



## Historic Town of Hyde Park

Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
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*“Working with you for a better Hyde Park”*

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

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

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

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**Chairman Dupree:** Good evening everyone and welcome to the March 1st meeting of the Hyde Park Planning Board. Please take note of exits around the room in case of emergency and now join me as we pledge allegiance to the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

Thank you everyone. The first item on the agenda is the continued public hearing for Barry Bed and Breakfast. May I get a motion to reopen the public hearing?

CONTINUED PUBLIC HEARING:

**BARRY BED AND BREAKFAST**

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

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

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

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

**VOICE VOTE: 7-0 Motion carried**

**Chairman Dupree:** Thank you. Mr. Tirums is here today. First just to reiterate for anyone in the public. This is a former single family residence, it's located just north of the entrance to Hyde Park Elementary. It's a deteriorated and dilapidated building, I think we can all agree. The applicants are proposing to put a bed and breakfast when it's redesigned and for those who have seen the elevations, it's pretty gorgeous and looks a lot like the historic structure that's there. We had a meeting, some of us, with Mr. Tirums, the applicants representative earlier today and we went through a few lingering issues. Probably the most important would be resolving a walkway between the proposed parking area and the entrance to the front door as well as some landscaping. The rest were pretty minor, so I think we're hoping to get this through at the next meeting. Let me turn it over to you Mr. Tirums, do you want to add anything

**Mr. Tirums:** I think you summed it up, nothing new to add for me.

**Chairman Dupree:** There were all small. Thank you by the way for taking the time to meet with us because it was interesting to realize that you do have helpers that I didn't know about that sometimes make some changes that maybe you don't know about either. It was an eye opening experience. Let me go over to the consultants. Any additional comments Ms. Axelson or Ms. Polidoro?

**Ms. Axelson:** No, I mean it's mostly housecleaning at this point. I'm inclined to, as the Board appears to be, to try to have the site redevelopment be facilitated as much as possible.

**Chairman Dupree:** Thank you and thank you also for meeting with everyone to go through the list of details. Ms. Polidoro any comments?

**Ms. Polidoro:** At this point, we've heard back from County Planning and they have received their variances, the Board can consider making a SEQR determination and then we just need final plans for approval.

**Chairman Dupree:** I believe we have a resolution prepared tonight for that SEQR determination. Thank you.

*The Chairman sought input from each of the Board members. The resounding sentiment was that the bed and breakfast will be a much anticipated, welcome addition to the Town. The Board members also expressed their appreciation for Mr. Tirums diligence and hard work in making the necessary changes for this redevelopment.*

**Chairman Dupree:** The rest of the Board, the audience and the people that are interested, you'll be seeing the changes in the next iteration, but the landscaping did change pretty extensively, both to provide screening, not really from other sites to this site, but more to make sure this site stays as beautiful as it can be. As I said there are also some minor details like cut sheets for the light that's proposed, that was about it. I did want to bring up, there was one issue that I had brought up earlier, when we redevelop in site plans in this business district we're supposed to require all utility lines be buried. For the record, I do think we should relax that standard here it's just a small B & B and to bury the lines underneath Route 9 would be an expensive permitting process. In addition you'd have to erect a pole on your site for it to go overhead, so it wouldn't really necessarily be changing the esthetics really that much in this case. At any rate, thank you for your response to it because I thought why are they not going to propose this and then I drove by and walked around and thought, I'm getting it now. Is there anyone from the public that would like to speak about this application? Councilman Ray, please come up and join us.

**Councilman Ray:** David Ray, 33 South Drive, Hyde Park. I'm overjoyed to see the reaction of the Board on this piece of land. I've had nothing over the last 5 years but complaints about it. Trying even to get the grass mowed was a struggle so I'm overjoyed and I can tell you I'm all for it. That's it thanks.

*Mr. Tirums shared the elevation drawings with Mr. Ray who thought the building was wonderful and that it would fit right in with the school.*

**Chairman Dupree:** There being no other comments, may I get a motion to adjourn this to the March 15<sup>th</sup> meeting?

**MOTION:** Mr. Murphey

**SECOND:** Ms. Dexter

**To adjourn the public hearing for Barry Bed and Breakfast to March 15th.**

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

**VOICE VOTE: 7-0 Motion carried**

**Chairman Dupree:** So we'll see you back in two weeks and just for everyone else's edification, because the technical due date for the new submission would be today and we just met with Mr. Tirums today, I asked him to get it in a week from now because it's really small stuff like adding the height of the building. We don't have it. Changing a few things on the chart from East Business Park District back to Neighborhood, a few things. I also want to add as Ms. Polidoro had said he did get all of the variances from the ZBA. Congratulations. Who has this resolution?

