

MINUTES OF THE REGULAR MEETING AND PUBLIC HEARINGS OF THE
HYDE PARK TOWN BOARD, VIRTUAL MEETING HELD VIA ZOOM AND LIVE
STREAMED ON YOU TUBE ON JUNE 8, 2020 AT 7:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILMAN DAVID RAY
COUNCILMAN JOSEPH MARRINE
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA MCGROGAN

ABSENT: NONE

Supervisor Rohr: Hi, good evening everyone. And welcome to the virtual meeting of the Hyde Park Town Board today is Monday, June 8th, and I'd just like to let everyone know that our Town Clerk has posted the information about this meeting on our website and at different locations in town. And the agenda has been posted as well. So, I'm glad that we are able to meet virtually and it's good to see everyone. So please join me while we pledge allegiance to the flag.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands one nation under God, indivisible with liberty and justice for all.

So, we have a fairly short agenda, although we do have a public hearing on the agenda tonight, but I'd like to ask for a motion first to accept the minutes of May 18, 2020.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

Supervisor Rohr: Then we do have a couple other items on our agenda, public comments on resolutions of town business only were invited via the agenda to be sent to the Town Clerk, Donna McGrogan. Donna, did we receive any public comments?

Town Clerk Donna McGrogan: We did not receive any.

Supervisor Rohr: Okay. Thank you. I'm going to ask for a couple other revisions to the agenda. And the first would be for Resolution number 6, to remove 15 Balsam Road from the list of properties that we would be taking the property maintenance action on as they did actually mow it.

MOTION: Councilman Schneider
SECOND: Councilman Ray

VOICE VOTE:

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED TO AMEND

And then a final adjustment to the agenda would be a request to add Resolution number 13, which everyone should have, and that is to establish a temporary use and occupancy regulations for temporary outdoor dining and sidewalk seating for restaurants within the town of Hyde Park and, and all in favor.

MOTION: Councilman Schneider

SECOND: Councilman Ray

VOICE VOTE:

ALL OPPOSED 0
ALL IN FAVOR 5 CARRIED TO AMEND

Supervisor Rohr I did want to think all the efforts of various people, including Neil Krupnick, Tad, and Warren for pulling this agenda, and important items together on a very short timeline. We can get to that in a few more minutes, but, you know, as part of the Phase 2 reopening, outdoor dining is included. And so, part of that is to enable restaurants to use part of their parking for tables to expand the number of seats that they can serve safely with social distancing, et cetera. So, the County Executive has passed an Executive Order that waive certain requirements for, actually I think we had a hundred percent participation from the municipalities. So, this Executive Order waives the requirement for site plan and allows for the outdoor use of parking within certain restrictions and parameters.

And we did develop a permit that the restaurants would be required to file. And that permit is free. It's available on our website, I would say fillable and submittable forms. So, we've made it very easy. And tomorrow morning, our Deputy Building Inspector will visit all the restaurants in town. And Tad just informed me there are 30 dining establishments, whether it be a deli, and they will all be provided with a hard copy of that permit and some informational letters. So, it really was quite a task of many different layers of government working together, including New York State and the Bureau of Alcohol, that oversees alcohol use. They had to waive certain requirements as did the Town and the County, who kind of put that all together for us. So, I'm pleased that it has ended up on this Monday's agenda in advance of the Phase 2 opening.

We already started launching into the Phase 2 reopening. I'll just go ahead and do that despite the fact that we do have a public hearing on the agenda. But I don't anticipate a lot of input. So yes, tomorrow, June 9th, we begin our Phase 2 reopening and there's great detail on what is entailed and what the requirements are, what qualifies at the New York Forward website. And I highly recommend that all businesses go to that website and its really very user friendly. Find out where you fit in, in that matrix and also, you know, what the requirements are for you to safely open. But basically, the Phase 2 includes, as I mentioned, outdoor dining for restaurant office-based jobs, real estate essential in Phase 1, retail vehicle sales leases and rentals, retail repair and cleaning, commercial management, hairstylists and barbershops. Another one that everyone is very happy about. So yeah. Oh, that's great, Neil. Thank you for putting that on the screen. So, it really is very informative, very concise. You can if you go to the drop bar on the left, you can see all the very specific details on how you comply with the requirements to do that. And in some instances, actually in most of them, you know, you are required to have a plan on record and posted in your place of business. I think that if you read the second bar down, read and affirm detailed guidelines, and there's a template

there for businesses to fill out, and I do believe that you do not have to share your business reopening plan, but you do have to affirm that you've read it and that you are following it.

