



Historic Town of Hyde Park

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

“Working with you for a better Hyde Park”

**DRAFT MINUTES OF THE FEBRUARY 2, 2022, 6:00 PM
WORKSHOP/REGULAR MEETING OF THE HYDE PARK PLANNING BOARD**

**MEMBERS PRESENT: ANNE DEXTER, VICE-CHAIR
JOHN GUERCIO, JR.-arrived late
CHRISTOPHER OLIVER
STEPHANIE WASSER
ROBERT WATERS
ANN WEISER**

MEMBERS ABSENT: MICHAEL DUPREE, CHAIRMAN

**OTHERS PRESENT: VICTORIA POLIDORO, PB CONSULTING ATTORNEY
KATHLEEN MOSS, ZONING ADMINISTRATOR
CYNTHIA WITMAN, PB SECRETARY**

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In Chairman Dupree's absence, Vice-Chair Dexter will conduct the meeting.

Vice-Chair Dexter: Welcome to the February 2, 2022 meeting of the Hyde Park Planning Board. This meeting is being conducted virtually as authorized by New York State Legislation Bill A8591, amending the Open Meetings Law and allowing for public meetings to be held virtually. First matter of business is to make sure that each Board Member is alone and not duly influenced by surrounding people.

Ms. Weiser: I'm alone

Mr. Waters: I'm alone

Ms. Wasser: I'm alone

Mr. Oliver: I'm alone

Mr. Guercio: Absent

Chairman Dupree: Absent.

Vice-Chair Dexter: And I am alone. Did John join us? No. Okay, then we're good.

PLEDGE OF ALLEGIANCE

Vice-Chair Dexter: Next, let's start with the *Pledge of Allegiance*. Thank you.

PLEDGE OF ALLEGIANCE

OTHER BUSINESS:

DISABLED VETERANS' BEE FARM

Site Plan Approval Animal Husbandry (#2021-58)

Location: 47 Morris Drive

Grid #: 6165-02-690640

In attendance via Zoom:

Chris Pellettiere, Owner & Applicant

RESOLUTION GRANTING SITE PLAN APPROVAL

DISABLED VETERANS' BEE FARM

Date: February 2, 2022

Moved By: Mr. Oliver

Resolution: # 2021-58A

Seconded By: Mr. Waters

WHEREAS, the applicant, Chris Pellettiere, has submitted an application for site plan approval, received on December 6, 2021, to establish an apiary and horse corral (the "Project") on property identified as 47 Morris Drive, Tax Grid Number 6165-02-690640 (the "Property"), in the Greenbelt District; and

WHEREAS, the Project is depicted on a site plan dated November 24, 2021, which is a portion of a survey dated December 13, 1983, along with additional aerial photos (the "Site Plan Set") received December 6, 2021; and

WHEREAS, the application is for the raising and keeping of honey-producing bees and non-boarding equine use; and

WHEREAS, agriculture and animal husbandry are permitted uses in the Greenbelt District subject to site plan approval; and

WHEREAS, the State of New York has adopted an Agriculture and Markets Law (ADL), recognizing the benefits of farming statewide, protecting agricultural activity from unreasonable restrictions by local governments, per Chapter 69, Article 25AA, §305-a, and

WHEREAS, the Property is approximately 113.68 acres; and

WHEREAS, pursuant to Hyde Park Zoning Law Section 108-4.3B(5), animal husbandry uses must be at least 250 feet from all neighboring residences and any manure from an animal husbandry use must be at least 200 feet from all neighboring residences and at least 200 feet from all wells; and

WHEREAS, the Project is not within 250 feet of any residences on adjoining lots as depicted on a sheet dated 11/24/2021, which is a portion of a survey dated December 13, 1983, and was reviewed by the Zoning Administrator; and

WHEREAS, the applicant submitted an agricultural data statement on December 17, 2021; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated November 23, 2021; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the Project;

WHEREAS, on January 5, 2022, the Planning Board classified the action as a Type II action under SEQR; and

WHEREAS, Section 108-9.4 C 1 & 2, allow the Planning Board to waive items of required information and to waive procedures required to obtain site plan approval, and

WHEREAS, the Planning Board has determined and finds that sufficient information has been presented for approval of such use; and

WHEREAS, a duly noticed public hearing was held on January 19, 2022, during which all those who wished to speak were heard and a written public comment period was left open for an additional seven days; and

