



Historic Town of Hyde Park

Planning Board
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Hyde Park, NY 12538
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“Working with you for a better Hyde Park”

Draft MINUTES OF THE **FEBRUARY 21, 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
CHRISTOPHER OLIVER

OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY
PATRICK LOGAN, LAW CLERK
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 February 21st meeting of the Hyde Park Planning Board. Please take note of the exits around the room and now join us as we salute the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

CONTINUED PUBLIC HEARING:

JOSEPH'S STEAKHOUSE

Site Plan Approval Exterior Modification (#2017-53)
Location: 728 Violet Avenue
Grid#: 6164-04-640211

Neither the applicant nor the applicant's architect were present.

Chairman Dupree: Thank you, the first item is a continued public hearing for Joseph's Steakhouse. This application has been reviewed extensively. We're down to the near end. However, we're waiting for the applicant to provide new lighting as well as lumen plans for lights in the southern parking area. I will note that since the last meeting, Central Hudson has taken down the old security light that was there. However, if you go by you'll see that the lot would be too dark as it is right now with just under-mount lights in the soffits, so we're waiting on the applicant to provide some information. May I get a motion to re-open the public hearing?

MOTION: Mr. Murphey

SECOND: Mr. Oliver

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
Aye	Mr. Oliver
Aye	Mr. Pickett

VOICE VOTE 7-0 0-Absent Motion Carried

Chairman Dupree: Would anyone from the public like to speak about this application?

There was no public comment.

As I believe that one of the neighbors who mentioned lighting, must be pleased by now at what's already transpired. As a reminder, we received a proposal from Mr. Wilson today. I sent it out to everyone. I don't know if you had a chance to receive it. It looks like a security light as well and if I saw the specs correctly, there was a narrow, medium and wide beam throw. The medium would throw from 45-100 feet. It's not

that deep, so...Mr. Setaro made some comments, would you like to repeat those for the record?

Mr. Setaro: It's basically a flood light that you tilt, so without thoroughly looking at it...we just got it today, but my first thought was that we might get into a glare issue depending on where it is on the building...for either cars traveling north on 9G or north on Creek Rd. We'll have to look at it. When you tilt it you're going to see that bright bulb. That was my first thought, but we just received it late this afternoon.

Ms. DiNapoli: Would that add to light pollution?

Mr. Setaro: I don't think so because it's still on a downward tilt. I don't think they're that high of a wattage to go up in the sky.

Mr. Pickett: Should we get a light plan?

Mr. Setaro: We've asked for that several times and Liz had gone over the plans we received February 6th, maybe by email...

Chairman Dupree: Plans, I'll remind you that we haven't seen.

Mr. Setaro: That's correct because there wasn't a formal submission. Once they come in and if anything has changed, we'll update the memo, but right now it's in draft form, unless you want us to send it out based on what we got via email or wait until we...

Chairman Dupree: I don't think it would make much sense for the rest of the Board if we haven't seen the plans. I also would just enter in for the record that I did speak with Greg Bentley at the NYS DOT and they have some concerns. I don't want to mention them all because some of them were beyond what I think this application would involve, but he indicated that they would be sending us a memo and I emailed him and have not heard back about when they intend to. We discussed this at the agenda meeting with Ms. Polidoro who has pointed out that were referred this back in December to DOT and the 30 days to respond has lapsed, so we could take action without their recommendations. We also did a courtesy referral because the project that we sent to them doesn't call for asphalt or paving in the rear parking so I don't know what permit they'd be required to get from DOT that would enable them to make comments that were enforceable.

Mr. Setaro: The only thing is that the plans we received by email, to address the concerns of protecting the patrons in that outdoor patio area. They showed a line of several large boulders to provide protection...well, several of those were encroaching onto DOT right of way and into the Town's right of way, so I don't think he's going to want to go to DOT to get a permit to put a boulder in the right of way, nor us.

Chairman Dupree: We'll make sure those are revised.

Mr. Setaro: That will be in our comment letter if it's still on the updated set of plans.

