

MINUTES OF THE REGULAR MEETING, PUBLIC HEARING AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, JANUARY 23, 2023 AT 6:00 PM.

PRESENT:

COUNCILWOMAN NICOLE NOAKES
COUNCILWOMAN LYNN RUGGIERO
COUNCILMAN JOHN LOMBARDI
COUNCILMAN DONALD PRUSAKOWSKI
SUPERVISOR ALFRED TORREGGIANI
DEPUTY ATTORNEY TO THE TOWN KSARAH WILSON
TOWN CLERK DONNA McGROGAN

ABSENT: none

Supervisor Torreggiani called the meeting to order with the Pledge of Allegiance to the flag.

PUBLIC COMMENT ON RESOLUTIONS ON:Y: none

PUBLIC HEARING:

MOTION: Councilwoman Noakes
SECOND: Councilman Prusakowski

To reopen the public hearing entitled: CONTINUATION OF PUBLIC HEARING FOR THE APPLICATION OF T-REX HYDE PARK OWNER, LLC FOR HEIGHT VARIATIONS FOR 6 BUILDINGS WITHIN THE BELLEFIELD PUD PHASE II FINAL DEVELOPMENT PLAN FOR STANDALONE MULTIFAMILY RESIDENTIAL BUILDINGS. THE APPLICANT SEEKS TOWN BOARD VARIATIONS FROM THE PERMITTED HEIGHT OF 46 FEET TO ALLOW CONSTRUCTION OF:

- BUILDING 100 AT A HEIGHT OF 47 FEET, 4 INCHES, A VARIATION OF 1 FOOT, 4 INCHES;
- BUILDING 200 AT A HEIGHT OF 51 FEET, 4 INCHES, A VARIATION OF 5 FEET, 4 INCHES;
- BUILDING 300 AT A HEIGHT OF 53 FEET, A VARIATION OF 7 FEET;
- BUILDING 400 AT A HEIGHT OF 52 FEET, 6 INCHES, A VARIATION OF 6 FEET, 6 INCHES;
- BUILDING 500 AT A HEIGHT OF 50 FEET, A VARIATION OF 4 FEET;
- BUILDING 600 AT A HEIGHT OF 52 FEET, A VARIATION OF 6 FEET.

THE VARIATIONS ARE SOUGHT PURSUANT TO THE TOWN BOARD'S AUTHORITY OVER HEIGHT VARIATIONS IN PUD PROJECTS, AS SET FORTH IN SECTION III.A.9 OF THE 2021 AMENDED COMPREHENSIVE DEVELOPMENT PLAN FOR BELLEFIELD, AND IN SECTIONS 108-4.4 AND 108-7 OF THE CODE OF THE TOWN OF HYDE PARK.

THE BELLEFIELD PROJECT HAS BEEN REVIEWED AS A TYPE I ACTION UNDER SEQR. AN ENVIRONMENTAL IMPACT STATEMENT WAS PREPARED AND SEQR FINDINGS ORIGINALLY ADOPTED IN 2007. ON DECEMBER 8, 2021, THE PLANNING BOARD, AS LEAD AGENCY, ADOPTED AN AMENDED FINDINGS STATEMENT. ON DECEMBER 20, 2021, THE TOWN BOARD ADOPTED THE SAME FINDINGS, AND APPROVED THE AMENDED COMPREHENSIVE DEVELOPMENT PLAN. THE PLANNING BOARD CONTINUES TO SERVE AS SEQR LEAD AGENCY FOR THE PROJECT. IN THAT CAPACITY, IT IS EVALUATING THE SITE-SPECIFIC IMPACTS OF THE PHASE II FINAL DEVELOPMENT PLAN, INCLUDING ANY POTENTIAL IMPACTS ASSOCIATED WITH THE PROPOSED HEIGHT VARIATIONS.

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED: 0 CARRIED

PUBLIC COMMENT: NONE

MOTION: Councilwoman Noakes
SECOND: Councilman Prusakowski

To close public hearing.

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED: 0 CARRIED

WORKSHOPS:

1. PRESENTATION BY MENTAL HEALTH OF AMERICA FOR A PROPOSED COLLABORATION WITH THE HYDE PARK POLICE DEPARTMENT FOR THE ENHANCING COMMUNITY HEALTH THRU OUTREACH PROGRAM
2. DISCUSSION ON BELLEFIELD'S AMENDED IDA APPLICATION (TAX RELATED) GOING BEFORE THE DUTCHESS COUNTY IDA
3. CONTINUED DISCUSSION ON THE REQUEST RECEIVED FROM ASAHISHUZO TO THE HYDE PARK TOWN BOARD FOR A REDUCTION

OF THEIR BUILDING PERMIT EXTENSION FEE FOR THE SAKE
MANUFACTURING PLANT PROJECT

RESOLUTION 1:23 - 1 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ALLOW VAN DEWATER & VAN DEWATER, LLP KYLE W. BARNETT, ESQ OF COUNSEL TO ENTER INTO A CONSENT ORDER AND JUDGEMENT TO SETTLE THE TAX CERTIORARI PROCEEDINGS BROUGHT BY EAST PARK MOBILE HOMES SALES AND COURT, INC. AGAINST THE TOWN OF HYDE PARK FOR THE TAX YEAR 2019

WHEREAS, tax certiorari proceedings have been filed against the Town of Hyde Park by East Park Mobile Homes Sales and Court, Inc. in regard to the assessments on a certain property located in the Town of Hyde Park and designated as Tax Grid No. 13320-6165-03-390157 (132 E. Market Street) and 133200-6165-03-363117 (29 Brower Boulevard); and

WHEREAS, it is desired to settle the 2019 proceedings.

