

**HYDE PARK TOWN BOARD
SPECIAL MEETING & WORKSHOP
MONDAY, AUGUST 2, 2021, AT 6:00 P.M.**

NOTE: All Town Board Meetings are broadcast live on cable Channel 22 and archived on the Town's YouTube Page

<https://www.YouTube.com/channel/UCcb5NmRUM9SwOAL0vwcayrQ>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACCEPT MINUTES OF JULY 19th, 2021

PUBLIC COMMENT ON RESOLUTIONS AND TOWN BUSINESS ONLY

NOTE: "TIME LIMIT OF 3 MINUTES"

WORKSHOP:

1. INTRODUCTION OF NEW HYDE PARK LIBRARY DIRECTOR JESSE CHANCE
2. PRESENTATION AND DISCUSSION ON THE MARIJUANA REGULATION AND TAXATION ACT (MRTA)
3. STATUS UPDATE FOR PROPERTY ISSUE AT 563 NORTH QUAKER LANE
4. NOTICE TO RESIDENTS OF UPCOMING PAVING SCHEDULE

STARTING NEXT WEEK, THE BELOW LISTED ROADS ARE SCHEDULED TO BE PAVED AS FOLLOWS:

AUGUST 4TH: VanWagner Road **AUGUST 5TH:** Myers Lane
AUGUST 6TH: Church Street

WEEK OF AUGUST 9TH – AUGUST 13TH:

River Road, Curry Lane, Maple Lane, Fuller Lane, Point Place and Beadart Place

****NOTE**** River Road, Curry Lane, & Fuller Lane are not wide enough and will have to be paved in one pass.

RESOLUTIONS:

1. APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JULY 2021 BUDGET REVISIONS NUMBER 2021-07
2. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A CHANGE ORDER EXTENDING THE TERM FOR THE SHARED SERVICES AGREEMENT (IMA) BETWEEN THE TOWN OF HYDE PARK AND THE COUNTY OF DUTCHESS FOR THE 2021 – 2022 SNOW REMOVAL SEASON
3. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RETIREMENT OF TOWN OF HYDE PARK HIGHWAY MECHANIC PHIL LAMONICA
4. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RESIGNATION OF TOWN OF HYDE PARK JUSTICE COURT CLERK DEIRDRE MANCE
5. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT PROVISIONALLY MEGHAN CARDINAL AS FULL-TIME ACCOUNT CLERK FOR THE TOWN OF HYDE PARK PERSONNEL DEPARTMENT
6. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO APPOINT JOHN BOLDE, III AS A PART-TIME POLICE ASSISTANT FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT
7. AUTHORIZE TOWN OF HYDE PARK TOWN SUPERVISOR TO SUBMIT AN APPLICATION FOR THE NYSEDA CLEAN ENERGY COMMUNITY ACTION GRANT
8. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO SUBMIT NUNC PRO TUNC THE CONSOLIDATED FUNDING APPLICATION FOR THE DEPARTMENT OF STATE SMART GROWTH COMPREHENSIVE PLANNING GRANT PROGRAM

9. AUTHORIZE TOWN OF HYDE PARK TOWN BOARD TO ESTABLISH AND ADOPT A PROCEDURE FOR THE COLLECTION OF ESCROW FOR THE TOWN OF HYDE PARK
10. COMMENCE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. G OF THE YEAR 2021 ENTITLED: "A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE, CHAPTER 108, ZONING TO AMEND RURAL EVENT VENUES"
11. COMMENCE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. H OF THE YEAR 2021 ENTITLED: "A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE TO ADD CHAPTER 98, SPECIAL EVENT VENUES, TO THE CODE OF THE TOWN OF HYDE PARK"

NEW AND OLD BUSINESS

ADJOURN

***A MOTION MAY BE MADE TO ENTER EXECUTIVE SESSION**

AGENDA SUBJECT TO CHANGE

RESOLUTION 8:2 - 1 OF 2021

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JULY 2021 BUDGET REVISIONS NUMBER 2021-07

WHEREAS, the Town Comptroller recommends certain budget revisions to the Town of Hyde Park Budget based on various department requests and/or the Town Comptroller's review and analysis of Expenditures versus Budget.

