



## Historic Town of Hyde Park

Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
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*"Working with you for a better Hyde Park"*

### **DRAFT MINUTES OF THE FEBRUARY 5, 2020 REGULAR MEETING OF THE HYDE PARK PLANNING BOARD**

**MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN  
ANNE DEXTER - VICE CHAIR  
DIANE DI NAPOLI  
CHRISTOPHER OLIVER  
BRENT PICKETT  
STEPHANIE WASSER  
ANN WEISER**

**OTHERS PRESENT: LIZ AXELSON, PB CONSULTING PLANNER  
CYNTHIA WITMAN, PB SECRETARY**

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**Chairman Dupree:** Good Evening Gentlemen and welcome to the February 5<sup>th</sup> meeting of the Hyde Park Planning Board. Please take note of all the exits around the room in case of emergency and now join me as we salute the American Flag. *Chairman Dupree commenced the Pledge of Allegiance.*

WORKSHOP:

**RIVERVIEW RE-SUBDIVISION-LANDINGS-ANDROS**

Minor Re-Subdivision (2017-11)

Location: 6 Dock Street

Grid#: 6065-04-548172

*In Attendance: Pete Andros, P.E.*

**Chairman Dupree:** Thank you the first application tonight is Riverview Re-Subdivision. This is a returning application. We first saw this back in April of 2017. Mr. Andros, come on up. We had some communication back and forth and I believe I outlined the next steps Mr. Andros should undertake to move this project forward and he met every one. We have received letters from the Fire Department for emergency services indicating that they can make it around the corner. He's found an area for a buildable lot for a 3-bedroom house, along with a garage and shed. It appears that most of our concerns were allayed. Mr. Andros, let me turn it over to you.

**Mr. Andros:** Well, first of all. Thanks, everybody for showing up tonight. I don't know how much of an agenda you have, but I appreciate it. It's been quite a haul.

**Chairman Dupree:** You are the agenda.

**Mr. Andros:** I think that I've answered most, not most, but all of the items. Maybe, just maybe you could accept this for sketch plan and type the action under SEQRA and circulate.

**Chairman Dupree:** We have a resolution prepared to circulate. I don't believe that it accepts for sketch yet, because we're going to hear some comments from our consultants. I think they're going to be minor in nature. Is this a good time to go to Ms. Axelson?

**Ms. Axelson:** So the general layout looks fine. There's some more information to put on the map, not a lot. I will have some comments on the Zoning Table, but I have looked enough at the Landings Zoning District standards, purposes, requirements to know that the layout works and it's compliant in terms of zoning as far as I can tell. I will have detailed comments. I know that we need

to put the stream corridor on there even though it doesn't affect what can be on the lots. It's just a matter of showing it as a feature. I looked through the full EAF, which is generally fine, it's a full EAF for kind of a minor project. I make a full EAF mapper blank...the Board is aware of the online platform...so I grabbed that and all of the information, and I can forward that to you because it's the new form and has all of the information in it. It has 2 pages at the end that summarizes whatever features are attributed to the lot. Most of these don't change the layout or the design or the use of the lot. I'll do those comments, but the main one I wanted to note is that archeological sensitivity is noted. I know the Board and you are aware that there are historic places nearby, but in the full EAF mapper blank, it notes archeological sensitivity and again realizing that there is no disturbance proposed, like excavation...that we know of, so the thing to do is...as soon as you can, start an online consultation. It's called the Cultural Resource Information System (CRIS), it's through NYS office of Park Recreation and Historic Preservation's website. It's an online way that you can submit a description of the project, attachments and other things for consultation and give them any descriptive narrative that talks about what the project is, the plans etc. There are places you can upload maps and then one recommendation for your first consultation...typically they'll come back and say, provide photographs of buildings on the site and the site itself, so you might want to go out and gets some photographs right away, so when you're doing the online submittal you'll have that ready. That would be the most urgent thing and I'm going to get my review out Friday. It will basically be brushing up the EAF and the map, but otherwise it looks pretty good. I don't have any issue with the layout and I did go ahead and review for sketch and the requirements for minor.