NOW THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, New York, 12601 to negotiate a settlement whereby the 2019 assessments will be settled in accordance with the attached proposed amended consent judgement and summarized as follows:

Assessment Roll Year	Parcel ID	Equalized Value	Assessed Value	Reduced Equalized Value	Reduced Assessed Value	Reduction
2019	390157	\$1,180,900	\$649,500	\$720,300	\$396,165	\$253,335
2019	363117	\$ 490,500	\$269,800	\$329,700	\$181,335	\$ 88,465

and;

BE IT FURTHER RESOLVED, that Kyle W. Barnett, Esq. of the law firm of Van DeWater & Van DeWater, LLP, is also hereby authorized to sign such documents as are necessary to effectuate the settlement; and

BE IT FURTHER RESOLVED, that the Petitioner has agreed to waive all town ad valorem refunds for both years under review.

MOTION: Councilwoman Noakes
SECOND: Councilwoman Ruggiero

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 - 2 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO ALLOW VAN DEWATER & VAN DEWATER, LLP KYLE W. BARNETT, ESQ OF COUNSEL TO ENTER INTO A CONSENT ORDER AND JUDGEMENT TO SETTLE THE TAX CERTIORARI PROCEEDINGS BROUGHT BY MARKET STREET MOBILE HOME PARK, LLC AGAINST THE TOWN OF HYDE PARK FOR THE TAX YEAR 2021 & 2022

WHEREAS, tax certiorari proceedings have been filed against the Town of Hyde Park by Market Street Mobile Home Park, LLC in regard to the assessments on a certain property located in the Town of Hyde Park and designated as Tax Grid No. 13320-6165-03-390157 (132 E. Market Street) and 133200-6165-03-363117 (29 Brower Boulevard); and

WHEREAS, it is desired to settle the 2021 and 2022 proceedings.

NOW THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, New York, 12601 to negotiate a settlement whereby the 2021 and 2022 assessments will be settled in accordance with the attached proposed amended consent judgement and summarized as follows:

Assessment Roll Year	Parcel ID	Equalized Value	Assessed Value	Reduced Equalized Value	Reduced Assessed Value	Reduction
2021	390157	\$1,299,000	\$649,500	\$792,330	\$396,165	\$253,335
2021	363117	\$ 539,600	\$269,800	\$362,670	\$181,335	\$ 88,465
2022	390157	\$1,451,400	\$649,500	\$885,285	\$396,165	\$253,335
2022	363117	\$ 602,900	\$269,800	\$405,218	\$181,335	\$ 88,465

and;

BE IT FURTHER RESOLVED, that Kyle W. Barnett, Esq. of the law firm of Van DeWater & Van DeWater, LLP, is also hereby authorized to sign such documents as are necessary to effectuate the settlement; and

BE IT FURTHER RESOLVED, that the Petitioner has agreed to waive all town ad valorem refunds for both years under review.

MOTION: Councilwoman Ruggiero
 SECOND: Councilman Lombardi

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 – 3 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF JANUARY 2023 BUDGET REVISIONS NUMBER 2023-01

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 January 2023 identified as Budget Revisions Number 2023-01.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
GENERAL FUND				
#2023-01-01	01.8090.400	Transfer to Environmental Control	7,856.50	
	01.1990.400	Contingency - To Fund Operations that were Authorized by Town Supervisor in Letter Dated 9/2/21		7,856.50
#2023-01-02	01.3620.100	Salary Adjustment for Bldg. Dept.	2,197.00	

	01.1990.400	Contingency		2,197.00
		<i>-To Adjust Salary in Accordance with Resolution 1:3-54 of 2023</i>		
#2023-01-03	01.3989.400	Tree Service	10,500.00	
	01.1990.400	Contingency		10,500.00
		<i>- To Fund Tree Removal at Hackett Hill Associated with Playground Project</i>		

MOTION: Councilman Lombardi
 SECOND: Councilman Prusakowski

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 - 4 OF 2023

RESOLUTION AUTHORIZING ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA FOR PHASE II OF THE BELLEFIELD DEVELOPMENT PROJECT PURSUANT TO TOWN LAW SECTION 280-A(4)

WHEREAS, the St. Andrew’s PUD project, as initially proposed and as reviewed during the public zoning and SEQR process concluded in 2007, provided that all roads within the project (“the Roads”) be privately owned; and

WHEREAS, the original Concept Development Plan approval adopted by the Town Board in August 2007 confirmed that the Roads would be privately owned, and that the layout and detailed roadway designs would be subject to site plan approval by the Planning Board; and

WHEREAS, the 2021 Amended Concept Development Plan for the revised Bellefield Planned Unit Development re-affirmed that the Roads would be privately owned; and

