



Historic Town of Hyde Park

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

“Working with you for a better Hyde Park”

MINUTES OF THE **JANUARY 17, 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
 PETE SETARO, PB CONSULTING ENGINEER
 CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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Chairman Dupree: Good evening everyone. Welcome to the January 17th meeting of 2018 for the Hyde Park Planning Board. Please take note of all the exits around the room in case of mishap and now join me as we re-pledge our loyalty to the flag of our great nation. *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: The first item on the agenda is a continued public hearing for Joseph’s Steakhouse. May I get a motion to re-open the public hearing?

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To re-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

Chairman Dupree: We’ve received a neighbor’s letter in the interim and Mr. Lockwood is here to represent the applicant. I believe we forwarded all the comments over to you already and some of the neighbors are here tonight, who I think will wish to speak when we open it up for comment. Is there anything new you want to add tonight, Michael?

Mr. Lockwood: Nothing new right now. I do want to address the comments.

Mr. Setaro: The Chairman, myself and the Highway Superintendent had a meeting there yesterday because there was some talk of possibly closing one of the two access points on the east side of Creek Road, but after meeting, I believe that we all felt that they should keep the 2 access points that they have there now. Rather than try to funnel both cars and pedestrians through one access point. I did notice, Mike that it seems to imply that there are three access points there. The southerly most one appears open, but it’s not, it’s closed. If you could show that to be closed. I think some of the post and rail fence will have to be repaired in that area too.

Mr. Lockwood: Correct. I spoke to Joe about that. We'll be repairing the fence.

Chairman Dupree: There's no post fence, down at what Pete's calling the most southern "appears to be entry", it's not, it's curbed there. The fence will need to be re-added there, there's no post left.

Mr. Lockwood: Okay.

Mr. Setaro: The second one was that we agreed at the last meeting that the existing parking lot to the south of the building was going to remain gravel, so just add a note there that the existing lot will remain gravel. Number three, last time, Mike, we did talk about details of patron protection. You talked about infilling the new vinyl fence posts with concrete and also probably placing some larger landscape boulders, but I didn't see anything on there, maybe I missed it.

Chairman Dupree: He submitted the plans the night of the meeting. We discussed it, but he didn't have a chance to put those things in there yet.

Mr. Lockwood: I will definitely have those in there for the next meeting.

Mr. Setaro: Number four, I think just to reiterate what was said the last time, that we're not going to be able to allow a formal crosswalk there on Creek Road. Joe was basically operating without it before. I noticed that on the lighting plan, there are a couple of lights shown on the patio cover. I was just concerned that depending on the height, that flood lights are going to shine light out and I was just afraid that there may be cars headed southbound, either on 9G or making the turn onto Creek Road that may get blinded.

Mr. Lockwood: Correct. I went over those lights with Joe also and we'll have to provide you a cut-sheet on those because he plans on using a shielded down light there. Not a flood light. He told me flood light and that's how it ended up on the plan.

Mr. Setaro: Okay, that's fine. Just show us a cut sheet. We just don't want to get glare for cars. Liz has some comments. Just to clean up the bulk table on items 6 and 7. It doesn't seem like too big of a deal. The other thing that we'll need, that we talked about last time, is either you or an engineer is going to have to contact the County Health Department to address their concern on records that they don't have on the existing septic system.

Mr. Lockwood: We're working on that now. We're hoping that they can come up with some records.

Mr. Setaro: I mean the restaurant was operating for I don't know how many years that they had a food service permit and they're usually pretty diligent about making sure there is adequate water and sewer facilities, so it is a little strange that...

Mr. Lockwood: Correct, I guess there were engineer drawings done in 2007 when the Thai House was in there so, it's just strange that they can't find them. We're trying to track that down.

Chairman Dupree: I emailed back and forth with Mr. Wilson and they were redone back in 2007. Mr. Finitzi, I believe was the excavator. Mr. Wilson believes that any of the paperwork he had on them went up with the fire, because his office was burned. So he doesn't have any record of it. I know that you guys have started with the Department of Health to see what they can find, so he's also going to try to reach out to the Finitzi family because he can't remember the engineer that did the work.

