



## Historic Town of Hyde Park

Planning Board  
4383 Albany Post Road  
Hyde Park, NY 12538  
(845) 229-5111, Ext. 2, (845) 229-0349 Fax  
*“Working with you for a better Hyde Park”*

### **DRAFT MINUTES OF THE APRIL 1, 2020 REGULAR MEETING OF THE HYDE PARK PLANNING BOARD**

#### **MEMBERS PRESENT VIA LIVE STREAMED MEETING:**

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

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

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**Chairman Dupree:** Good Evening everyone and welcome to the April 1<sup>st</sup> meeting of the Hyde Park Planning Board. I want to first make note that this virtual meeting is being done under the auspices of the Executive Order 202.1 by Governor Andrew Cuomo of the State of New York. Before we begin, I want to first thank my colleagues for their dedication in doing this meeting virtually. I also want to thank Supervisor Aileen Rohr and Deputy Supervisor Neil Krupnick for providing the technology for which we can continue to conduct the Town business virtually. I also want to just point out for anyone who might be watching, that you can go to our Town website; <https://www.hydeparkny.us/> for the latest updates on what's going on around Townhall, our closings and you can also find links to the County's websites relating to the Corona Virus. Before I go on to pledge allegiance to the flag, may I first confirm...and I'll call on each of you individually, that you're alone and not under duress by anyone near you?

*The Chairman called on each Board Member for a response.*

**Ms. Weiser:** I am alone.

**Ms. Wasser:** I am alone.

**Mr. Pickett:** I am alone.

**Mr. Oliver:** I am alone.

**Ms. DiNapoli:** I am alone.

**Vice-Chair Dexter:** I am alone.

Can we please state the Pledge of Allegiance virtually? *Chairman Dupree commenced the Pledge of Allegiance.*

OTHER BUSINESS:

**VERIZON CELL TOWER-ANDERSON**

Site Plan & Special Use Permit Approvals (2019-37)

Location: 113 South Quaker Lane, Hyde Park, NY 12538

Grid#: 6264-04-710450

**Chairman Dupree:** Thank you. The first item on the agenda is a motion to consider approving the viewshed locations for the balloon test for a proposed 179' cell phone tower by Verizon, to be located roughly at 113 South Quaker Lane. We had an initial Memo from our Planning Consultant; Ms. Axelson, that outlined a series of potential viewsheds to look at the height of the balloon and see what the impacts would be to surrounding neighborhoods, homes and properties. I'm delighted to tell you that a group of my colleagues and I drove out to look at additional sites, as well as to evaluate those sites and there is an addendum to the March 4<sup>th</sup> Memo from CPL, or Liz Axelson, that now gives a final listing. It's an a.-p. listing with c. having 6 streets within the Greenfields Subdivision. I know that everyone's had a chance to review them and to take a look, but I'll call on each on of you to make sure that you're okay with it before we vote.

*The Chairman called on each Board Member to inquire whether they wished to add or delete any sites from the addendum list.*

**Ms. Weiser:** No changes or deletions.

**Ms. Wasser:** No changes.

**Mr. Pickett:** No changes or deletions.

**Mr. Oliver:** No changes.

**Ms. DiNapoli:** No changes.

**Vice-Chair Dexter:** No changes.

**MOTION: Mr. Oliver**

**SECOND: Vice-Chair Dexter**

**To officially approve the viewshed locations for the balloon test for the Verizon Cell Tower-113 South Quaker Lane.**

*Ms. Witman called the roll.*

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

**ROLL CALL VOTE      7-0    Motion Carried**

ADDENDUM TO MEMORANDUM

TO: Town of Hyde Park Planning Board  
CC: Victoria Polidoro Esq.  
Kathleen Moss, Zoning Administrator  
Scott Olson, Esq., Young/Sommer, LLC  
Lisa Gorman, Young/Sommer, LLC  
FROM: Pete Setaro, PE; and Liz Axelson, AICP  
DATE: March 16, 2020 Addendum to March 4, 2020 Review Memorandum  
RE: ADDENDUM to Review of Special Use Permit & Site Plan for Verizon Cell Tower-Gretna, 113 South Quaker Lane, Hyde Park / Parcel No.: 710450 / CPL#14908.00-00017

This is an addendum to our March 4, 2020 review memorandum to revise comment number 2 only regarding points from which the public visual demonstration would be viewed and photographed. All other March 4, 2020 review memorandum comments, including 1; and 3 through 16 remain and must be addressed. This is based on a Saturday March 7, 2020 field visit to numerous potential points of visibility and the site.

