



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

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"Working with you for a better Hyde Park"

January 18, 2023, 6:00 PM
PUBLIC HEARING/WORKSHOP/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

Meeting to be held in the Hyde Park Town Hall, 4383 Albany Post Road

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARING:

CAMP VICTORY LAKE MASTER PLAN & PHASE 1 CHURCH

Site Plan & Special Use Permit Approvals (#2018-66)

Location: 277 Crum Elbow Road, 232 & 262 Cardinal Road

Grid #s: 6265-04-630350, -539445, 6265-02-721505, 6265-04-672479,
-681487, -712479

BELLEFIELD PUD PHASE II FINAL DEVELOPMENT PLAN

Final Development Plan Approval (#2022-27)

Location: 3834 Albany Post Rd & 15 West Dorsey Lane, Hyde Park, NY 12538

Grid#: 6163-01-131849

OTHER BUSINESS:

BELLEFIELD PUD PHASE II SUBDIVISION

Major Subdivision Approval 8 lots (#2022-28)

Location: 15 West Dorsey Lane, Hyde Park, NY 12538

Grid#: 6163-01-131849

HYDE PARK QUICK STOP

Extension of Conditional Site Plan & Special Use Permit Approvals (#2022-10)

Location: 4912 Albany Post Road, Staatsburg, NY 12580

Grid #: 6066-02-879622

ADJOURNMENT :

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Planning Board Secretary in advance so that arrangements can be made. *Board Members reserve the right to go into executive session at any time. Agenda items are subject to change in order or may be removed at any time. Draft Resolutions included were those available at this posting and may not be in final form or a complete listing and the Board may choose to remove from consideration at their discretion. All persons interested in a particular application are advised to visit the Town of Hyde Park's website daily. The agenda is posted at www.hydeparkny.us

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**RESOLUTION TO REAFFIRM A SEQRA DETERMINATION OF SIGNIFICANCE
(NEGATIVE DECLARATION)**

**BELLEFIELD AT HISTORIC HYDE PARK
(f/k/a ST. ANDREW'S AT HISTORIC HYDE PARK)**

Date: January 18, 2023

Moved By: _____

Resolution: #2022-27A & 2022-28A

Seconded By: _____

WHEREAS, the applicant, T-Rex Hyde Park Owner LLC and its related entities (“Applicant”), has submitted an application to the Planning Board for Final Development Plan (FDP) and subdivision plat approval for Phase II of the Bellefield Planned Unit Development, an approximately 40-acre area (“the Site Plan Area”) located in the southwest corner of the overall Bellefield Property [tax lot 6163-01-131849 (335.55 ac.)] (the “Property” or “Site”); and

WHEREAS, Phase II includes a mixed-use residential community including a total of 24 buildings, consisting of 3 buildings containing a total of 12 townhome-style residences; 18 buildings containing 224 multifamily units over commercial space and 120 loft apartments over commercial space, a clubhouse over commercial space, a sales office, a multi-tenant commercial building, a two level parking garage, and associated site improvements including maintenance buildings and parking, and will derive its primary access at the main signalized intersection on Route 9, located approximately 1350 feet north of the intersection with West Dorsey Lane, with secondary access on West Dorsey Lane (“Phase II”), all as set forth on Sheet G004 of the Site Plan, the Phase II Programming Plan, for Phase II; and

WHEREAS, the Phase II subdivision is depicted on a preliminary plat entitled, “Bellefield Planned Urban Development Phase II, Preliminary Plat Major Subdivision Lot 1 Filed Map No. 12627A” prepared by LaBella, dated 12/19/2022, last revised 1/13/2023 (the “Subdivision Plat”); and

WHEREAS, beginning in 2005, the Town Board served as lead agency in a coordinated SEQRA review of a development known as the St. Andrew’s PUD, which included preparation of Draft and Final Environmental Impact Statements as a predicate to the Town Board’s adoption of the PUD legislative zoning designation for the Site and approval of the Concept Plan/Comprehensive Development Plan for the Property; and

WHEREAS, on August 29, 2007, after accepting the Final Environmental Impact

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Statement for the St. Andrew's PUD as complete, the Town Board adopted a SEQRA Findings Statement ("2007 SEQR Findings") and approved a Comprehensive Development Plan/Concept Plan for the St. Andrew's PUD ("the 2007 Concept Development Plan"); and