Ms. Polidoro: So I understand that the septic's located on the eastern lot.

Mr. Lockwood: Correct.

Ms. Polidoro: So there's a pipe presumably that goes under Creek Road.

Mr. Lockwood: Correct.

Ms. Polidoro: So, we're unclear if there's an easement for that pipe or any kind of permission from the Town to have that pipe, so we were going to ask that you put a note on your plans that say that the existing pipe is not being amended as part of this site plan approval.

Mr. Lockwood: Got it.

Ms. Polidoro: So, we're not blessing it nor making you remove it, just acknowledging its existence.

Mr. Lockwood: An existing non-conforming kind of thing.

Ms. Polidoro: No, not non-conforming, but whatever property rights you have in it, we're not getting into because it's not being changed. It's two separate lots...

Mr. Setaro: Mike we should probably...once you get a set of plans for the Thai House...we should probably show the approximate location of the line crossing on the road. I kind of have an idea where it is, but I think once you get a copy of those plans, that they should show that.

Mr. Lockwood: Yeah, I know where it is. Well, we had the end of it exposed. It runs straight...

Mr. Setaro: Well if we could just show it on here and call it approximate so that it's recorded on here. I don't remember if it was on the prior set of plans that we approved for the steakhouse.

Ms. Polidoro: I have another question for Pete, which is that, since these are two separate lots, do we need a permanent easement in favor of the restaurant lot over the septic area. Department of Health may ask for that anyway.

Mr. Setaro: I guess what you're saying is that for some reason if he decided to sell the parking lot, lot...

Ms. Polidoro: Or loses one at a tax sale...

Mr. Setaro: Yeah, that's a good point actually. We should probably have something like that.

Ms. Polidoro: We would just need to see where the approximate SDS is, the pipe, etc., so that we can work all of this out.

Chairman Dupree: I think you know where the SDS is located on the other side?

Mr. Lockwood: We do know approximately where it is.

Ms. Polidoro: Another option we were discussing would be to potentially merge the lots into one, so it can't be sold separately. It's a little odd because it's bisected by the roadway.

Ms. Dexter: We have a number of properties throughout the Town that do that.

Chairman Dupree: Thank you Ms. Polidoro. Ms. DiNapoli?

Ms. DiNapoli: Why was it decided not to do a crosswalk, I'm just curious?

Chairman Dupree: The sight line...when you're leaving the parking area, when you're looking to your left, the hedge that is on the neighboring property is sticking out a little farther. That occludes a little of your visibility as well. And there isn't any one particular safe location. We were there for about 20 minutes, at lunchtime, and I crossed easily about five times. This noted, there were times when I couldn't cross because there were three or four cars coming. If you're standing in the parking lot, you can actually see pretty easily down 9G. They're the ones that go fastest. Given the fact that there might be people wanting to cross at different areas, *Howie [Highway Superintendent Howard Fisher III]* felt more comfortable not trying to put it in any one location. Also, the knowledge that maintenance would have to fall upon the Town unless there was an agreement worked out, etc.

Mr. Setaro: Well the other item is that there are specific requirements for crosswalks that aren't at an intersection and I'm not saying this doesn't meet all of them, but we were leery and this is what happened last time, when Joe first proposed the steakhouse. That if the crosswalk couldn't meet all of the regulatory requirements that we shouldn't approve it because we wouldn't want to put the Town at risk if there was a formal crosswalk there. That's one of the other items.

Chairman Dupree: The other one is the standard now for crosswalks that aren't at intersections...you'll see it at the one on 9 now, there are flashing lights that will alert people when there is someone in the actual crosswalk. Those items are expensive and need periodic maintenance etc. and we're not sure that the number of people walking back and forth there would warrant it.

Ms. Dexter: No real comments, except that I did read the neighbor letter about the new lights that had been installed. We have had experience that some of these Central Hudson lights can be really, really bright.

