



Historic Town of Hyde Park

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

*"Working with you for a better Hyde Park"*

**March 2, 2022, 6:00 PM**  
**PUBLIC HEARING/WORKSHOP/REGULAR MEETING**  
**OF THE HYDE PARK PLANNING BOARD**

The Hyde Park Planning Board Meeting is scheduled to be conducted **remotely via Zoom** as authorized by New York State Legislation Bill A8591, amending the Open Meetings Law. If this authority is repealed prior to the meeting, then **the alternative** would be to meet in person at the Town Hall at 4383 Albany Post Road, Hyde Park, NY 12538. Please check the Planning Board agenda on the Town's Website at <https://www.hydeparkny.us/AgendaCenter>, 24 hours prior to the meeting time to determine the final meeting location.

To participate in any scheduled public hearing or attend the meeting by videoconference via Zoom;

Please click on the following link:

<https://us02web.zoom.us/j/89497881986?pwd=bWhKKzJ4cnVnRFpXcHZueDFjOTN0QT09>

Meeting ID: 894 9788 1986

Passcode: 893334

One tap mobile

+19292056099,,89497881986#,,,,\*893334# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 894 9788 1986

Passcode: 893334

Find your local number: <https://us02web.zoom.us/u/kbwbxk45rC>

**PLEDGE OF ALLEGIANCE**

**CONTINUED PUBLIC HEARING:**

**KEY CONSTRUCTION OFFICE/STORAGE UNITS**

Site Plan Approval (#2020-30)

Location: 1234 Route 9G

Grid #: 6165-04-524481

**WORKSHOP:**

**THOMPSON ACCESSORY APARTMENT**

Special Use Permit Approval (#2022-06)

Location: 3 Pond Road, Poughkeepsie, NY 12601

Grid #: 6163-02-023417

**EAST PARK DELI AND GROCERY**

Site Plan Approval Exterior Modification (#2022-07)  
Location: 1106 Violet Avenue  
Grid #: 6165-03-424169

**OTHER BUSINESS:**

**NICHOLS OXYGEN SERVICE**

Site Plan Approval Tolling Extension (#2019-07)  
Location: 1564 Route 9G  
Grid #: 6166-04-882279

**DESIGNATE PLANNING BOARD 2<sup>nd</sup> VICE-CHAIRPERSON FOR THE YEAR 2022**

**ADJOURNMENT:**

DRAFT

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](http://www.hydeparkny.us)

### **Remote Public Hearing Procedures for the Town of Hyde Park Planning Board:**

- If possible, Town of Hyde Park Virtual Meetings will be live streamed on the town's YouTube Channel: <https://www.youtube.com/channel/UCcb5NmRUM9SwOAL0vwcayrQ/live>
  - a) The public is advised to subscribe to this channel using the above link in order to receive notifications when meetings begin.

### **Live Public Participation:**

- If you would like to participate live via audio and video, or audio only, you must pre-register at least 3 hour before the scheduled hearing. For a Wednesday meeting, registration is required by Wednesday at 3:00 pm.
  - a) To pre-register, you must email the Planning Board Secretary at [planningsec@hydeparkny.us](mailto:planningsec@hydeparkny.us) and include your exact name and address, as well as the name of the Public Hearing you want to participate in. You will be sent a Meeting ID and Password for you to join the hearing.
  - b) If you login to join the hearing and your screen name does not match your pre-registration name (for example, if you use your spouse's computer, his/her/their name would pop up), you will not be permitted to speak at the meeting.

### **Written Public Comment for the Hyde Park Planning Board:**

- Written comments can be submitted via email or letter before the live Public Hearing, and **within 7 days** after the final Public Hearing. Send your comments to the Planning Board Secretary at 4383 Albany Post Road, Hyde Park, NY 12538 or by email to [planningsec@hydeparkny.us](mailto:planningsec@hydeparkny.us)
- If you would like your comment read into the record during the live Public Hearing, your comment must be received by **3 p.m.** on the date of the hearing, be able to be read in 3 minutes or less and be relevant to the subject of the public hearing.
  - a) Additionally, we ask that all comments conform to basic standards of civil public discourse and courtesy. Boards will reserve the right to refuse to read into the record obscene comments or comments containing personal attacks on others, but the comment shall be made part of the public record of the hearing.
  - b) Comments longer than 3 minutes will be accepted into the record and distributed to board members but will not be required to be read during the meeting.
  - c) Emails can also be sent during the live Public Hearing and will be entered into the record but will not be required to be read during the meeting.
- You can submit written comments during the live hearing via the Zoom Chat function and should be sent directly to Chairman Dupree.
  - a) Obscene comments and/or personal attacks will not be tolerated and will be deleted from the record.
  - b) Once you are logged in, you will be placed in the Virtual Waiting Room. The moderator will let you into the meeting at the appropriate time. You can watch the proceedings of the meeting via the live stream link while you are waiting. When you enter the meeting, you will be muted to give you time to turn off the volume on the YouTube link to prevent feedback.

