



Historic Town of Hyde Park

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

MINUTES OF THE **JANUARY 3, 2018** 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
 ANN WEISER
 DIANE DI NAPOLI

MEMBERS ABSENT: CHRISTOPHER OLIVER

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY
 LIZ AXELSON, PB CONSULTING PLANNER
 PETE SETARO, PB CONSULTING ENGINEER
 CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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Chairman Dupree: Good evening everybody and welcome to the first meeting of 2018 for the Hyde Park Planning Board. Please take note of all the exits around the room in case of emergency and now join us as we salute the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

NEW PUBLIC HEARING:

JOSEPH’S STEAKHOUSE

Site Plan Approval Exterior Modification (#2017-53)

Location: 728 Violet Avenue

Grid#: 6164-04-640211

The applicant’s architect, Michael Lockwood was present on his behalf.

Chairman Dupree: I’m going to start with a quick housekeeping note and that’s just to point out that our newest member, Ms. Weiser’s husband was just appointed to the Zoning Board of Appeals. It’s nice to see that both branches of the family are helping out our Town. The first item on the agenda this evening is a new public hearing for the Joseph’s Steakhouse. The applicant is seeking approval to re-clad an existing restaurant that was structurally burnt around a year ago, this time of the year and located at 738 Violet Avenue. May I get a motion to re-open the public hearing?

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To open the public hearing for Joseph’s Steakhouse.

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

VOICE VOTE 6-0 1-Absent Motion Carried

Mr. Lockwood: Since the last meeting we’ve made some improvements to the plan. We moved the dumpster from the previous location, which was adjacent to the dining area. We moved it further back into the parking lot to the corner here. We’ve also now indicated the roof that was not shown last time that covers the dining area and the bar. We moved the main entrance to the dining area down closer to the bar area. Further away from the intersection of Creek Road and Route 9G. We also eliminated the paving in the parking area here, due to the storm water issues that were presented. We also moved the snow push location over to the opposite corner, so there is less issues with the run-off going into the neighbor’s property. I think that’s pretty much all that we changed since the last time. We have these raised planters here for the handicapped parking area to create a safe pathway here to the sidewalk.

Mr. Setaro: As far as the fence, the last time we were talking about some additional protection for the folks that were sitting in the outdoor patio area. I know we had talked about some ideas. Did you update anything there?

Mr. Lockwood: We did. I know we were planning to fill some concrete bollards in the fence. I'm just looking for the note on my drawing. We are looking to fill, solid, some of the fence posts, turn them into concrete bollards. He's also...from the excavation he did for phase 1 of the project, he's looking to use some of the large boulders he pulled out of the site to line them along the fence.

Mr. Setaro: Is that on there?

Mr. Lockwood: No, he just mentioned that to me. I can show some boulders, just to indicate some locations.

Mr. Setaro: That's fine.

Chairman Dupree: Thank you. I'll also note before I move on to the consultants for discussion, that we received comments from Dutchess County Planning today. Mr. Lockwood will be responding to those shortly. We also had a written comment from a neighbor who was mostly concerned about increased run-off. Primarily because I believe they saw that it was proposed to be impervious pavement. Now, you've changed that and that also responds to an earlier comment by Mr. Setaro, who was also worried about stormwater at that point in time. Let me go over...Ms. Axelson, any comments? *There were none.* Mr. Setaro, any additional comments?

Mr. Setaro: The other thing...I guess they're going to have to contact the Dutchess County Department of Health. There was a comment that came in...which is a little strange because they obviously issued the food service permit for the facility and based upon my experience with restaurants, before any food service permit is generally issued, that they always look into the septic system so. It's something you're going to have to contact them because they did make a comment in terms of they don't have any records of what's there, which is surprising to me.

Chairman Dupree: You just need to contact them and clear that up.

Mr. Setaro: Besides that, we'll take a look at the updated plans, but from what you've said it looks like you've taken care of a lot of our prior comments.

Ms. Polidoro had no comments.

Ms. Weiser: First, I'd like to say that I'm really happy you found a type face that you like for your sign. It's really great. Mostly I'd like to discuss the Dutchess County Planning issues. First, I think I agree with a lot of their points. The parking and the entrance to the patio feels like it is a bit dangerous. I don't think necessarily that their solution by having them come through the restaurant is the way to go, but I think it is something that does need to be considered. I don't know the answer to it, but it does feel...have a sense of danger with it.

Mr. Lockwood: Correct. We did move the entrance further away that what they had seen originally. It was still at the corner when it was circulated to the County. We moved the entrance further down by the bar so it's a little safer than what they had seen. The other thing is that we did request a crosswalk and maybe we can revisit that and get a sign...maybe they would be willing to let us put a sign up...I don't know.

Chairman Dupree: I think Pete and I should talk to the new Highway Superintendent.

Ms. Weiser: Regarding the overall height of the pavilion, they pointed out that it does exceed the other building height by a foot. While I don't think it is an excessive height, I do agree that it does seem like it should come down a little bit to be more matched up with the roofline. Finally, I do realize you addressed bollards, but if you do need examples of some good looking bollards, here are some.

Ms. Weiser handed the applicant a spec sheet for spherical bollards.

Mr. Murphey: I hope that we can contain any water on the parking lot.

Chairman Dupree: Well, post development runoff has to equal predevelopment runoff. We're not really changing anything.

Mr. Murphey: Would a dry well or anything be possible?

Mr. Setaro: That's rock there. It would be difficult. When I went over there to look at it, there was quite a bit of surface rock poking out. It's a tough one. Like they said, they're not going to pave it so at least it's going to stay as it is.

Mr. Murphey: I understand that.

Mr. Pickett: With regard to the drainage, moving the snow over to the west side next to 9G is probably a good idea because the way that parking lot slopes now, it's toward Creek Road. If you go down Creek Road just a little bit they have 2 drains on the same side of the street and a big drain on the other side of the street that go into a creek, so as long as you kind of maintain the same direction and flow, I think we're okay. We discussed the last time around the safety of the people going back and forth from the parking lots and they mentioned maybe having one car entrance instead of 2.

Mr. Lockwood: The County had referenced closing off one of the exits from the parking lot.

Mr. Pickett: That's a thought and if there's any way you can get a crosswalk and signs like from the entrance of where the cars go in and out of the parking lot on the other side of the street. Putting a crosswalk there would be a hassle, but you should be able to put signs.

Mr. Setaro: We have to look into that. Putting in a crosswalk, we have to look at that. There are requirements and we just have to be careful, legally, that if there is going to be a crosswalk that it does meet all of the legal requirements. That's something that we're going to have to discuss.

Mr. Lockwood: Is everyone in agreement with closing off one of the parking access points?

Chairman Dupree: I haven't had a chance to analyze it. What I want to do is go over and look at the site. I'll be honest, I've never seen the parking lot full and I've dined at the restaurant. This used to be overflow parking because this was the banquet hall and not always in use. You could park here and then walk up the side and enter through the front door or the door to the bar area. Most people, including me, just parked over here and then walked over to the front door. It was the shortest. I think now there will be people who park here to go over to this bar area, but I think it will be easier to park here, just to get in and out and walk up along the side. This will now become the overflow area, rather than this. This is a Town street so we have to work with the Highway Superintendent in order to get a permit to close, I believe.

Mr. Setaro: You know the southerly one there is a bit more difficult only because there is a little bit more of a site distance issue on that because you're coming around a little bit of a curve there on Creek and if I'm not mistaken there is a fairly significant hedge there too. Right down in there. We're going to meet with the new Highway Superintendent so we can talk about the crosswalk and the access also.

Chairman Dupree: Mr. Lockwood, if we meet onsite with the Highway Superintendent, do you want to be present?

Mr. Lockwood: I sure can.

Chairman Dupree: That's a good idea. You're right. Closing off the more southerly one because of site distances and issues. Again, I think that most people will be parking over here, if you're going to pop over that way.

Mr. Setaro: But, now he's moving the door, right Mike?

Mr. Lockwood: A little. It's still in the center island between the two access points.

Mr. Setaro: We could still figure out a passageway even if we did close off the southerly one. We'll figure it out.

Mr. Pickett: The last time we talked about the safety of...putting something right along in here. You're going to put concrete in the pillars and there was also the potential for putting large stones just inside there. I see he's got a bunch kind of stored out there now. Actually I like the round bollards, you could sit on those pretty comfortably.

Chairman Dupree: You're approving of the concrete fence posts as a safety measure?

Mr. Pickett: I'm not sure how strong they're going to be. Are they going to rebar them on the inside?

Mr. Lockwood: I'll go down into the ground 4 feet to frost level with the concrete post, like a typical bollard installation.

Ms. Dexter: So this was before us for site plan once before and we went round and round and round and round on the parking and the crossing. If there is a way, that's great, we should definitely explore it again, but we went up and down and round and round. This was the plan that seemed to work the best. I don't think switching the restaurant to the back makes that big of a difference because you're going to have activity in the front during the nice weather. I think what the site is, is what the site is. It's right between two major road ways. It's been a restaurant in some form or another for at least 50 years. Whatever we can do to make it safer, I'm all for, but I don't think closing down anything on the parking is going to help anything. I think it might create confusion and congestion. I want to see it busy and filled and I think we designed it to be filled and to have all of the access points and exit points that it would need. Again, we put a lot of effort into that parking lot across the street to try and make it work for everybody. For me that really was the best design and I really don't think it's going to be improved by closing anything. I mean, I think you need as many access points as possible so people can take the path of least resistance. If you force them all to go down into one area, I think we're actually going to run into problems. I think people are smart enough. It's a free for all there, so...but if we can find anything. If the new Highway Superintendent has some thoughts, I think it's great. We exhausted that the last time and I think what we wound up saying was that the liability to the Town by putting a crosswalk there is way more than anybody is willing to sign off on, which makes sense to me. The other thing I wanted to note. I just saw the County Planning comments. They talk about the structure being higher. Again, the site's been there forever and it's gone through so many revisions and it's a 'Hodge Podge'. You know it started out as a little tea room, then they put the big banquet hall on the back and they put an upstairs on it...it doesn't have any cohesion to it, so to me this is two separate entities now within one structure. You've got your summertime outside relaxed atmosphere and then you've got your more formal dining room option, so the fact that they look kind of different, I think might be good. I don't see that you have to bring the roof down. They are on completely opposite ends of the building. When I look at it from here I can't tell that there's a foot difference. I also like your new sign. I love the new font. That's all I have.

Ms. DiNapoli: I concur with Ms. Dexter with regard to the differences in the height. I don't look at it as a major 'bit to do'. It might even bring some interest to a very bland looking building. This is purely a curiosity question, but in one of the offline meetings Joe had mentioned possibly looking into repainting the awnings. Do you know if he's done that? And do you know what the color would be if it's not the green.

Mr. Lockwood: I don't know if he's done that at this point. I can check with him. He has an awning guy that he was going to talk to.

Ms. DiNapoli: On the drawings where the mechanicals are on top, is there any way to shield them at all?

Mr. Lockwood: It's definitely possible. They sell screening systems. It's another structure on the roof.

Ms. DiNapoli: I did not know if the cure is worse than the illness.

Mr. Lockwood: It could be. I can look at what options are available. The equipment is there now. It's the same equipment, the same size as what's there now. It might be more obtrusive on the elevations than in reality.

Ms. DiNapoli: I'll have to go by it. It's been awhile. That's it. Thank you.

Chairman Dupree: Before I let you off the hook completely, is there a color that you'd like to see the awning changed to, other than green? Just so you can provide some guidance to the applicant in the event that it can be repainted.