Mr. Lockwood: I actually just spoke to Joe about that and he said there is no Central Hudson light on his property. He said that the only lights he's ever put on that property are the approved lights by the Planning Board at the approved heights and on the approved fixtures.

Ms. Dexter: Is it possible that there's some lighting there for the road or just to help with the construction or stabilization of the building? Because it sounds like they were new lights.

Mr. Lockwood: There shouldn't be any lights for the construction, that's all daytime work.

Ms. Dexter: The other comment was on the fencing in the back and I didn't remember if that was going to be replaced.

Mr. Lockwood: No, he plans on repairing and painting that fence.

Chairman Dupree: The new fence will be right there?

Mr. Lockwood: No, all the way along the back.

Chairman Dupree: Oh, right there, sorry. This would be the new fence and then, this fence that Mr. Clavin was referring to will be repaired and updated. There is a new section in through here, I believe, that's uneven and needs to be repaired.

Mr. Lockwood: He planned on doing it anyway.

Mr. Pickett: My concern was, one of them was, you're going to upgrade the lighting for the facility right? Is there any type of plot plan for the lighting to protect...

Mr. Lockwood: Yeah, we have a lighting plan as part of the package.

Mr. Pickett: Alright. The other one is in regards to safety. You're going to put concrete in those fence posts. Are you going to put any type of rebar or anything in there to help them out a little bit?

Mr. Lockwood: No, not in the fence posts, but in the footings we would have rebar or vertical bars in the footings and we'll have the boulders outside as well.

Chairman Dupree: If I read the minutes correctly, from the last meeting, I believe you were going to go down to the frost line at four feet which would involve rebar then in the base.

Mr. Lockwood: And after discussing that, with the amount of rock that we're looking at, we'll have to look at the detailing of that and overcome the challenge.

Mr. Setaro: Well you'll have to drill it and pin it.

Chairman Dupree: That's what I'm thinking. When we were over there the other day, I saw the pile of boulders that are already there. It's just the nature of that particular parcel. The soil to bedrock depth is apparently zero in lots of places.

Mr. Murphey: After all of the discussion that we've had, we're leaving the parking lot the way it's always been, correct.

Mr. Lockwood: Correct.

Chairman Dupree: What Mr. Setaro suggested was adding a note saying that 'the existing gravel lot to remain' as a condition of approval, but what we felt that they might want to add was 'except for parking spaces, the ADA parking spaces,' because we're not sure if that is required to be paved. Ms. Moss already opined that as long as we have a note, that that could be de minimus. Whatever you have to do. We're not sure anymore because building codes change all the time.

Mr. Lockwood: It does have to be a smooth surface and be maintained. I originally had them shown as asphalt but I wanted to show all or none paved.

Chairman Dupree: The note should be, 'existing gravel parking to remain except for ADA parking spaces which may be paved if required', or something like that.

Ms. Weiser: I have nothing to add.

Chairman Dupree: Let me summarize before we go to public comment. Although, I do want to add something myself. We still don't have an answer as to whether the canopy or awning can be painted, has that been resolved yet?

Mr. Lockwood: I'm not sure. I'll have to check with Joe.

Chairman Dupree: The other thing that I noticed that was in one of the other neighbor's letters, and that the Highway Superintendent confirmed, that he has seen trucks park right here and are loading on Creek Road and he would rather not see that occur. At the moment there is an 'L' of post and beam fencing that I take it is to channel people to park. I think if you move it over to line up with the edge of the building, a big truck could come in here and park and unload. Obviously, they should be loading if they're parked back here and then hand truck it back, but people go to the path of least resistance. So if you could have a truck park here instead it could be loaded directly into the loading area there. I think that would solve that. In addition, when we received comments from Mr. Clavin and the other neighbor about lighting, it looks like there was a light added over here. I can send you the picture, there's no bulb in it.

Mr. Setaro: It's like a goose neck that was attached to the end of the building.

