



## Historic Town of Hyde Park

Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
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*“Working with you for a better Hyde Park”*

**Draft** MINUTES OF THE **MARCH 8, 2018**  
SPECIAL MEETING OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN  
BRENT PICKETT  
ANN WEISER  
DIANE DI NAPOLI

MEMBERS ABSENT: ANNE DEXTER - VICE CHAIR  
CHAN MURPHEY - VICE CHAIR  
CHRISTOPHER OLIVER

OTHERS PRESENT: KATHLEEN MOSS, ZONING ADMINISTRATOR  
CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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**Chairman Dupree:** Good evening everybody and welcome to the March 8th special meeting of the Hyde Park Planning Board. Please join us as we salute the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

**QUICK GM SOLAR**

Site Plan Approval (#2018-06)  
Location: 5 Phillips Drive  
Grid#: 6265-03-080167

**MOTION:** Ms. DiNapoli

**SECOND:** Mr. Pickett

**To re-set the public hearing for Quick Ground Mount Solar for March 21, 2018.**

**Aye**  
**Aye**  
**Absent**  
**Aye**  
**Absent**  
**Absent**  
**Aye**

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

**VOICE VOTE      4-0    3-Absent    Motion Carried**

**ENCLAVE AT HYDE PARK**

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

**RESOLUTION GRANTING EXTENSION OF THE TIME TO SATISFY THE CONDITIONS OF FINAL PLAT APPROVAL AND SITE PLAN APPROVAL**

**The Enclave (f/k/a The Meadows)**

**Date: March 7, 2018**

**Moved By: Ms. Weiser**

**Resolution: #16-49H**

**Seconded By: Mr. Pickett**

WHEREAS, on September 20, 2017, by Resolution # 16-49C, the applicant, 54-Hyde LLC, received conditional final approval of a subdivision plat entitled, "Subdivision /Site Plan /Special Use Permit Submission Set for The Enclave at Hyde Park" prepared by LRC Group, dated December 7, 2016,

as last revised August 23, 2017, Sheets SP-1, SP-2, SP-3 and SP-4 (the “Final Subdivision Plat”); and

WHEREAS, approval of the Final Subdivision Plat was conditioned on satisfying 21 conditions prior to the plat being signed by the Chair; and

WHEREAS, on September 20, 2017, by Resolution # 16-49D, the applicant received conditional site plan and special use permit approval to construct 25 residential two-family homes (50 units) and a Membership Club (with separate lots for water and sewer service) as shown on a plan set entitled “Subdivision / Site Plan /Special Use Submission Set for The Enclave at Hyde Park” prepared by LRC Group, dated December 7, 2016, as last revised August 23, 2017 (the “Site Plan Set”); and

WHEREAS, approval of the site plan was conditioned on satisfying 23 conditions prior to the site plan being signed by the Chair; and

WHEREAS, on December 20, 2017, the Planning Board amended the conditions of approval of the Final Subdivision Plat but did not extend the time in which such conditions had to be satisfied; and

WHEREAS, pursuant to Section 96-14B(9) of the Town Code, conditional approval of a final plat expires 180 days after approval, unless the Planning Board, in its discretion, has granted an extension of up to 90 days to satisfy the conditions of approval; and

WHEREAS, pursuant to Section 108-9.3E(4) of the Zoning Law, conditional approval of a site plan expires 180 days after approval, unless the Planning Board, in its discretion, has granted an extension of up to 90 days to satisfy the conditions of approval; and

WHEREAS, by letter dated February 5, 2018, the applicant has requested a 90-day extension of time in which to satisfy the conditions of final plat and site plan approval; and

WHEREAS, the Planning Board has considered the circumstances warranting an extension of time to satisfy the conditions of approval.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a 90-day extension of time in which to satisfy the conditions of final plat and site plan approval to June 18, 2018.**

<b>Aye</b>	<b>Mr. Dupree</b>
<b>Absent</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Absent</b>	<b>Mr. Murphey</b>

**Absent**                    **Mr. Oliver**  
**Aye**                        **Mr. Pickett**  
**Aye**                        **Ms. Weiser**