Ms. DiNapoli: I would have to think on that. Let's get a 'yes' from Joe first, then I'll come up with a color.

Chairman Dupree: Would anyone from the public like to speak about this application? No one? *There was no public comment.* Then let me summarize. I believe you heard the majority of the Board say that there's no reason to go down on the roof height by the foot. I'll just add in, I'm neutral on this, but there was a second story on this building. Overall this is still going to be lower and less visually impactful. We've worked with the applicant on the color scheme. I personally am not in love with the green, but if it can't be repainted then that's what it's going to be, but I think it'd look nice to have the same dark brown or even black. I think that would be a nice handsome color combination. Just throwing that out there. The other thing you heard is that we're going to take a look at the idea of what to do to try to promote more efficient and safe movement between pedestrians back and forth between the parking lot, already existing east of the building and back to the entry gate. Again I want to point out because we probably didn't say it earlier, but if you park back here, you can walk all the way up. There is an entrance on this side as well, through the bushes. There's a way already to get along safely here and Ms. Lavarney at County Planning also suggested an eastern sidewalk here. In looking at it, I really don't see room for it unless they put it on the Town owned road. We'd have to have some kind of agreement similar to what we had at the filling station over here. The Town leases them space, because they'd already encroached on it. That's something we can look at with the Town Highway Superintendent. The Town does it for \$1 or \$10 or something like that. We'll take a look because as Anne noted, we looked at this last time and I agree with Anne that you're going to have two separate uses here now for the most part. This is going to be a seasonal use obviously, so you're only talking about maybe lunchtime, dinner traffic during the summer and fall when that's open and available. For the rest, I think you're going to still see more people parking down here and just using the new area. So what I think we should do is...we just got handed new plans this evening, let's all have a chance to go through it, take a look at what Mr. Lockwood has provided. I think what I'd like to do is continue the public hearing for 2 weeks and we'll take a look through and try to schedule a meeting with Highway Superintendent Fisher. If we can get everything done before then, then we can consider closing the public hearing and taking action. And you'll need to work with the Department of Health in the interim. That will be a condition, obviously that they approve your septic system as we received a letter saying that they have no record of one there. You might as well get started on that right now. May I get a motion to adjourn this to January 17th?

MOTION: Mr. Murphey
SECOND: Ms. Dexter

To adjourn the public hearing for Joseph’s Steakhouse to January 17, 2018.

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

VOICE VOTE 6-0 1-Absent Motion Carried

OTHER BUSINESS:

BELLEFIELD/ST. ANDREWS PROPERTY

Site Plan Approval-Hotel (#2017-4)

Location: Albany Post Road

Grid#: 6163-01-131849

Ms. VanTuyl, Mr. Mulroy, Mr. Gaudio, and Mr. Oates were in attendance.

Chairman Dupree: The next item on the agenda is Bellefield. The applicants are seeking approval to construct a five story, 133 guest suite hotel at a location roughly around the corner of West Dorsey Lane and Route 9, opposite the Culinary Institute. This plan was a subject of many, many public hearings when it was evaluated as an overall concept plan, 12 years ago. We also held a series of public hearings ourselves. Many people spoke. I would say, 99% in favor of the application. We closed the public hearing last time because we had no new public comments. In the interim we prepared resolutions and before I get into all of this I want to first compliment our own consultants, who worked heroically, on a dime, throughout the holidays to make sure this got through. That would include; Mr. Rodenhausen, Ms. Polidoro’s partner who stepped in for her while she was gone, who was changing the resolution today at 5 o’clock. I also want to compliment most hardily the applicant’s consultants as well because you guys did the same. At Chazen, Ms. Hubbard and Mr. Boudreau were available like that (*snapped fingers*) and so were you Ms. VanTuyl, so it’s been a pleasure working with you all. I want to sort of conclude that by saying that it’s really nice when you’re all pulling in the same direction to see that you can get there, within a certain amount of timeframe. First, we’ll be doing the Negative Declaration. Has everyone had a chance to read through the Environmental Assessment Form? *All answered affirmatively.* And we all agree with it? *All answered affirmatively.* Then we’ll stipulate that it has been read into the record. I will introduce resolution number 2018-04C:

**SEQRA RESOLUTION
ST. ANDREW'S AT HISTORIC HYDE PARK**

(Inn at Bellefield)

Date: January 3, 2018

Moved By: Chairman Dupree

Resolution: #2018-04C

Seconded By: Ms. Dexter

WHEREAS, the applicant, T-Rex Hyde Park Owner LLC, has submitted an application for approval of a Final Development Plan pursuant to Section 108-7.6B of the Zoning Law for Sub-Phase 1-A of the approved Concept Plan for the St. Andrew's Planned Unit Development ("St. Andrews PUD"), consisting of a 5-story, 133 guest room hotel located near the intersection of Albany Post Road and West Dorsey Road, tax parcel no.6163-01-131849, together with the first phase of a proposed wastewater treatment plant ("WWTP"), and other infrastructure improvements to serve the hotel, such Final Development Plan covering an approximately 11.93 acre portion of the St. Andrews PUD property (the "Project"); and

WHEREAS, the proposed Project is depicted on a site plan entitled "Inn at Bellefield" prepared by Chazen Engineering, dated June 30, 2017, last revised December 15, 2017, and architectural elevations prepared by Z.H. Architects, dated September 6, 2017, (together the "Site Plan Set"); and

WHEREAS, the proposed Project constitutes a portion of the 339.6 acre St. Andrew's PUD, which includes, without limitation, a residential area and a pedestrian-oriented mixed use center , (including hotel, restaurant, retail shops, cafes, offices.in-village housing, park areas, market square, and a plaza); ten miles of trails; five miles of sidewalks; and approximately 200 acres of open space ; and

WHEREAS, the proposed St. Andrew's PUD was designated a Type I action under State Environmental Quality Review Act ("SEQRA") by the Town Board serving as lead agency, followed by preparation of Draft and Final Environmental Impact; and

WHEREAS, the Planning Board served as an Involved Agency and actively participated in the SEQRA review of the proposed St. Andrews PUD, and has reviewed all materials in connection with said review; and

WHEREAS, after accepting the Final Environmental Impact Statement for the St. Andrews PUD as complete, the Town Board adopted a SEQRA Findings Statement on August 29, 2007 ("2007 Findings Statement"); and

WHEREAS, the St. Andrew's PUD Concept Plan was approved by the Town Board on August 29, 2007 ("2007 Concept Plan"); and

WHEREAS, due to changes in project circumstances, the Town Board reevaluated the proposed SEQRA mitigation relating to sewer issues in the 2007 Findings Statement, and, after holding a public hearing thereon, established alternative sewer mitigation and

adopted an amended SEQRA Findings Statement on June 13 2017 (“2017 Amended Findings Statement”), and thereafter filed and circulated same; and

WHEREAS, in adopting the 2017 Amended Findings Statement, the Town Board confirmed the adoption of same did not impair the prospective ability of the appropriately designated Lead Agency to evaluate through appropriate SEQRA review any potential environmental impacts other than those relating to sewer mitigation and to make a Determination of Significance relating thereto; and

WHEREAS, thereafter, the Planning Board was duly designated as the Lead Agency for the St. Andrew's PUD, including ongoing Final Development Plan approvals for the PUD, and the Planning Board confirmed such Lead Agency designation on October 18, 2017: and

WHEREAS, the jurisdiction of the Planning Board includes authority to review Final Development Plan approval under Article 7 of the Zoning Law; and

WHEREAS, the Planning Board as Lead Agency has distributed the application and its related materials, including a Full Environmental Assessment form, to all involved and interested agencies, including updated SEQRA materials relating to the proposed construction of the first phase of a modular WWTP as shown on the proposed Site Plan Set, and has further made all application materials relating to the application available for public inspection during regular business hours at the Planning Board office; and

WHEREAS, the application has been reviewed by the Town Planning Board engineering and planning consultants at Morris Associates; and

WHEREAS, the Planning Board has conducted a duly advertised and noticed public hearing on the application commencing on November 1, 2017, and has considered all comments made at the public hearing, and all written comments received; and

WHEREAS, the Planning Board has referred the application to the Dutchess County Department of Planning and Development pursuant to General Municipal Law section 239-m, and has received written comments dated November 30, 2017, and has considered said comments; and

WHEREAS, the Planning Board has reviewed the Town Board's 2017 Amended Findings Statement, and the approved St. Andrews Concept Plan which consists of 4 sheets of drawings stamped received on June 29, 2007 and the Comprehensive Development Plan approved by the Town Board on August 29, 2007; and

WHEREAS, the Planning Board has examined all materials submitted by the Applicant in connection with the Final Development Plan application; and

WHEREAS, the Planning Board has conducted a site visit on November 1, 2017, and examined the location of the proposed hotel, its roadway access and proposed infrastructure including the location of the proposed WWTP, in relation to the topography, viewsheds, and neighboring properties, including views from Route 9, and

WHEREAS the Planning Board has considered all of the above comments and materials in light of its duties relating to Final Development Plan review under Article 7 of the Zoning Law, including its duties to evaluate the consistency of the proposed development with the approved St. Andrews Concept Plan; and

WHEREAS, the Planning Board has considered its duties as Lead Agency, which include site-specific analysis of the proposed Final Development Plan, including modification and refinement in site uses and layout of project elements, to determine whether they may result in any significant adverse environmental impacts materially different in type or degree of magnitude or importance, short- or long-term effect, or cumulative impact, from those already reviewed in the EIS record and subsequent SEQRA Findings Statements and approvals; and whether any additional SEQRA proceedings, including the preparation of a Supplemental Environmental Impact Statement, are necessary to appropriately address potential SEQRA impacts of the Project as presently proposed; and

WHEREAS, the Board has additionally reviewed the attached draft of a Negative Declaration prepared with respect to the proposed Final Development Plan approval for Sub-Phase 1-A;

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

- 1. Determines that the environmental record presently before the Planning Board is sufficient to assess the potential impacts of the proposed Project, and that a Supplemental Environmental Impact Statement is not required;**
- 2. Determines that the proposed development as set forth in the Site Plan Set for the Final Development Plan for Sub-Phase 1-A will not create any significant adverse effect upon the environment, and accordingly adopts the attached Negative Declaration;**
- 3. Determines that in all other respects than those articulated in the Negative Declaration, the impacts of the Final Development Plan are in accordance with the SEQRA Findings Statement adopted by the Town Board as amended on June 13, 2017, and accordingly adopts said Findings Statement as that of the Planning Board, and certifies that the requirements of the SEQRA regulations have been met, and that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, that the action hereby taken is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and**
- 4. Determines that the proposed Final Development Plan for Sub-Phase 1-A is consistent with the approved St. Andrews Concept Plan dated August 29, 2007.**

Aye Mr. Dupree

Aye **Ms. DiNapoli**
Aye **Ms. Dexter**
Aye **Mr. Murphey**
Absent **Mr. Oliver**
Aye **Mr. Pickett**
Aye **Ms. Weiser**

Voice Vote 6-Aye 1-Absent Motion Carried

Chairman Dupree: Motion carries unanimously. What a pleasure. It's also a pleasure having Vice-Chair Dexter being the second because we worked on this so much back in the old days.

Ms. Polidoro: So that everyone is aware, we did make a correction to the Negative Declaration to include DCWWA as an involved agency. I'm just stating it for the record. One of the Board members asked about a direction on page 15...

Ms. Dexter: On page 15, the Roosevelt Farmstead is actually northwest of the hotel, not east.

Ms. Polidoro: So east should be changed to northwest.