So, you know, it's really great news that we're moving fairly quickly through the different phases, Phase 2, starting tomorrow. The Governor did announce over the weekend that Houses of Worship are now open for 25% occupancy. And there have been a couple other revisions that I just can't think of off the top of my head. Oh, actually an important one is that the Governor is now allowing or will allow as of June 26 and the conduct of graduations, but with a maximum of 150 people. So that's good information for some of the smaller schools and perhaps some of the larger ones who might be able to do it in phases. So again, that is good news for our communities. So, we do hope that everyone continues to be extremely careful using masks, following social distancing and the vulnerable population staying home because the continued reopening of our economy is predicated on low numbers. I would just offer my congratulations and kudos to all the people who've worked so hard to get us here. And let's just hope it continues. So, with that, Donna, I'm going to go ahead and ask you to read the meeting notice if you would, for the MS-4 public hearing,

Town Clerk Donna McGrogan: PLEASE TAKE NOTICE that the Hyde Park Town Board will hold a public hearing on the 2019-2020 MS4 Permit Annual Report for the Town of Hyde Park, Dutchess County, New York, on Monday, June 8, 2020 at 7:05 p.m.

In accordance with the Governor's Executive Orders, the meeting and public hearing will be held virtually and livestreamed on the Town of Hyde Park's YouTube channel. Please follow the link below to view:

<https://www.youtube.com/channel/UCcb5NmRUM9SwOAL0vwcayrQ/live>

Written comments can be submitted before the public hearing, and up to June 9, 2020 by 10:00 a.m. to the Town Clerk, Donna McGrogan at dmcgrogan@hydeparkny.us or you may contact the office at 229-5111 Ext. 116 during current business hours.

A copy of the proposed 2019-2020 MS4 Annual Report is available for review on the Town of Hyde Park website at www.hydeparkny.us.

Additional information on the Town's Remote Public Hearing Procedures is available at the following link:

<https://www.hydeparkny.us/DocumentCenter/View/2372/Remote-Public-Hearing-Procedures-PDF>

There will be no gathering at the Town of Hyde Park Town Hall for this meeting.

By order of the Town Board of the Town of Hye Park. Dated May 19, 2020, Hyde Park, New York, Donna McGrogan, Town Clerk.

Supervisor Rohr: Thank you, Donna. Now, Donna, did you receive any, any public comment?

Town Clerk Donna McGrogan: No, I did not.

Supervisor Rohr: Okay. And Neil, have you received any either?

Councilman Krupnick: No and nobody is signed up on YouTube right now.

Supervisor Rohr: Okay, we have Kathleen, our Zoning Administrator here and Kathleen, Tad, as we fondly call you, did you have anything that you wanted to add to the public hearing?

Zoning Administrator Kathleen Moss: I just wanted to let you know, last time I introduced the annual report as having six components. The first two outreach and involvement are done in coordination with the other communities. MS4 communities in Dutchess County. The ID, the Illicit Discharge Program for the town is done in a cooperation with the Department of Behavioral and Community Health. We address construction sites, we review the applications for stormwater permits, we issue permits, we do enforcement, we monitor and we do training of the onsite personnel. Post-Construction we do periodic reviews of how the facilities are being maintained over time. And this year I'm happy to report that the Highway Department had several improvements done thanks to the Town Board and the budget process. And the Highway Superintendent was able to obtain hydraulic system monitors that automatically shut down if there's a pressure drop in the system, so that makes sure lots of gallons of nasty stuff doesn't automatically dump out onto the street. So, I'm very happy to report that that's been a very good thing for our program. Last year we got the spill kits to be able to mop up when that happens and then Howie did find a better way so that we don't even have to mop.

Supervisor Rohr: That's great. Do you know what the company, the name of the company that did that now? I'm just curious.

Zoning Administrator Kathleen Moss: No, I don't remember. And that next year, we are anticipating a new permit with new requirements coming out this year and with COVID it's been delayed, so I'm not sure when that will be issued. That's all.

Supervisor Rohr: Okay, thank you. Okay. Does the Board have any comments that they would like to add?

Councilman Schneider: Nice job.

meetings. I go with her sometimes and she's an expert on everything. We should listen to her. We need to get tougher on people dumping stuff into the drains.

Supervisor Rohr: Well, I think it's a lot of education really, right? The understanding of how that impacts the water quality and the quality of life. And you know, before I was involved with town government, I remember talking to a town board member and she said, it's all drainage. Hyde Park is, what people are concerned about, the roads, their drainage there, those impacts. So, thank you for that. So, may I have the motion to close the public hearing.

MOTION: Councilman Schneider

SECOND: Councilman Ray

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED TO AMEND

Supervisor Rohr: Thank you, Tad. And you know, just before we get into the resolutions, I did want to make an announcement in case the public may not

want to go through listening to all of those. And because it's rather important and it's regarding our recreation program for 2020, and, you know, it was a very difficult decision. The Town has decided to cancel our summer camp. This was done in consultation with other communities in Dutchess County and after careful review of the regulations required by the CDC and the State of New York that would really limit our ability to conduct a summer camp program that would be beneficial to the campers and would keep our public and our staff safe. So again, you know, it's with sadness that we announce that we have canceled that 2020 summer camp program, including the opening of Hackett Hill pool.