**Mr. Andros:** With regard to CRIS, I did that once and received a no impact letter. It's in the file. I don't know if that suffices.

**Ms. Axelson:** That's handy. Whatever information you have, could you email it to Cynthia?

**Chairman Dupree:** The date is April 3, 2017. It's in my file and it will be in the permanent file as well.

**Ms. Axelson:** Oh, I didn't have that. That's good news.

**Chairman Dupree:** This is from 2017. Before he actually brought it to us, he went ahead and went through the CRIS system and we have a no impact letter from them. That was a while back.

**Mr. Andros:** I don't think there is much archeologically or culturally that's gone on down there since then. I hope that that will suffice.

**Ms. Axelson:** Is this the same project? Has anything changed since that?

**Chairman Dupree:** The only thing that's changed is that it now shows where a house could be located. Again, this is not a realty subdivision in the Department of Health sense. We had asked Mr. Andros to go through and show us that, once the lot is created, that something could be put on it so that there would be a way to meet some sort of investment expectations. He worked with the Department of Health to locate a septic for a 3-bedroom house, which I've also been thinking would have beautiful views of the river, but he's not proposing this. When we get to an approval, I think one condition would be adding a note stating that Site Plan review would be required for this when it comes back, because it's in the SASS. We're not going to go through SEQRA on the Site Plan, this is just for Subdivision.

**Ms. Axelson:** My question is, when the submittal was made to obtain that sign off letter, was it the same plan that we're looking at now, with the house?

**Chairman Dupree:** No, the house wouldn't have been shown, just the boundaries...subdivision lines.

**Ms. Axelson:** I'm wondering if it would make sense to do an online submittal including their letter and the plans. The letter would have the old project number. It's up to the Board.

**Chairman Dupree:** Wouldn't that be done if he comes back for Site Plan, if he tries to pull a Building Permit, wouldn't that be done as a part of SEQRA on the Site Plan?

**Ms. Axelson:** It could be. I guess I would be concerned about looking at this as the whole action. What is being presented now is the subdivision showing a possible residential lot. My attitude is look at the whole action, do SEQRA on this and then when it comes back for Site Plan with a similar configuration, that would be an affirmation of the Neg. Dec that you do this time. That would be my recommendation.

**Chairman Dupree:** Board, please weigh in when you make comments on whether you think this should go back to CRIS with the house location shown. It may make a difference, although, I don't personally think so because I live near the site and am by it all the time. The historic resources are the Train Station and the Vanderbilt Estate located across Dock Street.

**Ms. DiNapoli:** Liz, your reasoning for wanting it to be resubmitted, on one hand I can understand, but also to pick up on Michael's point...if the property stays where it is and he's not suggesting moving it, whatever building that's going to be on it is going to be, more or less that same...what are the differences?

**Ms. Axelson:** I'm sorry, I'm going on the understanding that when the 2017 letter was obtained, was anything shown on the second lot. That's the only difference. Unless it was just represented as a residential lot and that doesn't matter...was it previously proposed as a residential lot?

**Chairman Dupree:** It didn't have any use proposed on it, it was just a subdivision of land.

**Ms. Axelson:** Well if the Board is satisfied.

**Chairman Dupree:** Well, I like to proceed out of an abundance of caution, generally speaking. In our resolution, we're prepared to refer it over to SHPO again, based on this being a slightly revised plan because there's a house shown on it. Pete, do you mind reapplying to CRIS to see if there is a change?

**Mr. Andros:** Well, the only reason a house is shown is because you folks wanted it shown.

**Chairman Dupree:** Correct, because we can't create a lot that doesn't have any value or isn't perceived as buildable somehow.

**Ms. Axelson:** It seems like you would get a response fairly quickly from OPRHP.

**Ms. Dexter:** I think what caught my ear is when we do this, then once Site Plan comes here, it's a reaffirmation. It's all about dotting "I"s and crossing "t"s.