Chairman Dupree: For the record the narrative for the Neg Dec is fairly lengthy. I feel comfortable myself in saying that I can't imagine there are any impacts that we haven't analyzed, evaluated, looked into and figured out a way to try to mitigate. Ms. Axelson is going to say yes for the record, I hope.

Ms. Axelson: Yes.

**STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION
Notice of Determination of Non-Significance and
Determination that a Supplemental EIS Will Not be Prepared**

PROJECT NUMBER: 2017-04

DATE: January 3, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

On June 13, 2017, an Amended SEQRA Findings Statement was adopted by the Town of Hyde Park Town Board relating to the St. Andrews Planned Unit Development ("St. Andrews PUD"). Thereafter, a redesignation of Lead Agency took place, and the Planning Board of the Town of Hyde Park assumed Lead Agency status effective October 18, 2017.

The Planning Board has reviewed the application for approval of the Final Development Plan for Sub-Phase 1-A of the St. Andrews PUD, which involves an 11.93 acre¹ area of disturbance for the construction of a hotel and related access and utilities, including the first phase of a Wastewater Treatment Plant (WWTP), and stormwater management (the “Project”). The proposed Project is at the southwest corner of the 339.62 acre St. Andrews PUD site, and would substitute the hotel development for what was shown on the initial plans as retail and office.

The Planning Board has evaluated, on a site-specific basis, the details of the proposed Project, and has also examined the consistency of the proposed Project with the Concept Plan as originally approved in 2007, with the SEQRA DEIS and FEIS prepared for the original St. Andrews PUD, and the full EAF with supplemental materials prepared to address the site-specific impacts of the proposed Project. The Planning Board has concluded, based on its site specific analysis, that the proposed Project does not create the potential for any significant adverse environmental impact and is consistent with the Concept Plan for the St. Andrews PUD previously adopted by the Town Board on August 29, 2007, and that a Supplemental Environmental Impact Statement (“SEIS”) will not be prepared, and in all other respects adopts the Town Board’s amended Findings Statement dated June 13, 2017 as its Findings with respect to the Final Development Plan for the Project, all as more fully set forth in a Resolution duly adopted on December 20, 2017, a copy of which is attached.

¹ There is an additional 0.73 acre of disturbance outside the Bellefield parcel, within the public road ROW.

Name of Action/Project: Inn at Bellefield Hotel—Final Development Plan for Sub-Phase 1-A of St. Andrews PUD

Name of Applicant: T-Rex Hyde Park Owner LLC

SEQRA Status ___x___ Type I

_____ Unlisted

Description of Action:

Prior SEQRA Proceedings and Approvals

The Town of Hyde Park Town Board approved the St. Andrews at Historic Hyde Park Planned Unit Development (“St. Andrews PUD”) in 2007. The Project was the subject of an Environmental Impact Statement (“EIS”) that was accepted as complete in December 2005, and the Town Board adopted a SEQRA Findings Statement on August 29, 2007. On the same date, the Board approved a Concept Plan depicting the general configuration of land uses for the site. The Board also established land use, bulk, and other regulations for the PUD (referred to as a Comprehensive Development Plan) in granting the approval. The PUD encompasses 339.62 acres of land in the southeast quadrant of the intersection of US Route 9 and St. Andrews Road. The parcel is identified on the Town of Hyde Park official tax map as parcel 133200-6163-01-131849. The approved Concept Plan included a mixture of residential and commercial uses throughout the western portion of the site, and a conservation easement for the eastern portion of the site. The SEQRA Draft EIS and Final EIS (dated August 2007) analyzed and evaluated the environmental impacts associated with the overall development of the St. Andrews PUD. An amended SEQRA Findings Statement was adopted by the Hyde Park Town Board on June 13, 2017, which addressed modifications in proposed mitigation of sewer-related impacts.

Current Application for Final Development Plan

The Applicant and current property owner, T-Rex Hyde Park Owner LLC, has now submitted an application for Final Development Plan approval to the Planning Board for the first sub-phase of the St. Andrews PUD (Sub-Phase 1-A), in accordance with Section 108-7.3E and 108-7.4B of the Zoning regulations and Section I of the Comprehensive Development Plan for the St. Andrews PUD. The phasing plan presented in the DEIS recognized that within the two “general” phases of development of the Project, there would be a to-be-determined number of sub-phases, based upon market conditions and construction approaches, and that these sub-phases would be further defined during site plan and, where applicable, subdivision plan approval (DEIS, Project Description, page II-12).

Nature of the Proposed Project

The Project area consists of the proposed 11.96-acre area of disturbance for the proposed Inn at Bellefield Hotel (“Hotel”), the access roads to the Hotel (previously evaluated as access within the St. Andrews PUD), the proposed WWTP and associated infrastructure and access road, stormwater management, and temporary disturbance for water line installation and sewer force main.

The Final Development Plan includes a proposed site plan showing the construction of a 104,683 square foot (SF), five-story Hotel with 133 guest rooms, in the southwest corner of the St. Andrews PUD site, which is bounded by Route 9 and West Dorsey Lane. This area of the overall St. Andrews PUD site is in the heart of the “Mixed-Use Core” in the area designated as Zone 3 Block G on the approved St. Andrews Concept Plan, which was intended for the early stages of development. The proposed Project is a refinement of the conceptual uses previously approved for a portion of Block G, as approved in the 2007 Concept Plan, which was 92,500 SF of commercial space (46,250 SF of retail and 46,250 SF of office). The applicant proposes to replace this portion of the retail and office space in Block G with the proposed Hotel. The approved residential space, 39,100 SF of retail space, 10,250 SF of office space, and 625 SF of community space will remain unchanged within Block G.

The Project will also include construction of the two approved accesses to Route 9, including the main entrance to the site across from the CIA and the roadway leading to the Hotel. The planned emergency access from West Dorsey Lane will also be constructed.

The Project will also include the construction of the first phase of the WWTP, together with a force-main to carry flows northward from the Hotel to the treatment plant. Water will be provided through the Hyde Park Water District which is served by the Dutchess County Water and Wastewater Authority (“DCWWA”). The Hotel will thus be able to operate without crossing any other sub-phase to access the Hotel.

The Applicant intends to commence construction of the proposed Hotel in 2018, as soon as Final Development Plan approval is obtained from the Planning Board. As a proposed protective measure for potential bat habitat, and as an environmentally protective measure to minimize impacts on the site, the applicant is requesting authorization to conduct tree removal with no stump or topsoil removal, as soon as conditional site plan approval is granted.

Refinements and modifications in location of Project elements:

The layout of the proposed Project is consistent with the approved St. Andrews Concept Plan. There may be minor changes in the access points from Route 9 based on NYSDOT input, and only a minor change in the access point from West Dorsey Lane. The relocated WWTP will utilize an approved Route 9 access. The Project continues to provide a significant landscaped buffer along the edge of Route 9 with minimal interruption, and additional landscaping within the buffer is shown on the Landscape Plan. A 250-foot buffer is proposed along most of the West Dorsey Lane frontage. The only access from West Dorsey Lane is for Emergency Life Safety purposes. The internal road system

remains primarily unchanged overall, although the design has been refined to avoid use of the Hotel parking area as a through street and the access to the WWTP has been modified slightly to accommodate the WWTP's new location.

The Final Development Plan set shows a comparison between the approved 2007 Concept Plan and the proposed Hotel site development plan. There are two respects in which the proposed Project shows a modification in layout. First, the proposed Hotel replaces a section of Zone 3, Block G, that was shown for retail and office development. Second, the WWTP has been relocated approximately 2,000 linear feet from the location initially discussed in the FEIS (along the Maritje Kill near St. Andrews Road) to a location along the Maritje Kill near Route 9. This location is closer to the core of the site. The WWTP is being designed as a modular system to allow expansion to serve future phases of the Project as they are built.

The Planning Board has analyzed these refinements and modifications in two respects: first to evaluate whether the proposed Project is consistent with the approved Concept Plan, and, second, to evaluate whether either refinement/modification presents the potential for a significant adverse impact or requires additional SEQRA investigation or evaluation. These evaluations are set forth in the Community Character section below.

Location of Action:

Town/Municipality: **Town of Hyde Park** **County: Dutchess**

Street Address: **The proposed Hotel is located at the southwest corner of St. Andrew's PUD site, near the intersection of Route 9 and West Dorsey Lane, within an 11.93 acre development area.**

Tax Map Parcel: **133200-6163-01-131849**

The following documentation was analyzed in making this negative declaration:

X Full EAF, Parts 1, 2, and 3 (with Full EAF Part 1 Narrative to supplement the Part 3 analysis

X Supplemental Part 3 Information

X Other (Describe):

- **Application materials**
- **Town consultant memoranda and responses thereto**
- **Agency comments**
- **Public comments**

Reasons Supporting This Determination:

1. Impact on Land (Part 2, Question 1)

The proposed action will involve construction on or physical alteration of, the land surface or the proposed site.

The following potential impacts were addressed in the EIS documents. They were reassessed on a site-specific basis for Sub-Phase 1-A in the EAF, and have been identified in the Part 2 as small impacts. These impacts and their mitigation are in accordance with the measures initially identified in the EIS. The mitigation has been refined by the Planning Board in its site-specific analysis.

The proposed action may involve construction on land where bedrock is exposed or within 5 feet of ground surface.

Table 4-1 provides characteristics of the soil types expected to be present within the 11.96 acre Project, according to Dutchess County Soil Survey information.

Table 4-1: Characteristics of Soil Types within Project Area

% of SITE	SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (INCHES)	DEPTH TO BEDROCK (INCHES)
90%	KrB	Knickerbocker fine sandy loam, undulating	2 to 6%	somewhat excessively	>80	>80
7%	NwC	Nassau-Cardigan complex, rolling, very rocky	5 to 15%			
		Nassau (40%)		somewhat excessively	>80	10 to 20 to lithic BR
		Cardigan (40%)		well	>80	20 to 40 to lithic BR
3%	DwB	Dutchess-Cardigan complex, undulating, rocky	1 to 6%			

% of SITE	SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (INCHES)	DEPTH TO BEDROCK (INCHES)
		Dutchess (40%)		well	>80	>80
		Cardigan (30%)		well	>80	20 to 40 to lithic BR

Most of the Project area consists of Knickerbocker fine sandy loam, undulating (KrB) soil series. The rear portion of the proposed Hotel area and the West Dorsey Lane access area contain the Nassau-Cardigan complex, rolling, very rocky (NwC), and there is a small area of the Dutchess Cardigan complex, undulating, rocky (DwB) in the southwest portion of the Project area.

Since most of the project area contains the KrB soil type which has a depth to bedrock of greater than 80 inches, rock is not expected to be encountered throughout most of the Project area, but may be encountered in the southern portion of the Project area (in the areas of the NwC and DwB soil types). Rock encountered during construction in these areas will be removed by mechanical methods (ripping), when possible. However, blasting may be required.

The DEIS previously prepared for the St. Andrews PUD foresaw the potential need for use of a rock crusher in this area of the site. The Town Board Findings Statement contained certain provisions relating to use of a rock crusher. As part of the current application, the Applicant has prepared a Noise Mitigation Plan dated December 22, 2017. The relevant provisions of the Noise Mitigation Plan reviewed by the Planning Board as they relate to the Town Board Findings Statement are set forth below.

- a) Town Board Findings Statement: The rock crusher will be located as far as practicable from the southeast corner of the Site. The specific location of the crusher will be subject to Site Plan review by the Hyde Park Planning Board.² If the location of the crusher is to be moved during construction, the Planning Board may approve all locations as part of the initial review. The Developer may request a different location after the initial Site Plan approval, and the Planning Board may grant such approval with a waiver of Site Plan procedures.