So, we do look forward to a 2021 season and again, it was really just the risks to the children and the staff were insurmountable in terms of providing the required social distancing and other safety measures. So again, the Covid gets us with the cancellation of our 4th of July parade, which is also very sad. You know New York state continues to have restrictions on mass gatherings and, it is particularly difficult for Hyde Park because we have the largest 4th of July parade in the County. So, we are required to cancel that because of the limitations on mass gatherings. And the final announcement is regarding music in the parks. And, you know, typically that has started by now and held each Wednesday of the summer. And we're in conversations with the National Park and the State Parks as to their willingness to host the Music in the Park series with limitations on the number of attendees and required social distancing. So, we're exploring that it may be that we can do a few of the concerts towards the end of July when Phase 4 rolls around because recreation is part of that Phase 4. So, we'll keep everyone updated on that as well. So, that is the announcement as far as Recreation goes. And I don't know if anyone has any questions or information to add to that.

Councilman Schneider: That stinks

Supervisor Rohr: Yeah, it really does. It's a disappointment for everyone and, you know, our new Rec Director, actually, he's not new now as he has been here for almost a year. He's working on developing some other approaches that we might be able to adapt to create some interest for the campers. We'll see, as far as we go on that There was talk about a virtual camp experience, but I'm not sure whether that that's going to happen.

Councilman Schneider: I would love to see if he can come out with a program that's not virtual, so the kids can get off the computer and get into the parks and like do some sort of, I might, I'm not even sure, but I mean, these kids have been behind a computer screen for so long. It would be good to have them out and, and explore and do things within our parks if we could.

Supervisor Rohr: I agree. And actually, that does remind me of another announcement that the playgrounds will be open tomorrow. So that's really good. And the tennis courts already are, but unfortunately leagues and that type of thing are not allowed yet, but playgrounds will be. And I agree, Ken and I did ask Rob today to reach out to the other Rec Directors and see if they are holding any type of event, because perhaps there is something that we can do that will enable children and families to gather some sort of diversion from, I know Rob is looking into that.

Councilman Marrine: Aileen, Golf Frisbee I believe is open, right?

Supervisor Rohr: That's right, yes. And so, you know, as far as so many other projects that we were exploring, a lot of them have been on hold during the COVID. And I know that Joe had an inquiry regarding our interest in the former Roosevelt Fire Department, and we have had discussions back and forth and, a lot of these decisions must be considered because there's so many dimensions to them. So, I did just want to say that one of the projects that we are continuing to contemplate as an update on the move of the various departments to the meeting room and the possible conducting of our meetings at the Police/Court facility. We are still gathering information on that possibility. Our Town Engineer is researching costs. We did get information from a couple of sources that described some obstacles to the conduct of meetings in the court facility. Any use of a camera in a court facility has to be approved by the Office of Court Administration and there's lots of hoops to jump through for that. So again, you know, we're considering these changes, these moves, but it has to be done on a on a slow careful basis. So those two projects are still being considered and that's where we are on that. And at our next meeting, we will have a workshop with our Highway Superintendent where we will discuss the 284 Agreement plans for paving for 2020. And just some other projects that we're working on together with the Highway Super. So, he'll be on June 22nd.

Councilman Schneider: Dinsmore Park?

Supervisor Rohr: Dinsmore Park, the Bids are out and I believe Donna, I think the Bid opening, did we schedule that for our July meeting, or I forget how we did that.

Town Clerk Donna McGrogan: The bid opening will be on July 1st, and then you'll approve at your next meeting.

Supervisor Rohr: So, we're looking forward to receiving those Bids and it is a good time for projects that involve blacktop with the cost of oil, oil-based products being low right now, as well as the cost of borrowing, if we need to borrow monies. So those are good reasons to go ahead with projects. But there are of course concerns about the impact to our sales tax from the New York on Pause as well as our mortgage tax. And there's still efforts within Congress to obtain funding for smaller municipalities to compensate for those lost revenues. We'll see kind of how that goes, but, you know, the good thing is we have a strong fund balance. We've been able to add to both our reserves and our unallocated fund balance. So, we're in pretty good shape. But we're continuing to evaluate as the State evaluates their own revenue sources, but there is some information that Chips money may be reduced as well as aid to municipalities, but again, that's kind of influx.

Councilman Schneider: Great, thank you

Supervisor Rohr: Okay. So, you guys ready for the resolutions?

RESOLUTION 6:8 - 1 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION 2019-2020 MS4 PERMIT ANNUAL REPORT

WHEREAS, on May 10, 2003, the Town of Hyde Park applied for coverage under SPDES Permit Number NYR20A246 for Stormwater discharge of Municipal Separate Stormwater Sewer Systems (MS4); and

WHEREAS, that permit requires the Town to develop, implement, and enforce a Stormwater Management Program (SWMP) designed to reduce the

discharge of contaminants in Stormwater to the maximum extent practical;
and

WHEREAS, the Town is required to conduct an annual evaluation of the Town's progress in implementing the program and submit an annual report to the New York State Department of Environmental Conservation; and

WHEREAS, a public meeting is required in order to describe the contents of the annual report and public comments must be included in the final version of the report to be submitted to the Department of Environmental Conservation; and

WHEREAS, the Draft 2019 – 2020 MS4 Permit Annual Report was posted on the Town website on April 17, 2020; and

WHEREAS, a workshop meeting was held on May 6, 2020 and a Public Hearing on June 8, 2020, to discuss the 2019 – 2020 Annual Report, at which time all members of the public had the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby approve the 2019 - 2020 MS4 Permit Annual Report; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize and direct the Town Supervisor to sign any required documents related to said report.