WHEREAS, the 2007 Comprehensive Development Plan (also known as the "2007 Concept Plan"), included, without limitation, a variety of residential dwelling units including single-family buildings, duplexes, townhouse units, and rental units in a mixed use central area which also included non-residential uses including a hotel, restaurant, retail shops, cafes, offices and in-village mixed-use buildings; a central market square and a plaza that would be the focus for activity in the mixed use center; a total of ten miles of trails and five miles of sidewalks throughout the project, linking various components of the development with the Town's trail system; and included a total area of open space of approximately 200 acres or 58% of the site area ("the 2007 Project"); and

WHEREAS, as authorized in the 2007 SEQR Findings Statement, the Town Board in 2017 considered alternative mitigation for sewer impacts, in the form of a Developer payment of \$1,250,000 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 area formerly identified as the Town Center Historic District to support and further economic development of such area; and, after holding a public hearing on June 5, 2017 concerning the proposal for alternate sewer mitigation, the Town Board, as lead agency, determined by Resolution that the alternate mitigation and the proposed Sub-Phase 1-A development did not result in any new, or potentially significant, adverse environmental impacts relating to adverse economic impacts on the area formerly identified as the Town Center Historic District which had not been previously addressed in the FEIS Project and in the Town Board's Findings Statement for the 2007 Project; and determined that the preparation of a Supplemental Environmental Impact Statement ("SEIS") pursuant to NYCRR Part 617.9(A)(7)(i) was not required, and that the appropriate method to address the modification in the sewer mitigation was the adoption of an amendment to the Findings Statement setting forth the alternative mitigation to be implemented, and on June 13, 2017, the Town Board adopted an Amended Findings Statement specifying the modified Sewer Mitigation, and reaffirmed the 2007 SEQR Findings in all other respects, and

WHEREAS, in adopting the 2017 Amended Findings Statement the Town Board confirmed that the adoption of same did not impair the prospective ability of the appropriately designated Lead Agency in the future to evaluate, through appropriate SEQRA review, any potential environmental impacts other than those addressed in the June 13, 2017 amendment, including those which may be identified as a result of any proposed modification or changes to this project, and to make a Finding of Significance relating thereto; and

WHEREAS, after the adoption of the 2017 Amended Findings Statement, a Lead Agency redesignation took place, and the Hyde Park Planning Board became Lead Agency, with the Town Board's consent, for all purposes with respect to the continued review of development at the Property, now called the Bellefield Project (f/k/a St. Andrew's at Historic Hyde Park) ("Bellefield" or the "Amended Concept Plan"), and the Planning Board confirmed such Lead Agency designation on October 18, 2017; and

WHEREAS the Planning Board then possessed, and continues to possess, continuing

authority and jurisdiction to grant Final Development Approval, including approvals of Site Plans and Subdivisions relating to Planned Unit Development Projects at the Property; and

WHEREAS, the Planning Board thereafter considered an application for Final Development Approval based on the 2007 approved Concept Plan, consisting of a Site Plan Approval for Sub-Phase 1-A called, "The Inn at Bellefield," which included development of a 104,683 sq. ft. five story 133 guest room hotel, and construction of sewer infrastructure to serve the hotel and future phases of the 2007 approved Concept Plan, including a wastewater treatment system; and

WHEREAS, Sub-Phase 1-A was submitted based upon the 2007 approved Concept Plan, adopted ten years previously, and proposed changes to the approved concept plan, including the replacement of retail use with an additional hotel use; the replacement of one-story and two-story buildings with a 5-story Hotel; the placement of the proposed hotel in an area which would require blasting; and the relocation of the project WWTP to a materially different location on the site, close to the Route 9 frontage; and the Board concluded that these collective modifications constituted material changes in the Project that required additional analysis under SEQR to determine whether a Supplemental Environmental Impact Statement ("SEIS") should be required; and the Board further determined that the extent and materiality of the changes warranted the discretionary use of a Negative Declaration to set forth the Board's reasoning supporting its determination that the project changes would not result in a significant adverse environmental impact; and