Noise Mitigation Plan: The location of the rock crusher is shown on the Final Development Plan for the Project at Site Plan drawing C130A in Attachment 1. It is to be located in the northeast corner of the proposed Hotel parking lot, which is approximately 470' from the western property line on Route 9 and 830' from the southern property line on West Dorsey Lane. If the sound exceeds the levels at the monitoring locations set forth below while the rock crusher is in operation, the first mitigation measure to be implemented by the applicant will be to determine if relocating the rock crusher will reduce the sound levels

² The location of the rock crusher is shown on the site plan.

below the threshold at the property lines closest to the impacted receptors, without simultaneously increasing the sound levels for the other sensitive receptors. This determination will be made through application of sound attenuation calculations. If such calculations indicate that sufficient reduction can be achieved by relocation, the equipment will be relocated. After moving the rock crusher, sound measurements shall be re-taken.

If the rock crusher relocation will not reduce sound levels below the threshold, then the applicant shall meet with the Planning Board's consulting engineer and Planning Board chair to discuss further measures including further limitation of hours of construction or provision of temporary sound baffling or barriers. During these discussions, the Planning Board Chair, in consultation with the Town's engineering consultant, shall determine any interim measures to be taken with respect to construction during evaluation of further mitigation. After discussing the options, the Planning Board, or its designee, shall determine whether any further measures are likely to materially reduce the sound levels and whether such measures are practicable in light of the anticipated period of continued operation of the rock crusher for the construction covered by the approved site plan. Any reduction of hours of operation shall be implemented immediately. Any measure requiring additional construction of sound baffling or barriers shall be implemented as soon as practicable. After additional mitigation measures are implemented, noise measurements shall be re-taken.

- b) Town Board Findings Statement: Prior to commencement of construction activity, the Developer will measure four baseline ambient sound levels at the northernmost point on the property line of the B&B adjacent to the Project Site. The measurements taken will be 30-minute Leq samples taken at 9 am and 2 pm on two days one day apart. The assumed baseline ambient noise levels shall be the arithmetic average of the four samples.

Noise Mitigation Plan: Prior to commencement of construction activity, the project sponsor will measure four baseline ambient sound levels at each of the following 3 locations to arrive at 3 average baseline ambient sound levels, 1 for each location listed below:

- At the Culinary Institute of America property frontage at a point $\frac{1}{2}$ way between Dorsey Lane and the Bellefield site's southern entrance;
- At a point near the bed and breakfast (B&B) at the northernmost point of the property line of the B&B adjacent to the Project Site; and
- On West Dorsey Lane at a point where the proposed emergency access intersects with Dorsey Lane.

The four baseline measurements for each of the 3 sites will consist of 30 minute Leq samples taken at 9:00 am and 2:00 pm on two days, one day apart. The assumed baseline ambient noise level for each location shall be the arithmetic average of the four samples. The results of these measurements shall be provided to the town of Hyde Park Planning Board and the Town Consulting Engineer's noise specialist.

- c) Town Board Findings Statement: Once construction at the Site has commenced, the Developer shall take an additional four samples as set forth in "b" above, while the rock crusher or rock hammer is in operation. The assumed sound level during construction

and operation of the crusher will be assumed to be the arithmetic average of the four samples. If the samples do not exceed the baseline by 10 dB(A) or more, then no further action is required. If, however, the sound levels during construction do exceed the baseline by 10 dB(A), then further mitigation measures may be required by the Planning Board as part of Site Plan modification, and additional testing required.

Noise Mitigation Plan: Once construction at the site has commenced, in order to quantify the noise levels at peak operation of the construction site, the project sponsor shall take an additional four samples at the same 3 locations. Testing shall be performed on days representing “full operation” of construction equipment and must include operation of the rock crusher or rock hammer in addition to other construction equipment. The assumed sound level for full operations at each of the 3 locations will be the arithmetic average of the four samples. There will be 3 separate Leq values, one for each of the 3 receptor locations. If the samples do not exceed the baseline by 10 dB(A) or more, then no further action is required. It is anticipated that the noise levels relating to “full operation” as defined above will be below the 10 dB(A) threshold. If, however, the sound levels during “full operation” construction do exceed the baseline by 10 dB(A), then the noise mitigation measures as further described above shall be implemented.

- d) Town Board Findings Statement: Rock crushing and rock hammer operations shall be limited to weekdays, between 8 am and 3 pm. The Developer shall minimize the duration of rock crushing to the extent practical. The Planning Board is authorized to include additional durational restrictions should field conditions so warrant.

Noise Mitigation Plan: The Applicant has committed to these hour limitations in its Noise Mitigation Plan, Section 4.2. The Planning Board reserves continuing jurisdiction over this matter during construction, including its rights to impose additional durational restrictions should field conditions so warrant.

- e) Town Board Findings Statement: Sound baffles and natural vegetation and topography shall be used by the Developer to muffle the sound generated by the general construction, rock crushing and rock hammer operations. Such noise mitigation measures shall be described in a written Noise Mitigation Plan to be submitted to the Planning Board and shall be subject to Site Plan review by the Planning Board.

Noise Mitigation Plan: The Applicant’s Noise Mitigation Plan provides that if further measures are necessary, they shall be implemented as set forth in section 4.5, which provides that additional measures may be required by the Planning Board chair in consultation with the Planning Board’s consulting engineer.

- f) Town Board Findings Statement: On all construction vehicles, backup sounding devices shall be replaced by laser and other safety devices, or subjected to directional suppression, to the extent permitted by the NYS Department of Labor and the Occupational Health and Safety Administration.

- g) Noise Mitigation Plan: The commitment to these measures is included in the Noise

Mitigation Plan, section 4.1.

Blasting Provisions of Noise Mitigation Plan

Any rock encountered will be removed by mechanical methods (ripping, hammering) when possible. If determined to be necessary, the blasting contractor will comply with pertinent laws, rules, regulations, and contract documents. The Contractor will prepare a Blasting Plan to include all information necessary to evaluate the effectiveness of the proposed blasting operations. The Blasting Plan will include all steps necessary to ensure that the proposed blasting activity does not cause injury, damage property, adversely affect traffic, or cause the migration/ accumulation of noxious gases. The Blasting Plan will show the details for a typical blast, with the understanding that minor modifications in the field will be allowed.

Blasting will be limited to 2 occurrences per day between the hours of 10 am and 3 pm on weekdays. Proper program guidelines will be established between the State and the blasting contractor prior to undertaking this activity. In addition to obtaining applicable blasting certifications and complying with all blast safety requirements, a Blasting Plan that meets all regulatory requirements will be developed by the blasting contractor, and filed with the Town of Hyde Park Town Clerk if required by New York State protocol, during the construction phase of the proposed Hotel project. Public notification will be made at least 48 hours in advance. Public notification will be made at least 48 hours in advance via email or text/telephone to CIA administrators and nearby residents with ¼ mile of the Project site prior to any planned blasting activities. Contact information is part of the Applicant's Noise Mitigation Plan.

Based on the above analysis, the Noise Mitigation Plan is in conformance with the approved SEQRA Findings and ensures that there will not be any new short- or long-term or cumulative impacts. The impact of the refinements in the site-specific layout of the proposed Project is small in magnitude and will not result in any significant adverse impacts related to soils, rock crushing, or blasting.

Several other matters are noted concerning impacts on land, which confirm that the Final Development Plan for the proposed Project does not create the potential for a significant adverse impact beyond those already assessed and mitigated through the initial EIS review.

Site Specific mitigation of impacts relating to bats and habitat areas:

Construction of the Project is expected to be completed within one year. A Section 7 Assessment of potential impacts of clearing on the Indiana Bat and Northern Long-Eared Bat has been prepared and submitted to DEC. The project area was evaluated for the presence of potential roost trees, and 10 to 20 potential roost trees were identified and flagged. These trees are proposed to be hand felled (no stump or topsoil removal), between November 1 and March 31 to avoid the potential for take from clearing activities, subject to Planning Board grant of conditional site plan approval and consent from NYSDEC.

Any tree clearing after March 31, 2018 would require additional consultation with NYSDEC and USFWS, and acoustic surveys would be carried out in the vicinity of the identified potential roost trees prior to felling if required by NYSDEC or USFWS. Any authorization by the Planning Board would be subject to the consent of the other agencies with jurisdiction. While the Planning Board has not historically authorized any site clearing prior to receipt of all outside agency approvals, the proposal here is for select tree felling for the purpose of protecting species habitat. It is further recognized that winter cutting of trees is more protective of the landscape and to natural habitat, and particularly important in protecting bat habitat. This proposed work will not result in any significant adverse impacts, and is in itself a protective measure.

Erosion Control

The Project is subject to the requirements of the Town of Hyde Park as a regulated MS4, and the design plans and a stormwater pollution prevention plan have been prepared in conformance with and will continue to be governed by the New York State Stormwater Management Design Manual dated January 2015 and New York State Standards and Specifications for Erosion and Sediment Control dated August 2005. The proposed stormwater management area at the Hotel will discharge treated stormwater to existing stormwater infrastructure along US Route 9. The proposed plan minimizes impervious area to the amount needed to support the proposed Project and therefore will not result in any long- or short-term or cumulative impacts not already addressed in prior SEQRA documentation. Stormwater from all proposed new impervious area will be collected and treated to NYSDEC standards. Therefore, the proposed Project will not result in significant adverse impacts related to erosion.

2. Impact on Surface Water (Part 2, Question 3)

The following potential impacts were addressed in the EIS documents. They were reassessed on a site-specific basis for the Project in the EAF, and have been identified in the Part 2 as small impacts. These impacts and their mitigation are in accordance with the measures initially identified in the EIS and will not result in any new long- or short-term or cumulative impacts. The mitigation has been refined by the Planning Board in its site-specific analysis.

- The proposed action may involve construction within or adjoining a freshwater or tidal wetland.
- The proposed action may include construction of one or more outfalls for discharge of wastewater to surface water.
- The proposed action may require the construction of new wastewater treatment facilities.

Wetland Disturbance

Construction of the proposed main access drive to US Route 9 and installation of utility lines will require 0.087 acre of permanent disturbance and 0.051 acre of temporary disturbance of a USACOE regulated wetland, similar to the approved 2007 Concept Plan, which is expected to require Nationwide Wetland Permit #39 from USACOE and Section 401 Water Quality Certificate from NYSDEC. Since the proposed wetland disturbance is similar to the wetland disturbance required for the approved 2007 Concept Plan, the proposed changes are of little magnitude and no significant adverse impacts to these resources are anticipated as a result of the Project.

Wastewater Treatment Plant

The 2007 Concept Plan included the construction of a WWTP in the northern portion of the St. Andrews PUD site along the Maritje Kill, with access from St. Andrews Road. The WWTP is proposed to be relocated approximately 2,000 linear feet to the southwest of the location in the 2007 Concept Plan. This location is on the south side of the Maritje Kill (the receiving stream), at a point approximately 150 feet distant from Route 9, where the WWTP will be shielded behind a natural vegetative berm. The new location of the WWTP reduces originally anticipated long-term, cumulative impacts of the WWTP in its original location in certain respects. From an operational point of view, this is an improved location for the WWTP, since it is at a lower elevation (approximately 92 feet above mean sea level), which will facilitate gravity flows. The new location is also much closer to the core of the development on the site, eliminating the need for extensive disturbance for the collection system. Flows will be delivered to the WWTP by force-main through a collection system within the Project internal road system as approved in the approved 2007 Concept Plan. Access to the pump station will be provided by a driveway aligned with one of the approved access points from the 2007 Concept Plan, rather than from a separate access on St. Andrews Road as previously proposed. The new location for the WWTP had already been designated as developed/disturbed land on the Concept Plan for stormwater management. The installation of the WWTP outfall will require 34 SF of temporary disturbance within the 100-year floodplain/floodway and 192 SF of temporary disturbance within USACOE regulated wetland. Permanent impacts for the road crossing and outfall structure at the WWTP are less than 0.1 acre, and the temporary disturbances for trenching will be restored in their entirety. As with the approved location, the relocated WWTP will require a SPDES Permit from NYSDEC to discharge treated wastewater via an outfall to the Maritje Kill, and DCDOH review, as well as an Article 15 stream disturbance permit and a Town Floodplain development permit from the Zoning Administrator for the WWTP outfall. The WWTP will provide tertiary treatment, which minimizes water quality impacts to the Maritje Kill. For all the above reasons, the relocation of the WWTP will not result in significant adverse impacts to surface waters.