**Ms. Axelson:** It really is. It's also about getting it done while you're looking at the big thing and when the Site Plan comes in then you won't have to do this.

**Ms. Weiser:** So it paves the way for a faster process.

**Mr. Andros:** Well, I think when a Site Plan comes in, you'll go through it again. If what I'm hearing tonight is the process, then it will happen all over again. My concern is that, I'm going to send this thing up again and this is what's going to come back... "do you have plans for the building?", "can you tell us what it's going to look like from the river?".

**Chairman Dupree:** We're referring this to SHPO ourselves, so they would have copies of the plans. If we were included on this as a contact initially in an electronic submission, then we would have access to what was submitted. Do you know if that happened? Do you know if you included Cynthia's email and mine as contacts for this project when you applied to CRIS? It was awhile back.

**Mr. Andros:** I'm not sure. I didn't bring my entire file...quite voluminous.

**Chairman Dupree:** The reason why it may not go through is it's been the Board's policy for the most part, when residential applications are presented for Site Plan, it is standard for us to waive them. As long as we consider the esthetic impact on the resources, like the river. We don't typically do SEQRA on Site Plans for residential, throughout this area.

**Ms. Axelson:** Plus, I wasn't aware that OPRHP would be looking for architecture.

**Chairman Dupree:** It hasn't been typical.

**Ms. Axelson:** I don't think they usually need to see architecture, especially if it's a single-family lot. I've never heard of that. I've heard of them asking for photographs, plans showing the layout of the site and photographs of the existing site, buildings and surroundings, but you probably already did that if you have a sign off. I guess if you sent the letter that got last time, plus your new plans, they should look at it again and go, "Hey, what's changed?" and then ask you a few questions and you might be done. I'm guessing.

**Mr. Andros:** So the plan is, I'll resubmit.

**Chairman Dupree:** And we will refer ourselves as well.

**Ms. Axelson:** With your 2017 letter.

**Chairman Dupree:** We never got to the point of typing the action and making referrals before. Other comments?

*Ms. Weiser and Mr. Pickett had no comments.*

**Ms. Wasser:** I have two minor comments on the full EAF and it may have to do with the fact that this is Subdivision and not Site Plan. On the top of page 4 of 13, it says, "Does this include new residential use?" and you've checked the box no. And again, on the page 8 of 13, it referred to any outdoor lighting and if there was a house, I would assume that box would be checked yes. But, again, I don't know how we're approaching this...is there a house or isn't there a house?

**Ms. Axelson:** It actually lists 1 one-family, so that actually should be checked yes. I'll make a note of it in my comments.

**Mr. Andros:** Well, remember, there are other uses that can be allowed on this lot, that don't involve a single-family residential. That's why it was checked no, because who knows what's going to come in.

**Ms. Wasser:** But it says does the project include new residential uses and based on what we have...

**Mr. Andros:** The only reason why there is anything on there is because you folks wanted it.

**Chairman Dupree:** This is a non-realty subdivision application.

**Ms. Axelson:** It lists 1 one-family.

**Ms. Wasser:** It was really just to make sure it wasn't a typo and that you had checked that, so it's the only reason I brought it up.

**Ms. Dexter:** It does say one-family on there. Is that because of the subdivision and isn't there something on the other lot? Once they subdivide it?

**Ms. Axelson:** There are 2 dwelling units on the existing lot...

**Ms. Dexter:** So it's starting with one and ending with one.

**Ms. Axelson:** And a theoretical single family on the little lot.

**Chairman Dupree:** What Mr. Andros is referring to is the Landings District was created for water enhanced and water dependent uses. Water enhanced is considered residential, so you can look out. There are a variety of other uses that would fit into those categories. As he reminded us at the beginning of the application, this could be used to sell tackle and bait, something like that. There are an abundance of uses that would be commercial in nature that would be allowed here as well. And because this isn't going to be used, let's say Board of Health approved as a sale for a lot, I assume. This is my first time to deal with a non-realty subdivision. We haven't had them before.