WHEREAS, accordingly, on January 3, 2018, after completing its review and considering the entire SEQR record relating to the proposed Final Development approvals for the Sub-Phase 1-A project, including the 2007 SEQR Findings Statement which supported the adoption of the then-applicable Concept Development Plan, as those 2007 Findings were amended by the Town Board on June 13, 2017, and the proposed Site Plan application entitled, "The Inn at Bellefield" and the Subdivision relating to the Property, the Planning Board adopted a SEQR Determination that: (1) the environmental record before the Planning Board was sufficient to assess the potential impacts of the proposed hotel and WWTP relocation, and that a SEIS was not required; (2) that the proposed development set forth on the proposed Site Plan/Final Development Plan including the proposed hotel and WWTP relocation, will not create any significant adverse effect on the environment and adopted a Negative Declaration with respect to the Project changes to set forth the reasoning supporting its determination of the impact of those changes; (3) found that, in all other respects, the impacts of the proposed Site Plan/Final Development Plan for the proposed hotel and WWTP relocation are in accordance with the amended SEQR Findings Statement adopted by the Town Board on June 13, 2017, and accordingly adopted said Findings Statement as that of the Planning Board, and adopted the required SEQR Certifications; and (4) determined that the Site Plan/Final Development Plan for the hotel and the WWTP relocation were consistent with the approved Concept Plan for the Property as adopted by the Town Board on August 29, 2007; and

WHEREAS, thereafter, on June 14, 2021, the Applicant made a formal submission to the Town Board to amend the concept plan for the St. Andrew's PUD (now called "Bellefield") (the "Amended Concept Plan"), and the Planning Board and Town Board commenced the review of the application under the provisions of Article 7 of the Town Zoning Law; and the

Town Board, by Resolution dated June 28, 2021, confirmed its consent that the Planning Board serve, and continue to serve, as Lead Agency with respect to the review of the Amended Concept Plan; and on September 1, 2021, pursuant to the above Resolution, the Planning Board circulated Notice to all Involved and Interested Agencies of its intent to serve as Lead Agency to examine the potential impacts of the proposed Amended Concept Plan, and no Agency having objected thereto, the Planning Board's status as Lead Agency was confirmed by operation of law as of October 1, 2021; and

WHEREAS, in serving as Lead Agency on the review of the Amended Concept Development Plan application, the Planning Board reviewed extensive application materials from the Applicant, including but not limited to detailed SEQR comparison of the impacts of the St. Andrews PUD and the Amended Concept Plan; and the Board evaluated the relevant issues of environmental concern relating to the proposed Amended Concept Plan, including visual impacts, traffic impacts, fiscal and community services impacts, and community character impacts, among others, in light of the existing environmental record and in light of the purposes of the relevant provisions of the Town Code including those of the Bellefield Planned Development District and the Planned Unit Development section, and received reports and documents relating to the relevant areas of environmental concern, and consulted with its Engineer, Planner, and Attorney within their respective fields of expertise concerning same; and

WHEREAS, as part of such review, the Planning Board and its consultants attended a site visit on the Property on October 20, 2021, and observed the nature of the terrain, the location of the proposed neighborhoods, and saw visual representations of the prospective heights of representative buildings, including the tallest buildings in the various neighborhoods (through drone flights); and thereafter viewed at a public meeting the photographs taken by the drones at the height equivalent to the highest points of the buildings; and

WHEREAS, the Planning Board held a duly advertised public hearing on the proposed Amended Concept Plan on November 17, 2021, and provided for a 7 day extended period for written comments thereon; and

WHEREAS, after considering the entire SEQR record, and the standards applicable to assessing project changes in light of SEQR; the Planning Board as Lead Agency determined that the changes in the Amended Concept Plan, as compared to the 2007 approved Concept Plan; which include, without limitation, the following, will not result in any new, or potentially significant, adverse environmental impacts that have not been previously addressed, or were inadequately addressed in the existing EIS:

- (a) Those changes in the overall development program and layout on the Property, including, without limitation: a net reduction in total square footage of development of approximately 55,500 square feet, with an increase in the ratio of residential to nonresidential square footage and dwelling units that would be offered "for sale"; an increase in the residential Project mix, and an increase in multi-family units; the elimination of the 23 affordable housing units; an overall reduction in retail and office square footage, with reduction of destination retail, and increase in specialty food and beverage oriented uses, food manufacturing demonstration venues and

convenience retail; the inclusion of a second hotel and increase in number of hotel rooms; and modification of project architecture and layout; to be developed within a very similar area of disturbance as the 2007 approved Concept Plan; and

- (b) The specific changes in the proposed layout of the northwest corner of the Property (north of the outparcel self-storage facility), which respond to the changed circumstances of development in the area since the time of the 2007 approvals (which include the construction of the Sake facility at the northeast quadrant of the Route 9 and St. Andrews Road intersection and the redesignation of the zoning district north of the Property as the "Corridor Business District") by proposing a possible restaurant at the location of the previous WWTP and modifying the layout at the northwest corner to remove the parking in front of (vis-a-vis Route 9) the building that was proposed in 2007; including the requested modification to remove the 2007 condition of an increased setback of 250 feet from Route 9, and restoring the required setback to the 150 feet required for the rest of the Property; and

