



Historic Town of Hyde Park

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

“Working with you for a better Hyde Park”

DRAFT MINUTES OF THE **APRIL 5, 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
 DIANE DI NAPOLI
 VICTORIA KANE
 CHRISTOPHER OLIVER

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

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MORRIS, JAMES

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OTHER BUSINESS

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Chairman Dupree: Good evening everyone and welcome to the April 5th 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 Big Meadow Property.

CONTINUED PUBLIC HEARING:

BIG MEADOW PROPERTY

Site Plan Approval (#2017-06)
Location: 15 Big Meadow Lane
Poughkeepsie, NY 12601
Grid#: 6163-03-078430

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To re-open the public hearing for Big Meadow Property.

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

There were no additional comments from the public.

MOTION: Ms. DiNapoli

SECOND: Mr. Oliver

To close the public hearing for Big Meadow Property.

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

RESOLUTION TO GRANT SITE PLAN APPROVAL

Big Meadow Property

**April 5, 2017
Resolution: #2017-06A**

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

WHEREAS, the applicant, Big Meadow Property Corp., has submitted an application for site plan approval to construct an eighteen space parking area on a residential lot containing a single family and two-family dwellings, located at 15 Big Meadow Lane in the Neighborhood District, identified as tax parcel no. 6163-03-078430 (the "Project"); and

WHEREAS, pursuant to Section 108-4.3B(2)(A), a parking lot with more than four spaces requires site plan approval; and

WHEREAS, the project is depicted on a site plan entitled "15 Big Meadow Lane, Striping Plan" prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., dated January 30, 2017, last revised March 02, 2017 (the "Site Plan"); and

WHEREAS, on February 15, 2017, the Planning Board classified the action as a Type II action under the State Environmental Quality Review Act ("SEQRA"), pursuant to 6 NYCRR § 617.5(c)(10), construction, expansion or placement of minor accessory residential structures; and

WHEREAS, the Site Plan was referred to the Dutchess County Department of Health, which responded on March 3, 2017 that the Department had no concerns with current proposal; and

WHEREAS, a duly noticed public hearing was held on March 15, 2017, and closed on April 5, 2017, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants site plan approval to the Project, as shown on the Site Plan, 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 Bulk Table on the Site Plan to include numeric values for the existing building heights.
3. Revision of the Bulk Table on the Site Plan to remove the reference to the second residential structure being an “accessory structure.”
4. Revision of the Site Plan to depict a new location for a dumpster and recycling bin. Said location must be a flat surface on the opposite side of the driveway from where it is now located. The dumpster and recycling bin shall be enclosed by a six foot high stockade wood or vinyl fence, with a fence detail shown on the Site Plan.
5. Revision of the Site Plan to include a Planning Board signature block and engineer’s seal.
6. The applicant shall reseed and mulch bare areas along the driveway and parking lot, to the satisfaction of the Zoning Administrator.

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

Voice Vote 7-0 Motion Passed

NEW PUBLIC HEARING:

HYDE PARK FIRE and WATER DISTRICT

Sign Permit Application (#16-32)
 Location: 4306 Albany Post Road
 Grid#: 6065-04-903074

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To open the Monroe Hearing for Hyde Park Fire and Water District.

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

The applicant's attorney, Robert Brenner of Nixon Peabody reviewed their position on each of the nine factors in the balancing of public interests test.

MOTION: Mr. Murphey

SECOND: Ms. Kane

To receive written public comment until Friday April 14th and then close the Monroe Hearing for Hyde Park Fire and Water District.