VISUAL DEMONSTRATION AND ASSESSMENT

2. The Planning Board should review and confer about the updated list of points from which the visual demonstration would be viewed and photographed, which is revised below based on field visit notes and discussion from March 7, 2020. Below is a recommended list of places from which the proposed tower may be visible, from photographs should be taken before and during the visual demonstration:
  - a. South Quaker Lane;
  - b. Gretna Road;
  - c. Streets within Greenfields subdivision:
    - i. Coll Hollow Road;
    - ii. Boxwood Court;
    - iii. Russett Road, near the east end;
    - iv. Windmill Road, near the east end;
    - v. Crest Hill Lane; and
    - vi. Rock Ledge Road;
  - d. Greenfields Park, Cream Street, Hyde Park;
  - e. Valkill Drive, high or visible point;
  - f. Potter Ben Road, high or visible point;
  - g. Cream Street;
  - h. Dutchess Hill Road;
  - i. Top Cottage, Valkill Drive, Hyde Park (part of Franklin D. Roosevelt National Historic Site);
  - j. Crum Elbow Road;
  - k. Salt Point Turnpike;
  - l. Peach Hill Park, Edgewood Drive, Poughkeepsie;
  - m. Home of Franklin D. Roosevelt National Historic Site, Route 9, Hyde Park;
  - n. Winnakee Nature Preserve, Van Dam Road, Hyde Park;
  - o. Hackett Hill park, Hyde Park; and
  - p. Shaupeneak Ridge Cooperative Recreation Area, Poptown Road, Esopus.

**Chairman Dupree:** Thank you. The balloon test will take place this Saturday from about 8am to 2 pm.

**LEWIS/DUTKOWSKI**

Site Plan Waiver- Window (#2020-04)

Location: 27 Parker Ave, Hyde Park, NY 12538

Grid#: 6065-20-821057

**Chairman Dupree:** Thank you. The next item on the agenda is a site plan waiver sought by Lewis/Dutkowski. The location is 27 Parker Avenue. We'll recall that 27 Parker is in the Scenic Area of Statewide Significance established for any property that could be viewed from the River or one of the two Historic Sites, i.e. the Vanderbilt National Historic Site or the Home of Franklin Delano Roosevelt. We have a recommendation from the Zoning Administrator; Ms. Moss for a Site Plan Waiver at this site. The applicant is proposing to convert a garage to a recreation room and change the garage door to a picture window. I don't believe there are any comments on this and I believe Ms. Wasser is going to read the resolution.

**TOWN OF HYDE PARK PLANNING BOARD**

**Lewis-Dutkowski**

6065-20-821057

27 Parker Ave.

**SITE PLAN WAIVER**

*Town Code Section 108-9.4 C 2*

**April 1, 2020**

**Resolution: #2020-04**

**Moved By: Ms. Wasser**

**Seconded By: Ms. DiNapoli**

***Whereas, an application requesting a waiver of site plan has been made to the Town of Hyde Park Planning Board by Sean Lewis on March 10, 2020, for property located 27 Parker Avenue in the Town of Hyde Park, and***

*Whereas, the application is to convert their attached garage into a living room. The house is located in an historic overlay district, and*

*Whereas, the addition is not visible from the Hudson River, and*

*Whereas, the change will have minimal impact to the character of the neighborhood, and*

*Whereas, the Planning Board has reviewed the request submitted by the applicant, and has received a recommendation from the Zoning Administrator, and*

*Whereas, the applicant is required to return to the Planning Board for all other changes to the property, and*

***NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the file entitled Lewis-Dutkowski, regarding the***

specific request as submitted March 11, 2020, and in the building permit application file dated March 9, 2020, by Sean Lewis.

**Ms. Witman called the roll.**

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

**ROLL CALL VOTE      7-0      Motion Carried**

**Chairman Dupree:** The motion carried unanimously. Good luck to our neighbors at 27 Parker Avenue with their renovation.

