



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 APRIL 20, 2022, 6:00 PM
PUBLIC HEARING/REGULAR MEETING OF
THE HYDE PARK PLANNING BOARD**

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

MEMBERS ABSENT:

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

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PLEDGE OF ALLEGIANCE

NEW PUBLIC HEARING:

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: Brandon J Petrella, RA AIA, Mauri-architects

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To open the public hearing for Hyde Park Quick Stop.

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

There were no public comments.

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To adjourn the public hearing for Hyde Park Quick Stop to June 1, 2022.

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

CONTINUED PUBLIC HEARING:

HYDE PARK TOWN CENTER NORTH- BUILDING #2

Site Plan Approval (#2022-04)

Location: 4272-4288 Albany Post Road

Grid #: 6065-04-933017

In attendance:

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

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To re-open the public hearing for Hyde Park Town Center North-Building #2.

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

Neil Krupnick of Scenic Drive offered comments.

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To close the public hearing for Hyde Park Town Center North-Building #2.

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

RESOLUTION TO GRANT SITE PLAN APPROVAL

Hyde Park Town Center North – Building 2

Date: April 20, 2022

Moved By: Vice-Chair Oliver

Resolution: #2022-04A

Seconded By: Vice-Chair Dexter

WHEREAS, the applicant, N & N Hyde Park LLC, has submitted an application for site plan amendment approval to establish an office with equipment storage use in an existing building identified as "Building 2" located in an existing shopping center and other related site plan improvements (the "Project") on property located at 4272-4288 Albany Post Road, tax parcel no. 6065-04-933017, in the Town Core Zoning District, PW-2 Subdistrict (the "Property"); and

WHEREAS, the Project is depicted on a site plan entitled, "Hyde Park Town Center North, Amended Site Plan, Hyde Park Town Office," prepared by Berger Engineering and Surveying, dated December 12, 2021, last revised April 17, 2022, Sheets T1, Demo1, SP1, EX1 and SP2, and elevations entitled, "Hyde Park Office," prepared by DeGraw & DeHaan Architects, dated April 11, 2022 and received on April 18, 2022, and updated dumpster detail provided by e-mail on April 20, 2022 (collectively, the "Site Plan Set"); and

WHEREAS, the Site Plan Set depicts a future project identified as Ready Coffee for reference only and which is not being approved or considered as part of this Site Plan application; and

WHEREAS, the Site Plan Set depicts a proposed sign location for a future sign but the sign is not being approved as part of this Project; and

WHEREAS, pursuant to Section 108.5.11.2, general commercial uses are permitted in the Town Core/PW-2 Zoning District subject to site plan approval; and

WHEREAS, pursuant to Section 108-5.11.2, the Town Core District standards apply to new construction or expansions of existing structures by more than 50%; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated January 14, 2022, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on February 16, 2022, the Planning Board classified the Project as a Type II action under SEQRA pursuant to 6 NYCRR 617.5(c)(9), 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 or ordinance; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development, which responded on March 23, 2022 and recommended that the Board rely upon its own study of the facts; and

WHEREAS, pursuant to a memorandum dated February 27, 2018 from Jason W. Teed, PE at the Dutchess County Department of Behavioral and Community Health ("DCDBCH"), Building 2 "must not be occupied until plans are submitted to, and reviewed and approved by [the Dutchess County Department of Behavioral and Community Health] and construction compliance is granted"; and

WHEREAS, the applicant has applied to the DCDBH for approval of the Project, which is pending; and

WHEREAS, the Zoning Law recommends that 120 parking spaces be provided for a business or professional office use in Building 2, but in light of the unique office use which includes storage of equipment and occasional training sessions, the applicant is proposing to provide 31 spaces; and

WHEREAS, pursuant to Section 108-4.5 of the Zoning Law, off-street parking requirements may be modified for a project after considering the following: 1) the practical difficulties of applying the standard to the particular project; 2) the potential adverse impact on surrounding properties and the neighborhood of applying or not applying the standard to the proposed project; and 3) the feasibility of alternate means or measures to attain the same goal as the standard; and