Stormwater

As previously stated, the Project is subject to the requirements of the Town of Hyde Park as a regulated MS4 community, and the design plans and a stormwater pollution prevention plan have been prepared in conformance with the New York State Stormwater Management Design Manual dated January 2015 and New York State Standards and

Specifications for Erosion and Sediment Control dated August 2005. The proposed stormwater management area at the Hotel will discharge treated stormwater to existing stormwater infrastructure along US Route 9. The proposed plan minimizes impervious area to the amount needed to support the proposed Project. Stormwater from all proposed new impervious area will be collected and treated to NYSDEC standards. The area of development for the Hotel is within the footprint of the development area of the previously approved retail/office area as shown on the approved Concept Plan. Therefore, the Project will not result in significant adverse impacts related to stormwater discharge.

3. Impact on Plants and Animals (Part 2, Question 7)

The following potential impacts were addressed in the EIS documents. They were reassessed on a site-specific basis for the Project in the EAF, and have been identified in the Part 2 as small impacts. These impacts and their mitigation are in accordance with the measures initially identified in the EIS. The mitigation has been refined by the Planning Board in its site-specific analysis to include the proposed area of disturbance for the WWTP.

- The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

The NYSDEC Environmental Resource Map (Figure 8) indicates that there are known occurrences of endangered, threatened, or rare (“ETR”) species in the vicinity of the Project site, and the Hudson River in this area is considered a Significant Natural Community (Tidal River). Correspondence from the NYSDEC Natural Heritage Program (NHP) dated May 2, 2017, indicates the known occurrence of two endangered species, the Shortnose sturgeon and Atlantic sturgeon, in the Hudson River. These species will not be affected by the proposed Project. The NYSDEC NHP correspondence also indicated the known occurrence of the Blanding’s Turtle, a threatened species, within 0.81 mile of the Project site, and notes that individual animals may travel this distance from documented locations. In addition to endangered and threatened species, the NHP correspondence indicates the occurrences of three significant natural communities in the vicinity of the site. A moderate-sized complex of Vernal Pools and a Hemlock-Northern Hardwood Forest exist north of St. Andrews Road. The Crum Elbow Freshwater Tidal Marsh exists 0.4 miles west of the Project site.

The USFWS IPaC Trust Resources list indicates the potential presence of the following species in the vicinity of the Project site: Dwarf Wedgemussel (endangered), Indiana Bat (endangered), and Northern Long-Eared Bat (threatened). The USFWS information indicates that there is no Critical Habitat on the Project site. The Dwarf Wedgemussel is highly unlikely to be present on the project site due to lack of suitable habitat.

The 2007 SEQRA Findings determined that the St. Andrews PUD impacts to the quality of the site's forest cover appear to be negligible. The disturbance for the proposed Hotel is in the area of the approved retail and office space, and the internal site roadways to be

constructed for the proposed Project generally follow the internal roadways on the approved 2007 Concept Plan.

The only new disturbance based upon the site-specific analysis of the Project is the area of the relocated WWTP, as proposed by the Applicant, and the slight relocation of the West Dorsey Lane access drive at the request of the Planning Board. As part of the site-specific analysis for the Project, field investigations were undertaken, in addition to review of the EIS records to determine if disturbance in these areas would create any adverse environmental impacts. A visit to the area of disturbance for the Project by a Chazen biologist determined that the Project site, including the area of the proposed WWTP, does not contain core habitat to support overwintering behaviors or nesting staging behaviors for Blanding's Turtles within the project area. While the project area is mainly early successional wooded habitat that could support upland nesting behaviors, core habitat associated wetlands that are needed to result in this secondary use are well outside the project area. It is likely that turtles looking for forested shelter would do so near those suitable core wetlands which are not near this project area. No habitat for Blanding's Turtle exists in the affected areas of the site, including the area of the proposed relocated WWTP. A Blanding's turtle habitat investigation Summary Memo, last revised December 5, 2017, was submitted to NYSDEC for review. NYSDEC concurred with these findings in an email dated September 8, 2017. NYSDEC subsequently requested, by letter dated December 5, 2017, additional review relating to the WWTP adjacent to the Maritje Kill, and asked Chazen to do additional work relating to impacts on Blanding's turtles' essential migratory behavior relating to the Project.

Based on communication with NYSDEC, a Letter Report dated December 14, 2017, within an Impact Assessment for Blanding's Turtle, 6 NYCRR 182.11 and 182.12 was submitted. The Report discusses the habitat as described above and outlines the Best Management Practices which will be implemented during construction to ensure avoidance of any incidental take, including the use of temporary exclusion fencing and contractor encounter training. It is not anticipated that there will be a need for an on-site monitor after the exclusion fencing has been installed; however it is acknowledged that one may be required by NYSDEC as part of its permitting process. A turtle crossing sign will be installed if recommended by NYSDEC, and all parking areas will have turtle awareness signs. There will be no pit traps around the building or site, and no window wells, since there is no basement. Employee training will also be provided to Hotel staff. Infiltration of stormwater is located more than 400 feet from any wetlands to protect the water quality in the wetlands.

Issues relating to bat species are addressed in the above section, Impact on Land.

Based upon the protective measures which have been incorporated as integral aspects of the proposed action, it is anticipated that no adverse impacts to endangered, threatened, or rare species or significant habitat will occur as a result of the small areas of new disturbance relating to the proposed Project. In other respects, the SEQRA findings related to these resources remain valid.

4. Impact on Historic and Archeological Resources (Part 2, Question 10)

The following potential impacts were addressed in the EIS documents. They were reassessed on a site-specific basis for the Project in the EAF, and have been identified in the Part 2 as small impacts. These impacts and their mitigation are in accordance with the measures initially identified in the EIS and will not increase any existing cumulative, long-term impacts. The mitigation has been refined by the Planning Board in its site-specific analysis.

- The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.
- The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

According to the NYS Office of Parks, Recreation, & Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 9), the St. Andrews Novitiate at the Culinary Institute of America campus is listed on the National and State Historic Register as site number 90NR02904. This historic site is approximately 500 feet from the Project area and is not directly adjacent to the proposed Project area. No listed sites will be physically impacted by the proposed Project.

The area of disturbance for the proposed Project is within the limits of disturbance for the approved Concept Plan, which were fully evaluated in the EIS process, except for the relocated WWTP and associated grading activities, and a slight relocation of the West Dorsey Lane access. Subsequent to the August 2007 SEQRA Findings Statement, a Stage 1A Archeological Assessment dated August 2004 and a Supplemental Phase 1B Archeological Testing report dated January 2008 were conducted by Historical Perspectives, Inc. A subsequent Phase 2 Archeological Field Testing report by Historical Perspectives dated January 2008 was prepared, based on the results of the Supplemental Phase 1B. The Area of Potential Effect (APE) considered in those studies, and shown in Figure 3 of the Supplemental Phase 1B report and Figure 2 of the Phase 2 report, includes the area of the proposed relocated WWTP and the area including the minor relocation of the emergency access from West Dorsey Lane. The Phase 2 report focused on two areas of the site, one in the center of the northern portion of the site south of the Maritje Kill (Area 4) and one in the southern portion of the site along US Route 9 (Area 12). The Phase 1B report found that no further work was necessary for the other Areas within the overall APE.

Figure 6 of the Phase 2 Archeological Investigation shows an area designated as the "Roosevelt Compound", which is located north and west of the proposed hotel disturbance area within Section 3 Block G. This Compound contains the Walton Roosevelt dwelling foundation, which is considered National Register eligible. A Data Recovery Plan (Phase 3 archeological investigation) in this part of Area 12 is

recommended by the 2008 Phase 2 study if the area of the Roosevelt Compound cannot be avoided. The SEQRA Findings adopted by the Town Board indicate that any further testing would take place in consultation with NYSOPRHP

The proposed Hotel site plan avoids disturbance to the Roosevelt Compound and the applicant has agreed to a 15-foot buffer around the Compound boundary. This avoidance eliminates the need for a Data Recovery Plan. Correspondence from NYSOPRHP dated December 4, 2017, indicates its concurrence with the proposed plan to avoid the Compound and provide a 15 foot buffer, and also recommends that a recorded Restriction be placed on record to protect the area from future disturbance. NYSDEC has concurred in this recommendation. The applicant has agreed to record a Declaration of Restriction subject to Planning Board Attorney review and approval.

The proposed Hotel also avoids disturbance to a stone structure located approximately 150 feet to the northeast. This structure, reportedly constructed between 1880 and 1920 and used as a water tower, is not currently listed on the National or State Historic Register.

Based on the foregoing, the proposed action will not have a significant adverse impact on historic and archeological resources.

5. Impact on Transportation (Part 2, Question 13)

The following potential impacts were addressed in the EIS documents. They were reassessed on a current and site-specific basis relating to the Project in the EAF, and were identified in the Part 2. The analysis, which is summarized here, determined that they were within the range of impacts addressed in the EIS and SEQRA Findings Statement, and will not create any additional cumulative or long-term impacts.

The proposed 133-room Hotel replaces the 46,250 SF of retail space and 46,250 SF of office space from the Approved Concept Plan of 2007. Access to the Hotel will be from the same location on Route 9, opposite the CIA North Drive, as provided for the retail/office uses in the original St. Andrews PUD Findings Statement. To update the traffic analysis, and evaluate whether the change from retail/office to Hotel use would potentially create greater impacts, a new Traffic Impact Assessment (TIA) dated June 21, 2017, has been prepared to evaluate the potential traffic impacts of the Project as compared to the previously approved uses in this area of the overall site. Five intersections were reviewed and analyzed:

1. Route 9 at St. Andrews Road
2. Route 9 at CIA North Drive
3. Route 9 at West Dorsey Lane
4. Route 9G at St. Andrews Road
5. Route 9G at West/East Dorsey Lane

Section 6 of the TIA presents traffic conditions for the Project, and Section 7 presents conditions for the overall Project buildout. The analyses are based on new traffic counts

collected in May 2017 at these intersections. To estimate the trip generating potential of the Hotel, *Trip Generation*, 9th Edition, published by the Institute of Transportation Engineers (ITE) was used. Land Use Code 312, *Business Hotel*, from *Trip Generation* is the appropriate land use to estimate the number of trips, since these figures apply to a Hotel that does not include a restaurant or conference center. The estimate of trips is shown in Table 6-1.

Table 6-1: Peak Hour Generated Trips for the Proposed Hotel

Land Use	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Business Hotel (133 rooms)	46	31	77	49	33	82

The estimate of retail and office trips for the Approved Concept Plan was presented in the Traffic Impact Study prepared by John Collins Engineers, P.C. Using the trip rates in that study, the estimate of trips for the 46,250 SF of retail space and 46,250 SF of office space that is to be replaced is shown in Table 6-2. It is noted that these trips take into account “pass-by” trips that were included in the traffic study.