#### **PB DISCUSSION of LOCAL LAW C of 2020**

**Chairman Dupree:** The next item on the agenda would be a motion to consider authorizing us to send comments to the Town Board relating to #1-local Law C of 2020 and #2-the design standards related to Local Law C of 2020. These standards would enact a new Zoning District called the Town Core. The Town Core has been subjected to much analysis by the Town Board as well as several public workshops where individuals across town were able to discuss their hopes and dreams for what might happen in the center of Town, in the economic heart of our community. We had a first letter that had 25 comments just on Local Law C, we also had a new letter that you all received today and I want to thank you for individually replying to me that you had a chance to read it and authorize it. I guess there's a small silver lining here, a tin-foil lining, I'll call it to the fact that we're all stuck at home while we pause and self-quarantine. I'll call on you individually. Are there any comments on either letter, suggesting deletions, additions or changes?

*The Chairman called on each Board Member.*

**Vice-Chair Dexter:** None.

**Ms. DiNapoli:** None.

**Mr. Oliver:** No.

**Mr. Pickett:** No.

**Ms. Wasser:** No.

**Ms. Weiser:** No additional comments.

**Chairman Dupree:** Then before I ask for a motion for me to authorize sending both letters to the Town Board, I want to first again, thank all of you for taking the time to read what’s a pretty lengthy set of comments. I also want to thank, sincerely our attorney; Ms. Polidoro, Ms. Moss, who participated in this as well, Ms. Axelson, who gave us some initial direction as well as Ms. Weiser and Ms. DiNapoli who participated in the phone-call we had during this.

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

**To authorize the Chairman to send the Town Board the Planning Board’s comments on Local Law C of 2020 as well as comments on the Town Core design standards.**

*Ms. Witman called the roll.*

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

**ROLL CALL VOTE      7-0    Motion Carried**

**Planning Board’s comments on Local Law C of 2020:**

1 April 2020

Supervisor Aileen Rohr, Town of Hyde Park  
Honorable Councilpersons Neil Krupnick, David Ray, Joe Marrine, Ken Schneider  
Warren Replansky, Esq., Attorney to the Town  
4383 Albany Post Road  
Hyde Park, New York 12538

*Re: Proposed Local Law C to enact a new “Town Core” zoning district and rename the remaining Town Center Historic District “Corridor Business*

Dear Supervisor Rohr, distinguished Councilmembers and Counselor:

We appreciate the opportunity to again comment on a proposal to revise development standards for the economic center of Hyde Park. After careful consideration of the facts, we recommend

adoption of the new zoning, with the caveat that we believe some minor changes are still necessary. In support, we offer the following:

1. The Town Center Vision Memo – cited in the narrative for the EAF, part 1 - had references to preserving natural geologic forms, and no excessive removal of rock outcroppings. However, Section III of the new law, “Purpose and Findings” has no such language. Since the majority of the proposed Town Center district contains gravelly, silt soils, perhaps this is no longer a relevant concern, but we wanted to raise the issue in the event the changes were inadvertent.
2. In Section IV.1., **Definitions:** we suggest that in the definition of **Artisanal Craft**, you add the phrase, “a type of general commercial use that...”. This would allow such uses in Town Core as well as all other business districts, which we believe would be desirable, and not limit such uses to one area of town.
3. In Section IV.1, **Definitions: Bed and Breakfast** is cited as an “accessory” use. We question what this use would be accessory to, since it would be the sole commercial use and the number of bedrooms potentially devoted to housing transient guests could exceed those for one-family? As the nature of short-term rentals for transients continues to evolve, we suggest you consider adding “or in detached structures” since it appears some owners would like to convert garages to bedrooms. The Town Board may want to consider addressing other creative short-term rentals, such as yurts, “glamping,” etc... at this juncture as well.
4. In Section IV.1, **Definitions: Under Community Residence (CR)**, we suggest you add a reference to section 41.34 of NYS Mental Hygiene Law underscoring that proposed CRs meet the definition of “family” for zoning purposes.
5. In Section IV.1, **Definitions: Hospital, General** we note that currently, hospitals are included as part of the definition of “Health Care Facility” and, per §108 Attachment 1, *Schedule of Use Regulations*, are not permitted in the Greenbelt (GB) zoning district. Local Law C defines all Hospitals as separate from Professional Medical Offices, and expressly permits them in GB. Density of development in GB is the lowest permitted under the Town’s zoning and currently has very limited commercial uses permitted. As a consequence, there are no scale limitations in GB, and therefore, permitting hospitals – which frequently exceed the maximum scale presently allowed in any district, or 65,000 square feet - in GB may seem appropriate in terms of size. However, we respectfully suggest that you consider allowing hospitals to locate in one or more of our business districts, while adding a note that hospitals are exempt from scale requirements. Hospitals now often have deli’s, gift shops, imaging companies and pharmacies nearby or connected to them. None of these supportive services would be permitted in the GB without further changes to the *Schedule of Use Regulations*.
6. In Section IV.1, **Definitions, Professional Medical Office:** we recommend that the word “professional” be deleted so that the definition dovetails with the new Schedule of Use Regulations. Further, Medical Offices as proposed are Not Permitted (NP) in GB, while Hospitals are. Modern hospitals often have associated but separate medical offices, so breaking “hospitals” out of the current definition for Health Care Facility seems contradictory. Medical Office is also now proposed to be allowed in Landings (L) districts, which by definition are reserved for water-enhanced and water-dependent uses. Medical offices would not appear to meet either definition. Finally, we wonder whether this use should be called out as a separate use from general commercial? This would make any change, whether to a structure or not, require site plan review and approval. If the prior use was “Commercial, General” before, and a medical office is proposed, this would now represent a change of use.