WHEREAS, a duly noticed public hearing was opened on April 6, 2022 and closed on April 20, 2022, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings with respect to the request to modify the off-street parking standards:

- 1. The Project involves the redevelopment of an existing building in an existing shopping center. It is not feasible to create approximately 90 additional off-street parking spaces at the Property. Further, the particular nature of the proposed office use will have a small number of employees and guests in relation to the size of Building 2.**
- 2. There is no potentially significant adverse impact on neighboring properties from a reduction in off-street parking. Parking at the Property is shared. Building 2 was formerly used as a grocery store which accommodated a higher intensity of use.**
- 3. The applicant has agreed to limit the number of persons occupying Building 2 to no more than 50 people in light of the inability to provide 120 off street parking spaces.**

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval to the Project as depicted on the Site Plan Set and authorizes the Chair or his authorized designee to sign the Site Plan Set after compliance with the following condition:

- 1. Payment of all fees and escrow.**
- 2. Approval by the DCDBCH for the methods of water supply and wastewater disposal.**
- 3. Revision of Sheet T1 to delete the general bulk table.**
- 4. Revision of Sheet T1 to include the following note: Occupancy of Building 2 shall be limited to no more than 50 persons.**
- 5. Revision of Sheet T1 to include an owner's signature block.**
- 6. Revision of SP-1 to add a note that the canopy will not be illuminated from within, and to add a detail of the proposed cylindrical lamp(s) – also used on Buildings 3 and 4 - above Building 2's entry/exit doors.**

7. Revision of the Site Plan Set to include a note that lighting shall not exceed 3000K.
8. Revision of the elevation sheet to change the “southwest” label to “west”.
9. Revision of the Site Plan Set to include the following note: Plantings shall be maintained for the life of the use, and shall be replaced as necessary and in-kind unless a substitution is allowed by the Zoning Administrator.
10. Revision of the Site Plan Set to include the updated dumpster elevation (received by email on April 20, 2022).
11. Revision of the Site Plan Set to switch the locations of the 5 wall pack lights and the future sign location so that the wallpacks are below the sign or eliminated altogether.
12. Revision of the Site Plan Set to include the following note: The fieldstone in the planter shall match the existing fieldstone in the pocket park.
13. Submission of samples of Project materials to the Zoning Administrator, including canvas material, paint and siding.

BE IT FUTHER 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.

BE IT FURTHER RESOLVED, that the applicant must apply for a separate sign permit for the proposed tenant sign once the sign design is finalized.

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

ROLL CALL VOTE Aye-5 Absent-0 Nay-2 Motion Carried

EAST PARK DELI AND GROCERY
 Site Plan Approval Exterior Modification (#2022-07)
 Location: 1106 Violet Avenue
 Grid #: 6165-03-424169

In attendance:

Andrew Milliken, Milliken Associates

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

To re-open the public hearing for East Park Deli and Grocery a.k.a. Krauszer’s.

Aye 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-7 Absent-0 Nay-0 Motion Carried

There were no public comments.

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

To close the public hearing for East Park Deli and Grocery a.k.a. Krauszer’s

Aye 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-7 Absent-0 Nay-0 Motion Carried

RESOLUTION TO GRANT SITE PLAN APPROVAL

East Park Deli and Grocery

Date: April 20, 2022

Moved By: Ms. Weiser

Resolution: #2022-07A

Seconded By: Ms. Wasser

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 proposed site plan entitled “Alteration to East Park Deli & Grocery,” prepared by Milliken Associates, dated September 30, 2020, last revised April 18, 2022, 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 Section 108-5.14, general commercial uses are permitted in the Neighborhood Zoning District subject to site plan approval; and