NOW, THEREFORE, BE IT RESOLVED, that the following itemized revisions be authorized and approved by the Town of Hyde Park Town Board for July 2021 identified as Budget Revisions Number 2021-07.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND</u>				
#2021-07-01	01.1320.400	Independent Audit	500.00	
	01.1320.490	Audit Other Expense		500.00
		<i>- To Cover the Deficit in Actual Cost of Audit</i>		
#2021-07-02	01.1355.491	Appraisal Expense	3,500.00	
	01.1420.440	Labor Legal Expense	1,591.00	
	01.1420.491	Certiorari Counsel	648.00	
	01.3120.440	Police Labor Attorney	1,419.00	
	01.1990.400	Contingency		7,158.00
		<i>- Fund Deficits in Legal Bills</i>		
#2021-07-03	01.1460.410	Records Management Supplies	118.00	
	01.1460.450	Records Management Contracts		118.00
		<i>- To Cover the Deficit</i>		
#2021-07-04	01.1621.107	Custodian, Special Compensation	127.00	
	01.3120.106	Part-Time Dispatcher Overtime	170.00	
	01.3120.113	Full-Time Dispatcher Overtime	123.00	
	01.1010.107	Special Compensation		420.00
		<i>- Fund Deficits</i>		
#2021-07-05	01.1621.400	PCF Contractual Expense	1,050.00	
	01.1680.450	Computer Service Contract	473.00	
	01.3120.471	Police Rules and Regulations Contract	230.00	
	01.5010.490	Uniform	100.00	
	01.1990.400	Contingency		1,853.00

- Fund Deficits

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
<u>GENERAL FUND CONT'D</u>				
#2021-07-06	01.7111.240	Hackett Hill Boiler Replacement	11,500.00	
	01.9909	Assigned Fund Balance	11,500.00	
		- Replacement of Boiler		
#2021-07-07	01.7180.103	Pool Staff Overtime	149.00	
	01.7180.113	Pool Staff		149.00
		- Cover Cost of Overtime		
#2021-07-08	01.8090.400	CAC Environmental Expense	1,500.00	
	01.2703	Solar Referral Fees	1,500.00	
		- To Set Up Budget for CAC		
<u>HIGHWAY FUND</u>				
#2021-07-09	05.5120.400	Maintenance of Bridges	135.00	
	05.9050.800	Unemployment Insurance		135.00
		- To Cover the Cost of Dock Street Signage		
<u>CAPITAL FUND</u>				
<u>PARK IMPROVEMENTS</u>				
<u>DINSMORE</u>				
#2021-07-10	72.7115.210	Fence	25,000.00	
	72.7115.440	Engineer	2,000.00	
	72.7115.450	Contractual		10,000.00
	72.5030	Transfer In - Recreation Trust	17,000.00	
		- To Cover the Cost of Fencing		

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 2 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO EXECUTE A CHANGE ORDER EXTENDING THE TERM FOR THE SHARED SERVICES AGREEMENT (IMA) BETWEEN THE TOWN OF HYDE PARK AND THE COUNTY OF DUTCHESS FOR THE 2021 – 2022 SNOW REMOVAL SEASON

WHEREAS, the Town of Hyde Park has entered into an extended Intermunicipal Agreement (IMA) with the County of Dutchess dated September 2, 2020, which provides, in relevant part, for the performance by the Town of all activities necessary to control snow and ice, together with necessary labor, equipment and materials for certain County highways within the Town of Hyde Park as specified in Exhibit “C” annexed to that IMA; and

WHEREAS, the said IMA dated September 2, 2020, provided for a one-year term beginning October 1, 2020, and ending on September 30, 2021, with a provision for the agreement to be extended for additional periods of one year each, for up to two (2) years upon such terms and conditions as the parties may agree to; and

WHEREAS, the IMA provides, in relevant part, that the Town is not responsible for snow removal activities and other duties as are set forth in an agreement dated December 12, 2001, between the County of Dutchess and Hyde Park Landing Ltd. and Peter J. Andros and Catherine S. Andros filed in the office of the Dutchess County Clerk on May 29, 2002, as Document No. 2-2002-5136; and

WHEREAS, the County of Dutchess has proposed a Change Order for said IMA dated July 22, 2021, which provides, in relevant part, an extension of the IMA for an additional one-year term for the period of October 1, 2021, to September 30, 2022, for a total contract amount of \$149,603.52; and

WHEREAS, the proposed Change Order has been reviewed by the Town Comptroller, the Highway Superintendent, the Attorney to the Town and the Town Board and the terms of the same have been found to be satisfactory and in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby approve Change Order No. 20-0396-9/21-PW-A1 for the said IMA term extension and does also hereby authorize the Town Supervisor to execute said Change Order to allow for this extension

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 3 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RETIREMENT OF TOWN OF HYDE PARK HIGHWAY MECHANIC PHILIP LAMONICA

WHEREAS, Philip LaMonica will retire effective August 28, 2021 as a Mechanic for the Town of Hyde Park Highway Department; and

WHEREAS, Phil provided exceptional service to the Highway Department for more than 30 years; and

WHEREAS, Phil will be greatly missed by the Town of Hyde Park Highway crew.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby acknowledge Philip LaMonica’s retirement as Mechanic for the Town of Hyde Park Highway Department; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Supervisor and Town Board extend their sincere appreciation and gratitude to Phil LaMonica for his many years of dedicated service to the Town of Hyde Park.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Woodcock _____
Councilman Schneider _____
Supervisor Rohr _____