Mr. Lockwood: It's broken. I spoke to Joe about that also this evening and he said we're just going to remove it.

Chairman Dupree: It's not shown on your lighting plan so I just want to be sure it's taken out. If it wasn't shielded it would just be a naked bulb glaring out at everybody.

At any rate, repair the post and beam fences, adding the boulders and indicate some of the fence posts, the no paving except for the ADA and then we'll discuss lighting in a moment. That's sort of a summary of what you heard.

Ms. Dexter: In regard to your comment about the trucks, should there be a sign that says 'no parking'?

Chairman Dupree: Except for 'loading' or something like that?

Mr. Lockwood: 'Loading area'?

Ms. Dexter: No, the area where they're concerned about right now is where they park and they're on the road, right in there.

Chairman Dupree: Add a 'no parking' sign, I agree, because if you could put in 'no parking' somewhere on the building here where the loading area is. I think if you tell your vendors this is where you're supposed to park, then it's better. Right now because it's fenced off, if you park there in this space then you have to go around and into the road to get around it which is why no one is parking there. That's something for you to consider. The new Highway Superintendent said he would like to see that not happen anymore. I'd like to accommodate those requests.

Mr. Lockwood: Joe had mentioned that previously they had parked across the street in the other parking lot and hand trucked across the street.

Chairman Dupree: It's even safer if you can get them over on this site too. It just depends on how much room there is there. That's all I have. Let me open it up for public comment. Mr. Clavin would you like to speak? Just come on up and state your name and address.

Mr. Clavin: Richard Clavin, 578 Creek Road. My concerns are...let's start with the trucks on the street. That is a good idea to get them off to the side because when they do block the street, especially towards the end of the day, there is an artery of cars coming back and forth and cars line up behind these trucks that are off-loading and when they do get a chance to pass they really come out. My driveway is at the bottom of that aisle right there and by the time they finally get past the truck, they're angry and they're flying through there. It would be best if it was off to the side. Parking across the street to unload, that's not really good. Putting a sign, 'loading zone only' off to the side, I think that would help everybody out. He'd get to keep his trucks there, but off the road.

I'm going to step back on one thing, you talked about the parking lot - you're no longer going to pave it. We do have a heavy run-off of water that comes off of that. Whether you pave it or not, it's stone. There is such a rush of water that it takes the stone with it and I had to call the Highway Department to clean it up. It does end up across the street. Unless you have a way of catching that stone on the way out. That's what we're really looking to do. If you can find some way to take that on, that would be a good thing.

Really the main reason I'm here is the lighting. Now the lighting you said Joe didn't put up, but it was Central Hudson. If you look at it, anybody going past it tonight, it's shining right onto the parking lot, into my house and my neighbors. It's just very

bright. If there's any way to point it down, that would be it, that's what we would need to do. One of the problems I have with the restaurant now, all of the lighting underneath their walkway, the lens is sticking down, which is lighting up my house. I'm at the end of the line, so no one else shares the problems I have. None of these are really big problems where they can't be shielded with some sheet metal and keep all of the lighting. It's a pretty easy fix and fairly cheap. If we could get some of the light down, that would be great.

One of the other things I had was the fencing between my yard and the parking lot. It's old and tired. I actually like it because it blends into the background, it's not that plastic fence, just make sure it stays maintained. I have in the past screwed those panels back up, because I don't want people looking in the yard. It wasn't a very good job originally. It wasn't put up by Joe, it was the guys from Tropic Grill. There's no hard fix here. It's all very easy.

Mr. Setaro: Is the Central Hudson light on now, even though the restaurant is closed?

Mr. Clavin: Yes.

Mr. Setaro: I'll drive by on my way home tonight.

Chairman Dupree: It's off premises.

Mr. Setaro: I don't know, let me take a look.

