



Historic Town of Hyde Park

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

DRAFT MINUTES OF THE **September 20, 2017**
PUBLIC HEARING/REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

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

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

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Chairman Dupree: Good evening everyone and welcome to the September 20th meeting of the Hyde Park Planning Board. Please take note of all the exits around the room and now join us as we re-pledge our fealty to the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

Thank you. The only item on our agenda is the Enclave at Hyde Park. As a reminder the applicants are seeking to re-subdivide a former 74 single family lot subdivision. They are required to get site plan and special use permits because they are now constructing multi-family housing. There will be 50 two-family homes on 25 lots. May I get a motion to re-open the public hearing?

CONTINUED PUBLIC HEARING:

ENCLAVE AT HYDE PARK

Re-Subdivision Final Plat, Site Plan and Special Use Permit (#16-49)
Location: Cream Street at Long Branch Road
Grid#: 6263-01-465957 (1 of 79 grid #s available upon request)

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To re-open the public hearing for the Enclave at Hyde Park for site plan, special use permit and re-subdivision.

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

VOICE VOTE 7-0 0-Absent Motion Carried

Chairman Dupree: Would anyone from the public like to speak about this application? There being none, any final comments from the consultants?

Ms. Polidoro: Pete had asked about the road bond approval. I was just explaining that in this case because there is existing money with the Town to put towards the road. Instead of requiring a separate performance guarantee in addition to that money, the applicant is going to be required to work out an agreement with the Town of Hyde Park to provide for the disbursement of the funds and it states that, "The agreement shall provide for a minimum retained security in an amount recommended by the Planning Board and Town Engineer and acceptable to Town Board and Attorney to the Town to guarantee to completion of the road and related infrastructure.". So the applicant was unable to finalize the bond estimates for tonight's meeting and so

they're going to have to come back and present them to the Board for the Board's approval and recommendation at a future date.

Chairman Dupree: This was agreed upon with the applicant and it was actually their preference, I want to note. Because we do have some newer people here and we haven't done subdivisions in a long time and this is a re-subdivision, the Code requires that the applicants put forth some kind of security or surety to ensure that all infrastructure is completed. In this case because this was a prior subdivision and a cash performance amount was put up, we lowered it at one point based on Mr. Setaro's recommendation. The Board is allowed to lower it based on work performance and only once. At some point a prior Town Board, I believe under Supervisor Martino apparently called the Bond. When you call the Bond or call the cash in this case, it must be used for the infrastructure, so this is not something that is really the Planning Board's purview, it's really the Town Board now and the applicant and his consultants. As to how they formalize that process of turning it back over so it can be applied to all the infrastructure, but the Planning Board is required to recommend to the Town Board what the performance amount is and there is a little bit of still discussion between the applicant's consultants and Mr. Setaro over various prices, like for the sidewalk tree installation, etc., so that's what this is about, so what we've done is taken Attorney Replansky's language that he preferred to put on here, so that the applicants deal with the Town Board on the performance guarantee they called. In the meantime they'll just be coming back up to us at some point to make a recommendation by resolution to the Town Board for the Bond. Any questions? I know that was complicated. Would anyone from the public like to speak about this application? There being none and no consultants I asked twice. Any comments from the Board? Questions? *Only negative responses were heard.* Before I close the public hearing has everyone had a chance to read the resolutions? *Responses were all positive.* They are lengthy and so what I'd like to do is just stipulate that we've all read them so that we don't have to go through this many pages. There are some changes that have been made since you last saw them. It's fairly minor, but that's what we were discussing at the beginning of the meeting. There were some notes that we were going to have put on the site plan that deal with the maintenance of the area around the cistern and the approach as well as maintenance of the gates. Mr. Casamento suggested that we move that over to the subdivision plat so the notes are added on the subdivision. And to remind the Board as well, the way this will work in terms of them satisfying all the conditions, they first must file the plat, the actual subdivision because that's going to be assigned new tax grid numbers, etc. for all of these new parcels that are owned by water works, sewer, individuals, HOA...once that's done, then they can provide all of the correct information with all of those numbers for the site plan and then that will be filed. The two are linked forever but there will be a little of a timing difference at the beginning. And before I go on I want to thank you, Mr. Alexander, Mr. Alexander's substitute tonight, as well as your client for all the heavy lifting that's been done and down to the tiny details on this. I know this was...I spent the last 48 hours as did Victoria and Pete looking at this and I know you did too because I've seen all the emails flying back and forth. This is what happens when you have a good project and there's a lot of willingness to work on both sides to come up with the final end product. If there are no more comments, may I get a motion to close the public hearing?