7. Here we note that at present, §108-4.5.B. “Required off-street parking” cites standards for “Hospital, convalescent home” and for “Medical clinic.” It is recommended that these terms be altered if the new zoning is adopted so they parallel (we do not cite “convalescent homes” in our current Schedule of Use Regulations either). The Board may also want to develop parking standards for Residential Care Facilities and Community Residences at this time.
8. In the proposed §108 Attachment 1, *Schedule of Use Regulations*, Residential Care Facility is no longer permitted in Neighborhood Business Districts. We have not seen the rationale underlying this change, but wish to note that Hyde Park Assisted Living and Renaissance Rehabilitation would both become “prior nonconforming” uses if the zoning is adopted as is proposed now.
9. In Section IV.5, **Purpose of District**, we suggest removing “tourism dependent” to allow a broader range of uses.
10. In Section IV.7, **Bulk regulations – height**, we question the wisdom of removing protections to historic sites within CC and TC since the majority of the Town’s remaining historic structures are located in these two districts. Our Board would prefer seeing language added that the Planning Board may waive such requirements for the same reasons enumerated later in Section IV, 12. Historic Overlay Standards.
11. In Section IV.9, **Site development standards – pedestrian access and circulation**. The language “Development of any lot shall require...”, effectively means that sidewalks would be required for any new single-family or two family dwellings proposed in these areas. We applaud the Town Board for ensuring that Hyde Park becomes ever more interconnected for pedestrians and cyclists.
12. In Section IV.10, **Site Development Standards - architectural features standards – roof**, we believe that the original language referencing buildings that “must have flat roofs” (usually because of size/mass, such as a shopping center or hospital) needing to be disguised by the use of parapets, etc... should be retained here.
13. In Section IV.13, **Drive through facilities in CC District**, you propose to ban all drive-through uses, where only food-related drive-through uses are now completely banned. However, §108-5.11.1.I.(9) later details ways in which the Planning Board can evaluate proposals for drive-through facilities. This section of the code would need to be eliminated should you wish to ban all drive-through uses, which would include banks and other financial institutions. We also note that there is no definition for drive-through facility at present nor one proposed.
14. In Section IV.14.B. **Design Standards**, for clarity purposes, we suggest that instead of referencing a “separate Attachment” you cite it as (what we believe would be) “Attachment 5.”
15. In Section IV.14.C. **Prohibited Uses**, we believe that 1200 sq ft of outdoor storage seems extremely large, if not excessive (many houses in Crumwold Acres, commonly known as “the village” are only 1600 sq ft). We suggest limiting it to 120 square feet or some maximum that is not the size of a small home.
16. In Section IV.14.D. **Pre-existing uses**, we suggest subsection (1) be reworded to “Any single-family detached dwelling in existence on the effective date of this Zoning Chapter and located in any subarea of the Town Core zoning district shall be deemed a conforming structure and a permitted use and shall be allowed to continue. Any changes to the dwelling shall adhere to the Town Core Design and Development Standards applicable to the single-family detached building type.” [*Changes underlined.*]
17. In Section IV.14.E. **Site plan requirements**, we suggest requiring the Planning Board to approve any Master Plan, even if only a conceptual one.
18. In Section IV.14.F. **Building Waiver Permit**, all references should be the same throughout this section, including its title, which we believe should be “Building Type