Mr. Clavin: They spend like a week on it, I don't know why, playing with this light. I mean there was a light there, but they took it down. When they took the one light down and they upgraded to an LED, I guess. It's very bright and very hard for me to come out of the driveway especially in the morning. I'm a contractor and I do have a trailer, I back out of there some mornings and it's right in the mirror there.

Chairman Dupree: Central Hudson sells safety lights that are mounted on poles. They're tall, kind of rectangular and as I said earlier, they do not comply with our Code. If this is the kind of safety light that I envision, normally the owner of the property pays Central Hudson, so there's a monthly fee for it. If Mr. Wilson isn't paying it, then I don't know why Central Hudson would have it up there.

Mr. Murphey: If it's a safety light it could have been put there to denote the intersection, because I have one across the street from me and nobody pays for that, that's probably on the Town's bill.

Mr. Clavin: This isn't really at an intersection though.

Mr. Murphey: I think it's probably part of the intersection.

Mr. Setaro: I'll look at it on my way home tonight and I'll email everybody.

Mr. Clavin: Listen, the lights facing his parking lot, it is a dark parking lot and for people coming in at night, it's actually a really good light to have, it just needs to come

down. The trees give me some coverage, in the summer it might be great, but right now it's bright.

Chairman Dupree: I was looking... did you say the lights under the soffit cast too much light towards you?

Mr. Setaro: They aren't recessed, so the bulb is right there.

Mr. Clavin: It's like a sealed beam type lenses on it. Again a piece of black sheet metal would take the light just off of my house.

Mr. Setaro: Can you look at that Mike, to see if there's something that can be retrofitted in there or maybe they could be changed out or something.

Mr. Lockwood: Absolutely, even if it's on the outside so it shines down and against the building but not out.

Chairman Dupree: That's what I was just thinking. The problem is it's all glass, clear glass...you wouldn't even need sheet metal, you could just darken one of the sides to restrict it down. There are ways to do this.

Ms. DiNapoli: Can I ask a question about the runoff? And forgive me if you are doing this, is there a way it can be re-graded, the gravel and some type...

Chairman Dupree: It's rock.

Ms. DiNapoli: I was just trying to help this gentleman. So there is nothing that you could put there even if you don't re-grade it to help keep it from running off?

Mr. Setaro: Well, I know what the gentleman is talking about because when I went out there you can see where it's rutted right at the edge of the parking lot and the road because when it rains heavily, it just comes right down there. We're kind of in a catch 22, because when it doesn't rain really hard, at least the gravel there will let some of the water soak in but if we paved it then all the water... so I don't know if there is a way. Maybe when they get around to doing the work that there may be some way to maybe channel some of the water right at the gravel interface with the road. That it can somehow be channeled into the grass area, maybe instead of going out into the road.

Chairman Dupree: The real problem with this area is the amount of rock that is there. If we paved it would increase the sheet flow.

Ms. DiNapoli: I wasn't suggesting that we pave it. I was just trying to think of different ways of grading it.

Mr. Clavin: If there is a way to catch the stone...we get a lot of water that runs across it and it's no big deal, but the stones that come with it...

Chairman Dupree: The snow storage for this side of the parking area has been moved to here to try to help reduce water run-off. The real problem is just the natural lay of

the land, this flows this way and I don't know of any catchment for gravel that would help. You guys think about it and see if you can come up with something.

Mr. Setaro: The only thing I was thinking is if there was some way to channel it so that it doesn't go right out onto the road, so that it goes out onto the grass area to the south of the parking lot.

Mr. Clavin: Actually, it was coming down...and a person knocked it so it goes into the neighbor's yard now because it was coming down so hard. Again, right where the gravel comes across, right, where my mailbox is, it comes past the driveway, totally passing us and it leaves the rocks right there. That's where the kids wait for the bus and those rocks are there and they go flying pretty good.

Mr. Setaro: Well that's something that we're probably going to have to look at when they get around to doing the work out there.

Chairman Dupree: There might be something that you can do in the field to maybe assist with this. A longer term solution to this is maybe the next time that Creek Road is improved that maybe there is something to look at there as well. It's in good shape right now though.