Table 6-2: Peak Hour Generated Trips for the Approved Concept Plan

Land Use	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Retail Space (46,250 SF)	20	14	34	66	65	131
Office Space (46,250 SF)	57	8	65	11	52	63
Total New Trips	77	22	99	77	117	194

Comparing Table 6-1 with Table 6-2 demonstrates that the 133-room Hotel intended to replace the combined space of 92,500 SF of retail and office use is expected to generate approximately 22 fewer trips for the weekday AM peak hour and approximately 112 less trips during the weekday PM peak hour. The Traffic Impact Assessment concludes that the proposed Project will have minimal impacts on the adjacent roadway network, and that the Hotel will generate less trips than the retail and office components that it is replacing. An analysis to check the validity of the trip generation estimates and capacity analyses under the previous versions of the Trip Generation Manual and Highway Capacity Manual utilized at the time of the original approval shows that these remain valid, with signal timing changes at the Route 9 intersections as described in the current Traffic Impact Assessment.

At a meeting between NYSDOT and Chazen traffic engineers on 12/15/17, as reported in the meeting memorandum from Chazen dated 12/18/17, NYSDOT requested Town

concurrency in the level of 100 vehicle trips per hour as the trigger for phasing Rt. 9 improvements at St. Andrews Road. The Planning Board concurs in such trigger level, and since the anticipated trip generation by the Project is below that level, the Planning Board concurs that no Rt. 9 improvements at St. Andrews Road are justified at this time.

Temporary traffic generated during construction activities includes construction employees and the delivery of equipment and materials. Construction traffic for the Hotel is expected to be similar to the anticipated construction traffic for the retail/office uses. This impact is, in any event, short-term.

Based upon the site-specific analysis of the anticipated traffic associated with the Hotel, the Board determines that the proposed refinements in the Project will not result in any significant adverse impacts in regard to traffic, either during construction or during operation of the Hotel.

5.2 Parking

The approved 2007 Concept Plan included a total of 613 parking spaces for the retail and office portion of Block G (based on 5 spaces per 1,000 SF for retail and 3.3 spaces per 1,000 SF for office use). The reduction in retail and office space results in a reduction in required parking of 280 spaces for these uses. The proposed 104,683 SF Hotel requires 105 parking spaces based on 1 space per 1,000 SF of floor area. The proposed site development plan for the Hotel provides 134 spaces, some of which may be shared with future uses. Accordingly, the Planning Board determines that the proposed site-specific modifications in the layout will not cause any adverse impacts relating to parking demand.

6. Impact on Noise, Odor and Light (Part 2, Question 15)

The following potential impacts were addressed in the EIS documents. They were reassessed on a site-specific basis for the Project in the EAF, and have been identified in the Part 2 as small impacts. These impacts and their mitigation are in accordance with the measures initially identified in the EIS. The mitigation has been refined by the Planning Board in its site-specific analysis.

The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.

Issues of noise relating to sensitive receptors, including the CIA, nearby residents, and a nearby bed and breakfast, were a central part of the EIS analysis. Please see Section 1, Impact on Land for further discussion.

The proposed action will not result in light shining onto adjoining properties.

Pole-mounted, full cut-off, dark sky LED lighting will be provided in the parking area and along the access drive. Wall-mounted lighting is proposed at the building ingress-egress areas. Pedestrian light poles will be 12 feet in height. Parking and driveway light poles

are mostly 16 feet in height; however, four light poles in the interior of the Hotel parking lot are proposed to be 20 feet in height, which reduces the number of light poles needed at this location. Since the lighting is downward-directed, and directed inward toward the development, the photometric plans (Sheets C180A and C180B) show that light intensity decreases to 0.01-foot candle along the edge of the proposed development, and will not affect adjacent properties.

Based upon all the foregoing factors, the Planning Board concludes that the proposed action will not have a significant adverse impact on lighting.

7. Consistency with Community Plans (Part 2, Question 17 and Community Character (Part 2, Question 18))

Community Character impacts were a central issue in the EIS documents. They were reassessed on a site-specific basis relating to the Project in the EAF. The Part 2 has determined that the proposed Project is consistent with adopted land use plans and consistent with existing community character. The Board's analysis has considered the manner in which the application remains consistent with the approved Concept Plan, and how the site-specific development of the Final Development for the Project is consistent with the parameters of the EIS documents, and also notes site specific measures incorporated in the development of the Project to assure such consistency.

EIS Background:

The approved St. Andrews PUD is located within the Bellefield Planned Development District (BPDD) and the underlying Greenbelt District (GB). According to Section 108-3.1.1K (1) of the zoning regulations, the purpose of the BPDD is that "*Planned development is needed to ensure that the district is developed in a way that preserves the natural beauty of the land, promotes tourism, supports the existing business district in the Town Center and sensitively expands the Town Center with planned mixed-use development. The provisions of this district are intended to streamline permitting and allow greater use flexibility.*" Section 108-3.1.1K(2) states that "*the district is the largest area of potential development in the southern end of the Town with excellent access from Routes 9 and 9G and St. Andrews Road.....South of St. Andrews Road, the District abuts Route 9 and is virtually unbroken green space. Its planned development must be sensitive to the fact that Teller Hill serves as the southern gateway to the Town Center.*"

The Town Board SEQRA Findings Statement found the St. Andrews PUD to be consistent with the Comprehensive Plan of the Town of Hyde Park, and consistent with the intent of the zoning regulations. According to the Amended SEQRA Findings Statement for the St. Andrews PUD adopted June 12, 2017, the approved retail component was designed to be "*predominantly tourist oriented and high-end retail that will attract new visitors to the Town, attract and service tourists, will not displace the stores and businesses in the Town Center Historic District, and will create a unique regional shopping experience*" (Amended Findings Statement page 6-7).

Substituting Hotel Space for Retail

The proposed Hotel is congruent with the Town Board's Findings Statement and with the approved Concept Plan. The proposed Hotel in the southwestern corner of the St. Andrews PUD is an appropriate use for the southern gateway to the Town, and will promote tourism and supports the existing businesses in the Town Center, consistent with the purpose of the zoning district and the desired character for this gateway area. Commenters at the public hearing expressed the severity of need for hotel services in the Town and the immediate region, and the Hotel will fulfill that need. The Hotel will more directly meet the needs of tourism than the retail services would have.

The refinement of the approved Concept Plan to substitute Hotel space for retail and office space in a portion of Section 3 Block G does not trigger any significant adverse impact or any impacts materially different than those evaluated in the prior St. Andrews PUD review. The reduction in office/retail is considered a positive effect, and the provision of a Hotel is a beneficial change supporting the regional tourist economy and providing benefits to all sectors of hospitality and tourism. As the Town previously found in the original SEQRA Findings Statement and Amended SEQRA Findings Statement adopted June 13, 2017, the provision of Hotel space has a positive impact on tourism in the area.

The proposed Hotel also fulfills the Concept Plan goal of creating an attractive and stately architectural feature at the southern "gateway" to Hyde Park along the Route 9 corridor, and is in a position to do that more effectively than retail in this sector of the site. The Hotel will be a brick and stone structure of a size, scale, and quality forming a companion "pillar" at the entrance to the Town, of a scale and design complementing buildings of the CIA, consistent with the Amended Findings Statement that, *"Along with the CIA, the mixed-use center will create the gateway entrance that the Town has sought in its comprehensive planning efforts (Amended Findings Statement p. 9)."*

The Hotel, which has undergone substantial review by the Planning Board regarding its architecture and design elements, is congruent in architectural style and design with the buildings on the CIA campus. The façade facing Route 9 incorporates attractive central windows and a "front porch" element to present an attractive façade to the highway. The Planning Board has also paid particular attention to the south facing façade, to assure that the view from automobiles entering Hyde Park is one of a Gateway into the Town. Based on a site visit with the Planning Board, the applicant has incorporated additional landscaping to further soften the views into the site, as originally intended during the Concept Plan review. The placement of the Hotel in the context of the landscaped setting along Route 9 and West Dorsey Lane reflects congruently the context of the CIA buildings across the street, to create the gateway to Hyde Park along the Route 9 corridor. *...[T]he intent of the [site design] is to create an interconnected, walkable community. The architectural design of the buildings will utilize traditional styles, complementing existing historic architecture in the Town of Hyde Park" (Amended Findings Statement pp. 9, 13).* The Hotel will be a brick and stone structure of a size, scale, and quality reflecting the scale and design of the Culinary Institute of America (CIA), which *"includes attractive large-scale buildings, new dormitories, and large grounds with extensive parking, which is landscaped and buffered from Route 9" (Amended Findings Statement p. 12).*

Height of Hotel:

The proposed Project is located within the development area of the 2007 Concept Plan. The Comprehensive Development Plan for the St. Andrews PUD permits Hotels. However, the approved retail and office buildings were two story buildings, while the proposed Hotel building is five stories. Accordingly, the potential impacts of the height of the Hotel have been evaluated.

Figure 10, submitted with the FEA, is a map that shows Publicly Accessible Federal, State, or Local Scenic or Aesthetic Resources within Five Miles of the proposed Project area. The area between the Hudson River and US Route 9 is considered a Scenic Area of Statewide Significance (SASS), and the Esopus-Lloyd SASS is located on the western shore of the Hudson River in this area. According to the NYSOPRHP CRIS mapping (Figure 9), the St. Andrews Novitiate at the Culinary Institute of America campus is listed on the National and State Historic Register as site number 90NR02904. This historic site is approximately 500 feet from the Project area and is not directly adjacent to the proposed Project area. Numerous National and State Historic Register sites and parks exist within five miles of the Project area, as well as County and local parks.

The Culinary Institute of America campus is located between Route 9 and the Hudson River, and contains a number of multi-story buildings that will significantly screen the view of the proposed Hotel from the River. Site Sections prepared by CMS Architecture and Design (Attachment F) show two sectional views of the proposed Hotel: (1) a sectional view of the Hotel and CIA buildings; and (2) a sectional view of the Hotel that includes the Hudson River. The proposed Hotel will be visible from US Route 9 and portions of the CIA campus, but, as this section plan demonstrates, the Hotel is expected to have only limited visibility from the River due to screening by distance, vegetation, and by the significant number and size of buildings on the Culinary Institute campus. Three additional site sections have been prepared and are provided in Attachment F. A sectional view of the Hotel from US Route 9 is provided which shows that existing trees along US Route 9 will substantially screen views of the Hotel from Route 9. A sectional view of the Hotel from West Dorsey Lane demonstrates that the Hotel will be significantly screened from West Dorsey Lane by existing topography, existing trees, and proposed new plantings.

Hotel Orientation and congruity with walkable New Urbanism community

The proposed Hotel is congruent with the Amended SEQRA Findings Statement adopted on June 13, 2017, as discussed in Section 2.0. The proposed building site is located in a visually prominent location at the southern “gateway” to Hyde Park along the Route 9 corridor. The Planning Board has reviewed multiple renderings of the Hotel, as well as Sections showing the massing of the structure in the context of its setting. The Planning Board has evaluated the visual impacts of the Hotel in its proposed location and site orientation, and its appropriate role in the neighborhood character of the area. There are several important reasons for the proposed orientation of the Hotel. First, it was oriented so that the majority of the traffic circulation for access to the Hotel would be oriented within the site, and avoid substantial parking and vehicular areas near the corner of Route 9 and West Dorsey. Second, it was oriented to avoid a typical suburban layout, with the front of the Hotel facing the street. The orientation of the Hotel is congruent with the New Urbanism plan for the St. Andrews PUD. The Hotel is oriented to the mixed-use center.