RESOLUTION 8:2 – 4 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ACKNOWLEDGE THE RESIGNATION OF TOWN OF HYDE PARK JUSTICE COURT CLERK DEIRDRE MANCE

WHEREAS, Town of Hyde Park Justice Court Clerk, Deirdre Mance has submitted her letter of resignation effective Friday, July 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby acknowledge with regret, the resignation of Justice Court Clerk, Deirdre Mance; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Supervisor and Town Board extend their appreciation and gratitude to Deirdre Mance for her dedicated service to the Town of Hyde Park.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 5 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT PROVISIONALLY MEGHAN CARDINAL AS FULL-TIME ACCOUNT CLERK FOR THE TOWN OF HYDE PARK PERSONNEL DEPARTMENT

WHEREAS, there exists a vacancy for the position of full-time Account Clerk in the Town of Hyde Park Personnel Department; and

WHEREAS said position is a Competitive Class Position and there is currently no viable eligible list available for this position; and

WHEREAS, the Dutchess County Department of Human Resources has authorized the Town of Hyde Park to make a provisional appointment, pending a Civil Service examination to be given at a later date; and

WHEREAS, the Town would like to appoint provisionally Meghan Cardinal to the position of full-time Account Clerk.

NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby appoint provisionally, pending Civil Service Examination, Meghan Cardinal to the position of full-time Account Clerk for the Town of Hyde Park Personnel Department effective Monday, August 9, 2021; and

BE IT FURTHER RESOLVED, that she will be paid at an annual salary of \$36,400.00; and

BE IT FURTHER RESOLVED, that her terms and conditions of employment shall be subject to the terms of the Town of Hyde Park Employee Handbook; and

BE IT FURTHER RESOLVED, that said appointment is subject to a probationary period as set forth in the Civil Service Law of the State of New York of not less than eight (8) and no more than twenty-six (26) weeks; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board does also hereby authorize the Town Supervisor to execute any and all documents required by the Dutchess County Department of Human Resources to appoint Meghan Cardinal to said provisional appointment.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 6 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT JOHN BOLDE, III AS A PART-TIME POLICE ASSISTANT FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT

BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby appoint John Bolde, III as a Part-Time Police Assistant to the Town of Hyde Park Police Department effective August 3, 2021, at an hourly rate of \$17.32 as established by the CSEA Town Hall Unit Collective Bargaining Agreement; and

BE IT FURTHER RESOLVED, that said position is a Grade 4 in the aforementioned Collective Bargaining Agreement; and

BE IT FURTHER RESOLVED, that said appointment is subject to a probationary period as set forth in the Civil Service Law of the State of New York and shall be subject to all of the Civil Service Law Rules and Regulations.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 7 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO SUBMIT AN APPLICATION FOR THE NYSERDA CLEAN ENERGY COMMUNITY ACTION GRANT

WHEREAS, the Town of Hyde Park by Resolution 8:10 – 5 of 2021 became a committed participant of the NYSERDA Clean Energy Communities Program; and

WHEREAS, the NYSERDA Clean Energy Communities Program provides specific, directed actions, and goals for municipalities to complete and earn points for achieving such activities; and

WHEREAS, NYSERDA has made available funds to support local CEC initiatives that champion community climate priorities and improvements for municipalities and residents as these actions are completed; and

WHEREAS, the Town of Hyde has completed the Community Campaign for Community Solar deeming them eligible to apply for, and accept, the Action Grant available to them for this action; and

WHEREAS, the Town of Hyde Park would like to utilize this opportunity to apply for the \$5,000.00 in funding to continue supporting CEC actions; and

WHEREAS, all applications must be submitted no later than October 20, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to submit the application for the NYSERDA Clean Energy Community Action Grant by the October 20th, 2021, deadline.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 8 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO SUBMIT NUNC PRO TUNC THE CONSOLIDATED FUNDING APPLICATION FOR THE DEPARTMENT OF STATE SMART GROWTH COMPREHENSIVE PLANNING GRANT PROGRAM

WHEREAS, the State of New York makes grant funding available each year through the Consolidated Funding Application (CFA) as part of the Regional Economic Development Council; and

WHEREAS, the Town has been developing a downtown initiative for the Route 9 Town Center Corridor; and

WHEREAS, the Town has already been awarded Empire State Development Funds as part of the Sewer Infrastructure Investment necessary for more private investment and intense economic development; and

WHEREAS, the Town of Hyde Park would like to capitalize on this opportunity to harness available CFA funds to complete a Comprehensive Plan for furthering these development efforts; and

WHEREAS, the Town of Hyde Park has completed a CFA application to submit for funding through the Department of State Smart Growth Comprehensive Planning Grant for the development of a Strategic Comprehensive Plan; and

WHEREAS, all applications had to be submitted no later than Friday, July 30th, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to submit an application *nunc pro tunc* for the 2021 Consolidated Funding Application for the Department of State Smart Growth Comprehensive Planning Grant Program.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 – 9 OF 2021