MOTION: Mr. Murphey
SECOND: Mr. Oliver

To close the public hearing on Subdivision final plat, site plan, and special use permits for the Enclave at Hyde Park.

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

VOICE VOTE 7-0 0-Absent Motion Carried

Chairman Dupree: So Victoria the first resolution that I would be the resolution to grant conditional final plat approval.

Ms. Polidoro: Correct.

Chairman Dupree: If we stipulate that everyone's read this, so it doesn't have to be read in to the record. I believe the only change would be the addition...

Ms. Polidoro: It's an addition of a note 21 to state, "Revision of sheet SP-3 to include the following notes: a. All emergency access gates shall be maintained by the property owner or ownership association in good working order and b. The 10,000 gallon cistern shall be completed prior to the issuance of a certificate of occupancy for any residential dwelling, excluding phase 1A the model home or the membership club". These are in response to the Fire Department's comments.

Chairman Dupree: Thank you. So with that, do I just seek a motion to adopt the resolution?

Ms. Polidoro: As amended.

Ms. DiNapoli: So moved, as amended.

Mr. Murphey seconded the motion.

RESOLUTION TO GRANT CONDITIONAL FINAL PLAT APPROVAL

The Enclave (f/k/a The Meadows)

Date: September 20, 2017

Moved By: Ms. DiNapoli

Resolution: #16-49C

Seconded By: Mr. Murphey

WHEREAS, the applicant, 54-Hyde LLC, has submitted an application for average density subdivision, site plan and special use permit approval to resubdivide 74 existing lots totaling 116.74 acres (as indicated on the tax parcel list) into 25 residential lots containing two-family homes (50 units) and a Membership Club (with separate lots for water and sewer service) and Lot 26 (defined below) in the Greenbelt District (the "Project"); and

WHEREAS, the Project is located at Cream Street, Hyde Park, within the Greenbelt Zoning District, and identified as Tax Grid Numbers:

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; 6263-02-675871; 6263-01-465957; 6263-02-543968; 6263-01-436890; 6263-02-585865 (the "Site"); and

WHEREAS, the "Meadows Subdivision" was previously approved as a 74-lot subdivision comprising 116.74 acres as shown on FM 11697A dated May 23, 2007, and as amended by FM 11697B, dated February 5, 2008; and

WHEREAS, 25.01 acres (Lot 26) of the Meadows Subdivision is being set aside for potential use as a commercial Solar Farm which will be separately evaluated once proposed; and

WHEREAS, by resolution dated March 22, 2017, the Zoning Board of Appeals granted the applicant a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit; and

WHEREAS, the Project is depicted on a plan set entitled "Subdivision / Site Plan /Special Use Permit Submission Set for The Enclave at Hyde Park" prepared by LRC Group, dated December 7, 2016, as last revised August 23,

2017 (the "Site Plan Set") and the subdivision plat is included as Sheets SP-1, SP-2, SP-3 and SP-4 (the " Final Subdivision Plat"); and

WHEREAS, two-family dwellings are a permitted use in the Greenbelt District subject to site plan and special use permit approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated December 7, 2016, revised January 4, 2017 pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, pursuant to Section 54-6A(29) of the Town Code, residential developments that include five or more dwelling units are a Type I action; and