Mr. Pickett: Can we get more of a definitive or a plan, because he's talked about putting rebar in the fence posts, but how much. I think with what we've gone through with the lighting with no definitions and I'm concerned about it affecting that portion of Creek Rd. right along there.

Mr. Setaro: We've been asking for those too, so we'll cover that.

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To adjourn the public hearing for Joseph's Steakhouse to March 21, 2018.

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

VOICE VOTE 7-0 0-Absent Motion Carried

OTHER BUSINESS:

WORKSHOP:

JEFFREY GROVES ESTATES

Major Re-Subdivision and Site Plan Approval (#2018-04)

Location: 39-41 North Cross Road

Grid#s: upon request

Louis Kaufman, Brian Watts, Dennis Lynch represented the applicant.

Chairman Dupree: The next application is Jeffrey Groves Estates. This is the first time we'll be work-shopping the meeting the application. They are seeking re-subdivision and site plan approval. As a reminder, this was approved many years ago. Mr. Kaufman has been before this Board many times seeking extensions of the approval before they started construction. They've re-delineated the wetlands during that time period, just in case the wetlands boundaries had migrated. What they are essentially doing is converting 9 formally approved single family homes into 12 new town homes. The townhomes will be more reflective of the approved town homes to the west of it. In my personal opinion, I believe this makes for a better project because it will be more cohesive rather than welding 9 single families with the other townhomes that were previously approved. The architecture will reflect what's already been approved, as will the landscaping.

Mr. Kaufman read the Zoning Administrator's summary of the application and Mr. Watts reviewed the project details.

This was followed by comments and questions from the Board Members and their Consultants. The Board unanimously agreed that they would like 5 foot wide sidewalks along both Blair Road and Daniels Way and that the new development plan was an improvement over the prior approved plan. Ms. Polidoro indicated that the Board requires more information before the SEQRA process is begun. In order to get Certificates of Occupancy for each building as it is completed, the applicant is adding phases to the site plan. The Chairman suggested that the Board is familiar with a phasing plan because they recently reviewed The Enclave project which was phased. The applicant and consultants all agreed that draft phasing notes could get underway. Ms. Dexter requested a site walk and the Chairman indicated that he will reach out to Mr. Kaufman to set that up. The applicant hopes to return for another workshop in a month.

HYDE PARK TOWN CENTER NORTH-BLDGS 3, 4 & 5

Site Plan Approval & Special Use Permit (#16-15)

Location: 4272 & 4276-4288 Albany Post Road

Grid#s: 6065-01-922988, -933017

Kelly Libolt and Neil Alexander were not present this evening. Mr. Alexander did however, submit a letter to the Board just prior to the meeting.

Chairman Dupree: The next item on the agenda is Hyde Park Town Center North-Buildings 3, 4 & 5. A note to the Board, I sent a quick memo out. I apologize for not getting it out earlier. We had an offline meeting with Mr. Alexander, Ms. Libolt and Mr. DeGraw of their architecture firm. It was a wonderful meeting and Ms. Weiser and Ms. DiNapoli were with me and we essentially took the architect...we spoke about the need to change the building where *Feeds Plus* is and the fact that all the buildings look too rural. I can safely say that he got it really quickly. It was three minutes of talking and he said I think I know what you mean. Also he was the principal architect who designed Warwick Grove, which is a wonderful traditional, TND designed neighborhood and we're going to try to set up a meeting with Mr. DeGraw to go see it. They are working on revisions to the building. We also discussed the building that's closest to Pinewoods Rd., our Code requires that anything longer than 100 feet requires articulation, which they don't have. He was going to work up some way to change it. We thought there was a way to build an overhang, but the roof slope is so low that it wouldn't be a good idea. We also discussed with Ms. Libolt that the landscaping that was submitted didn't have any landscaping for the Emergency One building #1. We also discussed the Emergency One building and that those who were present felt the building was fine and ready to go. I did tell Ms. Libolt and Mr. Alexander that we would be typing the action and circulating for SEQRA purposes tonight. Therefore they didn't have to come. I would rather they come and answer questions when we have a more complete application. The application being somewhat incomplete is not ready to go to County Planning either, which they acknowledged. In the meantime, we received a late, late, late submission from Mr. Alexander, after the office had closed and probably none of you have seen it. In essence, we also discussed the issue of scale. Ms. Polidoro let me turn it over to you to discuss that.