**Ms. Axelson:** Michael, I probably should just should have summarized briefly the prepared draft EAF part 2. I don't know if you want me to. Basically, it's a previously disturbed site. The only areas of impact that I noted at all were impact on Historical and Archeological and those are no or small impacts and then also #17 Consistency with Community Plans related to the zoning and the fact that they need a variance. Otherwise no other impacts and the draft part 3 basically summarizes.

**Chairman Dupree:** I believe everyone had a chance to evaluate Parts 2 and 3 because they were sent out over the weekend. Thank you very much. Thank you for doing that so early. I'd also like to add that you were very eloquent in the Part 3 when you said actually the impact to the historic assets that are there will actually be improved by the new building and the structure and the way it's going to look with the landscaping because it will over what's there. As Councilman Ray noted, it's been neglected for a long time. There were trees growing out of windows at one point. This is going to improve the overall character of the area particularly the historic resource next to it.

### **Town of Hyde Park Planning Board**

#### **RESOLUTION TO ADOPT A DETERMINATION OF SIGNIFICANCE Negative Declaration**

#### **Barry Bed & Breakfast**

**Date: March 1, 2017**

**Moved By: Ms. DiNapoli**

**Resolution: #16-38A**

**Seconded By: Mr. Murphey**

**WHEREAS, the applicant, Patrick Barry, has submitted an application for site plan approval to construct and establish a bed and breakfast on property located at 4331 Albany Post Road, tax parcel no.6065-20-857136, in the Neighborhood District (the “project”); and**

**WHEREAS, the project is depicted on a site plan entitled “Bed and Breakfast, Site Plan for New Business, Mr. Patrick Barry” prepared by Paul Tirums, P.E., dated September 19, 2016, and last revised February 13, 2017 (the “site plan”); and**

**WHEREAS, a bed and breakfast is a permitted use subject to site plan approval in the Neighborhood District; and**

**WHEREAS, pursuant to Section 108-2.2 of the Zoning Law, a bed and breakfast is a one-family dwelling where up to four bedrooms are offered for lodging; and**

**WHEREAS, the applicant has submitted a revised Full Environmental Assessment Form (“EAF”) dated November 7, 2016, pursuant to the State Environmental Quality Review Act (“SEQRA”); and**

**WHEREAS, on October 5, 2016, the Planning Board classified the project as a Type I SEQRA action and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency has objected, and**

**WHEREAS, whereas the application was referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, which responded on November 15, 2016, that the application was a matter of local concern; and**

**WHEREAS, by letter dated December 8, 2016, the New York State Parks, Recreation and History Preservation Commission commented that no historic properties would be affected by this application; and**

**WHEREAS, the Planning Board has reviewed the EAF provided and finds that it contains sufficient information on which to base a determination of significance, has considered the criteria contained in 6 NYCRR 617.7, has completed parts 2 and 3 of the EAF and has thoroughly analyzed all identified relevant areas of environmental concern.**

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby determines that the Project will not result in any significant adverse environmental impacts and adopts a negative declaration.**

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

**VOICE VOTE    7 Aye                    Motion Carried**

**MINTZER VETERINARY CLINIC**

Site Plan Approval (#16-44)  
Location: 4938 Albany Post Road  
GRID#: 6066-02-878695

**Chairman Dupree:** So you're going to stay there because you're representing the next application and we'll see you in 2 weeks and hopefully we'll get this through so we can get that started and under construction. The next item on the agenda is Mintzer Veterinary Clinic. The applicants are seeking to reconstruct a building that's now been torn down at 4938 Albany Post Road, which is at the corner of South Cross Road and Route 9. We've gone through and gone through and worked together and it appears we finally have a decent set of plans that we can get through. I'm happy to say. Do you guys want to add anything to that?

**Mr. Tirums:** No, I have nothing new to add.

**Chairman Dupree:** For anybody that is coming in new to this project. This is a difficult piece of land that Dr. Mintzer bought. It's mainly because of the lack of soils. It's stone and clay, so there were some real issues to get through. And I know that you were also making up your mind on some esthetic changes to it, but it's going to be a great addition to our Town and to that part of the neighborhood as well. Any additional comments from the consultants? *Both answered "no".* Any comments from the Board? *All, "no" responses.* Any comments from the public? Anyone want to speak about this application? There being none, may I get a motion to close this public hearing?

**To close the public hearing for Mintzer Veterinary Clinic**

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

**Aye**

**Mr. Pickett**

**VOICE VOTE: 7-0 Motion carried**

**Ms. Polidoro:** There is a Part 2 prepared for this project and the resolution encompasses the SEQR review and the approval. If you want Liz to summarize the Part 2...