WHEREAS, the 2021 Amended Concept Development Plan approval was preceded by the adoption of an Amended SEQR Findings Statement by the Planning Board, as Lead Agency, on December 8, 2021, and by the Town Board on December 20, 2021, as Involved Agency, which considered the nature of the roads within the project as part of the proposed action under review; and

WHEREAS, Town Law §280-a authorizes Town Boards to approve private roads in developments through the establishment of Open Development Areas (“ODAs”), after referral to the Planning Board for its advice and report, wherein

building permits may be issued for the erection of structures to which access is given by right of way or easement; and

WHEREAS, the approval of an Open Development Area is necessary to allow the issuance of building permits for the proposed structures within the proposed development area pursuant to the proposed Site Plan and Sketch Plan for the creation of lots in the development area; and

WHEREAS, the Town Board has previously, on June 18, 2019, approved the establishment of an open development area (“ODA”) pursuant to New York State Town Law §280-a, for “Sub-Phase 1A” of the Project, which included development of the Hotel now under construction, and the Wastewater Treatment Facility for the project; and

WHEREAS, on November 1, 2022, the Town Board received a presentation by the applicant, T-Rex Hyde Park Owner LLC (“T-Rex”) describing the proposal to create private roads in Phase II of the project, and the Town Board thereafter referred the Applicant’s request to establish the ODA for Phase II to the Town Planning Board for its advice and report on the suitability of the proposed access, and the formation of the ODA for Sub-Phase II, and the Planning Board, after careful consideration of the facts, has issued a report and recommendation dated November 16, 2022, in the form of a letter from Planning Board Chair Michael Dupree, setting forth the necessity of the Town Board’s decision on the ODA to implement the Planning Board’s development approvals, and supporting the creation of the ODA for the Phase II project; and

WHEREAS, the Town Board has also received and reviewed copies of the updated proposed Open Development Area Overall Roadway Map and Sections (“ODA Drawing Set”) last revised January 19, 2023, which have been amended in conformance with the Planning Board’s requested addition of an additional road type, the “Parking Circulation Road;” and such plans have been reviewed and found acceptable by the Town Engineer; and

WHEREAS, the Town Planning Board, as SEQR Lead Agency, has completed its SEQR Review of the Bellefield Phase II Final Development Plan (FDP), which includes review of the proposed ODA, and adopted a SEQR Determination, dated January 18, 2023, identified as Resolution #16-490, concluding that the Phase II FDP does not create any potentially significant adverse environmental impacts, and is consistent with the existing SEQR Findings Statement, as more fully set forth in the Planning Board’s SEQR Determination; and the Town Board concurs with the Planning Board’s conclusions with respect to the Open Development Area; and

WHEREAS, the Report from the Planning Board and the updated ODA Drawing Set establish that the proposed ODA plan for Phase II provides for suitable access to the proposed lots and structures in the project, and that the project approvals will assure that the private roadways will be suitably improved at the time building permits are issued, and at the time certificates of occupancy are issued; and

WHEREAS, the approval of an Open Development Area does not require the holding of a public hearing, and the Town Board finds that there have been extensive public hearings on the overall project and on the proposed Phase II Final Development Plan, allowing full opportunity for public comment; and

WHEREAS, the Town Board has heard a further presentation from the Applicants on January 23, 2023, and has duly deliberated on the matter, considering all relevant facts and circumstances:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park, pursuant to Town Law §280-a (4), hereby establishes an Open Development Area for Phase II of the Bellefield development as shown on proposed updated Phase II Final Development Plan drawings prepared by Passero Associates, bearing revision date January 19, 2023; such establishment subject to the following conditions:

1. This Open Development Area approval covers only the Roads in Phase II of the Development as shown on the Phase II Site Plan Drawing set, the accepted Sketch Plan, and the updated ODA Drawing Set. Any further extension or amendment of the Open Development Area to include roads outside the lengths herein approved will require further application to the Town Board after review by the Planning Board.

In its further consideration of the Site Plan and Subdivision applications, the Planning Board shall have the continuing authority pursuant to Town Law 280-a to prescribe further conditions and limitations relating to the character of the ODA roadways and their improvement, including, without limitation, those recommended by the Town Engineer, those which may be identified in any of the Planning Board's determinations or approvals for the Phase II project; and those relating to the issuance of building permits and certificates of occupancy for the structures to be accessed by the roadways, in order to assure that the ODA roads are suitably improved during the construction process and prior to post-construction occupancy.

MOTION: Councilman Prusakowski

SECOND: Councilwoman Noakes

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED



RECEIVED

JAN 23 2023

TOWN CLERK
HYDE PARK, NY

MEMORANDUM

Date: January 23, 2023

To: Town of Hyde Park Town Board
 Town of Hyde Park Planning Board
 Sarah Wilson Esq. Esq.
 Larry Boudreau (lboudreau@trexcapital.com)
 Kelly Libolt AICP (kelly@karcpc.com)

From: Peter Setaro, PE; Town Engineer

 Bellefield Phase 11
 ODA Amendment- Road Sections
 CPL #14908.00

The Town Board is considering amending the ODA for Phase 2 of the Bellefield project. In the Planning Boards recommendation to the Town Board on the amendment, the following language was included:

"The August 29, 2007 Comprehensive Development Plan for St. Andrew's Property states that "road specifications should be designed to meet Town road construction specifications.... Detailed roadway designs shall be subject to site plan approval by the Planning Board." In SA111-11, the Town has designated four types of roads: 1) Major or through roads; 2) Commercial or industrial roads; 3) Type I local road; and 4) Type II local roads. Based on the descriptions for each category in SA111-12, the larger roads in the approved concept plan — ones which traverse the commercial and mixed-use parcels — would be "Commercial" and the smaller subsidiary roads would be "Type II local." The

applicant has performed a geotechnical analysis of the slopes and soils present on the site and has proposed construction specifications. We believe that these

newer plans should be adopted as part of the formation of the ODA, once approved by the Town Engineer.