- Waiver Permit” - it is occasionally termed Building Type Permit waiver as well. In subsection (2)(e), we believe that the comma between “charitable” and “institution” should be removed, and that “civic use” should be changed to “civic facility.”
19. In the new §108 Attachment 1, *Schedule of Use Regulations*, P\*\* and P\*\*\* should state “Designates a permitted use subject to sit plan *approval*..” rather than “... subject to site plan *review*...”.
  20. In the new §108 Attachment 1, *Schedule of Use Regulations*, as noted above, Not Permitting Residential care facilities in Neighborhood Business Districts (NBD) would render Hyde Park Assisted Living Facility and Renaissance Rehabilitation nonconforming uses.
  21. In the new §108 Attachment 1, *Schedule of Use Regulations*, as noted previously, we believe that the Artisanal craft use should be allowed in all business districts.
  22. In the new §108 Attachment 1, *Schedule of Use Regulations*, we think it sensible to allow Bed & Breakfast uses in NBD.
  23. In the new §108 Attachment 1, *Schedule of Use Regulations*, as noted earlier, it seems incongruous to permit Hospitals, General in the lowest density district of GB, and we suggested above that you consider permitting them in a district tailored for commerce. Also, as stated above, the current definition of Health care facility includes hospitals as a use. But health care uses are merging, separating hospital and medical offices seems to try to reverse this trend. Finally, local law C proposes a definition for “Hospital or Facility, Psychiatric” but then this separate use does not appear to be referenced and therefore permitted in any district in the town.
  24. In the new §108 Attachment 1, *Schedule of Use Regulations* we suggest removing telecommunication facilities from the use chart entirely. We recommend the same for scenic and historic overlays.
  25. Last, in the new §108 Attachment 2, *Schedule of Bulk Regulations*, we note that in East Park Business District, the rear yard setback changed from 20 feet to 10 feet. Since we saw no rationale offered for the change, we suggest you examine whether this was a typographical mistake or determine the reason.

The Board and its legal consultant tried to really scour the proposed new law, which is why some of the comments might seem picayune. But since we use the zoning on a daily basis, it seems better to try to work out any and all “kinks” in advance. Please contact me if you need any additional information.

Sincerely,



Michael Dupree  
Chairman

1 April 2020

## **Planning Board's comments on Local Law C of 2020-Town Core Design Standards:**

Supervisor Aileen Rohr, Town of Hyde Park  
Honorable Councilpersons Neil Krupnick, David Ray, Joe Marrine, Ken Schneider  
Warren Replansky, Esq., Attorney to the Town  
4383 Albany Post Road  
Hyde Park, New York 12538

*Re: Design and Development Standards for Proposed new zoning district Town Core associated with Local Law C of 2020*

Dear Supervisor Rohr, distinguished Councilmembers and Counselor:

We appreciate the opportunity to comment on a proposal to enact exciting new development standards for the economic heart of our town. After careful consideration of the facts, we recommend adoption of the new zoning and its well-considered building forms, with the caveat that we believe changes are necessary prior to that. In support, we offer the following:

1. In accordance with our accompanying letter's recommendation on local Law C, we suggest labeling the Town Core Zoning District Design and Development Standards document "Attachment 5" so this becomes an enforceable part of Chapter 108 and it is cited correctly by E-code.
2. Though it was not included, we suggest the Town Center Vision document become an addendum to the Town's adopted Comprehensive Plan.
3. In accordance with our accompanying letter's recommendation, we suggest the language in §108-4.2 regarding "Building Type Permit Waiver" be corrected and used consistently.
4. In accordance with our accompanying letter's recommendation, we suggest in §108-4.2.B.(5), you change "civic use" to "civic facility" and remove the comma between "charitable" and "institution."
5. In §108-4.4 we suggest you add "except as set forth in 104.2," before "...shall require an area...".
6. Page 10, middle of paragraph, we suggest you change "long front facades" to "front facades over 25 feet" to track with language in the penultimate sentence on page 7.
7. Page 10, first sentence, we suggest you change language in the first sentence to read, "Within the PW-2 and TC Subareas, the *multiple family form* is preferred to meet..." so as to incorporate specific title of 202.5 "Multiple family" type building listed on page 28. The bottom right caption could also be changed to "This *multiple* family building...".
8. Page 13, Community Patterns, fourth bullet point in the second paragraph, delete "and" and add language to read, "...greater setbacks for garages and accessory structures, *requiring placement* behind the building façade."
9. Page 16, add "... building types including *but not limited to*" in third sentence of TC-1 Town Core Subarea 1.
10. Page 17, 201.1, Subareas and Intent: we are unsure whether designating a parcel or portion of a parcel as Open Space could be construed as a regulatory taking?
11. Page 17, in TC-3, because the Town is encouraging redevelopment of this area, should language regarding environmental constraints in the third sentence be removed?
12. Page 19, suggest 'Public Gathering Space' be defined for clarity. Would a movie theater or outdoor dining area constitute a Public Gathering Space?