WHEREAS, on February 15, 2017, the Planning Board, serving as lead agency in a coordinated SEQRA review, adopted a negative declaration, determining that the project would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, pursuant to Section 277 of Town Law and Section 96-8 of the Town Code, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, such land for parks and other recreational purposes may not be required until the Planning Board makes a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town; and

WHEREAS, the Planning Board has determined that a proper case exists for requiring parks or recreation land to be suitably located on the plat but that such land cannot be properly located within the Subdivision Plat; and

WHEREAS, the applicant has previously paid the recreation fee for 74 lots for the Meadows Subdivision as shown on FM 11697A and 11697B, which is now being resubdivided as part of the Project, and the Planning Board acknowledges that prior payment of the fee for 74 lots, albeit at a lower fee amount, satisfies the current requirement to pay the recreation fee for 25 lots and 50 dwelling units; and

WHEREAS, the applicant's predecessor in title BVC Land Development Inc. ("BVC") furnished security to the Town in connection with the previous development of the "Meadows Subdivision" in the amount of \$1,350,000 which amount was subsequently reduced to \$608,401.30 pursuant to Town Law §277; and

WHEREAS, the Town Board, by Resolution 5:26-2 of 2010, authorized the Town to retain the said security due to the failure of the previous developer to complete the bonded infrastructure improvements; and

WHEREAS, pursuant to a Security Agreement entered into between the Town and BVC, BVC pledged and relinquished any rights to these funds to 54 Hyde; and

WHEREAS, the Town presently has on deposit in a bank account identified as the "Meadows" under taxpayer identification number: 20-0988189, and bearing account number: 424-1137482, in the amount of \$610,037.53 representing the balance of the said forfeited security inclusive of accrued interest; and

WHEREAS, the Town Board has expressed a willingness to allow these funds to be utilized for completion of the road infrastructure and related road improvements in conjunction with the current project; and

WHEREAS, on April 19, 2017, the Planning Board granted preliminary conditional subdivision approval; and

WHEREAS, a duly noticed public hearing on the Final Subdivision Plat was opened on August 16, 2017 and closed on September 20, 2017, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants approval to Final Subdivision Plat subject to the following conditions:

- 1. Payment of all fees and escrow for the Town's consultants.**
- 2. Department of Health approval for methods of water supply and sewage disposal.**
- 3. Dutchess County Department of Public Works conceptual approval of all curb cuts.**
- 4. Revision of the Subdivision Plat to include sidewalks in the right-of-way that comply with the Town Highway Specifications.**
- 5. Execution of an agreement between 54 Hyde, LLC and the Town of Hyde Park approved by the Town Board and the Attorney to the Town, which provides for the disbursement of the funds held by the Town as a result of the retained security posted by BVC now held by the Town, as described in this Resolution which insures that the monies released by the Town will be utilized, or otherwise applied towards, the completion of the road and related infrastructure including the roads, emergency access way, sidewalks, street trees and drainage improvements, as required by the current approved plans and specifications for this project. The agreement shall provide for a minimum retained security in an amount recommended by the Planning Board and Town Engineer and acceptable to Town Board and Attorney to the Town to guarantee to completion of the road and related infrastructure.**