On January 19, I had a conference call with the developer's consultants to review the amended ODA Roadway Map and Sections. Based on our discussion, we received a revised submission titled:

Phase II Open Development Area- Overall Roadway Map and Sections, latest revision dated January 19, 2023. Based on my review I offer the following comments:

26 IBM Road
Poughkeepsie,
NY 12601
cplteam.com
845.686.2313
TEL



Bellefield Phase 2 CPL Project No. 14908

Memorandum

1. There are several Figure Numbers that are missing or incorrect in the Title Block

2. Figure 1.13 references Sheet G 005, however the sheet is not included. Also on the sheet, the On-site Roadway Section that designates the roads in Phase 2 through the "Main Street area", has 4 inches total of blacktop, whereas the On-site- Parking Section detail has the same 4 inches of asphalt. Although the subbase thickness for Main Street is substantially more than the Parking section detail, it seems that the asphalt thickness should be greater with the heavier traffic on Main Street.

3. Figure 1. 12 highlights the Phase 2 area, however it doesn't appear to include the condos behind the hotel.

4. I note the Planning Board resolution references the original 2007 Comprehensive Development Plan which states that the developments roads should conform to Town Road Specifications and references several Figures in the Town Road Specifications that detail typical Town Road Cross sections for various types of roadways. I note the Town Highway Specification Typical Road Sections are for rural Town roadways and a commercial road. These roadway sections are not applicable to the Bellefield project as the project has more commercial type roadways in highly developed areas. The Bellefield Phase II Road Sections are designed to fit the intent of the developed area. The structural integrity of the road sections with the thicknesses for asphalt and subbase exceed Town roadway specifications.

-7 In summary I have no objection to the Town Board amending the ODA as it pertains to the Phase II Roadway Sections with a condition that the above comments be addressed to the satisfaction of our office and revised plans filed with the Town.

If you have any questions please do not hesitate to contact me at 845-686-2302, or e-mail at psetaro@cplteam.com.

Bellefield Phase 2 - Town Board ODA Approval memo - January 23, 2023 .docx

RESOLUTION 1:23 – 5 OF 2023

RESOLUTION APPROVING HEIGHT VARIATIONS FOR SIX BUILDINGS WITHIN THE BELLEFIELD DEVELOPMENT PROJECT

WHEREAS, on August 29, 2007, the Town Board adopted a Concept Development Plan for the St. Andrews on Hudson Planned Unit Development, relating to an approximately 339-acre site located on the east side of Route 9, north of West Dorsey Lane and south of St. Andrews Road, said property now designated as tax parcel 133200-6163-01-131849; and

WHEREAS, on December 20, 2021, the Town Board of the Town of Hyde Park adopted the 2021 Amended Concept Development Plan for the same property, now known as the Bellefield Planned Unit Development (“Bellefield PUD”); and

WHEREAS, the 2021 Amended Concept Development Plan approval was preceded by the adoption of an Amended SEQR Findings Statement by the Planning Board, as Lead Agency, on December 8, 2021, and by the Town Board on December 20, 2021, as Involved Agency, which considered all aspects of the project; and

WHEREAS, Section III.A.9 of the 2021 Amended Concept Development Plan adopted by the Town Board on December 20, 2021, authorizes the Town Board to grant variations to allow buildings to exceed the height and bulk standards provided in the approved Concept Plans; and

WHEREAS, Sections 108-4.4 and 108-7 of the Code of the Town of Hyde Park authorize the Town Board to approve increases in heights for buildings in Planned Unit Developments, and to grant relief from other zoning requirements; and

WHEREAS, on October 26, 2022, the Town Board received an application from T-Rex Hyde Park Owner, LLC (“T-Rex”) for height variations for six (6) buildings within the Bellefield PUD Phase II Final Development Plan, for the following increases in permissible height from the allowed 46 feet set forth in the 2021 Amended Concept Plan:

- Building 100 at a height of 47 feet, 4 inches, a variation of 1 foot, 4 inches;
- Building 200 at a height of 51 feet, 4 inches, a variation of 5 feet, 4 inches;
- Building 300 at a height of 53 feet, a variation of 7 feet;
- Building 400 at a height of 52 feet, 6 inches, a variation of 6 feet, 6 inches;
- Building 500 at a height of 50 feet, a variation of 4 feet;
- Building 600 at a height of 52 feet, a variation of 6 feet.

and

WHEREAS, on November 1, 2022, the Town Board received a presentation by T-Rex describing its application for proposed Height Variations and reasons for same, and the Town Board on that date authorized referral of the application to the Town Planning Board and to the Dutchess County Planning Department for review, and set a public hearing of the application for December 12, 2022 at 6:05 pm at the Town Hall; and