Ms. Polidoro: So the site as it exists is now in compliance with scale, but part of this project is the former Mesuda parcel which is the small shopping center that is adjacent to the Town Center Shopping Plaza. It turns out that that parcel was created by deed after the adoption of Zoning and Subdivision Laws, without any approvals from the Planning Board, so it was basically invalidly created, without ever complying with the Zoning Law. They're proposing to merge the lots back together and in this case that would case the total cumulative scale to be in excess of what is permitted, because it is a preexisting condition and it's bringing the lots back into compliance, Ms. Moss has decided that that is appropriate and no variance is needed.

Chairman Dupree: Nor special Use Permit for an expansion. They could then apply under the terms in the future for a no...**MINUTES INCOMPLETE AND IN DRAFT FORM**

**RESOLUTION CLASSIFYING THE ACTION AND DECLARING INTENT TO
SERVE AS LEAD AGENCY IN A COORDINATED SEQRA REVIEW**

**Hyde Park Town Center North
Buildings 3, 4 & 5**

Date: February 21, 2018

Moved By: Ms. Weiser

Resolution: #16-15D

Seconded By: Mr. Murphey

WHEREAS, the applicant, N & N Hyde Park LLC, has submitted an application for amended site plan and special use permit approval for exterior alterations to three existing structures in an existing shopping center and other related site plan improvements located at 4272 and 4274 Albany Post Road, tax parcel nos. 6064-02-922988 and 6065-04-933017 located in the Town Center Historic District (“the Project”); and

WHEREAS, the Project is depicted on a site plan entitled “Hyde Park Town Center North – Amended Site Plan” prepared by Berger Engineering and Surveying, dated October 6, 2017, last revised January 3, 2018 (the “Site Plan”); and

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

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

WHEREAS, the Project is adjacent to the site of the Bergh-Stoutenburgh House, which is listed on the State and National Registers of Historic Places; and

WHEREAS, pursuant to 6 NYCRR § 617.4(b)(9), an unlisted action occurring substantially contiguous to any historic building, structure, or site listed on the National Register of Historic Places is a Type I action.

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

1. Classifies the Project as a Type I action; and
2. Declares its intent to serve as Lead Agency in a coordinated review of the Project and directs its secretary to circulate notice of its intent to all involved and interested agencies.

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

Involved and Interested Agencies

Dutchess County Department of Health
Dutchess County Department of Transportation
Dutchess County Water and Wastewater Authority
Town of Hyde Park Zoning Board of Appeals
Town of Hyde Park Fire Inspector
Town of Hyde Park Police Department
Hyde Park Fire District

VOICE VOTE 7-0 Motion Carried

Ms. Polidoro reviewed the Zoning Administrator's position on the property's scale and path forward with the ZBA. The Chairman suggested that he could draft a letter to the ZBA in favor of the applicant's variance application. The Board agreed with this suggestion.

SALT POINT SOLAR

Site Plan Approval-Solar Farm and Special Use Permit (#2018-01)
Location: 525 Salt Point Turnpike, Poughkeepsie, NY 12601
Grid#: 6263-03-305465

Brian Stumpf from Cypress Creek Renewables and John Spinelli of Spinelli Engineering represented the applicant.

Mr. Stumpf briefly reviewed the project and answered questions from the consultants and Board Members. Ms. Axelson indicated some issues that she will present in her Memo next week. The Chairman will contact Mr. Stumpf to set up a site walk. He also suggested that afterward the Board discuss whether or not a Natural Resources Inventory is needed.

ASSOCIATES GOLF CAR

Site Plan Approval (#2018-05)

Location: 408 Violet Avenue, Poughkeepsie, NY 12601

Grid#: 6163-04-596439

Ann Marie Van Etten-Kania, the applicant and her consulting engineer Mark Day were present. Mr. Day reviewed the proposed site changes, proposed variance and new building. He indicated that they have already begun the application process with the DOH and DOT and that he will be better aligning the entrance. The Board Members made some architectural and landscaping suggestions. The Chairman suggested to the applicants that they apply for a variance with the ZBA and to the Board that he could prepare a letter of recommendation to the ZBA and they agreed.