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

ENCLAVE AT HYDE PARK

Re-Subdivision, Site Plan Approval & Special Use Permit (#16-49)

Location: Cream Street at Long Branch Road

Grid #: 6263-01-421992, 6263-01-434997, 6264-03-450016, 6264-03-461019, 6264-03-472018, 6264-03-482018, 6264-03-493018, 6264-04-504018, 6264-04-514015, 6264-04-519001, 6264-04-527007, 6264-04-531018, 6264-04-544020, 6264-04-557014, 6264-04-558001, 6263-02-561984, 6263-02-545992, 6263-02-546977, 6263-02-533980, 6263-02-522978, 6263-02-518952, 6263-02-528952, 6263-02-539954, 6263-02-549959, 6263-02-563961, 6263-02-567946, 6263-02-566931, 6263-02-553932, 6263-02-544928, 6263-02-534925, 6263-02-523927, 6263-02-511927, 6263-02-518911, 6263-02-522891, 6263-02-533893, 6263-02-543897, 6263-02-552902, 6263-02-562910, 6263-02-575913, 6263-02-568880, 6263-02-559875, 6263-02-549869, 6263-02-538869, 6263-02-517869, 6263-02-514859, 6263-02-509847, 6263-01-495841, 6263-01-484840, 6263-01-472842, 6263-01-460847, 6263-01-459862, 6263-01-460878, 6263-01-473883, 6263-01-480868, 6263-01-492864, 6263-01-495876, 6263-01-498899, 6263-01-487905, 6263-01-478912, 6263-01-470921, 6263-01-493926, 6263-01-493938, 6263-01-494949, 6263-01-495959, 6263-01-496975, 6263-02-505989, 6263-01-490992, 6263-01-473998, 6263-01-460995, 6263-01-446983, 6263-01-438961, 6263-01-431973, 6263-01-433937, 6263-01-447937, 6263-02-585865, 6263-01-465957, 6263-02-543968, 6263-01-436890, 6263-02-675871.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To open the public hearing for The Enclave at Hyde Park.

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

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To adjourn the public hearing for The Enclave at Hyde Park to April 19, 2017.

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

HYDE PARK CONDOMINIUMS WASTEWATER TREATMENT FACILITY

Extension of Site Plan to begin Substantial Construction (14-43)

Location: 4676 Albany Post Road

Grid #: 6065-08-762896; 760896; 754914; 753914; 754915; 753915; 754916; 753916; 772914; 772912; 772908; 772906; 770914; 770912; 770908; 770906; 768914; 768912; 804940; 804937; 804935; 804932; 804931; 804930; 803940; 804937; 803935; 803932; 803931; 803930; 802940; 802937; 802935; 802932; 802931; 802930; 822941; 822939; 822938; 821936; 821934; 820932; 821941; 820939; 820938; 819936; 819934; 819932; 839945; 838942; 838939; 838937; 837934; 837933; 837946; 837943; 836941; 836938; 835936; 834933; 812970; 812968; 812966; 810970; 810968; 810966; 809970; 809968; 809966; 820958; 822959; 833966; 833968; 833970; 833972; 833974; 831964; 831966; 831968; 831970; 831972; 831974; 866970; 867972; 868975; 869976; 870978; 871980; 876971; 877973; 878975; 879977; 880979; 881981; 875972; 876974; 877975; 878978; 879979; 880980; 804989; 804990; 805993; 806995; 807997; 807998; 803989; 803990; 804993; 805995; 806997; 806998; 802989; 803991; 803993; 804995; 805997; 805998; 836988; 836991; 836993; 836995; 836997; 836999; 834988; 834991; 834993; 834995; 834997; 834999; 833988; 833991; 833993; 833995; 833997; 833999; 874971; 875974; 876975; 878976; 879978; 879980; 874973; 874974; 875975; 877976; 878977; 878979; 873971; 874972; 874975; 876976; 877978; 878981; 752898; 750898; 752899; 750899; 752900; 750900; 768893; 766893; 762893; 760893; 768894; 766894; 762894; 760894; 768896; 766896; 768908; 768906; 6065-07-749912; 748912; 743911; 742911; 749913; 748913; 743912; 742912; 749914; 748914; 743913; 742913; 746898; 744898; 746899; 744899; 746900; 744900; 6066-20-844030; 841030; 839030; 837030; 835030; 833030; 844031; 841031; 839031; 837031; 835031; 833031; 844032; 841032; 839032; 837032; 835032; 833032; 852025; 852028; 852030; 852032; 851025; 851028; 851030; 851032; 850025; 850028; 850030; 850032; 875025; 874023; 874021; 873020; 874025; 873023; 873021; 872019; 873025; 872024; 872021; 871020; 874024; 874022; 874020; 874017; 874016; 873024; 873022; 873018; 873017; 873016; 872018; 872022; 872020; 872017; 872016; 877033; 874033; 872033; 870033; 877034; 874034; 844030; 841030; 839030; 837030; 835030; 833030; 844031; 841031; 839031; 837031; 835031; 833031; 844032; 841032; 839032; 837032; 835032; 833032; 852025; 852028; 852030; 852032; 851025; 851028; 851030; 851032; 850025; 850028; 850030; 850032; 875025; 874023; 874021; 873020; 874025; 873023; 873021; 872019; 873025; 872024; 872021; 871020; 874024; 874022; 874020; 874017; 874016; 873024; 873022; 873018; 873017; 873016; 872018; 872022; 872020; 872017; 872016; 877033; 874033; 872033; 870033; 877034; 874034; 872034; 870034; 877035; 874035; 872035; 870035