**Mr. Andros:** Well the Health Department approval will be for 3 bedrooms worth of design flow. Now, somebody could come in and buy it and put 3 one-bedroom houses on it. Site Plan Approval? You bet ya. Somebody comes in and puts 1 three-bedroom house on, Site Plan Approval? Probably not. There may be a commercial use that uses 330 gallons a day or less. Site Plan Approval? You bet and that's why in the beginning I didn't want to put a house on there because everybody is focused on this single-family dwelling. You know?

**Chairman Dupree:** And it's not proposed now. That was in the letter that I sent, that this is not going to require Site Plan because he's not proposing that this be built, because if he did, he'd have a year to start and 2 years to finish and that's not part of the application. It needs to be shown that there is a way to meet some investment expectations.

**Ms. Axelson:** But when filed, it would create a lot that somebody could just come in and develop.

**Chairman Dupree:** And we would require Site Plan!? This gives us an assurance that there is something that if he sells it, that no one could say that ‘you created a lot that I can’t make any money off of’ or something like that, because there is a lot of case law on that stuff.

**Mr. Andros:** Right.

*Ms. Dexter and Mr. Oliver had no additional comments.*

**Ms. DiNapoli:** It’s nice to see you again.

**Chairman Dupree:** I have some minor comments. One of them is that I believe that the septic area should be labeled. I know when we met offline with Tad, you kind of showed us, but that should be shown. The lot frontage should be labeled on the Zoning Table. It’s just not listed and that’s a requirement. I think the EAF that you submitted is the long form, but it’s also the older version. It’s not going to change the material or anything, but I believe before we refer it, we’re supposed to have the newest version out. And then, I was going to recommend that we set a Public Hearing for March 18<sup>th</sup> to give time for the other agencies to respond. Does that seem okay? This seems pretty straight forward now. Any other questions or comments?

*There were no additional comments or questions.*

**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE APPLICATION TO INVOLVED AND INTERESTED AGENCIES**

**Riverview Subdivision**

**Date: February 5, 2020**

**Moved By: Ms. Weiser**

**Resolution: #2017-11**

**Seconded By: Mr. Pickett**

WHEREAS, the applicant, Hyde Park Landing, Ltd., has submitted an application for subdivision approval to subdivide an existing 3.279 acre lot located at 6 Dock Street, tax parcel no. 6065-04-548172, in the Landing District, into a 0.646 (Lot 1A) acre lot and 2.632 acre lot (Lot 1) (the “Project”); and

WHEREAS, the Project is depicted on a sketch plan entitled “Sketch Plan Subdivision of Lot 1 Riverview Subdivision,” prepared by Peter J. Andros, P.E., dated July 21, 2017, last revised January 17, 2020 (the “Sketch Plan”); and

WHEREAS, the Project involves the demonstration that Lot 1A is a buildable lot and can support a one-family dwelling; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated January 17, 2020, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR 617.2(al), any action not identified as a Type I or Type II action is an unlisted action under SEQRA.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:**

- 1. Classifies the Project as an unlisted action under SEQRA; and**
- 2. Declares its intent to serve as lead agency in a coordinated review of the Project and directs its Secretary to send notice of its intent to all involved and interested agencies once an updated EAF is submitted using the current form promulgated by the Department of Environmental Conservation.**

**Aye Chairman Dupree  
Aye Vice-Chair Dexter  
Aye Ms. DiNapoli  
Aye Mr. Oliver  
Aye Mr. Pickett  
Aye Ms. Wasser  
Aye Ms. Weiser**

Involved and Interested Agencies

Dutchess County Department of Behavioral and Community Health  
Dutchess County Department of Public Works  
New York State Historic Preservation Office