Mr. Setaro: We did that road in 2008 and I know some of the homeowners...isn't there a house behind you?

Mr. Clavin: Yes.

Mr. Setaro: I know they were concerned about increased run off onto their property. Creek Road is a tough area for drainage because it's flat and rock and the water is flowing into a creek.

Chairman Dupree: I've walked that whole creek with Jen Rubbo and someone from the DEC and most of the neighbors - in order to get a better view of the creek - have cut down all of the vegetation, which increases flooding because there is nothing to absorb and pick up water. It's a problem area.

Mr. Setaro: Let's see what we can do in the field. Maybe there is something minor we can do. The lighting, I think there is definitely something we can do about the lighting. Mike, you're going to look at the soffit lights on the walkway.

Mr. Lockwood: Yes, I may have to wait until we turn them on again.

Chairman Dupree: Thank you and thank you for speaking. I need to explain to anyone who is listening. This always improves our review to have neighbors who live there to come out because you're going to see more than what we can when we do site visits. We're there for a while and that's it, but you live there. Is there anyone else who would like to speak about this application? I think what we should do is continue this to February 7th. I think we can close the public hearing on the 7th if we can address some of these issues in the interim and hear back from Mr. Lockwood.

Ms. Polidoro: Are you looking to submit a new set of plans.

Mr. Lockwood: Yes.

Ms. Polidoro: Okay, then I'm going to email you a list of items that were going to be conditions of approval, but if you take care of it before that, then they don't have to be.

Ms. Dexter: I was going to ask, do we need to have him reply in a narrative? Responses to the comments?

Chairman Dupree: It would be helpful. Ms. Axelson asked if there was a narrative and I said, 'no, Mr. Lockwood just makes the changes'.

Ms. Dexter: It would nice to know that you say we've taken this and we've addressed this.

Mr. Lockwood: I can do that.

Chairman Dupree: Overall I think this review has gone well and the changes have been positive ones. Again if you can check and I'll also email Mr. Wilson just to see if the awning can be painted. Other than that, it's all fairly small and you received the Morris Associates memo today I believe and those would be conditions of approval unless you take care of those too before the next submission.

Mr. Lockwood: I think most of them I can.

Chairman Dupree: Again, I saw the pile of boulders, just approximate locations. They're boulders, they can be moved and this is just for safety purposes. DC Planning wanted to see something that would protect people. Otherwise, I did a summary, take a look at the loading area - thank you Mr. Clavin for saying I was correct. The water run-off, I'm not sure what you guys can do about the gravel, but it'd be nice if there was... you can't create a lip that keeps the water in, because then it freezes and causes other problems on the site. Otherwise, Pete will take a picture of the Central Hudson light and we'll see what we can do about that too. Can I get a motion to continue this to February 7th?

MOTION: Ms. DiNapoli

SECOND: Ms. Dexter

To adjourn the public hearing for Joseph's Steakhouse to February 7, 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

NEW PUBLIC HEARING:

MATTHEW’S AUTO SALES

Site Plan Approval Exterior Modification (#2017-54)

Location: 495 Violet Avenue

Grid#: 6163-01-479647

Mr. Munther Nesheiwat and Mr. Paul Tirums, P.E. were present.

Chairman Dupree: As a preface to the public, this is a previously approved site plan. It was given both a special use permit because of scale and approval to be an auto sales facility. In addition it was also a residence on the second floor. There was a fire and in working with the building department, what they would need to do to keep the buildings together is actually more easily solved by separating the residential portion. That’s all we’re really here for. We circulated to DC Planning and had a response that it was a matter of local concern, no other comments. They did, in a private conversation, say that they wished we could still push the parking to the rear of the building. It was explained that the rear of the building falls steeply back there and in addition, they would like to see the auto sales where the patio was, but the patio is one of the prettiest elements to the site and unless you’re proposing that, I personally don’t want to see it removed. Those are just what they call in legal terms, *obiter dicta*, asides, they weren’t actually any comments, so we don’t have any. We did not take escrow for our consultants so there will not be any comment from our consultants. Would there be any comments from the Board? *There were none.* Are there any comments from the public? There being none, may I get a motion to close the public hearing?