WHEREAS, notice of such Public Hearing was duly posted and published at the direction of the Town Clerk, and

WHEREAS, the Town Planning Board responded to the Town Board’s request with a letter dated November 16, 2022, recommending that the height variations be issued, noting, in part, that the buildings where variations were

sought were located a substantial distance from the boundaries of the property, and would be further screened by other buildings and vegetation; that any impact of the variations had been reduced by the incorporation of numerous architectural features to reduce the mass of the buildings to resemble a series of small, well-proportioned structures; and that visitors and residents in the Village Neighborhood and mixed-use Village Center would likely be unaware of the increased building heights because of the substantial variations in height which was part of the overall design; and

WHEREAS, the Dutchess County Planning Department responded to the Town Board's referral with a determination dated December 1, 2022, that the variations were a "matter of local concern;" and

WHEREAS, the Town Board conducted a public hearing on the application, which commenced on December 12, 2022, and was continued to the Board meeting on January 23, 2023, and on that date closed; and

WHEREAS, the Town Planning Board, as SEQR Lead Agency, conducted a detailed SEQR Review of the Bellefield Phase II Final Development Plan ("FDP"), and adopted a SEQR Determination, dated January 18, 2023, which set forth details of its analysis of the environmental impacts of the height variations, including the following:

- The variances sought are small, in terms of numbers of feet, ranging from 1 foot 4 inches to 7 feet. The height variations are requested only for portions of the six buildings, and not for the entire length of the buildings. The detailed elevations showing the requested variations confirm that the extent of the variations is very small, and not substantial. The location on the property where the height variations are proposed is significantly set back from the outside boundaries of the property, and will have minimal, if any, effect on views from neighboring properties. The Planning Board has reviewed a site section showing the view of a driver on Route 9 looking eastward toward the site of the 6 buildings requiring height variations. The section demonstrates that the buildings with the requested height variations will not be seen from that viewpoint.
- The variations are materially attributable to the grades at the site, and the methods of measurement of height provided for in the Town Code create practical difficulties for the applicant in meeting the as-of-right height standards on sloped land.
- In evaluating the environmental impact of the variations, it is noted that the proposed height of the subject buildings also helps to limit areas of disturbance, managing the grades in an environmentally sensitive way. Overall, the variations do not create any substantial adverse visual or community character impacts, and those impacts are consistent with the approved 2021 Amended Concept Plan. The

context of the building massing in the Village is a mixture of varying roof heights, differing roof types and slopes, and juxtaposition of interesting architectural features, and the variations in the roof heights will be indiscernible in that context.

and,

WHEREAS, the Planning Board’s SEQR Determination of January 18, 2023, concluded that the Phase II FDP, which includes the height variations, does not create any potentially significant adverse environmental impacts, and is consistent with the existing SEQR Findings Statement, as more fully recited in such SEQR Determination; and the Town Board concurs with the Planning Board’s conclusions; and

WHEREAS, during the public hearing process, the Town Board received evidence relating to the overall balancing test applicable to the issuance of variances under the Town Law, including consideration of the “five factors” which are an additional part of the consideration of variance applications; and

WHEREAS, the Town Board has duly deliberated on the matter, considering all relevant facts and circumstances:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park makes the following findings relating to the application for height variations:

1. The proposed height variations will not create a detriment to nearby properties or an undesirable change in the character of the neighborhood.
2. There is no reasonable alternative other than a height variance, considering the present method of measuring height in the Town Code.
3. The requested variances are not substantial in light of their location and the size of the property.
4. The proposed variations will not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The applicant’s difficulty was not self-created, in light of the sloped nature of the site and the required methodology of measuring height in the Town Code. It is also noted that self-created hardship, even where it is found to exist, does not prevent the issuance of area variances, which include height variations.
6. Based upon a consideration of all of the above factors, and further considering the benefit of the height variations to the applicant, as weighed against any detriment to the health, safety and welfare of the neighborhood or community if the variations are granted, the Board finds that there is

no adverse impact to the neighborhood which would warrant a denial of the requested variations.

7. Further, based on the above considerations, the Board finds that the variations being granted are the appropriate minimum variation, and that such variations are appropriate to grant reasonable relief to the applicant and also preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

AND BE IT FURTHER RESOLVED, that the requested height variations are granted in all respects, subject to the following:

1. Issuance of Final Development Plan (Site Plan) approval by the Planning Board, as evidenced by signing of the Site Plan by the Planning Board Chair, and compliance with any conditions of Planning Board approval that are prerequisite to issuance of a building permit for each of the respective buildings.
2. As provided in section 108-33.5(F) of the Town Code, variances run with the land. The height variation for each building shall take effect upon the issuance of a building permit for that building. Commencement of construction within the period provided under the building permit, or any extension thereof, shall constitute compliance with Zoning Law section 108-33.5(F)(1). The Town Board reserves its discretion to grant extensions of the variances herein, and no public hearing shall be required for such extension.

MOTION: Councilwoman Noakes

SECOND: Councilwoman Ruggiero

VOICE VOTE:

ALL IN FAVOR	5	
ALL OPPOSED	0	CARRIED

RESOLUTION 1:23 – 6 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE A NO COST CHANGE ORDER TO THE HYDE PARK NYS ROUTE 9 PEDESTRIAN IMPROVEMENTS, CAPITAL PROJECT CONSTRUCTION CONTRACT FOR A. COLARUSSO & SON, INC.

