



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 16, 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.
JOHN KANE-ALTERNATE
VICTORIA KANE-ALTERNATE
CHRISTOPHER OLIVER
STEPHANIE WASSER
ROBERT WATERS**

MEMBERS ABSENT: ANN WEISER

**OTHERS PRESENT: PETER SETARO, PB CONSULTING ENGINEER
BONNIE FRANSON, PB CONSULTING PLANNER
KATHLEEN MOSS, ZONING ADMINISTRATOR
CYNTHIA WITMAN, PB SECRETARY**

TABLE OF CONTENTS	PAGE
SMALL- O’MALLEY SUBDIVISION	2-
CRANSTON GROUND MOUNTED PHOTOVOLTAIC PANELS	-
WASSER GROUND MOUNTED PHOTOVOLTAIC PANELS	-
HYDE PARK QUICK STOP	-
MALCARNE SHOWROOM	-
KEY CONSTRUCTION OFFICE/STORAGE UNITS	-
DOLLAR GENERAL 1 EAST DORSEY	-

PHANTOM FIREWORKS

The Chair opened the meeting and noted that the meeting was conducted as authorized Per the New York State Legislation Bill A8591, amending the Open Meetings Law and allowing for public meetings to be held virtually.

The Chairman confirmed that each Board Member was also alone:

- Ms. Weiser: Absent**
- Mr. Waters: I'm alone.**
- Ms. Wasser: I am alone.**
- Vice-Chair Oliver: I'm alone.**
- Mr. Kane: I'm alone.**
- Mr. Guercio: I'm alone.**
- Vice-Chair Dexter: I'm alone.**

The Chairman led the Pledge.

PLEDGE OF ALLEGIANCE

NEW PUBLIC HEARING:

SMALL-O'MALLEY SUBDIVISION

Minor Subdivision Plat Approval 5 lots (#2021-55)
 Location: 148 Cream Street, Poughkeepsie 12601
 Grid #: 6264-01-210630

In attendance via Zoom:

*Dan Koehler, Hudson Land Design
 Tricia O'Malley, Applicant*

MOTION: Mr. Guercio
SECOND: Vice-Chair Oliver

To open the public hearing for Small O'Malley Subdivision.

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

MOTION: Vice-Chair Dexter
SECOND: Ms. Wasser

To adjourn the public hearing for Cranston Ground Mounted Photovoltaic Panels to April 6, 2022 .

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

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

WASSER GM PV PANELS

Site Plan Approval ground mounted photovoltaic panels (#2022-03)
Location: 11 Nichris Lane, Staatsburg, NY 12580
Grid #: 6167-01-441910

In attendance via Zoom: Bryan Flynn, Sun Common
Grayson Ball, Sun Common

Board Member, Stephanie Wasser has recused herself from the review of this application and Alternate Board Member John Kane has stepped in.

MOTION: Mr. Kane
SECOND: Mr. Waters

To open the public hearing for Wasser Ground Mounted Photovoltaic Panels.

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

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

There was no public comment.

MOTION: Mr. Waters

SECOND: Mr. Kane

To close the public hearing for Wasser Ground Mounted Photovoltaic Panels with the exception of 7 days for written comments.

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

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

WORKSHOP:

Board Member, Stephanie Wasser returned and Alternate Board Member John Kane left the meeting.

HYDE PARK QUICK STOP

Site Plan & Special Use Permit Approvals-Convenience Store & Fuel Station (#2022-10)
Location: 4912 Albany Post Road, Staatsburg, NY 12580
Grid #: 6066-02-879622

In attendance via Zoom: Brandon Petrella, Mauri Architects

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

Hyde Park Quick Stop

Date: March 16, 2022

Moved By: Vice-Chair Dexter

Resolution: # 2022-10

Seconded By: Vice-Chair Oliver

WHEREAS, the applicant, Jatt Boys Properties LLC, has submitted an application for special use permit and site plan approval to demolish an existing gas station and construct a new 3,150 square foot gas station and convenience store, along with related site improvements, at property located at 4912 Albany Post Road, tax parcel no. 6066-02-879622, in the Neighborhood Business District (the "Project"); and

WHEREAS, the project is depicted on a site plan entitled “Hyde Park Quick Stop” prepared by Mauri Architects PC, dated June 22, 2021, last revised March 1, 2022 (the “Site Plan”); and

WHEREAS, gas station uses are permitted in the Neighborhood Business District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (“EAF”) dated March 1, 2022, 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 Town of Hyde Park Environmental Quality Review Law § 54-6A(16), the construction or expansion by more than 50% of facilities designed for or capable of storing 5,000 or more gallons of gas or liquid fuels constitutes a Type I action under SEQRA; and

WHEREAS, the Project is located within 500 feet of New York State 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 I action under SEQRA;**
- 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; and**
- 3. 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 upon receipt of a revised EAF.**

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

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

Involved and Interested Agencies
NYS Department of Environmental Conservation
NYS Department of Transportation

Dutchess County Department of Behavioral and Community Health
Dutchess County Water and Wastewater Authority
Town of Hyde Park Zoning Board of Appeals
Town of Hyde Park Conservation Advisory Council
Roosevelt Fire District

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To set a public hearing for Hyde Park Quick Stop for April 20, 2022 .