**VOICE VOTE      4-0    3-Absent    Motion Carried**

**PORTER-GM SOLAR**  
Site Plan Approval (#2018-07)  
Location: 4 Forest Drive  
Grid#: 6165-02-981615

**RESOLUTION CLASSIFYING THE ACTION**

**Porter GM Solar Project**

**Date: March 7, 2018**

**Moved By: Mr. Pickett**

**Resolution: #2018-07**

**Seconded By: Ms. DiNapoli**

WHEREAS, the applicant, Nathaniel Levine, has submitted an application for site plan approval for the installation of a 3.6kW residential ground mounted solar array for on-site electricity consumption located at 4 Forest Drive, Hyde Park, tax grid # 133200-6165-02-981615 (the "Site"), in the Greenbelt Zoning District (the "Project"); and

WHEREAS, the Project is depicted on a site plan prepared by Empire Solar, entitled "Residential Solar Panel Installation, located at 4 Forest Drive, Hyde Park", dated January 10, 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.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby classifies the Project as a Type II action under SEQRA.**

**Aye**                        **Mr. Dupree**  
**Absent**                    **Ms. Dexter**  
**Aye**                        **Ms. DiNapoli**  
**Absent**                    **Mr. Murphey**

Absent Mr. Oliver  
Aye Mr. Pickett  
Aye Ms. Weiser

**VOICE VOTE 4-0 3-Absent Motion Carried**

**MOTION:** Ms. DiNapoli  
**SECOND:** Mr. Pickett

**To set the public hearing for Porter Ground Mount Solar for March 21, 2018.**

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

**VOICE VOTE 4-0 3-Absent Motion Carried**

**MINTZER VETERINARY CLINIC**

Site Plan Amendment Minor Exterior Modification (#16-44)  
Location: 4938 Albany Post Road, Staatsburg  
Grid#: 6066-02-878695

**RESOLUTION REFERRING SITE PLAN AMENDMENT**

**Mintzer Veterinary Clinic**

**Date: March 7, 2018**

**Moved By: Chairman Dupree**

**Resolution: #16-44C**

**Seconded By: Ms. DiNapoli**

WHEREAS, the applicant, Dr. Howard Mintzer, submitted an application for site plan approval to construct and establish a veterinary clinic on property located at 4938 Albany Post Road, tax parcel no. 6066-02-878695, in the Neighborhood Business District (the "project"); and

WHEREAS, the project, depicted on a site plan entitled "Site Plan For H & A Veterinary Associates for New Office Building" prepared by Paul Tirums, P.E., dated September 29, 2016, last revised February 21, 2017 (the "Site Plan Set") was approved conditionally on March 1, 2017 by Resolution #16-44A; and

WHEREAS, a general commercial facility is a permitted use subject to site plan approval in the Neighborhood Business District; and

WHEREAS, a kennel is not a permitted use in the Neighborhood Business District; and

WHEREAS, the applicant submitted a Short Environmental Assessment Form (“EAF”) dated December 28, 2016, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on October 19, 2016, the Planning Board classified the project as an unlisted action under SEQRA and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency objected, and

WHEREAS, certain changes were made from the approved plan set, including changes to fenestration, lighting, the length of a retaining wall, signage and the amount of pavement, as shown on a revised set of plans, prepared by Paul Tirums, PE, dated February 27, 2018, which the Zoning Administrator determined are not *de minimus*; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the amended project was referred to the Dutchess County Department of Planning and Development on February 6, 2018 by Resolution #16-44B for a report and recommendation thereon; and

WHEREAS, the amended plans depict a parking area to be paved, where the approved plan set did not, and the stormwater drainage patterns will change, and sheet flow may enter NYSDOT’s stormwater management system.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby directs its Secretary to refer the amended application to the NYS Department of Transportation.**

<b>Aye</b>	<b>Mr. Dupree</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Absent</b>	<b>Ms. Dexter</b>
<b>Absent</b>	<b>Mr. Murphey</b>
<b>Absent</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>
<b>Aye</b>	<b>Ms. Weiser</b>

**VOICE VOTE    4-0 Aye    3-Absent    Motion Carried**

**HYDE PARK CONDOMINIUMS ASSOCIATION WWTF**  
Site Plan Extension to Commence Construction (#14-43)

Location: 4676 Albany Post Road  
Grid#: available upon request

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

**Hyde Park Condominium Association – WWTF Upgrade**

**Date: March 7, 2018  
Resolution: #14-43D**

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

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

WHEREAS, on April 6, 2016, pursuant to Section 108-9.6(A), the Hyde Park Planning Board granted the applicant Hyde Park Condominium Association, a one year extension of time to commence substantial construction to and including April 8, 2017 and to and including April 8, 2018 to complete the upgrade of the existing wastewater treatment facility including construction of a new building to house the facility at property located at 4676 Albany Post Road, in the Neighborhood District (the “project”);