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To open the public hearing for the Hyde Park Condominiums Wastewater Treatment Facility.

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

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To close the public hearing for the Hyde Park Condominiums Wastewater Treatment Facility.

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

**RESOLUTION GRANTING ONE-YEAR EXTENSION OF ALL DEADLINES
PURSUANT TO SECTION 108-9.6(a) OF THE TOWN CODE**

Hyde Park Condominium Association – WWTF Upgrade

**Date: April 5, 2017
Resolution: # 14-43C**

**Moved By: Ms. Dexter
Seconded By: Mr. Oliver**

WHEREAS, on December 3, 2014, the Hyde Park Planning Board granted the the applicant, Hyde Park Condominium Association, site plan approval to upgrade the existing wastewater treatment facility including construction of a new building to house the facility at property located at 4676 Albany Post Road, in the Neighborhood District (the “project”); and

WHEREAS, on April 6, 2016, pursuant to Section 108-9.6(A), the Hyde Park Planning Board granted the applicant Hyde Park Condominium

Association, a one year extension of time to commence substantial construction to and including April 8, 2017 and to and including April 8, 2018 to complete the upgrade of the existing wastewater treatment facility including construction of a new building to house the facility at property located at 4676 Albany Post Road, in the Neighborhood District (the “project”);

WHEREAS, the project is depicted on a site plan entitled “Wastewater Treatment Facility Upgrade for Hyde Park Condominiums,” prepared by Lawrence J. Paggi, PE, PC, dated September 26, 2014, T-1 & C1-C4, signed by the Planning Board Chair on April 8, 2015 (the “Approved Site Plan Set”); and

WHEREAS, pursuant to Section 108-9.6(A), “an approved site plan shall be void and the building permits, if any, shall be revoked if substantial construction is not started within one year and the entire project or approved phase is not completed within two years of the signing of the site plan or site plan amendment by an authorized officer of the Planning Board;” and

WHEREAS, pursuant to Section 108-9.6(B) “the Planning Board may, at its discretion, after conducting a public hearing, grant an extension to an approved site plan;” and

WHEREAS, by letter dated February 28, 2017, the applicant’s representative requested a one year extension of the time to commence construction authorized by the Approved Site Plan Set, owing to ongoing negotiations with Dutchess County Water and Wastewater Authority over proposed ownership of the facility, and

WHEREAS, a duly noticed public hearing was opened on April 5, 2017 during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby grants a one-year extension of the time for the applicant to commence substantial construction to and including April 8, 2018, and the time in which to complete construction to and including April 8, 2019, pursuant to Section 108-9.6(B) of the Code, subject to satisfaction of the following conditions:

- 1. Amendment of the Approved Plan Set to remove a small section of stone surfacing proposed on the dirt drive and relocate it to the north of the proposed stone pad, as indicated in the attached drawing. The Chair shall endorse the revised Plan Set once received and note that the timelines in the original approval and this extension are still applicable.**
- 2. Payment of all fees and escrow.**

There will be no written or verbal notification from the Planning Board office to the applicant at such time as the extension expires. Any request for an extension of the deadlines set forth herein must be submitted to the Planning Board at least 30 days in advance of said dates.

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

Voice Vote 7-0 Motion Passed

WORKSHOP:

SMALL WORLD-80 WEST DORSEY

Special Use Permit & Site Plan Application (#2017-09)

Location: 80 West Dorsey Lane

Grid #6163-01-454558

The applicant's representative, Mike Berta presented the application for the Board Members.

**RESOLUTION CLASSIFYING THE ACTION UNDER SEQRA AND
REFERRING THE PROJECT TO THE DUTCHESS COUNTY DEPARTMENT
OF PLANNING AND DEVELOPMENT**

Small World, LLC

April 5, 2017

Moved By: Mr. Oliver

Resolution: #2017-09

Seconded By: Mr. Murphey

WHEREAS, the applicant, Small World, LLC, has submitted an application for site plan and special use permit approval to reconstruct and expand a two-family dwelling on a .34 acre lot containing an existing two-family dwelling, located at 80 West Dorsey Lane in the Neighborhood District, identified as tax parcel no. 6163-01-454558 (the "Project"); and

WHEREAS, the original two-family dwelling was destroyed in a fire; and

WHEREAS, the Project is depicted on a site plan entitled "Small World, LLC" prepared by Michael R. Berta, AIA dated March 21, 2017, (the "Site Plan Set"); and

WHEREAS, average density in the Neighborhood District is 2 dwelling units per acre and the Project proposes to reestablish an average density of about 11.76 dwelling units per acre; and

WHEREAS, the preexisting nonconforming density existing on the property has not ceased for over a year and may continue; and

WHEREAS, pursuant to Section 108-6.4A of the Zoning Law, a nonconforming structure may be rebuilt in the event of its total or partial destruction to occupy the same or a lesser amount of footprint, but may not exceed the original height of the totally or partially destroyed structure, subject to Planning Board approval; and

WHEREAS, pursuant to Section 108-6.4B of the Zoning law, the Planning Board may issue a special use permit allowing an expansion of a nonconforming structure by up to 50% of its area in gross square feet at the time of the effective date of the Zoning Law; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated January 23, 2017, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

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

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

- 1. Classifies the project as an unlisted action under SEQRA and determines to conduct an uncoordinated review;**
- 2. Refers the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**
- 3. Refers the application to the Fairview Fire District for a report and recommendation thereon.**

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

Voice Vote 7-0

Motion Passed

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To set a public hearing for Small World-80 West Dorsey for May 3, 2017.

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

1636 Route 9G

Site Plan Approval-Exterior Modification (#2017-10)

Location: 1636 Route 9G

Grid #6166-04-838469

**RESOLUTION CLASSIFYING THE ACTION UNDER SEQRA AND
REFERRING THE PROJECT TO THE DUTCHESS COUNTY DEPARTMENT
OF PLANNING AND DEVELOPMENT**

1636 LLC - Façade Renovation

April 5, 2017
Resolution: #2017-10

Moved By: Chairman Dupree
Seconded By: Ms. Dexter

WHEREAS, the applicant, 1636 LLC, has submitted an application for site plan approval to make exterior alterations to an existing commercial structure on a 1.21 acre lot containing located at 1636 Route 9G in the Neighborhood Business District, identified as tax parcel no. 6166-04-838469 (the "Project"); and

WHEREAS, the Project is depicted on a site plan entitled "Addition and Renovation" prepared by Kathryn Whitman Architecture dated March 22, 2017, (the "Site Plan Set"); and

WHEREAS, General Commercial uses are permitted in the Neighborhood Business District subject to site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated March 22, 2017, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

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

WHEREAS, pursuant to 6 NYCRR § 617.6C(1), maintenance or repair involving no substantial changes in an existing structure or facility is a Type II action.