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

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

MALCARNE

Site Plan Approval Exterior Modification (#2022-11)
Location: 4236 Albany Post Road
Grid #: 6064-02-958898

In attendance via Zoom: Nevien Sidarous, Malcarne Contracting

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

Malcarne Showroom

Date: March 16, 2022

Moved By: Mr. Waters

Resolution: # 2022-11

Seconded By: Ms. Wasser

WHEREAS, the applicant, Cream Street Development LLC, has submitted an application for site plan approval to convert an existing building into a retail store and showroom and to make exterior changes to the building at property located at 4236 Albany Post Road, tax parcel no. 6064-02-958898, in the TC-1 Zoning District (the "Project"); and

WHEREAS, the project is depicted on a site plan entitled "Showroom by Malcarne," prepared by Malcarne Contracting Inc., dated January 30, 2022 (the "Site Plan"); and

WHEREAS, general commercial uses are permitted in the TC-1 Zoning District subject to site plan approval; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated August 4, 2021, 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 617.5(c)(18), the reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law, constitutes a Type II action under SEQRA; and

WHEREAS, the Project is located within 500 feet of New York State 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 under SEQRA; and**
- 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	Vice-Chair Oliver
Aye	Mr. Waters
Aye	Ms. Wasser
Absent	Ms. Weiser

VOICE VOTE Aye-6 Absent-1 Nay-0 Motion Carried
MOTION: Ms. Wasser
SECOND: Mr. Waters

To set a public hearing for Malcarne Showroom for April 6, 2022.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

OTHER BUSINESS:

KEY CONSTRUCTION OFFICE/STORAGE UNITS

Site Plan Approval (#2020-30)

Location: 1234 Route 9G

Grid #: 6165-04-524481

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

In attendance via Zoom:

Kelly Libolt, KARC Planning Consultants, Inc

Amy Argyrakis, KARC Planning Consultants, Inc

**RESOLUTION TO GRANT SITE PLAN APPROVAL
1234 Route 9G – Key Construction**

Date: March 16, 2022

Moved By: Ms. Kane

Resolution: #2020-30B

Seconded By: Mr. Guercio

WHEREAS, the applicant, JASA Properties, LLC (the “Applicant”), has submitted an application for approval of a site plan to construct office space, accessory warehouse space, and self-storage units on an existing 17.277-acre lot located at 1234 Route 9G (the “Property”). Associated improvements include but are not limited to stormwater facilities, on-site parking, individual well, septic system, landscaping, and lighting (the “Project”); and

WHEREAS, the Property is further identified on the Dutchess County Real Property tax maps as Tax Grid No. 133200-6165-04-524481-0000, which property is located in the East Park Business Zoning District (“EPBD”) as per the Town of Hyde Park zoning chapter; and

WHEREAS, the Project is depicted on a site plan submission set entitled “Proposed Office/Self Storage, 1234 Route 9G,” prepared by LRC Group (and architectural elevations and floor plans prepared by Liscom McCormack VanVoorhis), dated June 1, 2021, and last revised February 15, 2022, which drawings are subject to revision based on any conditions which shall be met in accordance with this resolution, as follows:

Index No.	Name	Last Revision Date
CV-1	Cover Sheet	2/15/22
1 of 1	Boundary & Topographic Survey	2/15/22

Index No.	Name	Last Revision Date
OP-1	Overall Site Plan	2/15/22
SP-1	Site Plan	2/15/22
SP-2	Site Plan	2/15/22
SG-1	Site Grading/Drainage Plan	2/15/22
SG-2	Site Grading/Drainage Plan	2/15/22
UT-1	Site Utilities	2/15/22
SDS-1	Septic Design Plan	2/15/22
WL-1	Buffer Impact Plan	2/15/22
EC-1	Erosion and Sedimentation Control Plan	2/15/22
EC-2	Erosion and Sedimentation Control Plan	2/15/22
LL-1	Landscape Plan	2/15/22
LL-2	Landscape Plan	2/15/22
LP-1	Lighting Plan	2/15/22
LP-2	Lighting Plan	2/4/22
PH-1	Phasing Plan	2/4/22
DN-1	Site/Details	2/15/22
DN-2	Sanitary Details	2/4/22
DN-3	Stormwater/Water Details	2/4/22
DN-4	Erosion Control Details	2/15/22
A101	First Floor Plan	5/26/21
A201	Exterior Elevations	5/26/21
A202	Commercial Storage Building Elevations	5/26/21
A203	Commercial Storage Building Elevations	5/26/21
A204	Residential Scale Storage Building Elevations	5/26/21

and;

WHEREAS, on September 21, 2021, the Dutchess County Department of Planning and Development conducted its review in accordance with 239-m of the NYS General Municipal Law, and determined the matter is one of local concern. No further action is required; and

WHEREAS, the Applicant submitted a permit application to the NYS Department of Environmental Conservation on October 26, 2021, to encroach into the 100-foot adjacent area; and