MOTION: Councilman Krupnick

SECOND: Councilman Ray

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 - 2 OF 2020

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK BUDGET FOR THE PERIOD OF MAY 2020 BUDGET REVISIONS NUMBER 2020-05

WHEREAS, the Town Comptroller recommends certain budget revisions to the Town of Hyde Park Budget based on various department requests and/or the Town Comptroller's review and analysis of Expenditures versus Budget.

NOW, THEREFORE, BE IT RESOLVED, that the following itemized revisions be authorized and approved by the Town of Hyde Park Town Board for May 2020 identified as Budget Revisions Number 2020-05.

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREAS E DOLLARS
<u>GENERAL FUND</u>				
	01.7111.20			
#2020-05-01	0	Hackett Hill Entrance Sign	6,995.00	
	01.7111.21			
	0	Hackett Hill Tegtmeier Sign	5,240.00	
	01.1990.40			
	0	Contingency		1,600.00

	01.2681	Insurance Proceeds		10,635.00
		-To Replace Signs Damaged by Vehicle		
#2020-05-02	01.1620.41 0	Town Hall Supplies	3,000.00	
	01.1620.11 6	Seasonal Labor		3,000.00
		-To Fund Shortage in Supply Budget		
#2020-05-03	01.1680.45 0	PCA Computer Contract	280.00	
	01.1680.20 0	Computer Equipment		280.00
		-For Conference Calling Feature Requested by Town Sup. Sec.		
#2020-05-04	01.5132.21 0	Salt Dome Repair		2,450.00
	01.1990.40 0	Contingency		2,450.00
		-To Partially Fund Repair of Salt Dome for Engineering Services		
#2020-05-05	01.6510.40 0	Veterans Expense	238.88	
	01.6772.41 0	Senior Picnic		238.88
		-To Fund Deficit in Purchase of Graveside Flags		
#2020-05-06	01.7180.40 0	Pool Repair Expense	490.92	
	01.7180.45 0	Pool Extra Services		490.92
		-To Cover Additional Exp. in Upgrading the Chemical Dispenser		

REVISION NUMBER	ACCOUNT NUMBER	ACCOUNT TITLE & EXPLANATION	INCREASE DOLLARS	DECREASE DOLLARS
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GENERAL FUND CONT'D

#2020-05-07	01.8010.40 0	Zoning Contractual Expense	350.00	
	01.8010.20 0	Zoning Equipment		350.00
		-To cover the cost of cell phone		

MOTION: Councilman Ray
 SECOND: Councilman Krupnick

ALL IN FAVOR 5
 ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 3 OF 2020

RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. B OF THE YEAR 2020 ENTITLED: “A LOCAL LAW AMENDING THE DEFINITION OF COMMERCIAL RECREATION USE AS SET FORTH IN SECTION 108-2.2 OF THE TOWN CODE TO PROVIDE NEW DEFINITIONS FOR INDOOR AND OUTDOOR RECREATION USES AND AMENDING THE SCHEDULE OF USE REGULATIONS, SECTION 108 ATTACHMENT 1 TO SPECIFY IN WHICH DISTRICT SUCH USES ARE PERMITTED”

WHEREAS, the Town Board has determined that the Town Zoning Code should be amended to provide for two categories of commercial recreation use, *to wit*: indoor and outdoor commercial recreation use and that indoor recreation uses shall be permitted in every zoning district pursuant to a special use permit and site plan approval except for the Neighborhood District where it is prohibited. Further, outdoor recreation shall be permitted in the Landings, HP Business, Corridor Business and Waterfront Districts pursuant to a special use permit but shall not be permitted in the Neighborhood, Neighborhood Core, Hamlet, Hamlet Core and Town Core Districts; and

WHEREAS, the Attorney to the Town has prepared a Local Law providing for such changes to the Town Code which he has reviewed, and found acceptable for commencing the local law adoption process by the Town Board; and

WHEREAS, the Town Board has further determined that the adoption of this local law is a Type I action under SEQRA and that the Town Board is the only involved agency for purposes of conducting the SEQRA review; and

WHEREAS, a Part 1 of the Full EAF has been prepared by the Attorney to the Town and presented to the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby assume lead agency status for the SEQRA review of the action and will conduct an uncoordinated review; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on proposed Local Law No. B of the Year 2020 entitled: "A Local Law Amending the Definition of Commercial Recreation Use as Set Forth in Section 108-2.2 of the Town Code to Provide New Definitions for Indoor and Outdoor Recreation Uses and Amending the Schedule of Use Regulations, Section 108 Attachment 1 to Specify in Which District Such Uses are Permitted" for July 13, 2020 at 7:05 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post, publish, and provide such notice of the said public hearing, as required by law; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of the proposed local law, together with Part 1 of the Full EAF, to the Dutchess County Department of Planning and Development, in accordance with the provisions of §239-m of the General Municipal Law and to the Town of Hyde Park Planning Board for its review and comment, as provided by the Town Code.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