WHEREAS, the applicant has submitted an Environmental Assessment Form (“EAF”) dated November 17, 2021, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on March 2, 2022, the Planning Board classified the Project as a Type II action under SEQRA pursuant to 6 NYCRR 617.5(c)(9), the construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development, which responded on April 5, 2022, that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on April 6, 2022 and continued to April 20, 2022, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants site plan approval to the Project as depicted on the Site Plan Set 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. Revision of the Site Plan Set to secure the propane tanks east of the building in accordance with the standards in Chapter 60 of the Town Code.**
- 3. Approval of an affidavit of ownership by the Attorney to the Planning Board.**
- 4. Revision of the Site Plan Set to include a note that lighting shall not exceed 3000K.**
- 5. Revision of the Site Plan Set to include the following note: There shall be no outdoor storage of inventory inconsistent with this Site Plan without site plan amendment approval from the Planning Board.**
- 6. Approval by the Zoning Administrator of a detailed landscaping plan for the proposed “new landscape area with curb” in the northwest corner of the Property near the free-standing sign.**
- 7. Revision of the Site Plan Set to include a note indicating that the proposed signage is not being approved as part of the site plan and that the applicant must obtain all required approvals for such signs.**

8. **Submission of samples of Project materials to the Zoning Administrator, including paint, roof shingles and siding.**

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

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

OTHER BUSINESS:

MALCARNE SHOWROOM

Site Plan Approval Exterior Modification (#2022-11)

Location: 4236 Albany Post Road

Grid #: 6064-02-958898

In attendance:

Nevien Sidarous, Malcarne Contracting

RESOLUTION TO GRANT SITE PLAN APPROVAL

Malcarne Showroom

Date: April 20, 2022

Moved By: Mr. Guercio, Jr.

Resolution: #2022-11A

Seconded By: Mr. Waters

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 Zoning District, TC-1 Subdistrict (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, received March 3, 2022 and lighting specifications received April 1, 2022 (the "Site Plan Set"); and

WHEREAS, the applicant seeks approval of a proposed wall sign in connection with its site plan application; and

WHEREAS, pursuant to Section 108.5.11.2, general commercial uses are permitted in the TC-1 Zoning Subdistrict 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, on March 9, 2022, the Planning Board classified the Project as a Type II action under SEQRA 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; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Project was referred to the Dutchess County Department of Planning and Development, which responded on April 5, 2022, that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on April 6, 2022, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants site plan approval to the Project as depicted on the Site Plan Set 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.**

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

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

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

KO STORAGE

Sign Permit Recommendation Approval (#2022-13)

Location: 4920 Albany Post Road

Grid #: 6066-02-891661

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

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

**KO Storage
Free Standing Sign
Parcel 6066-02-891661**

**Date: April 20, 2022
Resolution: #2022-13**

**Moved By: Mr. Waters
Seconded By: Vice-Chair Oliver**

WHEREAS, Courtney Marshalla; project manager for KO storage, on April 6 2022, submitted an application for the panel replacement on the free-standing sign to be associated with a new owner of the approved site plan for Staatsburg Self-Storage, located at 4920 Albany Post Road, Grid No. **6066-02-891661**, in the Neighborhood Business District; and

WHEREAS, the sign is designed to be code compliant; now therefore;

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for KO Storage as submitted by Courtney Marshalla, on April 6, 2022, and drawing submitted by email on March 29, 2022

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

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

RAICHE, THOMAS

Site Plan Waiver Approval Deck for AG Pool (#2022-14)
Location: 7 Fuller Lane
Grid #: 6065-20-873037

**TOWN OF HYDE PARK PLANNING BOARD
Thomas and Krista Raiche
6065-20-873037
7 Fuller Lane
SITE PLAN Waiver
Town Code Section 108-9.4 C 2**

Date: April 20, 2022
Resolution #: 2022-14

Moved By: Ms. Wasser
Seconded By: Vice-Chair Dexter

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Tom Raiche, for installation of 10' x 12' gated deck for their above ground pool associated with a single-family home requiring a building permit, and,

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

Whereas, the applicant is proposing to construct a 10' x 12' gated deck for their above ground pool in the rear of the home, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, 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, and

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

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the building permit received by the Building Department April 8, 2022, and per the request to the Planning Board dated April 18, 2022.

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

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

ADJOURNMENT:

MOTION: Vice-chair Oliver
SECOND: Ms. Weiser

To adjourn.

Aye 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-7 Absent-0 Nay-0

Motion Carried

DRAFT