

NOTICE OF PUBLIC HEARING

HYDE PARK TOWN BOARD

PLEASE TAKE NOTICE that the Hyde Park Town Board shall conduct a public hearing on June 5, 2017 at 7:05 p.m. at the Hyde Park Town Hall, 4383 Albany Post Road, Hyde Park, New York, for the purpose of discussion and review of the alternative sewer mitigation proposed by the St. Andrews PUD Project located on the east side of Route 9, north of West Dorsey Lane and south of St. Andrews Road. All persons desiring to be heard at said public hearing shall be provided with an opportunity to do so. A Copy of the Resolution scheduling this public hearing is on file in the office of the Hyde Park Town Clerk.

By order of the Town Board of the Town of Hyde Park

DATED: May 17, 2017
HYDE PARK, NEW YORK
DONNA McGROGAN
TOWN CLERK

RESOLUTION 5:15 - 13 OF 2017

**RESOLUTION SCHEDULING A PUBLIC HEARING ON
CONSIDERATION OF POTENTIAL ALTERNATE SEWER MITIGATION
FOR THE ST. ANDREWS/BELLEFIELD PROJECT**

WHEREAS, the Town Board, as Lead Agency, has previously conducted an environmental review of the St. Andrews PUD project (“the Project”), to be located on the east side of Route 9, on a 339 acre parcel located north of West Dorsey Lane and South of St. Andrews Road; and

WHEREAS, the Town Board conducted a coordinated review of the environmental impacts of this Type I action, and, after being designated Lead Agency, required the preparation of SEQR documents including a Draft Environmental Impact Statement (“DEIS”) and a Final

Environmental Impact Statement (“FEIS”), and adopted a SEQR Findings Statement on August 29, 2007 (“2007 Findings Statement”); and

WHEREAS, the original proposal for the project contemplated the creation of an on-site sewer system to service the development with a tie-in of the development to the City of Poughkeepsie sewer system, but such a tie-in was rejected by the City of Poughkeepsie; and

WHEREAS, as an alternative to the tie-in to the City of Poughkeepsie’s system, Baker/Gagne then proposed its own self-contained, on site sewer system; and

WHEREAS, one of the potentially significant impacts of the action identified by the Town Board in its SEQR review process was the likelihood of the development with its own sewer system “drawing away customers and businesses” from the Town Center Historic District since the septic systems in the Town Center have placed a substantial restriction on the ability of businesses in the district to utilize their properties to their full potential and to compete effectively with other areas served by central sewers, including the St. Andrew’s Project; and

WHEREAS, as part of the environmental review, Baker/Gagne proposed the formation of a Hyde Park Central Sewer District (the “Town Sewer District”) to include the St. Andrews development and a Route 9 collection area (the Town Center Historic District properties), and the site of the proposed Club at Hyde Park property; and the Town’s SEQR review considered both projects together, since it was anticipated that the Project and the construction of the Route 9 collection system would proceed on a coordinated timeline and be completed at approximately the same time, to permit the wastewater from the District to flow into the WWTP as soon as the pipeline was completed; and

WHEREAS, the mitigation for these potential adverse impacts set forth in the 2007 Findings Statement called for a series of actions voluntarily taken by various parties including (i) the establishment of the Town Sewer District by the Town, which would include as benefitted properties most of the properties located along Route 9 between Linden Lane and St. Andrew’s Road, and also include the St. Andrews Property within the Sewer District as a separate zone of assessment; (ii) the construction by the Developer Baker/Gagne of 150,000 gpd of capacity reserved for the Route 9 corridor sewer district and the construction by Baker/Gagne of a pump station located on St. Andrews Road connected to a force main to convey wastewater from the Route 9 district to the WWTP; and (iii) the construction of approximately 28,100 +/- linear feet of sanitary sewer main by the DCWWA to extend from the intersection of

St. Andrews Road and Route 9 north to the south side of Linden Lane, to be paid for an assessment against all benefitted properties; and

WHEREAS, the Town Board determined that the construction of the Route 9 collection system by DCWWA and the construction of the WWTP by Baker/Gagne to serve the district were important mitigation measures for the potential adverse impacts of the Project on the Town Center Historic District; and

WHEREAS, the area zoned Town Center Historic District at the time of the FEIS extended along Route 9 from Linden Lane to St. Andrew's Road, and although some of that area has been rezoned Crossroads Core in the interim, the entire section of the Route 9 corridor between Linden Lane and St. Andrew's Road shall be considered the "Town Center Historic District" for purposes of this Resolution; and

WHEREAS, the SEQRA Findings Statement prepared, and adopted by the Town Board, on or about August 27, 2007 acknowledged the possibility that the Sewer District may not be formed, and therefore provided, in relevant part, that if the sewer district was not formed, the applicant must return to the Town Board to discuss alternative mitigation for the sewer impacts identified in the SEQR documents, thus reserving to the Town Board its Lead Agency status authority to determine appropriate alternative mitigation with respect to the proposed project; and