WHEREAS, the Applicant submitted a permit application to the NYS Department of Transportation on December 9, 2021, for the proposed driveway improvements within the Route 9G state right-of-way; and

WHEREAS, on January 19, 2022, the Planning Board, pursuant to the regulations implementing the New York State Environmental Quality Review Act, issued a Determination of Non-significance, i.e., a Negative Declaration, finding that the project will not have a significant adverse impact on the environment; and

WHEREAS, on February 23, 2022, the Hyde Park Zoning Board of Appeals granted an area variance to increase the maximum permissible building scale square footage from 40,000 to 66,914 square feet, in order to construct the proposed commercial buildings;

WHEREAS, on March 3, 2022, the New York State Department of Environmental Conservation (NYSDEC) validated the on-site DEC-regulated wetlands, which validation expires on March 3, 2027; and

WHEREAS, a duly noticed public hearing on the Project was opened on November 3, 2021, and closed on March 2, 2022, during which time all individuals who wished to speak were heard. After the close of the public hearing, the public was afforded an additional seven (7) days to submit written comments, and none were received.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants site plan approval to the Project and authorizes the Chair or his authorized designee to sign the Site Plan Set after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Final review of the site plan set by the Town Engineer and Zoning Administrator.**
- 3. All LED lighting shall be a maximum of 3000 Kelvin.**
- 4. Approval of the methods of water supply and wastewater disposal from Dutchess County Department of Behavioral and Community Health. The site plan shall be revised to comply with any conditions of said approval.**
- 5. Issuance of a permit from the NYSDEC for encroachment into the 100-foot adjacent area. The site plan shall be revised to comply with any conditions of said approval.**
- 6. Issuance of a permit from the NYSDOT for approval of the driveway entrance. The site plan shall be revised to comply with any conditions of said approval.**
- 7. Approval of the Stormwater Pollution Prevention Plan and Stormwater Management Permit by the Town Engineer and Stormwater Management Officer.**
- 8. Revision of the Site Plan Set as follows:**
 - a. Update the wetland boundaries on the site plan to be consistent with the validation map.**

BE IT FURTHER RESOLVED, that should the issuance of any permits set forth above necessitate revisions to the site plan site, the Zoning Administrator may refer the Site Plan back to the Planning Board for review and approval.

BE IT FURTHER RESOLVED, that prior to the Zoning Administrator authorizing issuance of a building permit, the applicant shall provide the Planning Board with a .pdf of the fully signed Site Plan Set.

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

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

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

DOLLAR GENERAL 1 EAST DORSEY

Site Plan Approval for Extension to meet Conditions of Signature (#2019-04)
Location: 1 East Dorsey Lane, Poughkeepsie, NY 12601
Grid#: 6163-02-504633

In attendance via Zoom: Caryn Mlodzianowski, Bohler Engineering

RESOLUTION TO GRANT EXTENSION OF SITE PLAN APPROVAL

**Dollar General
1 East Dorsey Lane**

Date: March 16, 2022

Moved By: Mr. Guercio

Resolution: # 2019-04I

Seconded By: Mr. Waters

WHEREAS, on October 20, 2021, by Resolution # 2019-04H, the Planning Board granted conditional site plan approval to HSC Hyde Park, LLC to demolish an existing building and construct a new 7,500 sq. ft. retail building along with new access, parking, landscaping, lighting, utilities, and stormwater management at property located at 1 East Dorsey Lane, tax parcel no. 6163-02-504633, in the Neighborhood Business District (the "Project"); and

WHEREAS, site plan approval was conditioned on satisfaction of 2 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, if the conditions of approval are not met, site plan approval for the Project will expire on April 18, 2022; 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, by letter dated February 24, 2022, the applicant requested an extension of time to satisfy the conditions of approval for the Project; and

WHEREAS, the Planning Board has considered the applicant’s request and the circumstances warranting the grant of an extension of conditional site plan approval for the Project.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a 90-day extensions of time to satisfy the conditions of site plan approval to and including July 18, 2022.

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

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

PHANTOM FIREWORKS

Site Plan Waiver Approval (#2022-08)
Location: 3969 Albany Post Road
Grid#: 6064-04-967195

Consider ZA recommendation and draft resolution granting a SP Waiver for a temporary sales tent for fireworks

**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***

**March 16, 2022
Resolution #: 2022-08**

**Moved By: Vice-Chair Oliver
Seconded By: Vice-Chair Dexter**

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 March 2, 2022, 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 February 17, 2022, 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	Mr. Guercio
Aye	Vice-Chair Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Absent	Ms. Weiser

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

THOMPSON ACCESSORY APARTMENT

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

MOTION: Vice-Chair Dexter
SECOND: Vice-Chair Oliver

To rescind the motion to set the public hearing for Thompson Accessory Apartment that was set for April 6, 2022 , on March 2, 2022.

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

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

ADJOURNMENT:

MOTION: Vice-Chair Dexter
SECOND: Vice-Chair Oliver

To adjourn.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

DRAFT