**Chairman Dupree:** This is another case, for our audience, where our consultant prepared the Part 2 but we all had a chance to review it. If any of us have any issues we get back to the consultant and say we disagree, but we didn't have any.

**Ms. Axelson:** This was a short EAF Part 2. I marked all no or small impact because it is an existing site with existing disturbance and they're redeveloping it and also there are some improvements that will improve the appearance of the site drainage, etc. And then I'm trying to use Part 3, which is the second page of this, which basically is your negative declaration. Any questions?

**Chairman Dupree:** If it seems confusing that sometimes we do Part 2s up here and other times I ask the consultants, there is an actual method to the madness. If I think there is likely to be controversy, where we have a lot of public comment, it's preferable for us under lead agency to go ahead and answer those questions ourselves. But it facilitates the process a lot, remember how long it took us for Mavis, to have the consultants go through and have a first pass and then have it sent to us and if we disagree we would bring it up. So that's why I always state for the record that we've had a chance to review it. Also in the resolutions if we're doing SEQR and considering site plan approval at the same time, which often happens with site plans but never happens with subdivision.

**Town of Hyde Park Planning Board**

**RESOLUTION GRANTING SITE PLAN APPROVAL**

**Mintzer Veterinary Clinic**

**Date: March 1, 2017**

**Moved By: Ms. Kane**

**Resolution: #16-44A**

**Seconded By: Mr. Murphey**

WHEREAS, the applicant, Dr. Howard Mintzer, has submitted an application for site plan approval to construct and establish a veterinary clinic on property located at 4938 Albany Post Road, tax parcel no. 6066-02-878695, in the Neighborhood Business District (the "project"); and

WHEREAS, the project is depicted on a site plan entitled "Site Plan For H & A Veterinary Associates for New Office Building" prepared by Paul Tirums,

P.E., dated September 29, 2016, last revised February 21, 2017 (the "Site Plan Set"); and

WHEREAS, a general commercial facility is a permitted use subject to site plan approval in the Neighborhood Business District; and

WHEREAS, a kennel is not a permitted use in the Neighborhood Business District; and

WHEREAS, the applicant will separately apply for a sign permit recommendation; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated December 28, 2016, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on October 19, 2016, the Planning Board classified the project as an unlisted action under SEQRA and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency has objected, and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the was referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon, which responded on November 16, 2016 that it was a matter of local concern with comments; and

WHEREAS, the Planning Board has duly considered the County's comments; and

WHEREAS, a duly noticed public hearing was opened on November 16, 2016 and closed on March 1, 2017, during which all those who wished to speak were heard; and

WHEREAS, the Planning Board has reviewed the EAF provided and finds that it contains sufficient information on which to base a determination of significance, has considered the criteria contained in 6 NYCRR 617.7, has completed parts 2 and 3 of the EAF and has thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby determines that the Project will not result in any significant adverse environmental impacts and adopts a negative declaration.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval to the Project, as shown on the Site Plan Set, and authorizes the Chair or his designee to sign the site plan after compliance with the following conditions:

- 1. Payment of all fees and escrow.**

2. **Revision of the Site Plan Set so that the 2<sup>nd</sup> Floor Dimensions on Sheet 3 are not inconsistent with the scale calculation on Sheet 1.**
3. **Conceptual approval by the Dutchess County Department of Health of the methods of water supply and sewage disposal.**
4. **Approval by the Planning Board Engineer of the revised stormwater practices including to the southwestern vegetated portion of the site.**

**BE IT FURTHER RESOLVED, that prior to issuance of a building permit, the applicant must obtain approval by Dutchess County Department of Health of the methods of water supply and sewage disposal.**

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

**VOICE VOTE    7 Aye            Motion carried**

**Chairman Dupree:** I sent you a copy of the draft resolution. We changed some of that based on our meeting today and our discussion. So we now have conceptual approval in there and thank you for sending your early letter from the Department of Health. I forwarded that to Ms. Polidoro and Mr. Setaro at about 6:15 tonight so we'll know shortly whether they think that's adequate. If it is that condition's met, if it's not, then I put in my email, I'm confident Mr. Setaro will work with you at the Department of Health to make certain that we get what they're looking for, for that. The other conditions are pretty minor. That will then let you get started with the work you need to do with the grading, etc. to get the monitoring going and then that lets you get the approval. We'll try to get to work with you as quickly as possible. The condition that usually adds the most delays is payment of all fees and escrow and that's because there is a lag in our billing. So I'll make sure I take a personal look to make certain that there is enough escrow in there because it's refundable after the last bill is paid. We can get an earlier sign off is what I'm trying to say as long as you meet the other two conditions that are on the plan and we get the conceptual approval, because I know you're eager to go forward.