WHEREAS, since the date of the approval of the concept plan and issuance of a Findings Statement by the Town Board, the Town proceeded with the formation of the sewer district in accordance with the provisions of Article 12 of the Town Law but due to the failure of Baker/Gagne to execute the sewer system agreement, and various factors affecting the market in the years immediately following the project approvals, construction of the system and the project did not begin as planned and on or about February 21, 2012, title to the St. Andrews Property was transferred by Baker/Gagne to T-Rex Capital Group, LLC ("T-Rex"); and

WHEREAS, on or about January 19, 2017, T-Rex submitted a preliminary application for Final Development Plan approval by the Planning Board for Sub-Phase 1-A of the Project pursuant to the provisions of section 107-7.4 E of the Town Code, but the application has not, to date, been deemed complete and ready for review by the Town's Zoning Administrator (the "Final Development Plan"); and

WHEREAS, the preliminary application for Final Development Plan approval includes applications for both site plan and major subdivision

review for Sub-Phase 1-A in connections with the proposed development of a 104,683 sq. ft. five story 133 guest room hotel, which is located in the southwest corner of the overall St. Andrews site near the corner of Route 9 and West Dorsey Lane; and

WHEREAS, the application also includes construction of infrastructure to serve the hotel and future phases of the project, including a wastewater treatment system; and T-Rex has also expressed the desire for consideration by the parties of alternate sewer mitigation more appropriate to current Town development trends and its own development plans; and

WHEREAS, the area for the site for the Sub-Phase 1-A development has been described by T-Rex as a “mixed core use” area intended for early stages of the Project development, all as set forth in: (i) a January 18, 2017 pre-application letter with attachments thereto from T-Rex’s legal counsel, Cuddy & Feder LLP; (ii) a pre-application for subdivision and site plan approval dated January 18, 2017; and (iii) a proposed “Final Development Plan” for Sub-Phase 1-A of the St. Andrews PUD dated January 18, 2017 prepared by the Chazen Companies; and

WHEREAS, T-Rex has now proposed to the Town Board, as authorized in the 2007 SEQR Findings Statement, alternative mitigation in the form of the payment of sums certain for sewer mitigation purposes, to be used in the Town Board’s discretion for development and administration of such sewer system or systems to service the Town Center Historic District so as to support and further economic development of such area; and

WHEREAS, T-Rex has proposed, as an alternative form of voluntary mitigation payment to the Town of the following sums (collectively, the “Sewer Mitigation Sums”): (1) a \$1,000,000.00 contribution to the Town to be utilized in the Town’s discretion to offset capital costs, capital improvements, and/or debt service for one or more sewer systems to be created to service the Town Center Historic District, such payment to be made no later than the earlier of the following dates: (a) the date of, and immediately prior to, signature by the Planning Board Chair of the Final Development Plan and site plan and subdivision plat for the first Sub-Phase of the Project; or (b) the date which is three (3) years from the date of the Town Board’s Resolution approving an Amended SEQR Findings Statement adopting the alternate mitigation and authorizing the signature of this agreement; and (2) an additional \$250,000.00 contribution to the Town to be utilized in the Town’s discretion for similar purposes, such payment to be made no later than the earlier of the following dates: (a) the date of, and immediately prior to, signature by the Planning Board Chair of a Final Development Plan and

site plan approval or subdivision approval of any subsequent phase of the PUD, or (b) the date which is four (4) years from the date of the Town Board's Resolution as referred to in subsection (1) (b) above, it being understood that nothing shall be deemed to prevent the payment of the Sewer Mitigation Sums, or any portion thereof, prior to the dates when they are due; and

WHEREAS, T-REX had also agreed that such alternate mitigation, if ultimately acceptable to the Town Board, would also be enforceable by a duly executed Environmental Mitigation agreement; and

WHEREAS, the Town has been awarded a grant pursuant to NYSERDA Cleaner Greener Communities Program, Category II for the purpose of development of a Wastewater Treatment Feasibility Study for a significant section of the Town Center Historic District which the Town hopes will incorporate innovative technology to efficiently serve a portion of the Town Center Historic District; and

WHEREAS, the Town Board has determined that before its consideration of accepting alternate sewer mitigation as proposed by T-Rex, and the adoption of any SEQR determination relating thereto, a public hearing should be held to obtain the comments and input of the public on the alternative mitigation proposed by T-Rex.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board shall conduct a public hearing on June 5, 2017 at 7:05 p.m. for the purpose of discussion and review of the proposed Alternative Sewer Mitigation proposed by T-Rex in conjunction with its proposed sub-Phase 1-A Development, and to obtain public comment on said proposed alternative mitigation; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be duly posted and noticed as provided by law, and a copy of the same shall be provided to all involved agencies; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to duly publish notice of said public hearing as required by law.

MOTION: Councilman Schneider

SECOND: Councilman Marrine

VOICE VOTE: 5 – 0 CARRIED

5/17/2017 McG