WHEREAS, the Town of Hyde Park had completed design and approvals for the Route 9 Pedestrian Improvement Project, for the construction of

sidewalks and related infrastructure on Route 9 between Park Plaza and the Fire House; and

WHEREAS, by Resolution 11:15 – 8 of 2021 the Town Clerk, with the assistance of GPI, the Consulting Engineers for the project and the Town Supervisor, were authorized to go out to bid to advertise and receive bids for the Hyde Park NY State Route 9 Pedestrian Improvements for a contractor for said project; and

WHEREAS, said bid was award by Resolution 12:20 – 9 of 2021 to A. Colarusso & Son, Inc. as the lowest responsible bidder; and

WHEREAS, the bid documents included two (2) addenda of which addendum two (2) stated that the time to complete the project would be forty-five (45) working days from the notice to proceed; and

WHEREAS, A. Colarusso was issued a work permit on May 31, 2022, and the Pre-Construction Meeting was held on June 2, 2022, and the notice to proceed was issued on June 14, 2022, with a completion date of July 29, 2022; and

WHEREAS, in late June the contractor informed the Town that due to staffing and subcontractor scheduling issues, a result of NYSDOT not issuing the Highway Work Permit timely, the contractor would have to delay the start until August 29, 2022; and

WHEREAS, concerns were expressed by the Town Supervisor that this would push the project out too far and bring construction into the winter season; and

WHEREAS, the Town was concerned this delay would cause issues with concrete durability if chemicals were used before the concrete had time to fully cure; and

WHEREAS, it was decided it was in the best interest of this project to postpone construction until the Spring of 2023 with a start date of April 17, 2023, bringing the completion date to July 31, 2023.

NOW, THEREFORE BE IT RESOLVED, the Town of Hyde Park does hereby approve the No Cost Change Order to the contract of A. Colarusso & Son, Inc. to reflect the change in the start date as well as the completion date; and

BE IF FURTHER RESOLVED, that the Town Board does also hereby approve the request of contractor to have the contract duration language described in Addendum 2 of 45 working days to be reinstated.

MOTION: Councilwoman Ruggiero
SECOND: Councilman Lombardi

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 – 7 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE TOWN’S FINANCIAL SUPPORT REGARDING THE HIRING OF COORDINATOR FOR THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL COUNCIL

WHEREAS, the Hudson River Estuary is the primary drinking water supply for over 100,000 people in the City and Town of Poughkeepsie, Village and Town of Rhinebeck, Town of Hyde Park, Town of Lloyd and Town of Esopus; and

WHEREAS, maintaining and enhancing water quality in the Hudson River and its tributaries is essential to the public health, economic well-being, environmental resources and quality of life for these communities; and

WHEREAS, source water protection is a series of measures, defined and encouraged through federal and state programs, including the Safe Drinking Water Act amendments of 1996 and New York’s Drinking Water Source Protection Program, designed to take a watershed approach to protecting public drinking water supplies from contamination; and

WHEREAS, a review of source water protection-related programs by the Center for Watershed Protection and Riverkeeper in 2018 recommended a number of actions, including the formation of an intermunicipal drinking water council and securing of funding for the council to hire support staff; and

WHEREAS, a memorandum of agreement was entered into on 31st day of May 2018 by and between the seven municipalities to form the Hudson River Drinking Water intermunicipal Council (the Hudson 7); and

WHEREAS, the Town of Hyde Park has a voting member on the Council; and

WHEREAS, Riverkeeper has provided an interim coordinator on a part-time basis for the Hudson 7 for the past six years with an end date of approximately May 31, 2023; and

WHEREAS, a subcommittee formed by the Hudson 7 to define a coordinator position in 2020; and

WHEREAS, through its first five years, the Hudson 7 has addressed significant source water issues, and has been recognized by all levels of government and the business community as a respected stakeholder in issues affecting the quality of the Hudson River; and

WHEREAS, ongoing work by the Hudson 7 includes developing a first-ever source water protection plan via New York State's Drinking Water Source Protection Program, negotiating protections for drinking water intakes during permitted construction and remediation activities, liaising with the U.S. Coast Guard and other agencies on industrial spill prevention and response, and other activities; and

WHEREAS, none of these activities are possible by any municipality or drinking water utility alone, and have only been possible through the collective effort of members of the Hudson 7 and its partners; and

WHEREAS, a key to ongoing progress on these and other issues requires dedicated support staff for the council; and

WHEREAS, Dutchess County (DC) and Ulster County (UC) have each committed \$25,000 annually, over a three-year period, with a total contribution not to exceed \$75,000 to support the hiring of a full-time coordinator for the Hudson 7; and

WHEREAS, DC's funding is contingent on all Hudson 7 members contributing to support the cost of a coordinator position. DC wants to be a voting member, as a party contributing monies; their representative will be appointed by their County Executive, subject to confirmation by the Legislature pursuant to the Charter; and

WHEREAS, UC's inclusion into the Hudson 7 as a voting member, and its financial contribution, is contingent on the authorization and execution of said agreement by each current member of the Hudson 7, as well as Dutchess County; and