**Mr. Tirums:** Okay, great.

**Chairman Dupree:** Let's just keep each other informed about what's going on.

**Mr. Tirums:** Yes, we will. Thank you.

WORKSHOP:

**RIGHT HOMES RE-SUBDIVISION**

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

**Chairman Dupree:** The third item on the agenda involves Right Homes Resubdivision. The applicants are seeking approval, originally there was a three lot subdivision with a single driveway. The owner would like to make that into a different configuration. We've had a lot of back and forth and under subdivision law we must first for minor subdivisions which this is, we do what's called a resolution to accept for sketch. Sketch, as a reminder is not a part of the State's Environmental Quality Review Act so it actually has no impact with anything to do with SEQR and under minor subdivisions once you're accepted for sketch you go immediately to final subdivision plat. If you're doing a major subdivision there is sketch, then preliminary approval and then final approval. In this we don't go through preliminary. This is a pretty minor action. We were prepared in our resolution to accept for sketch to actually undertake a SEQR reaffirmation, but in the interest of an abundance of caution we don't have all of the calculations yet for how stormwater and blasting will change because in the original application you'll recall where the single driveway was, we located it so there would be minimal disturbance. With the additional driveway there is going to be some removal of rock and some regrading and I know that our engineer Mr. Setaro also had some concerns about water flowing onto an adjacent parcel. I can't imagine any of this arising to the level of significant impact, I just think it's prudent to wait until we have that information to before we do this. Again, because of case law we can't set a public hearing yet until they conclude SEQR, so we can't set a public hearing in tonight's actions. That shouldn't be an issue because we don't have any new material to set a public hearing for yet. Once we get the new material and the calculations, we'll be able to reaffirm SEQR possibly, set a public hearing and go right forward on it. Thank you. The applicants were not requested to be here tonight. Does anybody have any comments or questions?

**Mr. Oliver:** I haven't seen the CAC comments have they been submitted.

**Chairman Dupree:** No. We referred to CAC and verbally, Kerri DeGroat said they didn't have any issues. Well you've got that highly disturbed Central Hudson easement that runs down the middle of it so it's not as though it's going to be a really good habitat. They did have concerns when it was 3 driveways but thanks to your championing and wise suggestions to minimize that. Really the most amount of rock that was going to be taken out is gone now, it's going to stay intact, so that also minimized their concerns. There being no other comment.

**RESOLUTION TO ACCEPT A SKETCH PLAN  
Right Homes Resubdivision**

**Date: March 1, 2017**

**Moved By: Mr. Pickett**

**Resolution: #16-46A**

**Seconded By: Mr. Murphey**

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

WHEREAS, the project is depicted on a subdivision plat entitled "Final Plat for Right Homes LLC" prepared by KC Engineering and Land Surveying, PC, dated October 10, 2016, last revised January 31, 2017, (the "Sketch Plan"); and

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

WHEREAS, on January 16, 2008, the Planning Board determined that the subdivision as shown on Filed Map Number 12225 would not result in any significant adverse impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, the Project will not result in any new lots or building potential; and

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

WHEREAS, on January 4, 2017, the Planning Board classified the Project as an unlisted action and circulated its intent to conduct an uncoordinated review; and

WHEREAS, the Sketch Plan was referred to the Conservation Advisory Council, which did not have any comments; and

WHEREAS, pursuant to Section 96-12C of the Subdivision Law, the Planning Board is required to determine whether the sketch plan may be accepted as adequate for further review by the Planning Board and, where necessary, to make specific recommendations to be incorporated into future submissions.

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

- 1. Classifies the as a Minor Subdivision pursuant to Section 96-12B(2) of the Subdivision Law.**
- 2. Accepts the Sketch Plan in accordance with Section 96-12C of the Subdivision Law.**

**The applicant shall, within a period of six months of this sketch plan acceptance, submit to the Town of Hyde Park an application for final subdivision approval. Failure on the part of the applicant to submit such application within the six-month time period shall void this sketch plan acceptance and shall necessitate resubmission of the sketch plan to the Planning Board for acceptance.**

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

**VOICE VOTE            7 Aye            Motion Carried**

**MOTION:** Mr. Murphey

**SECOND:** Ms. Dexter

**To approve the minutes of the January 18, 2017 Hyde Park Planning Board meeting.**

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

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

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To approve the minutes of the February 1, 2017 Hyde Park Planning Board meeting.**

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

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

**MOTION:** Mr. Murphey

**SECOND:** Mr. Oliver

**To adjourn.**

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

**VOICE VOTE: 7-0 Motion carried**

**These Minutes approved at the April 5, 2017 Meeting of the Hyde Park Planning Board by a unanimous voice vote. Motion made by Ms. Kane and seconded by Ms. DiNapoli.**