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ESTABLISH AND ADOPT A PROCEDURE FOR THE COLLECTION OF ESCROW FOR THE TOWN OF HYDE PARK

WHEREAS, upon initial application to the Planning Board, Zoning Board of Appeals or Town Board, an applicant or his/her agent is responsible to deposit with the Town an escrow or combination escrow amount as established by the Board, the Chair, the Supervisor, or his/her designee in advance of the review of the application in accordance with Article 36 of the Town Code; and

WHEREAS, the Town wishes to establish and adopt an escrow procedure to be utilized by the Town of Hyde Park Planning Board, Zoning Board of Appeals, and the Town Board as the official procedure for the collection of escrow for the Town of Hyde Park; and

WHEREAS, a copy of this procedure will be distributed to applicants or their agents when escrow is requested in order to provide a clearer understanding of what is expected when escrow is utilized for the review of applications by the Town’s consultants; and

WHEREAS, this procedure has been approved by the Attorney to the Town, the Attorney to the Planning Board and Zoning Board of Appeals as well as the Town Supervisor and Town Comptroller and said procedure has been found to be acceptable for adopting as the Town’s official procedure for the collection of escrow.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby establish and adopt the above-mentioned escrow procedure as the official procedure for the collection of escrow for the Town of Hyde Park; and

BE IT FURTHER RESOLVED, a copy of said procedure has been filed in the Town Clerk’s office and can be reviewed during normal business hours.

MOTION:

SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick	_____
Councilman Ray	_____
Councilman Woodcock	_____
Councilman Schneider	_____
Supervisor Rohr	_____

RESOLUTION 8:2 - 10 OF 2021

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. G OF THE YEAR 2021 ENTITLED: “A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE, CHAPTER 108, ZONING TO AMEND RURAL EVENT VENUES”

WHEREAS, the Town Board has determined that adjustments to the standards applicable to Rural Event Venues is necessary to ensure that sufficient land is provided in connection with a Rural Event Venue so as to protect existing residential uses, to ensure that it meets the intent of allowing venues as a means of preserving existing barns and buildings in the Town, and to regulate a venue’s capacity to ensure the venue remains primarily accessory to the principal use of the lot on which the venue is occurring; and

WHEREAS, the Town Board has requested the Town’s Consultant Planner, Bonnie Franson, to prepare a local law amending Chapter 108, Zoning, with regard to Rural Event Venues to provide certain needed changes and clarifications to the law regarding Rural Event Venues; and

WHEREAS, a local law has been prepared by the Town’s Planner and reviewed by the Attorney to the Town and has been determined to be acceptable for purposes of commencing the local law adoption process; and

WHEREAS, this matter is declared to be a Type II action under SEQRA, which does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts Local Law No. G of the Year 2021 entitled: “A Local Law Amending the Town of Hyde Park Code, Chapter 108, Zoning to Amend Rural Event Venues” for purposes of commencing the local law adoption process and schedules a public hearing on this local law at a regular meeting of the Town Board to be conducted on September 13, 2021, at 6:05 p.m. at the Hyde Park Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this local law to the Planning Board for its input and comments and to Dutchess County Department of Planning and Development in accordance with the requirements of §239-m of the General Municipal Law; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post notice of the public hearing on the Town’s official board and on its website and to make available a copy of the local law at the office of the Town Clerk during regular business hours and to provide such notice as may be required to adjoining municipalities.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Woodcock _____
Councilman Schneider _____
Supervisor Rohr _____

TOWN OF HYDE PARK

LOCAL LAW NO. G OF THE YEAR 2021

**A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE,
CHAPTER 108, ZONING, TO AMEND RURAL EVENT VENUES**

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: “A Local Law Amending the Town of Hyde Park Code, Chapter 108, Zoning, to amend standards applicable to Rural Event Venues”.

SECTION 2. PURPOSE.

The Town Board has determined that adjustments to the standards applicable to rural event venues is necessary in order to ensure that sufficient land is provided in connection with a rural event venue so as to protect existing residential uses, to ensure that it meets the intent of allowing venues as a means of preserving existing barns and buildings in the Town, and to regulate a venue’s capacity to ensure the venue remains primarily accessory to the principal use of the lot on which the venue is occurring.

SECTION 3.

Chapter 108, Zoning, of the Town of Hyde Park Code, Article 28, Rural event venue, is hereby amended to provide as follows:

- A. Section 108-2.2, Terms defined, is amended to delete the definition of “Event Barn” and to replace it with the following definition:

“EVENT STRUCTURE

A pre-existing agricultural barn or other similar agricultural building or accessory structure adaptively reused as a rural event venue pursuant to § 108-28 of the Town Code. For purposes of these regulations, “pre-existing” shall mean any agricultural building or accessory structure legally in existence on January 1, 2010.”