ALL IN FAVOR 5
ALL AGAINST 0 CARRIED

TOWN OF HYDE PARK

LOCAL LAW NO. B OF THE YEAR 2020

A LOCAL LAW AMENDING THE DEFINITION OF COMMERCIAL RECREATION USE AS SET FORTH IN SECTION 108-2.2 OF THE TOWN CODE TO PROVIDE NEW DEFINITIONS FOR INDOOR AND OUTDOOR RECREATION USES AND AMENDING THE SCHEDULE OF USE

**REGULATIONS, SECTION 108 ATTACHMENT 1 TO SPECIFY
IN WHICH DISTRICT SUCH USES ARE PERMITTED**

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: “A Local Law Amending the Definition of Commercial Recreation Use as set forth in Section 108-2.2 of the Town Code to Provide New Definitions for Indoor and Outdoor Recreation Uses and Amending the Schedule of Use Regulations, Section 108 Attachment 1 to Specify in Which District Such Uses are Permitted”.

SECTION 2. PURPOSE.

The Town Board has determined that the term “Commercial Recreation” as defined in the Zoning Law should be amended to provide for two categories of commercial recreation use, to wit: indoor and outdoor commercial recreation use and that indoor recreation uses shall be permitted in every zoning district pursuant to a special use permit and site plan approval, except for the Neighborhood (N) District where it is prohibited. Outdoor recreation shall be permitted in the Landings, EP Business, Corridor Business and Waterfront Districts pursuant to a special use permit, but shall not be permitted in the Neighborhood (N), Neighborhood Core (NC), Hamlet (H), Hamlet Core (HC) and Town Core (TC) Districts.

SECTION 3.

Section 108-2.2 terms defined of the Town Code is hereby amended by deleting the current definition of “Commercial Recreation” and substituting in its place the following:

“RECREATION, COMMERCIAL – A commercial use designed and equipped principally for the conduct of sports and leisure time activities. Video parlors, computer gaming facilities, movie theaters, and bars, as principal uses, are not commercial recreation uses. Commercial recreation is further separated into two categories as follows:

1. **Indoor** – Recreational activities conducted entirely within a building, including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreational business shall also include, but is not limited to, a spa, gymnasium, fitness center, bowling alley, skating rink; tennis and other racquet courts, field house, indoor track, indoor basketball, and indoor pool house. An indoor recreation use may include accessory uses, such as food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sale or sport or exercise-related equipment or clothing and customary accessory uses clearly incidental to the recreation activity.
2. **Outdoor** – Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. Outdoor recreation shall not include racetracks; go-cart, motorcycle, remote

controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting preserves.

3. **Commercial Recreation Uses** - whether indoor or outdoor, shall not include “membership clubs” as that term is defined in §108-2.2 of the Zoning Code.”

SECTION 4.

The Town Code is hereby amended to add a new Article 29 entitled: “Commercial Indoor and Outdoor Recreational Uses” which shall read as follows:

“§109-29 COMMERCIAL INDOOR AND OUTDOOR RECREATIONAL USES.

All commercial indoor and outdoor recreational uses shall adhere to the following requirements:

- A. Minimum bulk requirements. No portion of any outdoor commercial recreation facility area shall be located closer than 50 feet to any property line. Parking shall not be permitted in the front yard. One or more recreational uses are allowed on a lot.
- B. Location. Outdoor recreation facilities shall be located on-site and in a manner that minimizes potential impacts on nearby residential properties. Consideration shall be given to locating outdoor facilities away from residential property lines. The Planning Board may require that said facilities be screened through use of vegetation, fencing or a combination thereof from adjoining residential properties.
- C. Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic, and similar potential effects which may be disruptive to adjoining uses.
- D. Site lighting. A lighting plan shall be provided and designed so as to affect adjoining residential properties. The Planning Board may approve a light fixture that exceeds the height set forth in the Schedule of Bulk Regulations for an outdoor recreation use provided it finds that the lighting is integral to operation of the activity and there will be no detrimental impact on adjoining uses.
- E. Noise. Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity and the time and day of the proposed activity. Public address systems are prohibited.
- F. Waste. The site plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated and disposed of in accordance with applicable local, county, state and federal regulations. The Planning Board shall approve the location of any port-o-san or other temporary waste disposal system that may be allowed in conjunction with an outdoor recreation facility.
- G. Safety considerations. Where outdoor recreation facilities are allowed, the Planning Board shall consider the need for safety nets

and similar design elements to secure stray balls or other equipment from reaching adjoining properties.

- H. Special considerations. Because the range of recreational activities allowed as components of commercial recreation establishments are broad and the characteristics and intensity of use may vary, the Planning Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location and the nature of the adjoining community.

SECTION 5.