WHEREAS, the Planning Board accordingly determined that the preparation of a Supplemental Environmental Impact Statement ("SEIS") pursuant to NYCRR § 617.9(A)(7)(i) was not required, and that the appropriate method to address the modifications in the project is the adoption of an amended SEQR Findings Statement, which the Planning Board adopted on December 8, 2021; and

WHEREAS, the Planned Unit Development review process in the Town of Hyde Park Code is a two-step review process, which involves the initial review of a Concept Development Plan by the Town Board, which establishes overall parameters of the proposed concept development plan, and, if the Concept Plan is approved, a Final Development phase, where the Planning Board considers detailed plans for development, including topography, grading and drainage, which address the details of site specific design, layout, engineering, grading, stormwater, utilities, and building and landscaping design; and

WHEREAS, the Final Development approval under the PUD process involves review under the standards of Site Plan and Subdivision review under the Town Zoning Law, topics with which the Planning Board has extensive experience; and the Board is familiar with the provisions and scope of its site plan and subdivision review authority to implement Town objectives in the review of projects; and

WHEREAS, the Planning Board, by virtue of its inherent jurisdiction under the zoning law, as specifically set forth in its SEQR Determination, retained jurisdiction to conduct site specific reviews of any individual Final Development Plans, and retained the authority to address and impose conditions relating to any impacts arising from site-specific layout and engineering; including the authority, referred to in the SEQR Findings Statement, to approve or require modifications in layout and composition of buildings, roads, sidewalks, paths, recreational land or other improvements in order to avoid or minimize to the maximum extent practicable, such impacts; and

WHEREAS, the Planning Board also fully reserved its jurisdiction as Lead Agency to evaluate, through appropriate SEQR review, any future modifications or changes in the Project, and to make a Finding of Significance relating thereto; and

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WHEREAS, the Planning Board also adopted a detailed report on December 8, 2021, evaluating the applicable standards for approving a Planned Unit Development, and made the required and appropriate recommendations to the Town Board concerning the proposed Amended Concept Plan; and

WHEREAS, for all of the foregoing reasons, the Planning Board is in a uniquely qualified position of familiarity with both the initial 2007 Concept Plan and the 2021 Amended Concept Plan; and

WHEREAS, on December 20, 2021, the Town Board, after reviewing the Planning Board's recommendations, reviewing the recommendations of the Dutchess County Planning Department, and holding a public hearing, adopted a Resolution which, first, adopted the Planning Board's Amended SEQR Findings of December 8, 2021 as its own SEQR Findings, and thereafter approved the 2021 Amended Concept Plan; and

WHEREAS, the Town Board's approval noted a number of improvements in the Amended Concept Plan, as compared to the 2007 Concept Plan, including an enhanced tourism and hospitality base, incorporation of biophilic design, agriculture and food into the appearance of the project; a design ethos more appropriate to the Hudson Valley; more extensive Design Guidelines; a wider range of housing sizes and types; increased "place making;" and

WHEREAS, the Town Board further found that the Amended Concept Plan was consistent with the Town Comprehensive Plan, with the Land Use Policies in *Greenway Connections*; and was in substantial conformity with the PUD purpose and objectives as set forth in the zoning law; and

WHEREAS, the Town Board accepted the Planning Board's recommendations and incorporated them into the Approvals, and expanded the Planning Board's authority to adjust locations of buildings, roads, trails, and other site elements to avoid or limit site disturbance and minimize adverse impacts on neighboring properties and transportation corridors, so that the Planning Board's authority would also include the power to approve or require modifications in layout and composition of buildings, roads, sidewalks, paths, recreational lands or other improvements in order to avoid or minimize environmental or natural resource disturbance; and

WHEREAS, the SEQR Findings Statement adopted by the Town Board on December 20, 2021, confirmed the relationship between the approved Concept Plan and the subsequent Final Development Plans to be reviewed by the Planning Board as follows:

"The Amended Concept Plan contains the list of proposed uses, proposed density, proposed bulk regulations, and Design Guidelines. This Concept Plan provides an overall framework for the detailed development plans ("Final Development Plans") for the Site. While the Site's Concept Plan/Comprehensive Development Plan deals with broad planning concepts, the subsequent Final Development Plans will focus on detailed layout, including engineering and architecture. Final Development Plan review applies the standards for Site Plan and Subdivision review under the Town