- 6. Posting of a performance guaranty or other surety for completion of the sewage treatment plant in an amount approved by the Planning Board and Town Engineer, and in form, substance and manner of execution acceptable to the Town Board and Attorney to the Town.**
- 7. Evidence acceptable to the Planning Board Engineer that the applicant has applied to the NYS Department of Environmental Conservation to renew the SPDES permit for the sewage treatment plant.**
- 8. Confirmation that the sewer-works corporation is still in full force and effect and in good standing and holds clear title to the existing and proposed sewer lot.**
- 9. Confirmation that the water-works corporation is still in full force and effect and in good standing and holds clear title to the existing water lot.**
- 10. Approval by the Planning Board Attorney and Attorney to the Town as to the form of an entity to own the common areas, such as a homeowner's association or condominium association (the "HOA").**
- 11. Approval by the Planning Board Attorney and Attorney to the Town of as to the form of deeds from the water-works corporation to the applicant or HOA for all areas to be conveyed.**
- 12. Approval by the Attorney to the Town of an offer of cession and deed with related recording documents for the proposed town roads, drainage easements and snow easements, together with proof by a title company certified to do business in the state of New York that the owner has clear unencumbered title to all land subject to the offer of cession. The applicant shall provide documentation that all existing offers of cession relating to the Meadows Subdivision have been accepted or rejected by the Town or otherwise legally superseded. The applicant shall also provide evidence that the applicant owns the road in fee.**
- 13. Approval by the Planning Board Attorney and Attorney to the Town of a deed restriction over the open space area limiting its uses pursuant to Section 96-9E(3) of the Subdivision Law and providing the Town with the right, but not the obligation, to enforce the deed restriction.**
- 14. Approval by the Planning Board Attorney and Attorney to the Town of an easement from the sewer-works corp. to the water-works corp. for Water Easement 1.**

15. Approval by the Planning Board Attorney and Attorney to the Town of an easement from the sewer-works corp. to the applicant or HOA for Drainage Easement 9.
16. Approval by the Planning Board Attorney and Attorney to the Town of an easement from the water-works corp. to the applicant or HOA for Drainage Easement 9.
17. Approval by the Planning Board Attorney and Attorney to the Town of an easement from the water works corp. to the sewer works corp. for Sanitary Sewer Easement 1.
18. Approval by the Planning Board Attorney and Attorney to the Town of an emergency access easement from the owner of lot 26 the applicant or HOA, with a right of access provided to the Town of Hyde Park. The easement shall include the right but not the obligation to maintain the emergency access road.
19. Approval by the Planning Board Attorney and Attorney to the Town of a blanket cross-access easement for grading across the residential lots.
20. Demolition of existing structures on existing lots that will become nonconforming structures upon filing of the Final Subdivision Plat.
21. Revision of sheet SP-3 to include the following notes:
 - a. All emergency access gates shall be maintained by the property owner or ownership association in good working condition.
 - b. The 10,000 gallon cistern shall be completed prior to the issuance of a certificate of occupancy for any residential dwelling (excluding phase 1A, the model home) or the Membership Club.

BE IT FURTHER RESOLVED, that should final approval be obtained, the following shall be required prior to issuance of a building permit on any lot on the Subdivision Plat:

1. Evidence that all deeds, easements, restrictive covenants and offers of cession have been duly recorded with the Dutchess County Clerk.
2. Approval of the HOA by the Attorney General.

BE IT FURTHER RESOLVED, that prior to the issuance of a certificate of occupancy for a residence on any lot on the Final Subdivision Plat other than Lot 26, the applicant shall post a maintenance guaranty in amount, form, substance and manner of

execution acceptable to the Town Board and Attorney to the Town for maintenance of the sewage treatment plant.

BE IT FURTHER RESOLVED, that as a condition of the Town accepting dedication of the roads shown on the Final Subdivision Plat, the applicant shall provide, at its own cost, the Town with a title insurance policy.

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

Voice Vote 7-0 Aye Motion Carried

Chairman Dupree: The second resolution which would be resolution 16-49C... I'm sorry that was resolution 16-49C, the second is 16-49D. In this one, where condition #23 exists now, that will be removed and conditions a. and b. of #23 were actually contained within #24, which means that the details will be changed to show what was requested in a. and b., so #24 becomes #23, otherwise it's the same as what you read. May I get a motion to adopt the resolution as amended?