WHEREAS, DC has also committed up to \$19,999 for legal services to support the hiring of a coordinator; and

WHEREAS, the Town of Hyde Park's commitment for the hiring of said coordinator is \$5,000 per year for an initial three years, along with the commitments of the counties and other Hudson 7 municipalities; and

WHEREAS, the financial commitments agreed to by all parties acknowledge that in the first year of contributions for the Coordinator, the amount may be prorated depending on the start date of the Coordinator; and

WHEREAS, the Town of Hyde Park approves the revised Intermunicipal Agreement as presented; and

WHEREAS, there will be three phases in hiring a coordinator for the Hudson 7; and

WHEREAS, Phase One will include revising the IMA to add DC (voting member) and UC (non-voting member); add language allowing DC to appropriate money to H7 for the legal consultant; add language that spells out the future contributions by each County and municipalities, for purposes of hiring of a project coordinator; This revised MOU would go before Ulster County and then each H7 Municipality first for a vote, and then Dutchess County will vote; and

WHEREAS, this Amendment shall not be considered formally adopted until approval and execution by all parties; and

WHEREAS, Phase Two will include Dutchess County's contribution of \$19,999 for Hudson 7 to hire a legal consultant who will further advise; and

WHEREAS, Phase Three includes once a legal consultant has revised and opined, and new by-laws are drafted, monies can be transferred to the H7; the project coordinator search can begin.

NOW, THEREFORE, BE IT RESOLVED, the Town of Hyde Park does hereby approve the Town's commitment in contributing to the Hudson 7 a monetary amount of \$5,000 for a period of three years along with the commitments of the counties and other Hudson 7 municipalities to support the hiring of a full-time coordinator for the Hudson 7; and

BE IT FURTHER RESOLVED, that said monetary amount committed by the Town of Hyde Park may be prorated for the first year depending on the start date of said Coordinator.

MOTION: Councilman Lombardi

SECOND: Councilman Prusakowski

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 - 8 OF 2023

RESOLUTION AUTHORIZING THE RELEASE OF THE BALANCE OF ESCROW FROM THE TOWN OF HYDE PARK ZONING BOARD OF APPEALS ACCORDING TO RESOLUTION #12-2022-E

WHEREAS, escrow had been established for the review of the projects as noted below; and

WHEREAS, the Town of Hyde Park Zoning Board of Appeals reviewed these projects and voted on and approved the release of escrow for said projects on December 15, 2022, according to Resolution #12-2022-E.

NOW, THEREFORE BE IT RESOLVED, that the Town Board, the Town Comptroller, and all other personnel of the Town of Hyde Park who are in charge of administration of the listed escrow accounts are hereby authorized to release to the said applicants the balances as listed below from their escrow accounts.

NAME	Project #	Attorney	Total
NESHEIWAT (COMBINE W/PROJECT #: 2021-39)	21-16Z	\$1,719.50 \$ 118.00	\$1,719.50 \$ 118.00
CULINARY INSTITUTE	22-10Z	\$ 164.00	\$ 164.00
RITE AID	21-19Z	\$ 248.00	\$ 248.00
SPEEDWAY	22-01Z	\$ 24.00	\$ 24.00

MOTION: Councilwoman Noakes
 SECOND: Councilman Prusakowski

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 - 9 OF 2023

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF DUTCHESS FOR AUTOMOTIVE REPAIR AND MAINTENANCE FOR THE TOWN OF HYDE PARK VEHICLES

WHEREAS, the County of Dutchess has proposed a Shared Services Agreement to be entered into with the Town of Hyde Park, which provides, in relevant part, that Dutchess County will provide repairs and preventative maintenance to the Town of Hyde Park Town Hall, Highway, Police and Recreation Department vehicles using a standard of care acceptable to the Town of Hyde Park in strict compliance with all applicable Federal, State, and local regulations and procedures; and

WHEREAS, annexed to the Agreement as Exhibit "A" is a schedule of services with rates for labor and parts for the 2023 calendar year; and

WHEREAS, said agreement may be extended for four (4) additional periods of one-year each, not exceeding in total five (5) years from the original agreement date, upon such terms and conditions as may be agreed to between the parties.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Supervisor is hereby authorized to execute the Shared Services Agreement with the County of Dutchess for the provision of repairs and preventative maintenance for Town Hall, Highway, Police and Recreation vehicles as submitted to the Town of Hyde Park and reviewed and approved by the Town Comptroller and Attorney to the Town.

MOTION: Councilwoman Noakes

SECOND: Councilwoman Ruggiero

VOICE VOTE:

ALL IN FAVOR	5	
ALL OPPOSED	0	CARRIED

RESOLUTION 1:23 - 10 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT AS TOWN HISTORIAN CARNEY RHINEVAULT

BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby appoint Carney Rhinevault as the Hyde Park Town Historian for the year 2023; and

BE IT FURTHER RESOLVED, that the annual compensation for the Hyde Park Town Historian shall be \$300.00.