Code (108-7.4.B.) These reviews will be conducted by the Planning Board, utilizing the Amended Concept Plan documents which are approved by the Town Board as a guide. The Planning Board has final approval authority for sign and architectural design, as well as final road layout and location of site plan elements, including building location, as part of Site Plan review, consistent with the environmental documents, these Findings, and the approved Amended Concept Plan documents approved by the Town Board.”; and

WHEREAS, the Town Board’s approval further affirmed that the Planning Board shall have continuing jurisdiction, during the Final Development Plan review process, to conduct site specific reviews of any individual Final Development Plans, and shall have the authority to exercise its discretion as provided in the Zoning Law, the approved Concept Development Plan, and the SEQR Findings Statement; and would also have continuing authority to address and impose conditions relating to any impacts arising from site-specific layout and engineering; including the authority to approve or require modification in layout and composition of project elements to avoid or minimize potential impacts, as noted in the preceding paragraph; and

WHEREAS, the 2021 Amended Concept Plan, like its predecessor 2007 Concept Plan, in recognition of the need for flexibility in implementing a PUD Concept Plan, particularly over a large project, provided the Town Board with the continuing authority to approve “variations” to allow lot and bulk controls to exceed the authorizations in the Concept Development Plan document, after a review that considers any pertinent environmental issues related to the specific request; and the 2021 Amended Concept Plan, like its predecessor 2007 Concept Plan, further specifically authorized the Planning Board to provide a recommendation to the Town Board relating to any such request; and

WHEREAS, the operative 2021 Amended Concept Plan and the operative SEQR Findings Statement were adopted approximately one year ago, and the Planning Board is fully familiar with their contents; and

WHEREAS, the Applicant on July 5, 2022 submitted an application to the Planning Board for FDP Approval for Phase II of the Bellefield Project (“Phase II FDP”); and

WHEREAS, the Planning Board, as SEQR Lead Agency, has reviewed the proposed Phase II FDP, with full familiarity with the past proceedings in this matter including the detailed SEQR review conducted in 2021 to evaluate the proposed Amended Concept Plan, and the Planning Board is therefore familiar with the relevant factors to evaluate the proposed Phase II Site Plan in light of the previous environmental review and the previous Concept Plan review to assess the Phase II FDP under the standards of SEQR, including, without limitation, the provisions of 6 NYCRR 617.9 (a)(7) to determine, first, if the Phase II FDP presents any material changes in the project as heretofore reviewed in the environmental record, and, second, whether such change may result in specific significant adverse environmental impacts not previously addressed or inadequately addressed in the previously prepared Environmental Impact Statement as most recently set forth in the Amended SEQR Findings Statements adopted by the Planning Board (as Lead Agency) and the Town Board in December 2021; and

WHEREAS, the Planning Board has had the benefit of review by its consultants, including the Town Engineer, the Town Planner and the Attorney to the Planning Board, as well as the Zoning Administrator, in reviewing the Phase II FDP; and

WHEREAS, the Planning Board has conducted a duly advertised and noticed public hearing on the application commencing on November 16, 2022, and has considered all comments made at the public hearing, and all written comments received; and

WHEREAS, the Planning Board has referred the Phase II FDP to the Dutchess County Department of Planning and Development pursuant to General Municipal Law section 239-m, and has received written comments dated December 2, 2022, and has considered said comments; and

WHEREAS, throughout the months of review, the plans have been further detailed and have incorporated, or will incorporate in the plans submitted for Site Plan signature, refinements and modifications as requested by Planning Board members, consultants, and other commenters, for the purpose of improving the plan and assuring its consistency with the Town's codified standards of development, the approved 2021 Amended Concept Plan, and the 2021 Amended Findings Statement; and

WHEREAS, the Planning Board has examined all materials submitted by the Applicant in connection with the Phase II FDP application; and

WHEREAS, the Planning Board is familiar with the topography of the site and the regional area surrounding the site, and the relationship of the site to neighboring properties, including views to and from the site from surrounding properties; and

WHEREAS the Planning Board has considered all of the above referenced materials in light of its duties relating to review of final development plans under Article 7 of the Zoning Law, including its duties to evaluate the consistency of the proposed development with the approved 2021 Amended Concept Plan; and its continuing authority under its jurisdiction over approval of final development plans to impose conditions on any Site Plan or Subdivision approval; and