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

1. Classifies the Project as a Type II action;
2. Directs its Secretary to refer the Project to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law once a new submission is received.

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

Voice Vote 7-0 Motion Passed

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To set a public hearing for 1636 Route 9G for May 3, 2017.

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

OTHER BUSINESS:

ASHEY, NICOLE

Site Plan Waiver-Window Replacements (#2017-12)

Location: 12 Baker St., Staatsburg

Grid #: 6167-03-160389

TOWN OF HYDE PARK PLANNING BOARD

Ms. Ashey

6167-03-160389
12 Baker Sreet
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

April 5, 2017
Resolution #:2017-12

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

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Nicole Ashley 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 and minor changes to the exterior by replacing windows 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 3/29/2017, and per the request to the planning board dated March 29, 2017.

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

Voice Vote 7-0 Motion Passed

9G GRILL

Sign Permit Application (#2017-13)
Location: 864 Violet Avenue
Grid #: 6164-02-561561

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

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

**864 Violet Avenue
Free Standing Sign
Parcel 6164-02-561561**

Date: April 5, 2017

Moved By: Ms. DiNapoli

Resolution: # 2017-13

Seconded By: Ms. Dexter

WHEREAS, Julie Pizzarelli, owner, on March 30, 2017, completed submittal of an application for re-facing of the free standing sign to be associated with the new business located at 864 Violet Avenue, Grid No. 6164-02-561561, in the East Park Business District; and

WHEREAS, the sign has been designed to be code compliant; now therefore

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for 9G Grill, latest revision date: 3/30/2017.

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

Voice Vote 7-0 Motion Passed

MORRIS, JAMES

Site Plan Waiver-HVAC (#2017-14)
Location: 2 Calmer Pl.
Grid #: 6064-08-948796

TOWN OF HYDE PARK PLANNING BOARD

James and Patrice Morris

6064-08-948796

SITE PLAN WAIVER
Town Code Section 108-9.4 C 2

Date: April 5, 2017
Resolution #: 2017-14

Moved By: Ms. DiNapoli
Seconded By: Ms. Dexter

Whereas, an application requesting a waiver of site plan has been made to the Town of Hyde Park Planning Board by James Morris, on April 3, 2017, for property located at 2 Calmer Place in the Town of Hyde Park, and

Whereas, the application is to install ductless HVAC that is partially located outside the home, in an historic overlay district, and

Whereas, the change will have minimal impact to the character of the neighborhood, and

Whereas, the Planning Board has reviewed the request submitted by the applicant, and has received a recommendation from the Zoning Administrator, and

Whereas, the applicant is required to return to the Planning Board for all other changes to the property, and

NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the file entitled Morris, regarding the specific request as received April 3, 2017, and in the building permit application file for this project.

Michael Dupree
Planning Board Chairman

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

Voice Vote 7-0 Motion Passed

Consider approval of the minutes from 15th February 2017 and 1st March 2017.

Consider re-referring Hyde Park Town Center North-Mavis Tire to Dutchess County Planning.

Consider approving a letter of recommendation for Hyde Park Town Center North-Mavis to the ZBA.

Consider resolution designating stale and abandoned applications.

**Consider release of escrow for the following abandoned applications:
Club at Hyde Park, Elbow Creek, Mavis at Albertson, Moorgate,
Serenity Hills, Shadow Ridge and Woodland Grange**

MOTION: Ms. Dexter

SECOND: Ms. DiNapoli

To approve the Minutes for the February 15, 2017 Planning Board Meeting.