WHEREAS, a said public hearing was held remotely in accordance with New York State Legislation Bill A8591 of 2022.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the Site Plan and authorizes the Chairperson or his authorized designee to sign the Site Plan after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Revision of the Site Plan Set to add a Site Plan note that restricts the maximum number of horses to 15 at any one time.**
- 3. Revision of the Site Plan Set to organize as a bound document or a single sheet with a space for the Planning Board stamp and owner's stamp.**

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

VOICE VOTE Aye-5 Absent-2 Nay-0 Motion Carried

64 FALLKILL ROAD SITE PLAN

Subdivision and Site Plan 2 Single Family Dwellings (#2021-08)
Location: 64 Fallkill Road
Grid #: 6266-03-17645

**RESOLUTION TO AMEND THE CONDITIONS OF FINAL SUBDIVISION APPROVAL
64 Fallkill Road 2-Lot Subdivision**

Date: February 2, 2022

Moved By: Ms. Wasser

Resolution: #2021-08C

Seconded By: Mr. Oliver

WHEREAS, on August 18, 2021, by Resolution #2021-08 (the "Resolution"), the Planning Board granted the applicant, Paul Beligni, approval of an average density subdivision to subdivide an existing 28.5 are lot located at 64 Fallkill Road (the "Property") into a 8.66 acre lot and a 19.88 acre lot and for site plan approval for proposed Lot 1B to construct two one-family dwellings and associated site improvements as shown on a subdivision plat entitled "Easement Map for Minor Subdivision of Lands of Paul R. Beligni," Spencer S. Hall, Land Surveyor, dated June 20, 2021, and plans prepared by P.W. Scott Engineering & Architecture P.C., dated March 30, 2021, last revised July 20, 2021 Sheets SY3, SY4, SY5 and SY6A (the "Subdivision Plat") and on plans prepared by P.W. Scott Engineering & Architecture P.C., dated March 30, 2021, last revised July 20, 2021, Sheets SY2, SY3B, SY4B, SY4C, SY5B, SY6A, SY6B, SY6C, D1, D2, D3 and VS1 (the "Site Plan Set") (together, the "Project"); and

WHEREAS, approval of the Subdivision Plat was conditioned on satisfaction of seven conditions of approval, as set forth in the Resolution; and

WHEREAS, the applicant has requested that the Planning Board modify conditions 6f and 6k to avoid duplication with the approved Site Plan Set; and

WHEREAS, condition 6f requires that the Subdivision Plat be amended to: Include a key indicating the symbols for the “monuments to be set” delineating the conservation area and property corners and a detail of the proposed monument; and

WHEREAS, condition 6k requires that the Subdivision Plat requires: Revision of Sheet SY6B to change the driveway width to 14 feet and to revise the grading for approval by the Town Engineer. The width of the driveway easement shown on the Hall Plans shall be amended to accommodate this increased width; and

WHEREAS, the Zoning Administrator has reviewed the requested changes and, for the reasons set forth in the attached annotated reference resolution, has recommended that the Planning Board amend the conditions of approval as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED, that Condition 6f of the Resolution is hereby amended to read as follows:

f. Include a key indicating the symbols for the “monuments to be set” delineating the conservation area and property corners.

BE IT FURTHER RESOLVED, that Condition 6k of the Resolution is hereby deleted.

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

VOICE VOTE Aye-5 Absent-2 Nay-0 Motion Carried

RHINEVAULT, CARNEY & TATIANA
Site Plan Waiver Approval (#2022-02)
Location: 6 Main Street
Grid #: 6065-20-812236

In attendance via Zoom:

Carney Rhinevault, Owner & Applicant

TOWN OF HYDE PARK PLANNING BOARD

Carney and Tatiana Rhinevault

6 Main Street

6065-20-812236

SITE PLAN Waiver

Town Code Section 108-9.4 C 2

Date: February 2, 2022

Motion by: Ms. Weiser

Resolution#: 2022-02

Seconded By: Mr. Oliver

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Carney and Tatiana Rhinevault to erect a 16’ x 16’ carport. The carport will be attached to the detached garage in the rear of their property requiring a building permit, and,

Whereas, the Planning Board has reviewed the request for this change in the Historic Overlay District, and

Whereas, the proposed change is declared a Type II action under SEQRA, and

Whereas, the proposed addition meets the zoning code setback requirements, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

Whereas, the Zoning Administrator has recommended that for this change it is appropriate to waive the site plan requirements, and

Whereas, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the building permit received by the building department January 7, 2022 and per the request to the Planning Board dated January 15, 2022.