WHEREAS, the Planning Board has considered its duties as Lead Agency, which include site-specific analysis of the proposed Phase II FDP, 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 EIS, or an Amended SEQR Findings Statement, are necessary to appropriately address potential SEQRA impacts of the Project as presently proposed; and

WHEREAS, the details of the Board's evaluation of specific elements of the proposed Phase II FDP are summarized in the annexed Appendix, which evaluation is incorporated herein as if fully set forth in this Resolutions;

NOW THEREFORE BE IT RESOLVED, that, based upon the entire record before it, the Planning Board hereby determines:

- 1. The extensive environmental record before the Planning Board is sufficient to assess the potential impacts of the proposed Phase II FDP and Subdivision Plat.**

- 2. The Phase II FDP and Subdivision Plat are in substantial accordance with the SEQRA Findings Statement adopted by the Planning Board on December 8, 2021, and by the Town Board as Involved agency on December 20, 2021 and will not create any significant adverse effect upon the environment; nor will it result in any new, or potentially significant, adverse environmental impacts that have not been previously addressed, or were inadequately addressed, in the existing EIS, and there is no need to prepare a Supplemental Environmental Impact Statement, nor any need to amend the previously adopted SEQR Findings, without reference to any further modifications to the Phase II FDP and Subdivision Plat before such plans are considered for approval. The Planning Board continues to retain jurisdiction within its final development plan and subdivision authority to impose conditions it deems appropriate to maintain such consistency.**

- 3. The Board hereby reaffirms its previous certification, initially adopted on December 8, 2021, that the requirements of the SEQR 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.**

**Chairman Dupree
Vice-Chair Dexter
Mr. Guercio, Jr.
Vice-Chair Oliver**

**Absent Ms. Wasser
Absent Mr. Waters
Ms. Weiser**

Michael Dupree, Planning Board Chairperson

VOICE VOTE Aye- Absent- Nay- Motion Carried/Denied

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

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**RESOLUTION GRANTING TWO 90-DAY EXTENSIONS OF TIME TO SATISFY THE
CONDITIONS OF APPROVAL**

Hyde Park Quick Stop

Date: January 18, 2023

Moved By:

Resolution: #2022-10C

Seconded By:

WHEREAS, on August 17, 2022, by Resolution #2022-10B, the Town of Hyde Park Planning Board (the "Planning Board") granted the Applicant, Jatt Boys Properties LLC, special use permit and site plan approval to demolish an existing gas station and construct a new 3,150 square foot gas station and convenience store, along with related site improvements, at property located at 4912 Albany Post Road, tax parcel no. 6066-02-879622, in the Neighborhood Business District (the "Project"); and

WHEREAS, the Project is depicted on a site plan entitled "Hyde Park Quick Stop" prepared by Mauri Architects PC, dated June 22, 2021, last revised August 3, 2022, Sheets PB-1, PB-2, PB-3, PB-4, PB-5, PB-6, DOT-1, SP-1, SP-2, SD-1, SD-2, and SA-1 (the "Site Plan Set"); and

WHEREAS, gas station uses are permitted in the Neighborhood Business District subject to special use permit and site plan approval; and

WHEREAS, on June 15, 2022, by Resolution #2022-10A, in accordance with SEQRA, the Planning Board determined that the Project will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement (EIS) will not be prepared; and

WHEREAS, approval of the Project was subject to satisfaction of eight (8) conditions of approval; and

WHEREAS, pursuant to § 108-9.3E(4)(c) of the Zoning Law, conditional approval of a site plan shall expire 180 days after the date of the resolution granting conditional approval, unless such requirements have been certified as completed; and

WHEREAS, if the conditions of approval are not met, site plan approval for the Project would expire on February 13, 2023; and

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WHEREAS, the Planning Board, in its discretion, may grant up to two 90-day extensions of time in which to satisfy the conditions of site plan approval; and

WHEREAS, by letter dated January 10, 2023, the Applicant has requested that the Board grant the maximum 180-day extension of time to satisfy the conditions of approval.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the Applicant two 90-day extensions of time to satisfy the conditions of site plan approval for the Project to and including August 14, 2023.

Chairman Dupree
Vice-Chair Dexter
Mr. Guercio, Jr.
Vice-Chair Oliver
Ms. Wasser
Mr. Waters
Absent Ms. Weiser

Michael Dupree, Planning Board Chairperson

VOICE VOTE Aye- Absent- Nay- Motion Carried/Denied