- B. Section 108-2.2, Terms defined, is amended to delete the definition of “Rural Event Venue” and to replace it with the following definition:

“RURAL EVENT VENUE

The accessory use of land or pre-existing buildings or structures in the Greenbelt or Waterfront Districts for gatherings and events where compensation is paid to the property owner for said use, such as, but not limited to, weddings, parties, fundraisers, conferences, and other similar events but not including events such as races, concerts, and haunted houses. This definition is not applicable in any other zoning district.”

- C. Article 28, Rural Event Venue, is hereby deleted and replaced by the following new Article 28:

“§ 108-28 ARTICLE 28: RURAL EVENT VENUE
§ 108-28.1 Use standards.

A rural event venue must demonstrate compliance with the following standards in addition to the special use standards set forth in § 108-8.4A of the Zoning Law:

- A. The rural event venue shall be located on a site with a minimum of 20 acres. The rural event venue shall be only located in an event structure as that term is defined in 108-2.2 and shall be accessory to a principal use otherwise allowed in the applicable zoning district. Rural event venues shall utilize the principal or accessory buildings on the site. A rural event venue shall not be established as a separate standalone use.
- B. The site of the rural event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at a rural event venue shall be 200. The Planning Board, in its discretion, may lower the maximum number

of attendees for an event venue, or establish a maximum total number of events, based on its review of the application, adjoining land uses, location of the event venue in a neighborhood generally and on the property specifically, and other standards set forth herein. The Planning Board shall establish the maximum number of events permitted in any calendar year as part of the special use permit and site plan approval, which events shall not exceed 12 per calendar year, except the Planning Board, in its discretion, may allow up to 24 events per calendar year, in determining the number of events that shall be allowed, the Planning Board shall consider the following:

- (1) The site can accommodate the capacity and frequency of the events without impacts to the community character, privacy of adjoining, ambient noise levels, traffic patterns, and other characteristics of the neighborhood.
- (2) Activities will be accommodated within indoor building space, especially those that generate significant noise, such as amplified sounds from bands.”
- (3) The streets giving access thereto can readily accommodate traffic that will occur on a regular basis and will not result in any queuing of vehicles on the road or present a nuisance to motorists accessing properties along the same or adjacent roads.
- (4) The events will not be of such a scale or at a frequency to require the use of local security/law enforcement.
- (5) Septic generation and water supply demand can be accommodated.
- (6) The impact of the event venue on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general shall be de minimis.
- (7) The number of rural event venues shall not require or result in the installation of tents, portable restrooms, and restroom trailers for longer than one (1) week, or more than two events, whichever involves a lesser time period.
- (8) Whether the owner/operator has violated a previously issued special use permit for an event venue.
- (9) Any other findings related to the health, safety, and welfare of the general public.

(10) The rural event venue meets the Uniform Fire Code where applicable.”

- D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude a rural event venue from utilizing shuttle buses or other methods of guest transportation.
- E. All events shall be provided with adequate potable water and sanitary system as determined by the Planning Board Engineer and/or the Department of Health.
- F. No parking facilities, structures, gathering locations, or other facilities or structures being used in connection with the rural event venue, other than a driveway(s), shall be located within 100 feet of any property line. The Planning Board shall require appropriate buffers between the rural event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- G. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards in § 108-28.2 below. The use of fabric structures such as tents shall be allowed accessory to the event structure associated with the principal use of the property. Nothing herein shall allow the establishment of a rural event venue that utilizes primarily or solely fabric structures.
- H. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the rural event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event structure meeting the standards in § 108-28.2 below.
- I. The Planning Board, in granting special use permit and site plan approval, shall determine the permitted hours of operation of a rural event venue. Events shall commence no earlier than 10:00 a.m. and shall terminate no later than 12:00 midnight on Sundays through Thursdays and no later than 1:00 a.m. on Fridays and Saturdays. However, the Planning Board shall have the power to modify the commencement and termination times for a particular site in accordance with § 108-28.3A (4) based upon the specifics of the application before it provided the modifications do not impact the health, safety and welfare of the neighborhood and the surrounding community. For purposes of this section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. An event management plan shall be prepared and submitted to the Planning Board for review as part

of the special use permit and site plan application. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided. The Planning Board may in its discretion require that events with 300 or more attendees provide for adequate on-site ambulance coverage based on the standards in § 108-28.3A (4). The event management plan shall be incorporated into the special use permit and site plan approval.

- J. The application, site plan and event management plan shall be referred by the Planning Board to the appropriate fire district, fire department or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the rural venue and the use of an event barn, if proposed. The application may also be referred to the applicable highway department and Hyde Park Police Department at the discretion of the Planning Board.

§ 108-28.2 Event structure.

Rural event venues may utilize event structures as defined in Section 108-2.2 of this zoning chapter provided the following criteria are satisfied:

- A. The use of an event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Town's Code Enforcement Officer.
- B. The applicant shall provide the Code Enforcement Officer and Zoning Administrator with a plan prepared by a registered licensed design professional to improve the event barn to enable it to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.
- C. The occupancy of the event barn shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.

