin is or Pier One, they have those like humps that you go over. So that's what it's going to feel like and it really does...it's traffic calming, it protects the pedestrians because they're up and they're elevated. So when they walk across there're going to have a crosswalk and then they're going to be on a raised curb and that's ADA accessible into the building. So the traffic consultant will look at that and then our traffic consultant did, so that will get two reviews. The second one was the traffic pattern into the north side, so we looked at that a lot and we went over that with our traffic consultant, Phil Grealy and we had a number of different options and he thought that that was the safest option for everyone. Again what we did was that raised curb so when, let's say for example a service technician has a car and he's bringing it from the parking lot into that area to get into the north bays, they are actually driving over that speed hump, so if there is someone there, you'd obviously see them but it gives the pedestrian some extra protection of cars just coming back and forth and that length in there that you have is a huge turning radius to give the drives room so that it's not really tight and they're coming out and they're seeing someone on that raised sidewalk. So, that was the purpose. The alternative was bringing them in from the east side and it just didn't work. There we so many problems with it because of that intersection. One of the things that we did that you may not have seem when you just kind of look at the plan but don't have an explanation, is the stop bar. If you're coming from McDonalds and you're going north on the third world nation road, the stop bar was so far to the south that you stopped so far away that there is no traffic that you can even see, so we brought it much further up so it's really going to operate like a three way intersection and to introduce another turning movement there was complicating that so that's why we put it where we did, so hopefully I'm sure AKRF is going to look at that. That's one of the reasons that they wanted the AutoCAD drawing, is they probably want to do turning radiuses. Then, lastly, the east parking spaces, so they may not seem appropriate, but we've eliminated 46 spaces on the site.

So we had 182 and we're down to 136 and for us that's significant. It's a huge reduction, so at this point any parking spaces, even though they may not seem valuable to you, are to us. So that further reduction would be difficult for us to absorb.

Ms. Kane: I appreciate your comments and we'll wait to hear back from the traffic consultants and discuss it more.

Vice Chair Dexter: Thank you Ms. Kane.

Vice Chair Dexter proceed to ask the remaining Board Members if they had additional comments and all replied in the negative.

Vice Chair Dexter: Is there anyone in the audience that would like to speak to this application? Okay, so no one additional. So, if I got this right we are looking to adjourn this public hearing to March 15th. And then we'll see you at a workshop on the 1st of March. And we'll be looking for those materials on the 15th and we'll ask Pete to follow up with the traffic consultant, turn stuff around. Thank you.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To adjourn the public hearing for Hyde Park Town Center North-Mavis Tire to March 15, 2017.

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

VOICE VOTE: 6-0 Motion carried

Ms. Libolt: Okay. Thank you very much.

BARRY BED AND BREAKFAST

Site Plan Approval (#16-38)

Location: 4331 Albany Post Road

Grid #: 6065-20-857136

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

Vice Chair Dexter: The next item on the agenda is the Barry Bed and Breakfast. Welcome. *To Mr. Tirums.*

Mr. Tirums: Thank you very much.

Vice Chair Dexter: Can I get a motion to open the public hearing?

MOTION: Mr. Murphey

SECOND: Mr. Oliver

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

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

VOICE VOTE: 6-0 Motion carried

Mr. Tirums: We haven't had any new submissions since last seeing you. We're just really here for the continuation of the public hearing and I anticipate by the 15th, submitting hopefully the final package for the Barry site. It's mostly put together, we just have to put some final details on it.

Ms. DiNapoli: February 15th or March 15th?

Mr. Tirums: We'd submit the plans by February 15th.

Ms. Polidoro: So here is the hold up. At this point, the applicant still hasn't obtained the variances from the Zoning Board of Appeals. They won't be meeting again until the end of the month, February, so the public hearing really should be adjourned until after that meeting to give everyone the opportunity...to give the Zoning Board the opportunity to consider the variances so we don't have to just keep coming back with no action.

Mr. Murphey: March 15th?

Vice Chair Dexter: But his goal is to submit the materials that we would be considering on the 15th so it is possible that we could adjourn this to the 1st.

Ms. Polidoro: It is possible.

Vice Chair Dexter: Do you have a high confidence level that you can get us a submission by the 15th?

Mr. Tirums: Yes, I do.

Vice Chair Dexter: You do, okay. And then you would hopefully be getting your variance at the end of this month.

Mr. Tirums: Yeah, hopefully that goes through.

Vice Chair Dexter: Okay, great. Is there anything else we need to know? It's basically all in the ZBA's purview at this point.

Vice Chair Dexter proceed to ask the remaining Board Members if they had additional comments and all but Ms. DiNapoli replied in the negative.

Ms. DiNapoli: My only comment would be, will we ever get to meet the owner? Just out of pure curiosity.