Schedule 108, Attachment 1, "Schedule of Use Regulations" is hereby amended to eliminate "Commercial Recreation" as a non-residential use and add two new categories of Commercial Recreation, to wit: Commercial Recreation Indoor, and Commercial Recreation Outdoor. The list of Non-Residential Uses is here further amended to provide that indoor recreation uses are allowed in every zoning district pursuant to a special use permit and site plan approval except for the Neighborhood District (N) in which it is prohibited. The list of Non-Residential Uses is further amended to provide that outdoor recreation uses are permitted in the Landings, EP Business, Corridor Business, and Waterfront Districts pursuant to a special use permit and site plan approval and are not permitted in the Neighborhood (N), Neighborhood Core (NC), Hamlet (H), Hamlet Core (HC) and Town Core (TC) Districts.

SECTION 6. SEVERABILITY.

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article."

SECTION 7. SUPERSESSION

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 8. EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Supervisor Rohr: Warren, would you like to comment on this?

Attorney to the Town Warren Replansky: Well basically, The town does not have any separate provisions regulating indoor and outdoor recreation, and so we amended the law to provide a definition of indoor recreation use and outdoor recreation use and provide definitions for those two separate uses and criteria for those two separate regulations and conditions that would be imposed on those two uses. And basically, indicated in what zoning districts indoor uses would be permitted and what districts outdoor uses would be permitted.

Supervisor Rohr: So, this would be circulated to Dutchess County Planning and our Planning Board, right Warren?

Attorney to the Town Warren Replsansky; Right.

RESOLUTION 6:8 - 4 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO SIGN A CHANGE ORDER AGREEMENT WITH LANKARD ENTERPRISES, INC. DBA DIRTY GLOVES FOR THE CLEAN-UP OF 7 SOUTH CROSS ROAD, STAATSBURG AS PER RESOLUTION 10:21 – 8 OF 2019

WHEREAS, the property located at 7 South Cross Road (Parcel Tax ID No. 6066-02-928772) was in violation of Chapter 84 as observed by the Town’s Deputy Building Inspector; and

WHEREAS, in accordance with Resolution 10:21 – 8 of 2019 the Town was authorized to enter the property at 7 South Cross Road, Staatsburg to bring said property into compliance with Chapter 84; and

WHEREAS, the Town in accordance with their Procurement Policy hired Lankard Enterprises, Inc. dba Dirty Gloves to enter the property and cleanup said property to bring it into compliance on the Town’s behalf at an original cost of \$6,030; and

WHEREAS, upon the start of said clean-up there was more debris hidden than realized when the top layer was removed causing an increase in the overall cost from \$6,030 to \$8,389.55 to completely clear the property; and

WHEREAS, CPL the Town’s Engineer has prepared a Change Order for the accrued difference of \$2,359.55 as per his e-mail dated June 2, 2020 and the Town Comptroller and Town Supervisor finds this difference in price to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign Change Order Number 1 dated June 2, 2020 as submitted by the Town Engineer’s e-mail to authorize the payment increase of \$2,359.55 to Lankard Enterprises, Inc. dba Dirty Gloves for the clean-up of the property at 7 South Cross Road, Staatsburg.

MOTION: Councilman Schneider

SECOND: Councilman Ray

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 5 OF 2020

RESOLUTION AMENDING RESOLUTION 3:23 – 8 OF 2020 TO CORRECT AN ERROR IN THE RATES AND TARRIFF FILED BY TR SEWAGE-WORKS CORP. UNDER THE TRANSPORTATION CORPORATION LAW OF THE STATE OF NEW YORK FOR THE BELLEFIELD PROJECT IN THE TOWN OF HYDE PARK

WHEREAS, TR Sewage-Works Corp. is a New York transportation corporation that will operate within the Town of Hyde Park; and

WHEREAS, TR Sewage-Works Corp. will collect and treat sewage from a development within the St. Andrew's at Historic Hyde Park Development in the Bellefield Planned Development District in the Town of Hyde Park; and

WHEREAS, pursuant to Section 121 of the Transportation Corporations Law, the Town Board must agree to the rates that will be charged by TR Sewage-Works Corp.; and

WHEREAS, on March 23, 2020, the Town Board in Resolution 3:23 - 8 of 2020, approved the Rates and Tariff proposed by TR Sewage-Works Corp.; and

WHEREAS, the approved Tariff states that each residential parcel would be charged and billed \$107.42 per month and other parcels will be charged and billed \$4.92 per month for each gallon per day of design capacity as approved by the Health Department for the planned construction on that parcel; and

WHEREAS, the filing by TR Sewage Works Corp. contained an error that, if not corrected, would cause the commercial customers to be charged much more than intended. As shown within the computations in the finding, the commercial rate should have been stated as \$4.92 per year, billed monthly; and

WHEREAS, the analysis filed by TR Sewage-Works Corp. supports the rate for commercial customers of \$4.92 per year, billed monthly, and

WHEREAS, the Town Board has determined that this is a Type II action under SEQRA and is not subject to environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park, pursuant to Section 121 of the Transportation Corporations Law, does hereby amend Town Board Resolution 3:23 - 8 of 2020 to provide that the approved usage rate for commercial customers is \$4.92 per year, billed monthly, for each gallon per day of design capacity as approved by the Health Department for the planned construction on that parcel and directs TR Sewage-Works Corp. to amend its tariff to reflect that the usage rate for commercial customers as of April 2, 2020, was and will be \$4.92 per year, billed monthly, for each gallon per day of design capacity as approved by the Health Department for the planned construction on that parcel, and to file this change with the Town Clerk.