RESOLUTION TO GRANT CONDITIONAL SITE PLAN AND SPECIAL USE PERMIT APPROVAL

**The Enclave (f/k/a The Meadows)
Two-Family Homes and Membership Club**

Date: September 20, 2017

Moved By: Ms. DiNapoli

Resolution: #16-49D

Seconded By: Mr. Oliver

WHEREAS, the applicant, 54-Hyde LLC, has submitted an application for average density subdivision, site plan and special use permit approval to resubdivide 74 existing lots totaling 116.74 acres (as indicated on the tax parcel list) into 25 residential lots containing two-family homes (50 units) and a Membership Club (with separate lots for water and sewer service) and Lot 26 (defined below) in the Greenbelt District (the "Project"); and

WHEREAS, the Project is located at Cream Street, Hyde Park, within the Greenbelt Zoning District, and identified as Tax Grid Numbers:

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; 6263-02-675871; 6263-01-465957; 6263-02-543968; 6263-01-436890; 6263-02-585865 (the "Site"); and

WHEREAS, the "Meadows Subdivision" was previously approved as a 74-lot subdivision comprising 116.74 acres as shown on FM 11697A dated May 23, 2007, and as amended by FM 11697B, dated February 5, 2008; and

WHEREAS, 25.01 acres (Lot 26) of the Meadows Subdivision is being set aside for potential use as a commercial Solar Farm which will be separately evaluated once proposed; and

WHEREAS, by resolution dated March 22, 2017, the Zoning Board of Appeals granted the applicant a variance to change the average density in the Greenbelt District from 2.5 acres per dwelling unit to 1.41 acres per dwelling unit; and

WHEREAS, the Project is depicted on a plan set entitled "Subdivision / Site Plan /Special Use Submission Set for The Enclave at Hyde Park" prepared by LRC Group, dated December 7, 2016, as last revised August 23, 2017 (the "Site Plan Set") and the subdivision plat is included as Sheets SP-1, SP-2, SP-3 and SP-4 (the "Final Subdivision Plat"); and

WHEREAS, two-family dwellings are a permitted use in the Greenbelt District subject to site plan and special use permit approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated December 7, 2016, revised January 4, 2017 pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, pursuant to Section 54-6A(29) of the Town Code, residential developments that include five or more dwelling units are a Type I action; and

WHEREAS, on February 15, 2017, the Planning Board, serving as lead agency in a coordinated SEQRA review, adopted a negative declaration, determining that the project would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development, which responded on February 23, 2017 that it was a matter of local concern; and

WHEREAS, the Applicant has requested waivers from the following sections of the Zoning Law: § 108-4.5B, E & E(1), and § 108-9.4(A)(2)(b), (B)(1)(e),(j), and B(6) (the “Requested Waivers”); and

WHEREAS, on April 19, 2017, the Planning Board granted preliminary conditional subdivision approval; and

WHEREAS, on September 20, 2017, the Planning Board granted final conditional subdivision approval; and

WHEREAS, a duly noticed public hearing on the Project was opened on April 5, 2017 and closed on September 20, 2017, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants the Requested Waivers; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings pursuant to Section 108-8.4:

- 1. The Project will comply with the applicable requirements in the Zoning Law, is consistent with the purposes of the Greenbelt District and has been given due consideration by the Planning Board. The Project site is approved for 74 homes. The Project reduces the allowable density by 24 units, more consistent with the Greenbelt District.**
- 2. The Project is consistent with the purposes set forth in § 108-1.4 of the Zoning Law, specifically, providing a wide range of housing opportunities and creating a pedestrian-oriented physical environment which encourages walking.**
- 3. The Project will not result in excessive off-premises noise, dust, odors, solid waste or glare or create any public or private nuisances. Although there will be temporary noise during construction the proposed residential community will be consistent with surrounding land uses.**