MOTION: Councilman Lombardi
SECOND: Councilman Prusakowski

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 – 11 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO AMEND RESOLUTION 1:3 – 58 OF 2023 ESTABLISHING THE 2023 INCUMBENT PART-TIME AND SEASONAL STAFF WAGE RATES FOR EMPLOYEES FOR THE TOWN OF HYDE PARK TO REFLECT THE ADDITION OF THE POSITION FOR PART-TIME DEPUTY ZONING ADMINISTRATOR AND TO CORRECT AN ERROR IN THE WAGE AMOUNT FOR THE HOURLY DEPUTY BUILDING INSPECTOR

WHEREAS, by Resolution 1:3 – 58 of 2023 that Town Board authorized the establishment of the salaries of the Incumbent Part-Time and Seasonal Staff Wage Rates for 2023; and

WHEREAS, the position of Deputy Zoning Administrator had inadvertently been left off of said list; and

WHEREAS, the hourly Deputy Building Inspector rate was listed as \$35.74/hr. instead of \$35.75/hr.

NOW, THEREFORE BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Resolution 1:3 – 58 of 2023 titled “Establishing the 2023 Incumbent Part-Time and Seasonal Staff Wage Rates for Employees for the Town of Hyde Park” to reflect the addition of the position for Part-Time Deputy Zoning Administrator and to correct an error for the hourly rate listed for the Deputy Building Inspector from \$35.74 to \$35.75; and

BE IT FURTHER RESOLVED, that the part-time Deputy Zoning Administrator position is to be paid retroactive to January 1st, 2023.

POSITION	WAGE RATE	ANNUAL HOURS
Deputy Receiver of Taxes	\$18.00/HR	910
Legislative Aide	\$25.00/HR	1040

Seasonal Town Hall Worker	\$25.50/HR	As Needed
PT Deputy Zoning Administrator	\$26.78/HR	1040
Hourly Deputy Building Inspector	\$35.75/HR	1,456
PT Fire Inspector	\$30.47/HR	728
Senior Clerk – Union Cemetery	\$17.00/HR	910
Seasonal CDL Driver	\$20.31/HR	As Needed
Seasonal Laborer - Highway	\$15.00/HR	As Needed
Seasonal Laborer - Recreation	\$16.00 - \$18.00/HR	TBD
Recreation Camp Registrar	\$15.00 - \$17.00/HR	TBD
Recreation Camp Director	\$17.00 - \$22.00/HR	TBD

MOTION: Councilman Prusakowski
 SECOND: Councilwoman Noakes

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 - 12 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE VACATION CARRY OVER FOR TOWN OF HYDE PARK POLICE OFFICER JOSHUA KEMLAGE

BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Town of Hyde Park Police Office Joshua Kemlage to carry over forty (40) hours of vacation which he was unable to use by the end of 2022.

MOTION: Councilwoman Noakes
 SECOND: Councilwoman Ruggiero

VOICE VOTE:

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

1:23 - 13 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE VACATION CARRY OVER FOR TOWN OF HYDE PARK POLICE ASSISTANT DERRICK BYRNE

BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Town of Hyde Park Police Assistant Derrick Byrne to carry over up to forty (40) hours of accrued vacation time which he was unable to use prior to his anniversary date of February 9, 2023, and that said carry over vacation time must be used no later than August 9, 2023.

MOTION: Councilwoman Ruggiero

SECOND: Councilman Lombardi

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 1:23 – 14 OF 2023

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT PART-TIME RECREATION LEADER MORGAN SACERDOTE TO THE TOWN OF HYDE PARK RECREATION DEPARTMENT

BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby appoint Morgan Sacerdote as a part-time Recreation Leader for the Town of Hyde Park Recreation Department effective January 24, 2023, at an hourly rate of \$21.17 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 is for up to seventeen (17) hours per week; 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: Councilman Lombardi

SECOND: Councilman Prusakowski

VOICE VOTE:

ALL IN FAVOR 5

ALL OPPOSED 0

CARRIED

RESOLUTION 1:23 – 15 OF 2023

RESOLUTION AUTHORIZING TOWN OF HYDE PARK POLICE CHIEF ROBERT BENSON TO ATTEND AS THE RECRUITING FOR LAW ENFORCEMENT COURSE FEBRUARY 27TH & 28TH, 2023 AT THE TOWN OF FISHKILL POLICE DEPARTMENT, FISHKILL, NY

WHEREAS, Hyde Park Police Chief Robert Benson would like to attend the “Recruiting for Law Enforcement” course presented by the Town of Fishkill Police Department on February 27th & 28th, 2023; and

WHEREAS, the Town Board deems it appropriate and beneficial for Chief Benson to attend this course; and

WHEREAS, the fee associated with the attendance for this course if \$425.00 and will be allocated from the Police Department’s 2023 Training Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Chief Robert Benson to attend the “Recruiting for Law Enforcement” course presented by the Town of Fishkill Police Department on February 27th & 28th, 2023; and

BE IT FURTHER RESOLVED, that the Town Board does also hereby authorize reimbursement for necessary business expenditures deemed appropriate and reasonable as approved by the Town Comptroller’s Office.

MOTION: Councilman Prusakowski

SECOND: Councilman Lombardi

VOICE VOTE:

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

MOTION: Councilwoman Noakes

SECOND: Councilman Prusakowski

To adjourn meeting.

VPICE VOTE:

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

Meeting adjourned at 7:40pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna McGrogan", written over a light gray rectangular background.

Donna McGrogan
Town Clerk