13. Page 20, suggest “gable height” be defined. We here note that building height in §108 is defined as the mean of the peak and the associated eave, which is different than “Gable” and “Flat roof” heights. The latter terms apply to all subsequent building types.
14. Page 20, 202.1, Row-Style Shopfront, please consider whether ground floor residential should be allowed in rear so long as it occupies no more than 25% of total ground floor square footage.
15. Page 21, point 8, what is “front building setback”? Is this Build to Line or Front Yard Setback? Neither should be 0 feet, since point 8 states that galleries may be permitted, and those are 10’ wide per 202.5.6 “Gallery”.
16. Page 22, 202.2.2, Traditional Shopfront, the BTL cannot be 0 feet, since such encroachments as gallery, stoops, projecting porch, etc... are all encouraged; 202.5 notes the dimensions for each, so the BTL needs to be 10 feet.
17. Page 24, “Permitted in Subareas” needs to have PW-1 and PW-2 added to dovetail with chart in 202.1. Illustrative example appears to be a 1.5 story building. Section 202.2.7 cites a 2.5 building height, so half stories addressed subsequently. Should a 1.5 story structure be addressed here as well?
18. Page 25, 202.2.3, One-Story Shopfront, the BTL cannot be 0 feet to accommodate suggested encroachments, and should be a minimum of 10 feet.
19. Page 26, 202.4, General Building: “residential and retail uses are prohibited” but buildings accommodating offices often have small café, deli or coffee shop inside. You might consider limiting retail to a percentage of ground floor square footage, such as no more than 20%?
20. Page 28, 202.2.5, Multiple Family: “Multiple dwelling” in chapter 108 is defined as three or more dwelling units (DUs). Here, “Multiple Family” is defined as 5 or more DUs. We suggest that to avoid confusion, all such references in this document refer to “TC Multiple Family” throughout.
21. General comment: each building type has minimum “lot areas” and we wonder whether future subdivision of existing larger parcels (perhaps in order to sell specific buildings) would cause conflicts with the Town’s average density zoning? Note also that the minimum size of a dwelling unit – 550 sq ft – would be larger than the 400 sq ft minimum in all other districts.
22. Page 30, 202.6, Multiple Family, Converted, since this form is restricted to a maximum of three families, suggest titling it “TC Multiple Family, Converted” to distinguish it from TC Multiple Family, which is for five or more DUs.
23. Page 32, 202.7, Townhouse, we suggest the title change to “TC Townhouse” and under Purpose and Form, you change the language in the first sentence to “A building type that accommodates *between five and eight dwelling units* where each unit...” to comport with point 7, regarding the maximum of 8 DUs, on page 33.
24. Page 36, 202.2.9, Two-Family Detached, we believe you should add “wrap around porch” to allowed Frontage Encroachments, to dovetail with the illustration.
25. Page 42, 202.3, Building Lot Requirements, we think you should delete the second sentence, because it appears that the BTL cannot be 0 feet anywhere or permitted frontage encroachments cannot be added.
26. Page 44, 202.4, Building Type Additional Standards. Reading points 4 and 5 in tandem, it appears that the buildings such as the former Grand Union could not be redeveloped since it is out of the maximum front yard setback, or it would need to have its own “imaginary” lines or lot? Is requiring front, side and rear setbacks for each building not on its own lot and on a large common parcel legally enforceable?
27. Page 51, 202.6, Parking Areas, in reading point 4, we suggest you consider reducing the rear yard setback for detached garages from 50 feet to 25 feet or garages here will be in the middle of some back yards.