VOICE VOTE:

MOTION: Councilman Krupnick

SECOND: Councilman Ray

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 6 OF 2020

RESOLUTION AUTHORIZING ENTRANCE ONTO THE PROPERTIES LOCATED AT 15 BALSAM ROAD, HYDE PARK AND 609 SALT POINT TURNPIKE, POUGHKEEPSIE TO BRING THESE PROPERTIES INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 85-5(B) OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTIES AS A LIEN AND CHARGE ON THE SAME

WHEREAS, the Town Deputy Building Inspector served a notice of Compliance Order on the owner of the properties, at: 15 Balsam Road, Hyde Park Grid #6264-04-845114 and 609 Salt Point Turnpike, Poughkeepsie, NY Grid #6263-02-851768 in accordance with the provisions of Chapter 85-5(b), Grass Maintenance Law, of the Town Code and proof of the sending and posting of said notices have been provided by the Deputy Building Inspector to the Town Board; and

WHEREAS, the Town Deputy Building Inspector has reported to the Town Board that these properties have not been brought into compliance with the provisions of the Law, as specified in the said Compliance Order.

NOW, THEREFORE, BE IT RESOLVED, that the Town Highway Superintendent, and such other employees or officers of the Town of Hyde Park, or a private contractor retained by the Town are hereby authorized to enter the properties listed above and bring these properties into compliance with the standards of Chapter 85-5(b), Grass Maintenance Law, of the Town Code as specified in the Compliance Order sent to the property owners and that all costs incurred by the Town shall be assessed against the property and shall constitute a lien and charge on the property until it is paid or otherwise satisfied or discharged, and that the same shall be collected in the same manner and at the same time as other Town charges.

MOTION: Councilman Schneider

MOTION: Councilman Schneider
SECOND: Councilman Ray

To amend resolution 6:8-6 OF 2020 by removing reference to 15 Balsam Road as they complied to Town Code earlier today.

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED TO AMEND

**AS AMENDED
RESOLUTION 6:8 – 6 OF 2020**

RESOLUTION AUTHORIZING ENTRANCE ONTO THE PROPERTY LOCATED AT 609 SALT POINT TURNPIKE, POUGHKEEPSIE TO BRING THIS PROPERTY INTO COMPLIANCE WITH THE STANDARDS OF CHAPTER 85-5(B) OF THE TOWN CODE AND TO ASSESS THE COSTS OF SUCH ACTION AGAINST THE PROPERTY AS A LIEN AND CHARGE ON THE SAME

WHEREAS, the Town Deputy Building Inspector served a notice of Compliance Order on the owner of the property at 609 Salt Point Turnpike, Poughkeepsie, NY Grid #6263-02-851768 in accordance with the provisions of Chapter 85-5(b), Grass Maintenance Law, of the Town Code and proof of the sending and posting of said notices have been provided by the Deputy Building Inspector to the Town Board; and

WHEREAS, the Town Deputy Building Inspector has reported to the Town Board that this property has not been brought into compliance with the provisions of the Law, as specified in the said Compliance Order.

NOW, THEREFORE, BE IT RESOLVED, that the Town Highway Superintendent, and such other employees or officers of the Town of Hyde Park, or a private contractor retained by the Town are hereby authorized to enter the property listed above and bring this property into compliance with the standards of Chapter 85-5(b), Grass Maintenance Law, of the Town Code as specified in the Compliance Order sent to the property owners and that all costs incurred by the Town shall be assessed against the property and shall constitute a lien and charge on the property until it is paid or otherwise satisfied or discharged, and that the same shall be collected in the same manner and at the same time as other Town charges.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

ALL IN FAVOR 5
OPPOSED: 0 CARRIED AS AMENDED

RESOLUTION 6:8 – 7 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE NUNC PRO TUNC VACATION CARRY-OVER FOR TOWN OF HYDE PARK JUSTICE CLERK SARAH JENSEN

WHEREAS, due to the closure of Town Court because of the COVID-19 pandemic, Town of Hyde Park Justice Clerk, Sarah Jensen was unable to submit her request for vacation carry-over prior to her anniversary date of May 31, 2020.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Nunc Pro Tunc Town of Hyde Park Justice Clerk, Sarah Jensen to carry over up to 19 hours of accrued vacation time which she was unable to use prior to her anniversary date of May 31, 2020, and that said carry-over vacation time must be used no later than November 30, 2020.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

Councilman Schneider: Has it ever been considered to payout unused vacation time.

Supervisor Rohr: They actually have to use it Ken. If that were not the case then it would make sense.