**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO THE  
DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT AND THE  
DUTCHESS COUNTY DEPARTMENT OF BEHAVIORAL AND COMMUNITY HEALTH**

**Thompson Accessory Apartment**

**Date: March 2, 2022**

**Moved By:**

**Resolution: #2022-06**

**Seconded By:**

WHEREAS, the applicants, Dolores, Shelley and Michael Thompson, have submitted an application for special use permit approval to legalize an existing accessory dwelling constructed without the requisite approvals on a 0.39 acre property located at 3 Pond Road, Poughkeepsie, NY 12601 (Hyde Park), tax no. 6163-02-023417 (the "Site"), in the Neighborhood Zoning District (the "Project"); and

WHEREAS, the Project is depicted on a site plan entitled "Accessory Apartment for Thompson Residence," prepared by D. Freeman, Architect., dated December 15, 2021 and January 14, 2022, six sheets (the "Site Plan Set"); and

WHEREAS, pursuant to Sections 108-5.14 and 108-8.4B(10) of the Zoning Law, an accessory dwelling unit within a residential structure is a permitted use in the Neighborhood Zoning District subject to special use permit approval; and

WHEREAS, the Project requires a variance from the Zoning Board of Appeals as it proposes a density of 2 dwelling units per 0.39 acre where a density of 2 dwelling units per 1.0 acre is permitted; 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)(12), the construction or expansion of a single-family, a two-family or a three-family residence on an approved lot is a Type II action under SEQRA; and

WHEREAS, the Project is located within 500 feet of US Route 9, also known as Albany Post Road; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway 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 Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.
3. Directs its secretary to refer the Site Plan to the Dutchess County Department of Behavioral and Community Health.

**Chairman Dupree**  
**Vice-Chair Dexter**  
**Mr. Guercio**  
**Mr. Oliver**  
**Ms. Wasser**  
**Mr. Waters**  
**Ms. Weiser**

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**Michael Dupree, Planning Board Chair**

<b>VOICE VOTE</b>	<b>Aye-</b>	<b>Absent-</b>	<b>Nay-</b>	<b>Motion Carried/Denied</b>
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**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

**East Park Deli and Grocery**

**Date: March 2, 2022**

**Moved By:**

**Resolution: #2022-07**

**Seconded By:**

WHEREAS, the applicant, VKK Hyde Park LLC, has submitted an application for site plan approval for exterior modifications to an existing commercial structure, including signage, on a 0.39 acre property located at 1106 Violet Avenue, Hyde Park, tax no. 6165-03-424169 (the "Site"), in the East Park Business District (the "Project"); and

WHEREAS, the Project is depicted on a site plan entitled "Alteration to East Park Deli & Grocery," prepared by Milliken Associates, dated 9/30/20, last revised 2/23/22, Sheets S1 and A1, and a survey prepared by Ernst Martin Jr., PE, LS dated September 17, 2020 (the "Site Plan Set"); and

WHEREAS, pursuant to Sections 108-5.14, general commercial uses are permitted in the Neighborhood Zoning District subject to site plan approval; 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)(9), the construction or expansion of nonresidential structure or facility involving less than 4,000 square feet of gross floor area is a Type II action; and

WHEREAS, the Project is located within 500 feet of NYS Route 9G, also known as Violet Avenue; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway 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 Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

**Chairman Dupree  
 Vice-Chair Dexter  
 Mr. Guercio  
 Mr. Oliver  
 Ms. Wasser  
 Mr. Waters  
 Ms. Weiser**

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**Michael Dupree, Planning Board Chair**

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

**RESOLUTION APPLYING TOLLING PERIOD**

**Nichols Oxygen Service**

**Date: March 2, 2022**

**Moved By:**

**Resolution: #2019-07D**

**Seconded By:**

WHEREAS, on October 2, 2019, by Resolution # 2019-07B, the Planning Board granted amended plan and special use permit approval to Nichols Oxygen Service, Inc. to establish used car sales, auto repair, and equipment storage uses and to increase scale by 47% (the "Project") at property located at 1564 Route 9G, tax parcel no. 6166-04-882279, in the Neighborhood Business District (the "Site"); and

WHEREAS, the approved site plan for the Project was signed by the Chairperson on March 6, 2020; and

WHEREAS, pursuant to Section 108-9.6(a), “a site plan shall be void and the building permit, if any, shall be revoked if substantial construction is not started within one year and the entire project or phase is not completed within two years of signing of the site plan;” and

WHEREAS, the Zoning Administrator has determined that substantial construction has begun but the Project will not be completed within two years of the signing of the site plan, March 6, 2022; and

WHEREAS, on March 7, 2020, by Executive Order 202, the Governor of the State of New York State declared the outbreak of the novel coronavirus, COVID-19, an emergency in the State; and

WHEREAS, by Executive Order 202.8 issued on March 20, 2020, the time limit for the filing of any process or proceeding as prescribed by any statute, local law, ordinance, order, rule, or regulation, or part thereof, was tolled until April 19, 2020; and

WHEREAS, by subsequent Executive Orders up to and including Order 202.67, such time limits were tolled until November 3, 2020; and

WHEREAS, the Planning Board seeks to document the tolling period and apply it to the Project.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby applies the tolling period to the Project so that substantial construction must be completed by October 21, 2022.**

**Chairman Dupree  
Vice-Chair Dexter  
Mr. Guercio  
Mr. Oliver  
Ms. Wasser  
Mr. Waters  
Ms. Weiser**

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**Michael Dupree, Planning Board Chair**

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

**RESOLUTION DESIGNATING PLANNING BOARD 2<sup>nd</sup> VICE-CHAIRPERSON FOR THE  
YEAR 2022**

**March 1, 2022  
Resolution #22-B**

**Moved By: Michael Dupree  
Seconded By:**

**NOW BE IT RESOLVED, that Chris Oliver be designated as a second Vice-Chairperson of the Planning Board, authorized to conduct meetings of the Planning Board and to sign final plats and related documents, including invoices and correspondence, on behalf of the Planning Board in the absence of the Chairperson.**

**Mr. Dupree  
Ms. Dexter  
Mr. Guercio  
Mr. Oliver  
Mr. Pickett  
Ms. Weiser  
Ms. Wasser**

**Voice Vote    Aye    Abstain    Motion Carried/Not Carried**

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**Michael Dupree, Chairman**