Mr. Tirums: I would hope so. I don't know when. I met with the guy who is probably going to build the building this afternoon and he said Mr. Barry keeps in touch with him once a month to make sure he knows what's going on. So he's still alive and well

Ms. DiNapoli: That's very reassuring.

Vice Chair Dexter: Do you know where he lives?

Mr. Tirums: He lives in Long Island.

Vice Chair Dexter: So it's a long ride up here.

Mr. Tirums: He doesn't have this house, so he can't stay in it so.

Vice Chair Dexter: Is there anybody in the public that would like to speak on this application? Can I have a motion to adjourn the public hearing to March 1st?

MOTION: Ms. Kane

SECOND: Mr. Murphey

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

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

VOICE VOTE: 6-0 Motion carried

OTHER BUSINESS:

P & K REDEMPTION CENTER

Sign Permit Application (#2017-02)

Location: 876 Violet Ave

Grid #: 6164-02-558605

Vice Chair Dexter: The next item is the P & K Redemption Center, here for a sign permit.

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

**876 Violet Avenue
Wall Sign
Parcel 6164-02-558605**

Date: February 1, 2017

Moved By: Mr. Pickett

Resolution: # 2017-02

Seconded By: Mr. Murphey

WHEREAS, P & K Redemption, on January 11, 2017, completed submittal of an application for one wall sign to be associated with the business located at 876 Violet Avenue, Grid No. 6164-02-558605, in the East Park Business District; and

WHEREAS, the applicant is required to mount the wall sign such that it will not interrupt the architectural trim, and

WHEREAS,

WHEREAS,

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for P & K Redemption, latest revision date: 1/11/2017.

Anne Dexter, Planning Board Vice-Chair

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

VOICE VOTE: 6-0 Motion carried

Vice Chair Dexter: The next item on the agenda is the El Guacamole Mexican Grill. This is also a sign permit upon recommendation of the Zoning Administrator.

EL GUACAMOLE MEXICAN GRILL
Sign Permit Application (#2017-03)

Location: 4290 Albany Post Road
Grid #: 6065-04-915034

RESOLUTION RECOMMENDING GRANTING OF SIGN PERMIT

El Guacamole Mexican Grill
4290 Albany Post Road
Hyde Park, NY 12538
6065-04-915034

Date: February1, 2017

Moved By: Ms. Kane

Resolution: #2017-03

Seconded By: Mr. Murphey

WHEREAS, a sign permit application was submitted to the Town of Hyde Park Zoning Administrator on January 19, 2017, for El Guacamole Mexican Grill, a copy of which is attached hereto, and

WHEREAS, the Zoning Administrator has reviewed the request signage for the wall sign and has determined that the proposal is in conformance with Article 24 of the Code, and

WHEREAS, pursuant to Section 108-24.3 of the Code, applications for sign permits for signs that will be visible from Route 9 must be forwarded to the Planning Board for its recommendation; and

WHEREAS: The applicant has confirmed that the color on the black background of the sign will match the gold on the other tenant signs,

NOW THEREFORE BE IT RESOLVED that the Town of Hyde Park Planning Board, recommends approval of the sign permit for El Guacamole, on the condition that the sign will have a black background with gold lettering.

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

Anne Dexter, Planning Board Vice-Chair

VOICE VOTE: 6-0 Motion carried

TIM AND VICTORIA KANE

Site Plan Waiver-Window Replacement Bath/Laundry Reno (#2017-05)
Location: 39 Beadart Place
Grid #: 6065-20-766122

Vice Chair Dexter: The last item on the agenda is a site plan waiver for Tim and Victoria Kane, who just happens to be on the Board, who will now recuse herself from this application.

Ms. Kane stepped down from the dais.

Vice Chair Dexter: This is just a site plan waiver because she is in the scenic area of statewide significance, the SASS. They are doing a window replacement which is why it's before us. It's an exterior change that we would see. This is not visible from the river, it's not visible from any historic site.

Victoria and Timothy Kane
6065-20-766122
39 Beadart Place
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

February 1, 2017
Resolution #:2017-05

Moved By: Mr. Murphey
Seconded By: Mr. Oliver

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Victoria and Timothy Kane for minor changes in existing conditions requiring a building permit, and,

***Whereas*, the proposed change is declared a Type II action under SEQRA, and**

***Whereas*, the applicant is proposing to make interior renovations for a bathroom and laundry room involving minor changes to the window/doors on their single family home, and**

***Whereas*, the proposed changes are minor in nature, and**

***Whereas*, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and**

***Whereas*, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now**

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the building permit received by the building department 11/1/2016 and per the request to the planning board dated January 30, 2017.

Anne Dexter,

Planning Board Vice-Chair

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

VOICE VOTE: 5-0 Motion carried

Ms. Kane returned to the dais.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To adjourn.

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

VOICE VOTE: 6-0 Motion carried

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