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

VOICE VOTE: 5-0 Motion carried

MOTION: Ms. Kane

SECOND: Ms. DiNapoli

To approve the Minutes for the March 1, 2017 Planning Board Meeting.

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

VOICE VOTE: 5-0 Motion carried

**RESOLUTION TO RE-REFER THE APPLICATION TO THE DUTCHESS
COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

Hyde Park Town Center North - Mavis

Date: April 5, 2017

Moved By: Ms. DiNapoli

Resolution: #16-15A

Seconded By: Mr. Murphey

WHEREAS, the applicant, N & N Hyde Park LLC c/o KARC Planning Consultants, has submitted an application for site plan approval to partially redevelop an existing shopping center with a new “Mavis” auto repair shop, located at 4280 Albany Post Road, tax parcel nos. 6065-04-919007 & 6065-04-93301, in the General Business District (the “Project”); and

WHEREAS, the Project is depicted on a site plan entitled “Hyde Park Town Center - North” prepared by Berger Engineering and Surveying, dated June 1, 2016, last revised March 28, 2017 (the “Amended Site Plan”); and

WHEREAS, general commercial uses are permitted with site plan review in the District; and

WHEREAS, on July 6, 2016, and again on August 4, 2016, the Planning Board referred the Project to the Dutchess County Department of Development and Planning (“DC Planning”) pursuant to Section 239-m of the General Municipal Law, which responded on September 2, 2016 that it recommended denial unless the applicant provided an alternative design consistent with the Hyde Park Zoning Law and the 2013 Hyde Park Town Center Pedestrian Study illustrative redesign; and

WHEREAS, the Amended Site Plan has been substantially revised from the version that was referred to DC Planning and the Planning Board seeks additional comments from DC Planning on the revised layout.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby directs its secretary to refer the Amended Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

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

Voice Vote 6-0 1 Abstain Motion Carried

Mr. Pickett is recused from this application and abstained from voting.

MOTION: Ms. Dexter

SECOND: Mr. Oliver

To authorize the Chairman to send a letter of recommendation to the ZBA on behalf of Hyde Park Town Center North-Mavis Tire re-open the public hearing for Town Center North-Mavis Tire.

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

VOICE VOTE: 6-0 1 Abstain Motion carried

Mr. Pickett is recused from this application and abstained from voting.

5 April 2017

John Bickford, Chairman, Zoning Board of Appeals
ZBA members Stan Frangk, Brendan Lawler, Herb Sweet, Michael Whitman
4383 Albany Post Road
Hyde Park, New York 12538

Re: Variance requests associated with "Town Center North/Mavis"

Dear Chairman Bickford and distinguished Board members:

Thank you for the opportunity to comment on the requests for area variances for "Town Center North" by N&N Hyde Park, LLC located at 4274 and 4280 Albany Post Road.

The applicant is proposing to raze the former Molloy's pharmacy – with an approximate cubic volume of 175,398 feet – for a structure with a greater cubic volume but smaller footprint. Two sections of the code, §108-4.4.A(3) and §108-4.6.B, address sites located adjacent to parcels where a structure is listed on the National or State Registers of Historic Places. The first mandates that buildings on adjacent sites be no greater than 60,000 cubic feet and the second requires an open space along the common property line.