§ 108-28.3 Special use permit and site plan approval submission.

- A. The special use permit and site plan for a rural event venue must include:
 - (1) The maximum number of attendees permitted during any event.

- (2) The hours of operation of the special event venue and whether amplified sound is permitted.
- (3) Any other conditions on operation, design, and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town and of the Waterfront and Greenbelt Districts.
- (4) Items in Subsection A (1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation.
- (5) The event management plan shall be attached to the special use permit and shall be made a condition of same.

B. Once a special use permit has been granted to permit a rural event venue at a particular site, individual events may be held at the site without further review by the Planning Board so long as such events are compliant with the limitations in the event management plan and special use permit, including the limits on the total number of events established by the Planning Board as part of the special use permit as per Section 108-28.1.C.

- (1) Notice of individual events shall be provided via electronic mail to the Town Zoning Administrator, Town, County and State police departments and the applicable fire district 30 days before each event, or as soon as possible for events scheduled on less than 30 days' notice."

SECTION 4. SEVERABILITY.

In the event that any section, paragraph, sentence, clause, or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article."

SECTION 5. SUPERSESSION.

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 6.**EFFECTIVE DATE.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION 8:2 - 11 OF 2021

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. H OF THE YEAR 2021 ENTITLED: “A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE TO ADD CHAPTER 98, SPECIAL EVENT VENUES, TO THE CODE OF THE TOWN OF HYDE PARK”

WHEREAS, the Town Board has determined that in order to encourage and regulate special events, festivals, and other amusement activities which draw tourists and activity into the Town that will also support businesses and support revitalization within Hyde Park; and

WHEREAS, the Town Board has requested the Town’s Consultant Planner, Bonnie Franson, to prepare a local law adding Chapter 98, Special Event Venues, with regard to Special Event Venues to provide certain needed changes and clarifications to the law regarding Special Event Venues; and

WHEREAS, a local law has been prepared by the Town’s Planner and reviewed by the Attorney to the Town and has been determined to be acceptable for purposes of commencing the local law adoption process; and

WHEREAS, this matter is declared to be a Type II action under SEQRA, which does not require environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts Local Law No. H of the Year 2021 entitled: “A Local Law Amending the Town of Hyde Park Code to Add Chapter 98, Special Event Venues, to the Code of the Town of Hyde Park” for purposes of commencing the local law adoption process and schedules at public hearing on this local law at a regular meeting of the Town Board to be conducted on September 13, 2021 at 6:10 p.m. at the Hyde Park Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this local law to the Planning Board for its input and comments and to Dutchess County Department of Planning and Development in accordance with the requirements of §239-m of the General Municipal Law; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post notice of the public hearing on the Town’s official board and on its website and to make available a copy of the local law at the office of the Town Clerk during regular business hours and to provide such notice as may be required to adjoining municipalities.

MOTION:
SECOND:

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick _____
Councilman Ray _____
Councilman Woodcock _____
Councilman Schneider _____
Supervisor Rohr _____

TOWN OF HYDE PARK

LOCAL LAW NO. H OF THE YEAR 2021

**A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE
TO ADD CHAPTER 98, SPECIAL EVENT VENUES, TO THE
CODE OF THE TOWN OF HYDE PARK**

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: "A Local Law Establishing Chapter 98, Special Event Venues, of the Town of Hyde Park Code to regulate events and performances conducted seasonally and on private or public property in the Town of Hyde Park".

SECTION 2. PURPOSE.

The Town Board has determined that it desires to encourage and regulate special events, festivals, and other amusement activities which draw tourists and activity into the Town, and which also benefit and support businesses and revitalization within Hyde Park.

SECTION 3.

A new Chapter 98, Special Event Venues, shall be added to the Code of the Town of Hyde Park as set forth below.

“§ 98-1 Title.

This chapter shall be known and may be cited as the "Town of Hyde Park Special Event Venues Law."

§ 98-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SPECIAL EVENT VENUE

Any location that offers a special event or a series of related events or performances conducted on Town property, sidewalks, streets, and other public rights-of-way, or on private property which event is open to the general public, including but not limited to parades, festive activities, cultural events, exhibitions, competitions, collections of shows, live entertainment and other amusement enterprises, vendors, operators, food trucks, and/or the dispensation of food, which is open to the public at large. The use of the term "special event" in this chapter shall be deemed to include all special events as defined herein. Said term shall not be deemed to include birthday parties and other parties and private events conducted on private property and not made available to the general public, or any sidewalk sales conducted customary and accessory to retail uses. Notwithstanding, private events may be subject to regulation under other chapters of the Town of Hyde Park Code, e.g., rural event venues.