**VOICE VOTE**

**7-Aye 0-Absent 0-Nay**

**Motion Carried**

**MOTION: Ms. DiNapoli**  
**SECOND: Ms. Weiser**

**To set a Public Hearing for Riverview Re-Subdivision-Landings-Andros for March 18<sup>th</sup>, 2020 .**

<b>Aye</b>	<b>Chairman Dupree</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>
<b>Aye</b>	<b>Ms. Wasser</b>
<b>Aye</b>	<b>Ms. Weiser</b>

**VOICE VOTE      7-0      0-Absent      Motion Carried**

OTHER BUSINESS:

**PHANTOM FIREWORKS**

Site Plan Waiver Approval (#2020-01)  
Location: 3969 Albany Post Road  
Grid#: 6064-04-967195

**Phantom Fireworks Eastern Region / Gardner Van Valkenberg**  
**6064-04-967195**  
**3969 Albany Post Road**  
**SITE PLAN Waiver**  
*Town Code Section 108-9.4 C 1 & 2*

**February 5, 2020**  
**Resolution #: 2020-01**

**Moved By: Ms. Wasser**  
**Seconded By: Ms. DiNapoli**

***Whereas***, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Vincent Szabo, Phantom Fireworks Eastern Region, LLC on January 15, 2020, for approvals as required to establish a temporary sales venue for Sparkling Devices, and

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

***Whereas***, the applicant has leased a location previously approved and developed under site plan for Park Discount Beverage, and

***Whereas***, the proposed changes are minor and temporary in nature, 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**, 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 temporary change as submitted on January 15, 2020, and on drawings for as submitted and that such request is to be incorporated into the record.

Aye Chairman Dupree  
Aye Vice-Chair Dexter  
Aye Ms. DiNapoli  
Aye Mr. Oliver  
Aye Mr. Pickett  
Aye Ms. Wasser  
Aye Ms. Weiser

VOICE VOTE            7-Aye    0-Absent    0-Nay            Motion Carried

**JASPER CAFE**

Sign Permit Approval (#2020-02)  
Location: 4285 Albany Post Road  
Grid#: 6065-20-900008

**RESOLUTION RECOMMENDATION for ISSUANCE OF SIGN PERMIT  
PURSUANT TO TOWN CODE SECTION 108-24.3 A (4) (d)**

Jasper Cafe  
Wall Sign  
4285 Albany Post Road  
Parcel 6065-20-900008

**Date:** February 5, 2020

**Moved By:** Ms. DiNapoli

**Resolution #:** 2020-02

**Seconded By:** Mr. Oliver

**WHEREAS**, a sign permit application was submitted to the Town of Hyde Park Zoning Administrator on January 22, 2020, for Jasper Cafe, a copy of which is attached hereto, and

**WHEREAS**, the prior occupant was KT Sushi and no change in the number of seating or use is proposed, and

**WHEREAS**, the Zoning Administrator has reviewed the requested signage and has determined that the proposal is in conformance with Article 24 of the Code, and

**WHEREAS**, pursuant to Section 108-24.3 of the Code, applications for sign permits for signs that will be visible from Route 9 must be forwarded to the Planning Board for its recommendation; and

**NOW THEREFORE BE IT RESOLVED that the Town of Hyde Park Planning Board, recommends approval of the sign permit for Jasper Cafe.**

**Aye Chairman Dupree**  
**Aye Vice-Chair Dexter**  
**Aye Ms. DiNapoli**  
**Aye Mr. Oliver**  
**Aye Mr. Pickett**  
**Aye Ms. Wasser**  
**Aye Ms. Weiser**

**VOICE VOTE                      7-Aye 0-Absent 0- Nay      Motion Carried**

**ATHANAS EAST SOLAR FARM**

Extension of Site Plan & Special Use Permit Approvals Solar Farm (#2018-12)  
Location: 1436 Route 9G  
Grid#: 6165-02-770880