Careful attention has been paid to placing the Hotel appropriately within the system of paths and walkways which were part of the Concept Plan approvals. A new trail connection is being proposed to connect to and from the existing County bus stop along Route 9 in front of the site, to allow pedestrian access between the bus stop and the proposed Hotel. At the same time, the Hotel incorporates significant design interest in the elevation facing Route 9, including incorporation of appropriate materials design, and a porch element. Thus, the elevation of the Hotel facing Route 9 presents stately architecture and materials signifying a main elevation. The Hotel contains architectural elements and detailing consistent in architectural style and design with the buildings on the CIA campus. The placement of the Hotel in the context of the landscaped setting along Route 9 and West Dorsey Lane reflects the context of the CIA buildings across the street, to create the gateway to Hyde Park on the Route 9 corridor, consistent with the 2007 SEQRA Findings that, “*Along with the CIA, the mixed-use center will create the gateway entrance that the Town has sought in its comprehensive planning efforts* (Amended Findings Statement p. 9).” The elevation of the Hotel closest to West Dorsey Lane is partially screened from views by a berm of substantial size. Distance and vegetation further soften any views of the Hotel. In the context of the previously approved Concept Plan, the Hotel presents a statelier appearance and is more appropriate as a balancing “pillar” at the Gateway to Hyde Park, than the retail buildings, including structured parking, initially proposed at this area of the site.

Consistency of relocated WWTP with Concept Plan and Community Character

The Board has analyzed the impacts of the change in location of the WWTP from the northern portion of the site to a central location at a lower elevation (92 feet above mean sea level) behind a vegetated berm. The surface water and species issues are discussed in previous sections. From a community character perspective, the relocation area is ideal because of its natural visual screening behind an existing berm. A sectional view of the WWTP from US Route 9 shows that the proposed berm and existing vegetation between the WWTP and US Route 9 is expected to completely screen the WWTP from Route 9. The previous WWTP location in the northerly area of the site will now remain an open area. The refinement of the design is within the Planning Board’s authority to review site specific considerations in its final development plan approval. The modification in the location of the WWTP is consistent with the approved Concept Plan, and will not change any cumulative or long-term impacts already identified in prior SEQRA documentation. The impact of the change in location is small in magnitude and not important in the context of the whole action. The future site-specific layout of residential units and other future development in this area of the property can be configured in a manner that accommodates the proposed WWTP and roadway layout.

Pedestrian connections

The Planning Board has reviewed the plans for Project and assured that it presents a trail and pedestrian system that is congruent with the overall trail system for the site as created during the initial review. The plans have been amended to show an additional trail from the hotel leading to the southwest corner of the property, to allow pedestrian connections

to and from the hotel allowing access to the Dutchess County bus system, which has an existing bus stop at the corner of Route 9 and West Dorsey Lane. The project is not expected to add materially to the existing level of demand for bus service, but the trail will provide a pedestrian connection to serve as a convenience for anyone who may wish to use it.

Access to Public Transportation

The corner of West Dorsey Lane and Route 9, immediately outside the Project site, is served by Dutchess County Public Transit Route C and CJ, Monday through Saturday. The bus currently stops at a designated location along route 9, just north of West Dorsey Lane. The Project has provided for the construction of a walking path from the location of the existing bus stop into the Hotel site, so that any bus passengers will be able to reach the interior of the site and the trail system within the Project.

Dutchess County has requested that the Applicant additionally construct off-site improvements in the public right-of-way, for the benefit of the public transit system, in the form of: construction of a bus shelter with trash receptacle, bench, map case and solar powered lighting; a pole to allow for placement of a “bus stop” sign (the county would attach the sign); and construct a sidewalk in the right of way along West Dorsey Lane for an unspecified distance, and along Albany Post Road with curbs meeting ADA requirements. The Planning Board has determined that although such amenities on Route 9 would be desirable for the public transit system, the anticipated pedestrian use of the bus stop to go to and from the Hotel is expected to be far less than would justify requiring the applicant to provide such amenities,

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THE ABOVE NEGATIVE DECLARATION AND ACCOMPANYING RESOLUTION WERE AUTHORIZED AT A MEETING OF THE TOWN OF HYDE PARK PLANNING BOARD HELD ON JANUARY 3, 2018.

Date

Michael Dupree, Planning Board Chair

For Further Information:

Contact Person: Michael Dupree, Planning Board Chair

**Address: Town of Hyde Park Town Hall
4383 Albany Post Road
Hyde Park, NY 12528**

Telephone Number: (845) 229-5111 ext. 2

This negative Declaration to be filed with:

LEAD AGENCY:

**Town of Hyde Park Planning Board
4383 Albany Post Road
Hyde Park, NY 12528**

INVOLVED AGENCIES:

**DEC Region 3
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561**

**New York State DOT
Region 8
4 Burnett Blvd
Poughkeepsie, NY 12603**

**Dutchess County Department of Health
387 Main Street
Poughkeepsie, NY 12601**

**Dutchess County Water and Wastewater Authority
27 High Street
Poughkeepsie, NY 12601**

INTERESTED AGENCIES:

**Dutchess County Department of Planning and Development
27 High Street
Poughkeepsie, NY 12601**

**Town Conservation Advisory Council
4383 Albany Post Road, Hyde Park, NY 12528**

Applicant

**T-Rex Hyde Park Owner LLC
500 Mamaroneck Avenue
Suite 301
Harrison, NY 10528**

Attorneys:

**George Rodenhausen
Victoria Polidoro
Rodenhausen Chale
Attorneys for Planning Board
20 Spring Brook Park
Rhinebeck, NY 12572**

**Jennifer L. Van Tuyl
Cuddy & Feder
Attorney for Applicant
300 Westage Business Center
Suite 380
Fishkill, NY 12524**

Chairman Dupree: Then we have a very lengthy approval resolution and in discussions with Ms. Van Tuyl, it would take even me, with my fastest reading, a good 15 minutes to go through this. So, everyone has had a chance to read the resolution? *All answered affirmatively.* We can stipulate that everyone has read and agreed with it for the record so that it's been entered and read into on its own, so to speak. I will introduce it, who would like to second it?

Mr. Murphey seconded the resolution.

RESOLUTION TO GRANT CONDITIONAL SITE PLAN APPROVAL

The Inn at Bellefield

Date: January 3, 2018

Moved By: Chairman Dupree

Resolution: #2017-04D

Seconded By: Mr. Murphey

WHEREAS, on January 19, 2017, the applicant, T-Rex Hyde Park Owner LLC, submitted an application for approval of a Final Development Plan pursuant to Section 108-7.6B of the Zoning Law for Sub-Phase 1-A of the approved Concept Plan for the St. Andrew's Planned Unit Development, consisting of a 5-story, 133 guest room hotel located near the intersection of Albany Post Road and West Dorsey Road, tax parcel no.6163-01-131849, together with the first phase of a proposed wastewater treatment

plant ("WWTP"), and other infrastructure improvements to serve the hotel, such Final Development Plan covering an approximately 11.96 acre portion of the St. Andrews PUD property (the "Project"); and

WHEREAS, the proposed Project is depicted on a site plan entitled "Inn at Bellefield" prepared by Chazen Engineering, dated June 30, 2017, last revised December 15, 2017, and architectural elevations prepared by Z.H. Architects, dated September 6, 2017 (together the "Site Plan"); and

WHEREAS, the proposed Project constitutes a portion of the 339.6 acre St. Andrew's PUD development, which includes, without limitation, a residential area and a pedestrian-oriented mixed use center, (including hotel, restaurant, retail shops, cafes, offices.in-village housing, park areas, market square, and a plaza); ten miles of trails; five miles of sidewalks; and approximately 200 acres of open space ("St. Andrews PUD"); and

WHEREAS, the proposed St. Andrew's PUD was designated a Type I action under the State Environmental Quality Review Act ("SEQRA") by the Town Board serving as lead agency, followed by preparation of Draft and Final Environmental Impact Statements; and

WHEREAS, the Planning Board served as an Involved Agency and actively participated in the SEQRA review by the Town Board of the proposed St. Andrews PUD, and has reviewed all materials in connection with said review; and

WHEREAS, after accepting the Final Environmental Impact Statement for the St. Andrews PUD as complete, the Town Board adopted a SEQRA Findings Statement on August 29, 2007 ("2007 Findings Statement"); and

WHEREAS, the St. Andrew's PUD Concept Plan was approved by the Town Board on August 29, 2007 ("2007 Concept Plan"); and

WHEREAS, due to changes in circumstances, the Town Board reevaluated the proposed SEQRA mitigation relating to sewer issues in the 2007 Findings Statement, and, after holding a public hearing thereon, established alternative sewer mitigation and adopted an amended SEQRA Findings Statement on June 13 2017 ("2017 Amended Findings Statement"), and thereafter filed and circulated the same; and

WHEREAS, in adopting the 2017 Amended Findings Statement, the Town Board confirmed the adoption of same did not impair the prospective ability of the appropriately designated Lead Agency to evaluate through appropriate SEQRA review any potential environmental impacts other than those relating to sewer mitigation and to make a Determination of Significance relating thereto; and

WHEREAS, thereafter, the Planning Board was duly designated as the Lead Agency for the St. Andrew's PUD, including ongoing Final Development Plan approvals

for the PUD, and the Planning Board confirmed such Lead Agency designation on October 18, 2017; and

WHEREAS, the jurisdiction of the Planning Board includes authority to review and approve Final Development Plans under Article 7 pursuant to the site plan review provisions of Article 9 of the Town of Hyde Park Zoning Law; and

WHEREAS, the Planning Board as Lead Agency has distributed the Project application and its related materials, including a Full Environmental Assessment form, to all involved and interested agencies, and has further made all application materials relating to the application available for public inspection during regular business hours at the Planning Board office; and

WHEREAS, the application has been reviewed by the Town Planning Board engineering and planning consultants at Morris Associates; and

WHEREAS, the Planning Board has conducted a duly advertised and noticed public hearing on the application commencing on November 1, 2017, and continued to successive meetings of the Planning Board until December 20, 2017, at which time the hearing was closed; and

WHEREAS, on October 4, 2017, the Planning Board referred the application to the Dutchess County Department of Planning and Development pursuant to General Municipal Law section 239-m, and received written comments dated November 30, 2017, and has considered said comments; and

WHEREAS, the Planning Board has reviewed the Town Board's 2017 Amended Findings Statement, and the approved St. Andrews Concept Plan which consists of the 5-page Comprehensive Development Plan for the St. Andrew's Property adopted by Town Board Resolution dated August 29, 2007, and 4 sheets of drawings stamped received on June 29, 2007; and

WHEREAS, the Planning Board has examined all materials submitted by the Applicant in connection with the Final Development Plan application; and

WHEREAS, the Planning Board conducted a site visit on November 1, 2017, and examined the location of the proposed hotel, its roadway access and proposed infrastructure including the location of the proposed WWTP, in relation to the topography, viewsheds, and neighboring properties, including views from Route 9 and West Dorsey Lane, and

WHEREAS, on January 3, 2018, 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 Supplemental Environmental Impact Statement would not be prepared and in all other respects adopting as its own SEQR Findings the Findings Statement as adopted by the Town Board on June 13, 2017; and

WHEREAS, the NYSDEC programs to protect the habitat of Indiana Bat and Northern Long-Eared Bat species generally limit clearing potential roost trees on the Project site to the time period between November 1 and March 31; and