LICENSE

The permission, in writing, of the Clerk of the Town of Hyde Park, issued in accordance with the provisions of this chapter or other applicable local law, to carry on a special event.

PERSON

Every natural person, planning group, committee, partnership, association, limited-liability company, limited partnership, limited-liability partnership, corporation, or other legal entity, whether profit or nonprofit.

SPONSOR

The person or entity who executes the application for a license to conduct a special event and which shall include the property owner.

VENDOR or OPERATOR

A person who operates, during the life of the license, a booth or stand or otherwise occupies space in which he operates amusement rides or activities, conducts games of skill or chance, or dispenses food and beverage, merchandise, or the like.

TOWN

The Town of Hyde Park.

TOWN BOARD

The Town of Hyde Park Town Board responsible for approving a special event license.

TOWN CLERK

The individual that receives an application for, and issues a special event license, once approved by the Town Board.

§ 98-3 Purpose.

The purpose of this chapter is the regulation, through licensing and inspection, of special events to be conducted in the Town of Hyde Park on public streets, sidewalks, rights-of-way and/or other Town or private property for the protection of the health, welfare, and safety of the public in general.

§ 98-4 License.

- A. No license for a special event or activity of a similar nature shall be considered or issued unless and until the sponsor desiring to conduct the affair shall have made and signed a written application to the Town Clerk for a special event license, in a form provided by the Town, and paid the proper fee therefor when required, not less than 60 days prior to the first day of operation of the proposed special event. The application shall be forwarded to the Town Board which, in its discretion, may approve or deny such license. The Town Board, in its discretion, can refer the application to the Zoning Administrator who shall offer advisory comments on the proposed layout and set up of the special event. Such comments shall be provided to the Town Board within fourteen (14) calendar days of receiving the application for Town Board's consideration. The Town Board, in its discretion, can request additional information, and conduct a public hearing, if it deems appropriate.**

- B. The issuance of the special event license shall be further conditioned upon the following:**

- (1) Where applicable, the sponsor's requesting and obtaining approval from the Town Board for permission to close the street or streets necessary to conduct the special event.**
- (2) The sponsor's requesting and obtaining from the Town Board, permission to use property owned by the Town, as well as sidewalks and other rights-of-way.**
- (3) The sponsors and/or vendors executing an indemnification agreement on behalf of the Town, substantially as follows: "The sponsor and/or vendor hereby represent, stipulate, contract and agree that they do jointly and severally indemnify and hold harmless the Town of Hyde Park against liability for any and all claims for damages to property or injury to or death of persons arising out of or resulting from the issuance of the license or conduct of the public at and during the life of the special event."**
- (4) Referral to the applicable fire district or department, upon a satisfactory examination of the proposal, with respect to compliance with regulations as hereinafter set forth in the fire prevention section of this chapter.**
- (5) Referral to the Town of Hyde Park Police, of a crowd control plan upon the presentation of a written proposal.**
- (6) Vendors intending to operate food and beverage stands shall be required to obtain a license, if required, from the Dutchess County Health Department, and pay any fee required by the health and sanitary laws of the State of New York and the County of Dutchess.**
- (7) The sponsor depositing with the Town Clerk at the time of the filing of the application, in cash or by certified check made payable to the Town of Hyde Park, in accordance with the Town Fee Schedule to guarantee that upon the termination of the special event the general area where the affair has been conducted will be left in good condition, cleaned up and cleared of all paper, waste material and debris within two days from the termination of the special event. If the sponsor fails to meet this requirement, the Town, in its discretion, shall clean and restore the area to pre-event condition, deducting the monies spent thereon from the deposit aforementioned. This provision may be waived by the Town Board, in its discretion, and upon request by the sponsor.**

- A. A licensing fee shall accompany the application in an amount as set forth in the Town of Hyde Park Fee Schedule.**

§ 98-6 Health and sanitary requirements.

- A. All health and sanitary requirements, regulations and licensing shall be adhered to by all the sponsors and/or vendors of the special event, as provided for in the sanitary codes of the Town of Hyde Park, the County of Dutchess and the State of New York, which are incorporated by reference herein as if fully set forth.**
- B. In addition, the sponsor of a special event shall provide a sufficient number of temporary or permanent toilet facilities for the use of vendors and the use of the public, such number to be determined in the discretion of the Town Board.**

§ 98-7 Fire prevention.