MOTION: Ms. Dexter

SECOND: Mr. Murphey

To open the public hearing for Matthew’s Auto Sales.

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

There was no public comment.

MOTION: Ms. Dexter

SECOND: Mr. Murphey

To close the public hearing for Matthew’s Auto Sales.

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

Chairman Dupree: Did Ms. Moss review this, the approval resolution? Because Ms. Moss wanted to make sure that we added a post and beam fence to the rear where the land starts dropping. Let me figure out how to add that. Basically, I think it would be condition 4, revision of the plan to note the addition of a post and beam fence to the satisfaction of the Zoning Administrator. This is the thing, we don’t really have a site plan on this we only have the elevations. One of the conditions is to add a note to say that this is replacing the elevations on the originally approved site plan. So we’ll just add a note that a post and beam fence be added in a location as approved by the zoning administrator.

RESOLUTION TO GRANT SITE PLAN AMENDMENT APPROVAL

Matthew’s Auto Sales

Date: January 17, 2018

Moved By: Mr. Pickett

Resolution #: 2017-54A

Seconded By: Mr. Murphey

WHEREAS, the applicant, Munther Nesheiwat, has submitted an application for site plan amendment approval for the alteration of an existing structure that was previously approved to establish a used car sales facility with a residential unit at 495 Violet Avenue, identified as Tax Grid No. 6163-01-479647, in the Neighborhood Business District (the “project”); and

WHEREAS, the project is depicted on Building and Architectural Plans entitled “Single Family Apartment Plans,” prepared by Paul Tirums, P.E., dated November 21, 2017; and

WHEREAS, the Planning Board typed the Action in accordance with SEQRA on December 20, 2017 as a Type II; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the project was referred to the Dutchess County Department of Planning and Development, which responded on January 9, 2018 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on January 17, 2018 and closed on January 17, 2018 during which time all persons wishing to speak were heard;

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants site plan amendment approval to the project, as shown on the site plan, "entitled "Single Family Apartment Plans," Sheets 0, 3, 4 and 5 of 9 prepared by Paul Tirums, PE, dated November 21, 2017, and authorizes the Chair or his authorized designee to sign the plan set after compliance with the following conditions:

1. **Payment of all fees and escrow.**
2. **Revision of the Sheet 0 of 9 to add signature blocks for the chair, or his/her authorized designee, and owner to sign.**
3. **Revision of Sheet 0 of 9, to add the following note: These elevations replace those included in the site plan set approved on October 7, 2015, revised on August 16, 2015 and January 20, 2016 and signed by the Chairman on May 16, 2016.**
4. **Revision of Sheet 0 of 9, to add a note that a post and beam fence will be added in a location approved by the Zoning Administrator.**

BE IT FURTHER RESOLVED, that the applicant is required to obtain all necessary building permits, a Certificate of Occupancy and a used motor vehicle license from the Town of Hyde Park before the business operations may begin and the residential unit may be occupied.

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

VOICE VOTE 6-0 1-Absent Motion Carried

OTHER BUSINESS:

RIVERVIEW RE-SUBDIVISION
Minor Re-Subdivision (#2017-11)

Location: 6 Dock Street
Grid#: 6065-04-548172

Chairman Dupree: The next item on the agenda concerns the Riverview Re-subdivision. We received a pretty long brief from Michael Donnelly of Dickover, Donnelly and Donovan, Mr. Andros's legal consultants. They essentially were...it's an argument that the Town does not actually have average density subdivision in all cases. Did everyone have a chance to review my letter? *The Board responded in the affirmative, with Ms. Weiser commenting that it was very well written.* This was reviewed by Ms. Polidoro, who made an addition of one section involving residential housing, that I thought was perfect. Any other discussion? May I get a motion to allow me to send it?