4. **The Project will not cause significant traffic congestion, impair pedestrian safety or overload existing roads, considering their current width, surfacing, condition and any proposed improvements made to them by the applicant. The two curb cuts onto Cream Street, a county road, already exist and the addition of fifty residential units is not expected to impair traffic.**
5. **The Project will be suitable for the Site considering the property's size, location, topography, vegetation, soils, natural habitat, hydrology, hydrogeology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads. The Applicant proposes to refurbish existing water and sewer plants which were designed to serve 74 residential units. Approximately 40% of the Site will remain undeveloped open space, with 30% of the Site preserved as open space in perpetuity.**
6. **The Project will be subject to such conditions on operation, design and layout of structures and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town. Approximately 40% of the Site will remain undeveloped open space, with 30% of the Site preserved as open space in perpetuity.**

BE IT FURTHER RESOLVED, that the Planning Board hereby approves a limited site plan for Phase 1A/1B and authorizes the Chair or his authorized designee to sign a limited site plan for Phase 1A/1B after compliance with the following:

1. **Payment of all fees and escrow for town consultants.**
2. **Revision of the Site Plan Set to include Phase 1A for the proposed model home on Lot 1 and Phase 1B, conversion of the model home into a two-family residence. Phase 1A shall include a note indicating that the model home is not habitable and shall not be occupied until such time as a Certificate of Occupancy is obtained after it has been connected to the sewage treatment plant and water treatment plant and that if a Certificate of Occupancy is not obtained by January 1, 2020, the model home shall be demolished. Additional notes, acceptable to the Zoning Administrator, shall be included setting forth the usage guidelines of the model home.**
3. **Phase 1A shall have its own plan page with signature blocks so that it may be developed independently of the remaining phases.**
4. **Submission of a performance guaranty in an amount recommended by the Planning Board and Town Engineer, and acceptable to the Town Board and**

Attorney to the Town as to amount, form, substance and manner of execution, for the demolition of the model home on Lot 1 should it not receive a Certificate of Occupancy by January 1, 2020.

5. Filing of the approved Final Subdivision Plat.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Site Plan Set for the Project, including the Membership Club and residential phases 1B through 25, and authorizes the Chair or his authorized designee to sign the Site Plan Set for Lot 1 after compliance with the following:

- 1. Filing of the approved Final Subdivision Plat.**
- 2. Payment of all fees and escrow for town consultants**
- 3. A) Formation of a sidewalk maintenance district for sidewalks on Valley Ridge Court, Treeline Court and Long Branch Road; or B) Evidence that the Town denied a valid petition for formation of a sidewalk district and the Site Plan Set has been revised to include a note requiring the applicant or an HOA to maintain the sidewalks; or C) Evidence of adoption of a sidewalk maintenance law by the Town of Hyde Park which requires the adjacent property owners to maintain the sidewalk.**
- 4. Approval from the Dutchess County Department of Public Works for work in the Cream Street right of way.**
- 5. Approval by the Dutchess County Department of Health for methods of water supply and sewage disposal.**
- 6. Approval by NYS Department of Environmental Conservation of a SPDES permit for the wastewater treatment plant.**
- 7. Recordation with the Dutchess County Clerk of the Offer of Cession and deed with related recording documents for the proposed town roads, drainage easements and snow easements, as approved by the Attorney to the Town and Planning Board Attorney. The applicant shall provide documentation that all existing offers of cession relating to the Meadows Subdivision have been accepted or rejected by the Town or otherwise legally superseded. The applicant shall also provide a title report evidencing that the applicant owns the road in fee.**
- 8. Recordation with the Dutchess County Clerk of the deed restriction over the open space area pursuant to Section 96-9E(3) of the Subdivision Law,**

which provides the Town with the right but not the obligation to enforce, as approved by the Planning Board Attorney and Attorney to the Town.