Absent	Chairman Dupree
Aye	Vice Chair Dexter
Absent	Mr. Guercio
Aye	Mr. Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Aye	Ms. Weiser

VOICE VOTE

Aye-5 Absent-0 Nay-2

Motion Carried

RITE AID SIGNAGE

Sign Permit recommendation and request for relaxation of letter heights (#2021-36)

Location: 1 Crum Elbow Road

Grid #: 6165-03-429214

In attendance via Zoom:

Nancy Forest, GLOED Signs

MOTION: Mr. Oliver

SECOND: Mr. Waters

To authorize the Chairman to send a recommendation letter to the ZBA regarding the requested area variance for the Rite Aid Signage

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

VOICE VOTE

Aye-5 Absent-2 Nay-0

Motion Carried

2 February 2022

Chairman Dave McNary
Board members Jim Agrawal, Gerald Bowen, Paul Donnelly, Rich Perkins
Kyle Barnett, Sarah Wilson Esquires
4383 Albany Post Road
Hyde Park, New York 12538

Re: Recommendation for area variances for Rite Aid pharmacy

Dear Chairman McNary, distinguished Board members and Attorneys Barnett and Wilson:

Thank you for the opportunity to comment on area variances requested by Rite Aid located at 1 Crum Elbow Road. After thoroughly reviewing the application and with due consideration to the height and mass of the existing pharmacy and its distance from two major thoroughfares, we recommend you grant the smaller requested area variances for the two wall mounted signs. For the other requested increases, we believe that your Board can best exercise its own judgment. In support, we offer the following:

1. The applicants have submitted two visual simulations/proposals regarding wall signs, one located along the western-facing, rear gable end wall and the other above the primary entry. One presents a 30-inch logo with letters forming "Rite Aid" at heights of 1 foot, nine inches, and letters spelling "Pharmacy" at 11 inches for the sign above the entry, and a 2-foot, six-inch logo along the rear gable end wall with 1 foot, nine-inch letters spelling "Rite Aid" and 1-foot six-inch letters forming "Drive Thru." This first proposal is their "preferred" proposal, and along with other requested variances including those for decorative elements on two freestanding signs, a doubling of the maximum size for directional signs and a second freestanding sign where only one is permitted, the total square footage sought is 166.35 where the maximum permitted for the lot is 100 square feet.

2. The second proposal features a 24 inch by 19 and three-quarter inch logo with letters forming “Rite Aid” sized at 1 foot, four and three-quarter inches and letters spelling “Pharmacy” remaining at 11 inches for the primary entry sign. The sign on the rear gable end wall features a logo measuring 24 inches by 19 and three-quarter inches, letters spelling “Rite Aid” at 1 foot, four and three-quarter inches, and letters forming “Drive Thru” measuring nine and a half inches.
3. The existing primary entry signage features letters spelling “Rite Aid” and “Pharmacy” at heights of 20 inches, for a total of 33.45 square feet. The applicant’s preferred proposal would increase the total area from 33.45 to 63.25 square feet. This is a near doubling of the square footage of the sign area, though the building size has not changed, and seems akin to overkill. Though drug stores can be used by visitors to any town, their primary customers are local. Rite Aid is a well-established brand and already has high visibility since it sits at one of the busier intersections in our town. As such, we do not see why such a significant increase would be needed. The second proposal increases the total primary sign square footage from 33.46 to 45.8. The photo simulations submitted show the logo and lettering to still appear in balance with the surrounding expanse of wall above the entry, and we recommend that your Board selects it.
4. The existing signage for the rear gable end wall features letters spelling ‘Rite Aid’ measuring 24 inches, and to our eyes, these dominate the wall area and are already too large. With the letters forming “Drive Thru Pharmacy” measuring 13 inches along with the logo, the total square footage now is 33.46. The applicant’s preferred proposal increases the total to 54.6 square feet. While not a near doubling, it is still approximately an increase of 65%. The second proposal shows a more modest overall increase of the wall sign area from 33.46 to 39 square feet. The letters and the logo in the second proposal are still clearly visible to motorists and pedestrians, and we recommend that your Board selects it as well.

Please contact me if you need any additional information.

Sincerely,



Michael Dupree
Chairperson

GULF SIGNAGE

Sign Permit recommendation free-standing and wall-mounted signs (#2021-32)

Location: 4152 Albany Post Road

Grid #: 6165-03-429214

In attendance via Zoom:

Nancy Forest, GLOED Signs

Ms. Forest explained that she is working on the Board’s request to get the proposed Free-standing sign location staked, so the Board may visit the site and evaluate any potential impacts on visibility when pulling out from Terwilliger Road. She also noted that she will ask her client if they want to rearrange or add any words to balance out the pricing area. She will return to the Board in two weeks for their consideration of the wall mounted and free-standing signs.