MOTION: Ms. Dexter
SECOND: Ms. DiNapoli

To authorize the Chairman's response letter to Donnelly, Dickover and Donovan.

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

BOLANDER

Hyde Park Zoning Board of Appeals-Area and Use Variances
Location: 309 Netherwood Road
Grid#: 6265-04-810355

Chairman Dupree: We also have a referral request from the Zoning Board of Appeals to make comment on the Bolander application. This is actually a use variance as well as area variance, but it's the use variance that's most interesting. Have you all had a chance to go through the large amount of material? I just wanted to point out that to me there seemed to be some inconsistency. Ms. Bolander says that it was approved for 28 patients when it was used for veterans. I never saw an approval for 28, the most I saw was 20. This is at the corner of Quaker Lane and Crum Elbow Road. Over the years there was a single family house and then another one got erected and then that got to be used for mental patients from the Psychiatric Center and then later on veterans. Always I think psychiatric patients, one way or another. I don't know how it got to be that there was suddenly 28 living there, but there are enough rooms for 28 people. Now that her parents have both passed away, Ms. Bolander would like to legalize the situation that's there and then turn it into a three family, which is multi-family which is not allowed in the Green Belt.

My personal concerns were that the ZBA usually sets precedent. The Planning Board does not because we look at individual sites, the aspects of which are unique to each parcel of land. The ZBA sets precedent because they are quasi-judicial, so this is allowing multi-family in an area where we're not supposed to have it.

I'm thinking about The Enclave, which initially when we were having off-line conversations with them, would have loved to have had multi-family out there. Instead they had to do 50, two-family units.

The other is that they attempted to show financial distress with some of the other uses which are allowed out there and Ms. Dexter is going to bring up something I think, in a moment that will refute that. Ms. DiNapoli who was intimately involved in the Bed & Breakfast business also will comment. It seemed that they wanted the conclusion of a financial loss and then backed into it because some of the numbers they used, such as paying a manager and a part time chef \$109,000 for the property as a B & B, which has to be owner occupied seemed high to me.

Generally speaking, I dislike use variances and I would prefer that they would go to the Town for a rezone if that's what they want. I also understand why the applicants are making this request because you basically have enough housing there to support three families. There's a lot of bedrooms because there were that many people living there at one time. My inclination would be to say no.

The Chairman requested and heard comments from the Planning Board members regarding the referred ZBA submission for both Area and Use Variances for the Bolander property at 309 Netherwood Road. The entire Board had no issue with an area variance being granted for this application. Two members expressed their support of the Use Variance as well, but the other members were opposed to it. Ms. DiNapoli spoke of her experience as an innkeeper and negated the values projected for both income and expenses submitted as evidence of hardship. Ms. Dexter indicated that the perceived hardships were self-created by the owner and moreover, that a community residence is an allowable use that could and should be pursued. She is very hesitant to create a precedent for a multifamily use in the Greenbelt District and reminded the Board that there has only been one use variance granted in her 12 years serving on the Planning Board.

Chairman Dupree: So it appears that the response that I'll be doing, since there are 4 of us that recommend against the use variance, would be to say that everyone is in favor of the area but I will delineate reasons arguing against the use variance. I will note that it was not a majority opinion, that some of the Board felt that the parcel could support what's there as well. I just need to remind everyone that the ZBA are required to receive our comments, but there is no super majority required or anything else - that's the Town Board for legislation - so they can ignore what we have to say, in other words. I'll write it up. When is this due?

Ms. Dexter: Their meeting is next week, next Wednesday.

Chairman Dupree: So I need to get this out to them as quickly as possible. I'll pass this all by you. I just need a motion to allow me to send a letter.

Ms. Dexter: I would authorize you to create and send.

MOTION: Ms. Dexter

SECOND: Mr. Murphey

To authorize the Chairman to draft and send a comment letter to the ZBA regarding the Bolander area and use variance applications for 309 Netherwood Road.

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: 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 17, 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