9. Recordation with the Dutchess County Clerk of the conveyance and merger deeds from the water-works corporation to the owner of Lot 26 and to applicant or an HOA for all areas to be conveyed, as approved by the Planning Board Attorney and Attorney to the Town.
10. Recordation with the Dutchess County Clerk of the easement from the sewer-works corp. to the water-works corp. for Water Easement 1, as approved by the Planning Board Attorney and Attorney to the Town.
11. Recordation with the Dutchess County Clerk of an easement from the sewer-works corp. to the applicant or HOA for Drainage Easement 9, as approved by the Planning Board Attorney and Attorney to the Town.
12. Recordation with the Dutchess County Clerk of an easement from the water-works corp. to the applicant or HOA for Drainage Easement 9, as approved by the Planning Board Attorney and Attorney to the Town.
13. Recordation with the Dutchess County Clerk of an easement from the water works corp. to the sewer works corp. for Sanitary Sewer Easement 1, as approved by the Planning Board Attorney and Attorney to the Town.
14. Recordation with the Dutchess County Clerk of an emergency access easement from the owner of Lot 26 to the applicant or HOA, with a right of access provided to the Town of Hyde Park. The easement shall include the right but not the obligation to maintain the emergency access road and be approved by the Planning Board Attorney and Attorney to the Town.
15. Formation of a drainage district to maintain the required stormwater practices for Valley Ridge Court, Treeline Court and Long Branch Road or evidence that the Town denied a valid petition for formation of a drainage district. If the drainage district is not formed, approval by the Planning Board Attorney of a Stormwater Maintenance agreement.
16. Revision of Note 16 on PH-1 to read as follows: “All necessary repairs to and construction of stormwater ponds will be complete prior to the issuance of a building permit for the 27th dwelling unit.”
17. Revision of Note 17 of PH-1 to indicate that Phase 2A of the Membership Club is the clubhouse, parking and landscaping and that Phase 2B of the

Membership Club is the pool and bocce court. The following sentence shall be added to Note 17: “The pool and bocce court shall be completed to the satisfaction of the Zoning Administrator and Building Inspector, prior to issuance of a building permit for the 27th dwelling unit.”

- 18. Revision of the Site Plan Set to include a central mailbox detail and any surrounding structure.**
- 19. Issuance of a local stormwater permit by the Town of Hyde Park.**
- 20. Evidence of submission of all MS4 forms to the Department of Environmental Conservation after review and approval by the Town Stormwater Management Officer.**
- 21. Inclusion of a temporary facilities sheet showing locations and number of construction trailers acceptable to the Zoning Administrator and Planning Board Engineer.**
- 22. Submission of a written request to Dutchess County Real Property Tax Service to abandon Rosemont Road, Willow Green Court and Milestone Road.**
- 23. Revision of the Site Plan Set to include the detail of the drafting pipe for the water cistern. The drafting pipe connection shall be within 8 feet of a driveable surface with a sign showing its location. The coupling for the cistern fill pipe shall be 5” in size.**

BE IT FURTHER RESOLVED, that the Planning Board hereby grants a special use permit for a Membership Club in accordance with the approved Site Plan Set, subject to the following conditions:

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

BE IT FURTHER RESOLVED, that the Planning Board hereby grants special use permits to each of the 25 residential lots to permit the establishment of two-family homes in accordance with the approved Site Plan Set, subject to the following conditions:

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

BE IT FURTHER RESOLVED, that prior to the issuance of building permit for any residential dwelling unit except for Phase 1A (the model home), the applicant shall provide the Town with evidence that the NYS Department of Law has accepted for filing an application pursuant to Cooperative Policy Statement No. 7 (“CPS-7”) exempting the applicant from compliance with 13 NYCRR Part

2 or that the applicant has complied with the requirements of Part 22 of Title 13 of NYCRR with the filing of an Offering Statement or Prospectus pursuant to GBL Sec. 352-e(1).

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

Voice Vote 7-0 Aye Motion Carried

MOTION: Mr. Murphey
SECOND: Ms. Dexter

To adjourn.

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

VOICE VOTE 7-0 Motion Carried