**RESOLUTION GRANTING SECOND EXTENSION OF THE TIME TO SATISFY THE CONDITIONS OF SITE PLAN APPROVAL**

**Athanas East Solar Farm**

**Date: February 5, 2020**

**Moved By: Vice-Chair Dexter**

**Resolution: #2018-12D**

**Seconded By: Mr. Oliver**

WHEREAS, on June 5, 2019, by Resolution #2018-12B, the Planning Board granted site plan and special use permit approval to the applicant, NY Solar 1000 LLC, on behalf of owner Thomas Athanas, to develop a 2.6-megawatt solar farm on property located at 1436 Route 9G, identified as tax parcel no. 6165-02-770880, in the Greenbelt Zoning District, as depicted on a site plan entitled "Athanas East Photovoltaic Plant," including the following sheets: Cover sheet; and sheets C-001, C-101, C-201, C-202, C-301, C-401, C-501, C-502, C-601, and C-602, prepared by LaBella PC, dated November, 2018, last revised May 3, 2019 (the "Conditionally Approved Site Plan"); and

WHEREAS, the site plan and special use permit approvals are conditioned on satisfaction of twelve conditions of approval; and

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

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

WHEREAS, on November 20, 2019, by Resolution #2018-12C, the Planning Board granted the applicant its first 90-day extension of time in which to satisfy the conditions of site plan approval to March 1, 2020; and

WHEREAS, by letter dated January 27, 2020, the applicant requested a second 90-day extension of time in which to satisfy the conditions of site plan approval; and

WHEREAS, the Planning Board has considered the circumstances warranting such an extension.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a second 90-day extension of time in which to satisfy the conditions of site plan and special use permit approval to and including June 1, 2020.**

**Aye Chairman Dupree  
Aye Vice-Chair Dexter  
Aye Ms. DiNapoli  
Aye Mr. Oliver  
Aye Mr. Pickett  
Aye Ms. Wasser  
Aye Ms. Weiser**

**VOICE VOTE      7-Aye      0-Absent      0-Nay      Motion Carried**

**CREAM STREET SOLAR FARM**

Extension of Site Plan & Special Use Permit Approvals Solar Farm (#2018-28)

Location: 129 & 133 Cream Street

Grid#s: 6264-01-473668, -465747

**RESOLUTION GRANTING SECOND EXTENSION OF TIME TO SATISFY  
CONDITIONS OF SITE PLAN APPROVAL**

**Cream Street Solar Farm**

**Date: February 5, 2020**

**Moved By: Mr. Oliver**

**Resolution: #2018-28D**

**Seconded By: Ms. Dexter**

WHEREAS, on June 5, 2019, by Resolution #2018-28B, the Planning Board granted site plan and special use permit approval to the applicant, NY Solar 1000 LLC, on behalf of owners Equine129, LLC and Cattle133, LLC, to develop a 4.9-megawatt solar farm on two properties located at 129 and 133 Cream Street, identified as tax parcel no. 6264-01-465747 and -473668, respectively, in the Greenbelt Zoning District, as depicted on a site plan entitled "129/133 Cream Street Photovoltaic Plant," including the following sheets: Cover sheet; and sheets C-001, C-101, C-201, C-202, C-301, C-401, C-402, C-501, C-502, C-601, and C-602, prepared by LaBella PC, dated November, 2018, last revised May 3, 2019 (the "Conditionally Approved Site Plan"); and

WHEREAS, the site plan and special use permit approvals are conditioned on satisfaction of twelve conditions of approval; and

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

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

WHEREAS, on November 20, 2019, by Resolution #2018-28C, the Planning Board granted the applicant its first 90-day extension of time in which to satisfy the conditions of site plan approval to March 1, 2020; and

WHEREAS, by letter dated January 27, 2020, the applicant requested a second 90-day extension of time in which to satisfy the conditions of site plan approval; and

WHEREAS, the Planning Board has considered the circumstances warranting such an extension.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a second 90-day extension of time in which to satisfy the conditions of site plan and special use permit approval to and including June 1, 2020.**