- A. The sponsor and/or vendors, while operating a booth or stand in which there is heating or cooking apparatus for the preparation of food, shall keep, at all times, suitable fire extinguishing equipment, to be stored in such a manner that it is easily visible and accessible.**
- B. Subject to the requirements of the Town of Hyde Park Police and applicable fire district or department, and the Superintendent of Highways, doors, or gates on entrances to and exits from the premises where the special event shall be conducted shall be kept open and unobstructed during the hours of operation of the event in order to facilitate the rapid ingress or egress of all persons attending in the event of an emergency. Nothing contained herein shall be deemed to prevent Town of Hyde Park emergency service officials or agencies from closing access to areas in order to maintain proper crowd control and to enforce other laws in effect.**
- C. It shall be the duty of the sponsor, before the special event license shall be issued, to provide, as part of the application, a sketch plan depicting the physical layout of booth, stands, amusement rides and the lanes of traffic that shall hereinafter be set forth, showing the dimensions of said booths and stands and the location and size of the area which the amusement rides will occupy.**
- D. After the sponsor has assigned the individual booths and stands to the vendors and the areas used for amusement rides to the operators, it shall be the duty of said sponsor, by the end of the first day of the special event, to provide the Town Clerk with a list in which the names,**

addresses and locations of the vendors and operators of amusement rides shall be set forth.

- E. Subject to the requirements of the approved license, it shall be the obligation and duty of the sponsor during the duration of the special event to maintain an unimpeded and unobstructed land for emergency traffic, at least 15 feet in width, for the rapid ingress and egress of vehicles required for emergencies of other governmental purposes.**

§ 98-8 Alcoholic beverages; games of chance or skill.

- A. No alcoholic beverages shall be sold, served, or consumed and no games of skill or chance shall be conducted during the operation of the special event unless and before the sponsor or the vendors obtain a proper and legal license to dispense alcoholic beverages and/or conduct games of skill or chance from the State of New York, the Town of Hyde Park, or any other regulatory agency.**
- B. The sponsor and vendors receiving such licenses to dispense alcoholic beverages and/or conduct games of skill or chance shall be conclusively presumed to be cognizant of the provisions of the Alcoholic Beverage Law of New York, the state rules, and regulations in regard thereto and all applicable federal, state, and municipal laws, rules and regulations regarding the operation of games of skill and chance, all of which are incorporated herein by reference as if fully set forth.**

§ 98-9 Duration of license; hours of operation.

- A. The duration of a special event license shall be for not more than four consecutive days, after which period it shall lapse. Said duration may be extended upon the discretion of the Town Board, for a duration to be established as part of the license.**
- B. The earliest time at which it shall be lawful to begin operation of a special event in the Town shall be 8:00 AM, Monday to Sunday. Closing time shall not be later than the closing time permitted by the Alcoholic Beverage Laws, or 10 PM, whichever is more restrictive. The above hours of operation may be adjusted upon the discretion of the Town Board, for a time period to be established as part of the license.**

§ 98-10 License revocation.

- A. In addition to the penalties set forth in the general penalties section of this chapter, the special event license or any vendor or operator license**

may be revoked at any time during the life of such license for any violation by the sponsor, operator or individual vendor or operator of any provision of this chapter or any violation of the Code of the Town of Hyde Park or any other applicable county, state, or federal law.

- B. Anything to the contrary in this section notwithstanding, a food and/or beverage vendor's license may be revoked for a violation of any provision of this chapter or any violation of the Code of the Town of Hyde Park or any other applicable county, state, or federal law in the discretion of the appropriate health or regulatory authority.

§ 98-11 Insurance.

- A. Subject to the further provisions of this section, before any special event license shall be granted, the sponsor shall provide and deposit with the Town Clerk a public liability insurance policy in the amount of \$1,000,000 single limit, naming the sponsor and the Town of Hyde Park as coinsured.
- B. Notwithstanding the foregoing, the insurance requirement under § 98-11A shall not apply in the following circumstances:
 - (1) If the event will not take place on Town property, other than for the parking of vehicles, and/or not require the closure of any Town street or sidewalk, in which case the sponsor shall provide proof of liability coverage by the property owner or owners on whose property the event is to take place; or
 - (2) If the event is not intended or expected to draw more than 250 attendees within a twenty-four-hour period.
- C. In any event, and in addition to any required insurance under the provisions of this chapter, the sponsor shall indemnify, save and hold the Town harmless against loss, liability or expense resulting from any and all claims, actions, causes of action or judgments recovered against the sponsor or the Town in any court of competent jurisdiction in excess of the amount of insurance required by the Town or, if no insurance is required, for all claims not otherwise covered or in excess of the coverage provided to the Town under its own public liability insurance coverage.

§ 98-12 Waiver of terms and conditions.

Upon application by a sponsor to the Town Board, the Town Board may waive one or more of the requirements of this chapter, provided that a finding is made that the enforcement of such provision is not required to assure the safe and proper operation of the special event.

§ 98-13 Penalties for offenses.

A violation by the sponsor, operators or vendors of the provisions of this chapter, upon conviction thereof, in addition to the forfeiture of the license, shall be punishable by a fine not to exceed \$250 or by imprisonment not exceeding 15 days, or both, per violation, such fine and imprisonment to be in the discretion of the court.”

SECTION 4. SEVERABILITY.

In the event that any section, paragraph, sentence, clause, or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.”

SECTION 5. SUPERSESION.

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