WHEREAS, the Planning Board has coordinated closely with staff of NYSDEC and the Applicant to determine how best to assure the felling of potential roost trees during the permitted time period in order to minimize the impact on the site in advance of satisfaction of all conditions in the approved site plan and signature of the site plan by the Planning Board chair; and

WHEREAS, the NYSDEC has reviewed its Natural Heritage Program data and determined that the Project site is more than five miles from the nearest known occurrence of Indiana Bat and more than ten miles from the nearest known occurrence of Northern Long-eared Bats, and, therefore, NYSDEC has taken the position that there is no potential for taking of Indiana Bat or Northern Long-eared Bat at the Project site;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the Final Development Plan for Sub-Phase 1-A of the approved Concept Plan for the St. Andrew's Planned Unit Development and authorizes the Chair or his authorized designee to sign the Site Plan Set after compliance with the following conditions:

- 1. Payment of all fees and escrow for town consultants.**
- 2. Issuance by NYSDEC of a Taking Permit pursuant to 6 NYCRR Part 182 or written confirmation from NYSDEC that no Taking Permit is required for any portion of the Project site for Blandings turtles.**
- 3. Issuance by NYSDEC of a Stream Protection Permit pursuant to 6 NYCRR Part 608 for the wastewater discharge outfall from the WWTP to the Maritje Kill.**
- 4. Issuance by NYSDEC of a State Pollution Discharge Elimination System (SPDES) Permit for the wastewater discharge outfall from the WWTP to the Maritje Kill.**
- 5. Issuance by NYSDEC of a Water Quality Certification pursuant to Section 401 of the Clean Water Act for wastewater discharges to the Maritje Kill.**
- 6. Issuance by NYSDEC of a Water Quality Certification or evidence of coverage by Nationwide Permit No. 39 for discharges to wetlands.**
- 7. Issuance by the Town Zoning Administrator of a Floodplain Development Permit for work within the floodplain area.**

- 8. Submission of a Declaration of Restrictions controlling activities in the designated Walton Roosevelt compound, subject to approval in form and substance by the Planning Board Attorney.**
- 9. Submission of a Stormwater Easement and Maintenance Agreement with the Town, subject to approval in form and substance by the Town Attorney.**
- 10. Issuance by Dutchess County Department of Behavioral and Community Health (“DCDOH”) of a revised flow confirmation letter limiting the flow to that associated with the operation of the Inn at Bellefield.**
- 11. Approval by Dutchess County Water and Wastewater Authority (DCWWA) and DCDOH of the water supply system and wastewater treatment system;**
- 12. Revision to Sheet C108-B to indicate that concrete bollards below light poles will be painted black and maintained as black thereafter.**
- 13. Revision of Site Plan to include notes stating that the Planning Board will reevaluate landscaping around the proposed WWTP, will reevaluate possible addition of sidewalks along both sides of the proposed northern ingress/egress, and will reevaluate lighting at the northern egress/ingress during future site plan amendments.**
- 14. Revision of Sheet 150-A of the Site Plan to include a note that rock will be stockpiled in a way that over time will mitigate sound from the rock crusher.**
- 15. Revision of Site Plan Sheet G002 to add archeological sensitivity notes.**
- 16. Revision of Site Plan Sheet G002 to add the construction sequence notes from Sheet C196, to add a step in the sequence to refer to pertinent notation, and to implement measures for sensitive areas: endangered, threatened and rare species, archeological sensitivity and noise monitoring consistent with the final Noise Mitigation Plan, dated 12.22.2017.**
- 17. Revision of Site Plan Sheet G002 to be consistent with the final Noise Mitigation Plan, to include Sections 3.0 to 3.2 and 4.0 to 4.6 as notes.**
- 18. Revision of Site Plan where Walton Roosevelt homestead remains are shown to add the following note: “Roosevelt House Domestic Compound and fifteen-foot buffer area subject to recorded declaration prohibiting**

disturbance, development, construction, installation of buildings or structures or placement of improvements.”

- 19. Revision of Site Plan Sheet 580 so that all cross-section views have the correct titles.**
- 20. Revision of the Overall Concept Plan sheet to add back the legend from the 2007 plan sheet.**
- 21. Revision of Site Plan Sheets C191, C192 and C196 to show the 150-foot Route 9 “no building or parking” setback area.**
- 22. Revision of Site Plan Set to include architectural elevations of hotel and WWTP, including dimensions, materials and colors for WWTP.**
- 23. Revision of Site Plan Sheet C191 to show temporary gate for the WWTP closer to the Route 9 right of way.**
- 24. Revision of Site Plan Sheets C180A, C180B, and C192 to correct the discrepancy in the number of light poles.**
- 25. Submission of a site restoration bond in the amount of \$50,000 to cover restoration work to prevent erosion in the event the Project is abandoned in the course of construction, subject to approval in form and substance by the Planning Board Attorney.**
- 26. Approval of Stormwater Pollution Prevention Plan dated 12/15/17 by the Planning Board’s Consulting Engineer.**
- 27. Payment of \$1,000,000 contribution to the Town of Hyde Park pursuant to the Environmental Mitigation Agreement between the Town of Hyde Park and the Applicant.**
- 28. Issuance by the Town Zoning Administrator of a Stormwater Management Permit pursuant to Chapter 93 of the Town Code.**

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the felling of trees by the Applicant on the Project site prior to satisfaction of the conditions of the conditional site plan approval and signature of the site plan by the Chair, upon the following terms and conditions:

- 1. A copy of NYSDEC’s authorization for the tree felling shall be filed with the Zoning Administrator.**

2. **At least two days in advance, the Applicant shall notify the Zoning Administrator of the dates and times of the planned tree-felling.**
3. **Limits of disturbance as shown on the approved Site Plan Set shall be demarcated in the field to avoid unintentional disturbance of protected areas.**
4. **Tree-felling shall be limited to cutting and removing trees, with no removal of stumps or other excavation.**
5. **Payment of all fees and escrow for Town consultants.**

BE IT FURTHER RESOLVED that Building Permits shall not be issued until the following conditions have been satisfied:

1. **Receipt by the Zoning Administrator of proof of recording of the approved Declaration of Restrictions controlling activities in the designated Walton Roosevelt compound.**
2. **Receipt by the Zoning Administrator of proof of recording of the approved Stormwater Easement and Maintenance Agreement with the Town.**
3. **Receipt by the Zoning Administrator of the highway work permit plans for the realignment of the Route 9 entrance drive as approved by NYSDOT.**

BE IF FURTHER RESOLVED that a Certificate of Occupancy for the Project shall not be issued until the following conditions have been satisfied:

1. **Receipt by the Zoning Administrator of proof of recording of an easement and maintenance agreement between the Applicant and DCWWA for access to the water mains;**
2. **Receipt by the Zoning Administrator of a written agreement between the Applicant and DCWWA to take ownership of the water mains serving the Project;**

BE IT FURTHER RESOLVED that the following General Conditions shall apply to all work performed pursuant to this site plan approval:

1. **All construction and site work shall comply with the SWPPP and with the SPDES General Permit for Stormwater Discharges from**

Construction Activity and shall be properly maintained in compliance with all permits.

- 2. All construction and site work shall comply with the Noise Mitigation Plan dated December 22, 2017.**
- 3. Continued compliance with all commitments and representations set forth in the application and SEQRA record, including, without limitation, all voluntary measures for avoiding and minimizing environmental impacts contained in that record, unless explicitly modified or superseded by this resolution or by the approved Site Plan, and solely to the extent modified or superseded thereby.**
- 4. This Site Plan approval covers only Sub-Phase 1-A of the St. Andrews PUD as described in the Site Plan, and any site disturbance or construction of subsequent phases or sub-phases may proceed only after this Board has issued a Site Plan approval for that phase or sub-phase.**
- 5. Any future application for a final development plan approval for another sub-phase of the project involving service by the project WWTP must include establishment of a transportation corporation and agreements acceptable to the Town for immediate or default ownership of the WWTP by the DCWWA in accordance with DCWWA policies.**

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

Voice Vote 6-Aye 1-Absent Motion Carried

Chairman Dupree: The motion carries unanimously again. It seems anticlimactic after all of this work to do it this way, but it gets us in and out on a very cold night. I think you already have a copy of the resolution. I do want to point out for the record that it was great that we went through the County Memo so cleanly and carefully and that changes were made to incorporate some of the decisions. One of the major changes was the idea of the recessed lighting. Once the recessed lighting was added, it had a different throw that enabled the applicants to reduce the total number of light poles. At the same time it created what we commonly call 'hot-spots', these are LED lights and they throw a little differently and are more concentrated in their beams. At any rate, Ms. Axelson was contacting Chazen's light expert, who pointed out that in

the Greenway Guides, we're supposed to keep everything below 2.0 foot-candles. It never actually says that every pole has to produce less than 2.0 or if it's an average of the site and if you start delving down this rabbit hole you'll discover that for the most part you should be looking at the average for the site. I also at the last meeting noted that now that we're seeing more and more LED lights particularly pinpoints. We've approved a filling station, a couple of them, that actually have much higher than even 4.0 'hotspots'. They fade away within inches, very quickly because they're so tightly focused. Again, the overall average on those is lower. I'm very comfortable with what we've done in that respect and think that for the future we should be looking at the overall average as well. Not just that it goes down to zero at the end. The other item is that Ms. VanTuyl proposed, in the almost last version of the resolution, that there was a condition that dealt with not getting a building permit unless there was an agreement worked out with DCWWA but as she pointed out, it was entirely speculative because it's not part of the current application, which means that it could have jeopardized financing for the hotel because you might never get a CO for it if these things that were precedent didn't happen in the first place. The language was just moved over to a general condition as everyone had a chance to read. Again, thank you to all of the consultants, thanks to the Board for taking part of your holiday time to work on this.

Ms. Van Tuyl: I think it's important for the people watching at home to understand all of the work that the Board members did and the Board's consultants as well. A project like this takes a lot of work and a lot of coordination and I think that all of you showed great leadership and your consultants showed hard work to carry out the will of the Board. We're particularly appreciative of the leadership that this Board and particularly the Chairman showed in coordinating with other agencies. That's one of the most difficult things in a larger project. There are many organizations at many levels of government and the personnel in those agencies change over a period of time. And so getting everyone together is sort of like herding cats. As you know we had species issues here. We had a lot of important issues. They've been looked at carefully. They've been looked at a great deal in the original EIS and they've been looked at again. As you've said, we looked at many of these issues and talked them through thoroughly, but had it not been for the leadership of...requiring meetings, pointing out that this is a priority project, we would have been a lot longer in getting the job done. And still, we've been here a year. This project was not rushed through. It was carefully examined. Again, just on behalf of the applicant, I think you set an extremely positive example for the rest of the region in how to encourage smart growth and good development.

Chairman Dupree: Thank you. We just had our collective halos polished by you. *Laughter.* The last item on the agenda is to designate Vice-Chairpersons for the year. I have the pleasure of introducing this resolution as well.

**RESOLUTION DESIGNATING PLANNING BOARD VICE-CHAIRPERSONS
FOR THE YEAR 2018**

**January 3, 2018
Resolution #18-A**

**Moved By: Chairman Dupree
Seconded By: Ms. DiNapoli**

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

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

Voice Vote 6-Aye 1-Absent 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
Absent Mr. Oliver
Aye Mr. Pickett**

VOICE VOTE 6-0 1-Absent Motion Carried

Motion from February 21, 2018 Hyde Park Planning Board Meeting.

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To approve the Minutes from the January 3, 2018 Hyde Park Planning Board meeting.

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

VOICE VOTE 6-0 1-Abstain Motion Carried