INN AT BELLEFIELD

Site Plan Waiver building material alterations (#2017-04)

Location: 3780 Albany Post Road

Grid#: 6163-01-010622

In attendance via Zoom:

*Larry Boudreau, Bellefield at Hyde Park
Larry Pelletier, Bellefield at Hyde Park
Michael Mulroy, T-Rex Capital Group
Tom Mulroy, T-Rex Capital Group
Jennifer Van Tuyl, Cuddy and Feder
Bill Hoy, Shaner Group
Dick Hurdle, ZHA Architects
M. Davies, PC Construction
Willie Bruce, PC Construction
Larry Knapp, PC Construction*

RESOLUTION TO WAIVE THE REQUIREMENTS OF SITE PLAN APPROVAL

The Inn at Bellefield – Building Materials Alteration

Date: February 2, 2022

Moved By: Ms. Wasser

Resolution: #2017-04N

Seconded By: Mr. Oliver

WHEREAS, on January 3, 2018, by resolution #2017-04D (the “Resolution”), the Planning Board granted T-Rex Hyde Park Owner LLC conditional site plan approval for Sub-Phase 1-A of the approved Concept Plan for the St. Andrew’s Planned Unit Development, consisting of a 5-story, 137 guest room hotel located near the intersection of Albany Post Road and West Dorsey Road, tax parcel no. 6163-01-131849, together with the first phase of a proposed wastewater treatment plant and other infrastructure improvements to serve the hotel (collectively, the “Project”), as depicted on a site plan entitled "Inn at Bellefield" prepared by Chazen Engineering, dated June 30, 2017, last revised December 15, 2017, and architectural elevations prepared by ZHA Architects, dated September 6, 2017, as subsequently amended on January 15, 2020 and June 2, 2021 (the “Approved Site Plan”); and

WHEREAS, on January 3, 2018, prior to granting conditional approval to the Approved Site Plan, the Planning Board, serving as lead agency in a coordinated SEQRA review, adopted a negative declaration, determining that the Project would not result in any significant adverse environmental impacts and that a Supplemental Environmental Impact Statement would not be prepared (the “Negative Declaration”); and

WHEREAS, the conditions of approval as set forth in the Resolution were modified by the Planning Board on June 20, 2018, April 17, 2019, and August 7, 2019, and site plan approval was amended on January 15, 2020, and June 2, 2021; and

WHEREAS, by letter dated January 26, 2022, the applicant has indicated that it is proposing revisions to the architectural elements of the approved hotel (the “Amended

Architectural Features”) and has requested that the Planning Board waive the requirements of site plan approval for the proposed modifications (the “Waiver Request”); and

WHEREAS, the Amended Architectural Features are set forth on architectural elevations entitled, “Residence Inn, Marriott, Hyde Park, New York,” prepared by ZHA Architects, Sheet A2.1, last revised March 05, 2020, and Sheet A2.2, last revised October 29, 2021 (the “Revised Elevations”) and sidewalk and lighting revision plan as shown on page 14 of the powerpoint presented during the meeting on February 2, 2022; and

WHEREAS, no other changes are proposed to the Approved Site Plan, including but not limited to rooms, egress/ingress access points or energy code compliance; and

WHEREAS, pursuant to Section 108-9.4C of the Zoning Law, upon receipt of a recommendation from the Zoning Administrator that certain site plan review procedures should be waived, the Planning Board may waive such procedures; and

WHEREAS, by letter dated February 1, 2022, the Zoning Administrator has recommended that the Planning Board waive the requirements of site plan amendment approval for the Amended Architectural Features as shown on the Revised Elevations; and

WHEREAS, the Planning Board has considered the circumstances warranting the waiver of all site plan procedures and requirements.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior Negative Declaration, determining that the Amended Architectural Features, including modification of the western sidewalk and seven light poles, will not result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED, that upon the recommendation of the Zoning Administrator, the Planning Board hereby determines that the proposed modifications to the Approved Site Plan are minor and grants the Waiver Request pursuant to Section 108-9.4C(2) of the Zoning Law.

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

VOICE VOTE Aye-6 Absent-1 Nay-0 Motion Carried

Board Member Guercio joined the meeting at 6:55 pm, with his apologies.

ADJOURNMENT:

MOTION: Mr. Oliver
SECOND: Ms. Weiser

To adjourn.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

DRAFT