OTHER BUSINESS:

QUICK GM SOLAR

Site Plan Approval (#2018-06)

Location: 5 Phillips Drive

Grid#: 6265-03-080167

RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

Quick Solar Project

Date: February 21, 2018

Moved By: Ms. DiNapoli

Resolution: # 2018-06

Seconded By: Mr. Oliver

WHEREAS, the applicant, Hudson Solar, has submitted an application for site plan approval for the installation of a 10.24kW residential ground mounted solar array for on-site electricity consumption located at 5 Phillips Drive, Hyde Park, tax grid # 133200-6265-03-080167 (the "Site"), in the Neighborhood Zoning District (the "Project"); and

WHEREAS, the Project is depicted on a site plan prepared by Hudson Solar last revised February 5, 2018 (the "Site Plan"); and

WHEREAS, ground-mounted solar energy systems are permitted in all zoning districts, subject to the issuance of a solar system building permit and site plan approval by the Planning Board; and

WHEREAS, in accordance with the State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(10) and Town of Hyde Park Environmental Quality Review Law § 54-7A, construction or placement of a minor accessory residential structure not changing land use or density is a Type II action; and

WHEREAS, tree removal at the Site is restricted between April 1 and September 30 annually; and

WHEREAS, the location of the Project is within 500 feet of Dutchess County Route 41, also known as Crum Elbow Road; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a county road must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

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

- 1. Classifies the Project as a Type II action under SEQRA;**
- 2. Directs its secretary to refer the application materials to the Dutchess County Department of Planning and Development for a report and recommendation thereon pursuant section 239-m of the General Municipal Law.**

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

VOICE VOTE 7-0 Motion Carried

MOTION: Ms. Dexter

SECOND: Mr. Oliver

To set a public hearing for Quick GM Solar for March 7, 2018.

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

VOICE VOTE 7-0 0-Absent Motion Carried

MOTION: Mr. Murphey

SECOND: Mr. Oliver

To approve the Planning Board Minutes for the December 20, 2017 meeting.

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

VOICE VOTE 7-0 Motion carried

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To approve the Planning Board Minutes for the January 3, 2018 meeting.

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

VOICE VOTE 6-0 1-Abstain Motion carried

MOTION: Mr. Murphey

SECOND: Ms. Dexter

To approve the Planning Board Minutes for the January 17, 2018 meeting.

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

VOICE VOTE 6-0 1-Abstain Motion carried

MOTION: Ms. Dexter

SECOND: Mr. Murphey

To approve the Planning Board Minutes for the February 6, 2018 meeting.

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

VOICE VOTE 5-0 2-Abstain Motion carried

**RESOLUTION TO REAPPOINT MORRIS ASSOCIATES AS
ENGINEERING/PLANNING CONSULTANTS FOR THE MONTH OF MARCH
2018**

**Date: February 21, 2018
Resolution: #18-C**

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

WHEREAS, the Town has issued an RFP/RFQ to engage a firm for engineering services; and

WHEREAS, the Planning Board by motion at the December 20, 2017 Planning Board meeting allowed the Chairman to contractually engage Morris Associates, 9 Elks Lane, Poughkeepsie, New York 12601, for engineering and planning services from the period January 1, 2018 through February 28, 2018; and

WHEREAS, the Town Board has received five proposals from firms including Morris Associates, but has scheduled interviews that will last until the end of February 2018; and

WHEREAS, the Planning Board wishes to continue to receive advice from Morris Associates as it reviews site plan, subdivision and special use permit applications until such time as the Town Board selects a firm for engineering services;

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby appoints Morris Associates to continue as its engineering and planning consultants from March 1 to March 31st.

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

VOICE VOTE 7-0 Motion Carried

MOTION: Mr. Murphey
SECOND: Ms. Dexter

To Adjourn

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

VOICE VOTE 7-0 Motion Carried