**Aye Chairman Dupree  
Aye Vice-Chair Dexter  
Aye Ms. DiNapoli  
Aye Mr. Oliver  
Aye Mr. Pickett  
Aye Ms. Wasser  
Aye Ms. Weiser**

**VOICE VOTE 7-Aye 0-Absent 0-Nay Motion Carried**

**JEFFREY GROVES ESTATES**

Set Road Bond Estimate (#68-12)  
Location: North Cross Road  
Grid#s: upon request

**RESOLUTION SETTING BOND AMOUNTS**

**JEFFREY GROVES ESTATES SUBDIVISION**

**Date: February 5, 2020**

**Moved By: Mr. Pickett**

**Resolution: #68-12H**

**Seconded By: Ms. Dexter**

WHEREAS, on May 16, 2007, by Resolution 49-02F, the Hyde Park Planning Board granted conditional subdivision approval to the applicant, North Cross, LLC, to create a 47-lot subdivision consisting of 38 townhouses, 9 single family residences and roads and other infrastructure improvements serving the same (the "Project"); and

WHEREAS, the resolution listed 40 conditions that must be met prior to obtaining final plat approval, 2 conditions that must be met prior to the issuance

of any building permits, and 2 conditions that must be met prior to the issuance of any Certificates of Occupancy; and

WHEREAS, on November 7, 2007, by Resolution 49-02J, the Planning Board amended the conditions of subdivision approval for the Project, requiring “that prior to disturbance of any land for construction of infrastructure or improvements, the applicant shall submit to the Town a Letter of Credit or other equivalent financial security sufficient to cover the cost of installation of the required infrastructure and improvements as determined by the Planning Board on the recommendation of the Town Engineer. Such letter of credit or other form of financial security shall be approved by the Town Attorney as to form, sufficiency and manner of execution;” and

WHEREAS, the applicant has provided the Planning Board with estimates for a performance guaranty to cover the cost of installation of the required improvements to Blair Road and for a restoration bond in the event the developer starts work and abandons the Project; and

WHEREAS, by memorandum dated February 3, 2020 the Town Engineer approved the applicant’s estimates.

**NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Hyde Park hereby sets the amount of the required performance guaranty for the construction of Blair Road at \$810,000.00 and for restoration at \$40,000.00.**

**BE IT FURTHER RESOLVED that the applicant must obtain approval from the Town Attorney and Town Board of the form and manner of execution of said performance guaranties.**

<b>Aye</b>	<b>Chairman Dupree</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>
<b>Aye</b>	<b>Ms. Wasser</b>
<b>Aye</b>	<b>Ms. Weiser</b>

**VOICE VOTE**

**7-Aye 0-Absent 0-Nay**

**Motion Carried**

*There was a discussion about the Town Board’s proposed Local Law A of 2020, which would allow two-family dwellings in all districts with Site Plan and Special Use Permit Approvals. It was noted, that there may be practical limitations for conversions to two-family dwellings with water and septic capacity, density requirements and Building Code requirements. The Board generally acknowledged that there is a need for affordable housing. The idea of requiring a two-family dwelling to be owner occupied was mentioned. It was also noted that architectural changes to accommodate for two-families would be of interest to the Board. The Chairman will draft a response letter to the Town Board for the Planning Board’s review at the February 19<sup>th</sup> meeting.*

**MOTION: Ms. DiNapoli**  
**SECOND: Vice-Chair Dexter**

**To Adjourn.**

<b>Aye</b>	<b>Chairman Dupree</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Aye</b>	<b>Ms. DiNapoli</b>
<b>Aye</b>	<b>Mr. Oliver</b>
<b>Aye</b>	<b>Mr. Pickett</b>
<b>Aye</b>	<b>Ms. Wasser</b>
<b>Aye</b>	<b>Ms. Weiser</b>

**VOICE VOTE      7-0      0-Absent      Motion Carried**