



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

**MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN
ANNE DEXTER - VICE CHAIR
JOHN GUERCIO, JR.
VICTORIA KANE-ALTERNATE
CHRISTOPHER OLIVER
STEPHANIE WASSER
ROBERT WATERS
ANN WEISER**

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

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Chairman Dupree: Thank you. Good evening and welcome to the March 2nd meeting of the Hyde Park Planning Board. I will first note that this meeting is still authorized by New York State Legislation A8591, which amends the Open Meetings Law and allows public officers to meet virtually. Let me first confirm that each member of the Board is alone or without anyone trying to influence your vote.

Ms. Wasser: I am alone.

Ms. Weiser: I'm alone.

Mr. Oliver: I'm alone.

Mr. Kane: I'm alone, except for the dog.

Mr. Waters: I'm alone.

Vice-Chair Dexter: I'm alone.

Chairman Dupree: Thank you. Please join me as we pledge our fealty to the American Flag. *The Chairman led the Pledge of Allegiance.*

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARING:

KEY CONSTRUCTION OFFICE/STORAGE UNITS

Site Plan Approval (#2020-30)

Location: 1234 Route 9G

Grid #: 6165-04-524481

MD & VP Recused, VK Alternate

The Chairman is recused and leaves the meeting and Alternate Board Member; Victoria Kane, Joins the meeting. Vice-Chair Dexter takes over as acting chair for this application.

In attendance via Zoom:

*Kelly Libolt, KARC Planning Consultants, Inc
Amy Argyrakis, KARC Planning Consultants, Inc*

MOTION: Ms. Weiser

SECOND: Ms. Kane

To re-open the public hearing for Key Construction Office/Storage Units.

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

Aye Ms. Kane

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

*There were no public comments.
Board Member Guercio joined the meeting at 6:11 p.m.*

**MOTION: Ms. Kane
SECOND: Ms. Weiser**

To close the public hearing for Key Construction Office/Storage Units with the exception of 7 days for written comments.

**Aye Ms. Weiser
Aye Mr. Waters
Aye Ms. Wasser
Aye Mr. Oliver
Aye Mr. Guercio
Aye Vice-Chair Dexter
Aye Ms. Kane**

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

WORKSHOP:

Chairman Dupree and Ms. Polidoro returned to the meeting and Alternate Board Member, Ms. Kane left.

THOMPSON ACCESSORY APARTMENT
Special Use Permit Approval (#2022-06)
Location: 3 Pond Road, Poughkeepsie, NY 12601
Grid #: 6163-02-023417

In attendance via Zoom: Dave Freeman, Architect

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

Thompson Accessory Apartment

Date: March 2, 2022

Moved By: Mr. Oliver

Resolution: #2022-06

Seconded By: Mr. Guercio

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

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

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

WHEREAS, the Project requires a variance from the Zoning Board of Appeals as it proposes a density of 2 dwelling units per 0.39 acre where a density of 2 dwelling units per 1.0 acre is permitted; and

WHEREAS, in accordance with the State Environmental Quality Review Act (“SEQRA”), said Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(12), the construction or expansion of a single-family, a two-family or a three-family residence on an approved lot is a Type II action under SEQRA; and

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

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

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

- 1. Classifies the Project as a Type II action under SEQRA.**
- 2. Directs its secretary to refer the Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**
- 3. Directs its secretary to refer the Site Plan to the Dutchess County Department of Behavioral and Community Health.**

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

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

MOTION: Vice-Chair dexter
SECOND: Mr. Oliver

To set a public hearing for Thompson Accessory Apartment site plan approval for April 6, 2022.

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

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

EAST PARK DELI AND GROCERY

Site Plan Approval Exterior Modification (#2022-07)

Location: 1106 Violet Avenue

Grid #: 6165-03-424169

In attendance via Zoom:

Drew Milliken, Milliken Associates

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

East Park Deli and Grocery

Date: March 2, 2022

Moved By: Ms. Wasser

Resolution: #2022-07

Seconded By: Vice-Chair Dexter

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

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

WHEREAS, pursuant to Sections 108-5.14, general commercial uses are permitted in the Neighborhood Zoning District subject to site plan approval; and

WHEREAS, in accordance with the State Environmental Quality Review Act (“SEQRA”), said Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(9), the construction or expansion of nonresidential structure or facility involving less than 4,000 square feet of gross floor area is a Type II action; and

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

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

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

- 1. Classifies the Project as a Type II action under SEQRA.**
- 2. Directs its secretary to refer the Site Plan to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

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

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

MOTION: Mr. Waters
SECOND: Ms. Weiser

To set a public hearing for the East Park Deli a.k.a. Krauszer’s for April 6, 2022.

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

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

OTHER BUSINESS:

NICHOLS OXYGEN SERVICE

Site Plan Approval Tolling Extension (#2019-07)

Location: 1564 Route 9G

Grid #: 6166-04-882279

RESOLUTION APPLYING TOLLING PERIOD

Nichols Oxygen Service

Date: March 2, 2022

Moved By: Vice-Chair Dexter

Resolution: #2019-07D

Seconded By: Ms. Weiser

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

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

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

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

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

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

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

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

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

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

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

DESIGNATING PLANNING BOARD 2nd VICE-CHAIRPERSON for 2022

RESOLUTION DESIGNATING PLANNING BOARD 2nd VICE-CHAIRPERSON FOR THE YEAR 2022

**March 2, 2022
Resolution #22-B**

**Moved By: Chairman Dupree
Seconded By: Vice-Chair Dexter**

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

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

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

ADJOURNMENT:

**MOTION: Mr. Guercio
SECOND: Mr. Waters**

To adjourn.

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

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

DRAFT