Both sections were addressed by your Board and us recently with the project known as “Barry B&B.” Similar to that application, upon careful consideration of all facts, we recommend you grant the requested variances and offer the following in support:

1. We believe that the restriction on maximum cubic volume is intended to ensure that new structures located next to historic resources do not dominate or overwhelm the latter. In this instance, there are a number of intervening buildings on the site featuring the Bergh–Stoutenburgh House, including a new McDonald’s. In addition, the existing structure, formerly Molloy’s pharmacy, already exceeds 60,000 cubic feet and does not appear to have negatively impacted this historic resource. Finally, while the proposed replacement structure is actually smaller in footprint size, it must have a greater cubic volume if the applicants adhere to the code requirement barring flat roofs (or effectively disguising them when building size necessitates a flat roof, such as a grocery store).
2. We believe the requirement for the open space buffer along common property lines is intended to ensure that site lines remain clear when viewing historic resources. Again, the Bergh–Stoutenburgh House is situated some distance from the proposed structure, and well beyond 100 feet. While the structure would occlude views from inside the shopping plaza where it is proposed, even if the existing building were razed and not rebuilt, a two–story former stable would prevent a resident or visitor from seeing the historic House from within the plaza. In addition, the Bergh–Stoutenburgh House is sited close to Albany Post Road and the nearby McDonald’s is set back far enough that views from the north or south are fairly unobstructed.
3. Last, we note that the State Historic Preservation office provided a response as part of our SEQRA review, dated October 14, 2016, indicating the proposal would have no impacts to this historic resource.

Please do not hesitate to contact me if you require further information.

Sincerely,



Michael Dupree
Chairman

**RESOLUTION DECLARING CERTAIN SITE PLAN AND SUBDIVISION
APPLICATIONS ABANDONED PURSUANT TO LOCAL LAW No. 9 of the
Year 2016 OF THE TOWN CODE**

Date: April 5, 2017
Resolution: #17-D

Moved By: Chairman Dupree
Seconded By: Ms. Dexter

WHEREAS, in October 2016, the Town Board of the Town of Hyde Park adopted Local Law J, the purpose of which was to allow the Town's Planning Board to better manage its calendar and ensure that all applications under review would continue to submit timely information until the review process was completed; and

WHEREAS, the Secretary to the Planning Board, the Town's Zoning Administrator and the Chairman of the Planning Board met in January 2017 to review a series of applications where no information had been submitted in the past calendar 12 months or longer; and

WHEREAS, a list of all applications considered stale was prepared and on January 23, 2017, letters were sent by certified mail to each project sponsor informing them of the new law, and advising each that the Planning Board would deem their applications officially abandoned unless the project sponsor and/or his/her/their representatives appeared before the Board within two months to outline steps to reactivate the application; and

WHEREAS, no responses were received for "The Club at Hyde Park," "Elbow Creek," "Moorgate," "Montabella," "Serenity Hills," "Shadow Ridge," "Allis Estates," "Allis Reapplication" and "Woodland Grange;"

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby deems the subdivision, Planned Unit Development and site plan applications known as "The Club at Hyde Park," "Elbow Creek," "Moorgate," "Montabella," "Serenity Hills," "Shadow Ridge," "Allis Estates," "Allis Reapplication" and "Woodland Grange" abandoned, and any and all escrow accounts for each shall be closed, and all remaining balances returned to the appropriate project sponsor. In deeming the applications abandoned, it is the express intent that should the projects be revived in the future, new applications and fees shall be paid, and new escrow accounts be established.

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

Voice Vote 7-0 Motion Passed

Date: April 5, 2017
Resolution #: 17-E

Moved by: Chairman Dupree
Seconded by: Mr. Murphey

Motion to Release escrow for the following projects:

Club at Hyde Park (17-07)	\$10,673.24
Elbow Creek (48-06)	\$1,245.24
Mavis (71-12)	\$1,112.95
Moorgate (20-05)	\$4,083.99
Serenity Hills (04-05)	\$10,473.69
Shadow Ridge (17-02)	\$4,080.60
Woodland Grange (13-47, 11-04)	\$2,624.72
Allis Estates 48-03)	\$205.52
Allis Estates Re-App (35-06)	\$1,226.75

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

Voice Vote 7-0

Motion Passed

MOTION: Ms. DiNapoli
SECOND: Mr. Murphey

To adjourn.

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