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

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

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

WHEREAS, by letter dated February 21, 2018, the applicant requested an additional one year extension of the time to commence construction authorized by the Approved Site Plan Set, owing to Dutchess County Water & Wastewater Authority’s interim decision to decline taking over the Condominium’s wastewater treatment plant, and subsequent substantial revisions to the design including using an extended aeration treatment process which will minimize some of the environmental risks associated with the

replacement and allow the applicant to remain within budget for the project, and

WHEREAS, the Town’s Zoning Administrator by letter dated March 1, 2018, recommended that the public hearing normally associated with such a request be waived.

**NOW THEREFORE BE IT RESOLVED that the Planning Board hereby grants a one-year extension of the time for the applicant to commence substantial construction to and including April 8, 2019, and the time in which to complete construction to and including April 8, 2020, pursuant to Section 108-9.6(B) of the Code, and waives the public hearing, subject to satisfaction of the following conditions:**

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

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

<b>Aye</b>	<b>Mr. Dupree</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Absent</b>	<b>Ms. Dexter</b>
<b>Absent</b>	<b>Mr. Murphey</b>
<b>Absent</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>
<b>Aye</b>	<b>Ms. Weiser</b>

**VOICE VOTE    4-0 Aye    3-Absent    Motion Carried**

**THE LOCUSTS**

Site Plan Waiver (#2017-52)  
Location: 83 Penny Lane, Staatsburg 12580  
Grid#: 6067-02-996864

**TOWN OF HYDE PARK PLANNING BOARD**

**The Locusts on Hudson, LLC  
6067-02-996864  
83 Penny Lane**



**SITE PLAN Waiver for an in ground pool and fence**  
***Town Code Section 108-9.4 C 2***

March 7, 2018  
Resolution #: 2017-52

Moved By: Ms. DiNapoli  
Seconded By: Mr. Pickett

*Whereas*, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Andre Tchelistcheff, authorized representative of the owner, in order to obtain a building permit for an as-built condition for an in ground pool associated with a single family home, and the addition of a pool fence as shown on Sheet A-1.0 dated 15 February, 2018, by Andre Tchelistcheff.

*Whereas*, the proposed change is declared a Type II action under SEQRA, and

*Whereas*, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

*Whereas*, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

***THEREFORE BE IT RESOLVED***, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the waiver application as requested of the planning board dated November 20, 2017 and revised February 15, 2018.

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

**VOICE VOTE                      4-0 Aye              3-0 Absent              Motion Carried**

**The Locusts on Hudson, LLC**  
6067-02-996864  
**83 Penny Lane**  
**SITE PLAN Waiver for a solarium addition to the single family home**  
***Town Code Section 108-9.4 C 2***

March 7, 2018  
Resolution #: 2017-52A

Moved By: Ms. DiNapoli  
Seconded By: Ms. Weiser

*Whereas*, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Andre Tchelistcheff, authorized representative of the owner, in order to obtain a building permit for an as-built condition of an addition of a solarium associated with a single family home, as shown on Sheet A-1.0 First Floor Plan and Sheet A-2.0 Solarium Design Plan, Section and Elevations dated 11 January 2018, by Andre Tchelistcheff.

*Whereas*, the proposed change is declared a Type II action under SEQRA, and

*Whereas*, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

*Whereas*, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

***THEREFORE BE IT RESOLVED***, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the waiver application as requested of the planning board dated November 20, 2017 and as revised in the submittal received February 17, 2018 regarding the solarium only.

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

**VOICE VOTE**                      **4-0 Aye**              **3-0 Absent**      **Motion Carried**

**MOTION:** Ms. DiNapoli  
**SECOND:** Mr. Pickett

**To Adjourn**

<b>Aye</b>	<b>Mr. Dupree</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Absent</b>	<b>Ms. Dexter</b>
<b>Aye</b>	<b>Ms. Weiser</b>
<b>Absent</b>	<b>Mr. Murphey</b>
<b>Absent</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>

**VOICE VOTE      4-0 Aye      3-0 Absent      Motion Carried**

**The Board Members entered Executive session at 2:15 pm, which ended at 3:20 pm.**

**DRAFT**