28. Page 65, 301.8, Fences and Walls, point 1, we suggest this proscription be reconsidered. In a small outdoor dining area, patrons would likely want such areas to be partially enclosed for safety purposes as well as to define a space. This Planning Board generally encourages the addition of stone walls with site plan approvals, where appropriate, to better meld with the existing character of the community. We think adding low stone walls or attractive fencing might better comport with the intent of the zoning in encouraging activated sites.
29. Page 66, 301.10, Lighting, point 1, fourth line, we suggest changing the last sentence to “Lighting shall complement *or* match...” and that the first sentence in point 4 be deleted as it seems redundant.
30. Page 67, 301.11, point 2, Bicycle rack, we suggest you change the language to “*The Planning Board shall require bicycle racks where appropriate in commercial areas and for TC Multiple Family buildings. Bicycle racks should be...*”
31. Page 67, 301.11, point 3, Trash receptacles, we suggest you change the language to read, “*Architectural style receptacles shall be installed and maintained for all building types except single family detached, two-family detached, threeplex and fourplex buildings*”.
32. Page 68, 301.11, point 4, Sidewalks, we suggest changing the minimum width of sidewalks to five (5) feet.
33. Page 68, 301.11, point 5, Street Trees and Landscaping, we note that there appears to be a conflict with allowing ornamental fencing three feet in height and and the earlier 301.8 (see our comment number 28 above) that must be resolved.
34. Pages 69 and 70, 301.12, point 2(c), Pedestrian and vehicular circulation, we think this section should be reconsidered. The parking standards cited in §108 are guidelines and not requirements. In other words, the Planning Board currently has the ability to set parking standards for each application based on individual circumstances.
35. Page 70, 3-1.12, point 2(h)ii, we suggest that the sentence have language added, “... and the lots shall be merged as a condition of approval, *or the execution of cross access and parking easements by the owners to the satisfaction of the attorney to the planning Board.*”
36. Page 77, 302.1.8, Additions, point 3, we suggest the sentence end at “building” by deleting “...and the Planning Board may...”. This way, the addition must be appropriate in size and scale.

The Board is aware that some of the comments may be best resolved through a nonquorum discussion among members of the Planning and Town Boards, or a possible public workshop meeting of both full Boards with consultants. Please contact me if you need any additional information.

Sincerely,



Michael Dupree  
Chairman

**Ms. DiNapoli:** I would like to thank everyone and Chairman Dupree for the amazing job of writing all of the comments up.

**Ms. Wasser:** I second that.

**Vice Chair Dexter:** I agree also.

**Chairman Dupree:** Thank you for the kind words. Believe me this was a labor of love by a big team. Trust me. Thank you.

**RELEASE OF ESCROW-BRIGHT DAYS CHILDCARE CENTER**

**Chairman Dupree:** The last item on the agenda tonight is a release of escrow for Bright Days. As a reminder, the applicants were seeking to open up a daycare Center in the old Roe Building. Because of Department of Health requirements, that didn't work out for her. I'm excited to tell you that it appears that Ms. Sullivan; the proprietor, will be seeking another location in Hyde Park, to come before us shortly for Site Plan review.

**Town of Hyde Park Planning Board**

**Date:** April 1, 2020

**Moved by:** Chairman Dupree

**Resolution #:**20-A

**Seconded by:** Vice-Chair Dexter

<b>Applicant</b>	<b>Project #</b>	<b>PB Engineer</b>	<b>PB Attorney</b>
<b>Bright Days Daycare Center</b>	<b>#2019-35</b>	<b>\$3,083.00</b>	<b>\$1,964.50</b>

**Ms. Witman called the roll.**

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

**ROLL CALL VOTE      7-0      Motion Carried**

**Chairman Dupree:** There being no other business, before we adjourn, again, thank you colleagues for your interest and desire to continue to move the business of the Town forward. Also for anyone who might be watching, we are going to be taking under advisement how often these meetings will occur. They will be noticed in advance. If at some point there is a pile up of information and applications for the Board, I will expect that we will have 'Workshop'

meetings virtually, like this to discuss new applications. We're crossing our fingers that won't be necessary now because there's very little purpose for us to be processing applications as long as there is a ban on nonessential construction, which most of what we have here before us would be considered, except possibly the telecommunications towers. That being it, I want to thank everyone once again. Remind everyone to stay safe, stay sane, stay physically separated as much as possible and may I get a motion to adjourn from Mr. Pickett?

**MOTION: Mr. Pickett**

**SECOND: Ms. Weiser**

**To Adjourn.**

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

**ROLL CALL VOTE 7-0 Motion Carried**