RESOLUTION 6:8 – 8 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE NUNC PRO TUNC VACATION CARRY-OVER FOR TOWN OF HYDE PARK COURT CLERK EMILY FOSS

WHEREAS, due to the closure of Town Court because of the COVID-19 pandemic, Town of Hyde Park Court Clerk, Emily Foss was unable to submit her request for vacation carry-over prior to her anniversary date of May 28, 2020.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Nunc Pro Tunc Town of Hyde Park Court Clerk, Emily Foss to carry over up to 25.75 hours of accrued vacation time which she was unable to use prior to her anniversary date of May 28, 2020, and that said carry-over vacation time must be used no later than November 28, 2020.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 9 OF 2020

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ACCEPT AND EXECUTE A SECURITY AGREEMENT TO GUARANTEE COMPLETION OF BLAIR ROAD AND RESTORATION OF DISTURBANCE OF BLAIR ROAD AND THE ACCEPTANCE OF THE \$810,000 BOND INSURING SATISFACTORY COMPLETION OF BLAIR ROAD AND \$40,000 BOND GUARANTEEING RESTORATION OF DISTURBANCE OF BLAIR ROAD FOR THE JEFFREY GROVES ESTATE SUBDIVISION

WHEREAS, the Town of Hyde Park Planning Board passed two Resolutions on December 5, 2018 granting conditional final plat approval and conditional site plan approval for the development known as the Jeffrey Groves Estate; and

WHEREAS, the subdivision provides for 47 residential lots and two newly created roads, which will be dedicated upon completion to the Town, *to wit*: Blair Road and Daniels Way; and

WHEREAS, the said approvals were conditioned upon the execution of a Security Agreement to Guarantee Completion of Blair Road and a Security Agreement to guarantee restoration of disturbance of Blair Road and the posting of bonds acceptable to the Attorney to the Town in the amount of \$810,000 to guarantee construction of Blair Road and \$40,000 to guarantee restoration of disturbance of Blair Road; and

WHEREAS, the said Security Agreements have been prepared, and submitted to, and approved by the Attorney to the Town in form and substance; and

WHEREAS, the Road Construction Bond and Road Restoration Bonds have been issued and submitted to the Attorney to the Town for his approval; and

WHEREAS, the Attorney to the Town has reviewed the said Securing Agreements and Bonds and has found the same to be acceptable in form and substance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the Security Agreements to Guarantee Completion of Blair Road and the Security Agreement to Guarantee Restoration of Blair Road; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to accept the posting of the \$810,000 Road Completion Bond and the \$40,000 Restoration Bonds for Blair Road.

MOTION: Councilman Krupnick

SECOND: Councilman Ray

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 10 OF 2020

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO ACCEPT AND EXECUTE A SECURITY AGREEMENT TO GUARANTEE COMPLETION OF DANIELS WAY AND RESTORATION OF DISTURBANCE OF DANIELS WAY AND THE ACCEPTANCE OF THE \$520,650 BOND INSURING SATISFACTORY COMPLETION OF DANIELS WAY AND \$20,800 BOND

GUARANTEEING RESTORATION OF DISTURBANCE OF DANIELS WAY FOR THE JEFFREY GROVES ESTATE SUBDIVISION

WHEREAS, the Town of Hyde Park Planning Board passed two Resolutions on December 5, 2018 granting conditional final plat approval and conditional site plan approval for the development known as the Jeffrey Groves Estate; and

WHEREAS, the subdivision provides for 47 residential lots and two newly created roads, which will be dedicated upon completion to the Town, *to wit*: Daniels Way and Daniels Way; and

WHEREAS, the said approvals were conditioned upon the execution of a Security Agreement to Guarantee Completion of Daniels Way and a Security Agreement to guarantee restoration of disturbance of Daniels Way and the posting of bonds acceptable to the Attorney to the Town in the amount of \$520,650 to guarantee construction of Daniels Way and \$20,800 to guarantee restoration of disturbance of Daniels Way; and

WHEREAS, the said Security Agreements have been prepared, and submitted to, and approved by the Attorney to the Town in form and substance; and

WHEREAS, the Road Construction Bond and Road Restoration Bonds have been issued and submitted to the Attorney to the Town for his approval; and

WHEREAS, the Attorney to the Town has reviewed the said Securing Agreements and Bonds and has found the same to be acceptable in form and substance.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to execute the Security Agreements to Guarantee Completion of Daniels Way and the Security Agreement to Guarantee Restoration of Daniels Way; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to accept the posting of the \$520,650 Road Completion Bond and the \$20,800 Restoration Bonds for Daniels Way.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

Attorney to the Town Warren Replansky: Donna, can you see that those resolutions are sent on to Jeffrey Groves attorney? So, they know that those were approved and then we'll have them sign.

Town Clerk Donna McGrogan: Yes, I will do that in the morning.

Supervisor Rohr: Okay. Congratulations Warren. That was one of those like giving birth to a baby.

Attorney to the Town Warren Replansky: Yes, I have two boxes full of documents on that.

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO CREATE A TEMPORARY PART-TIME MAINTENANCE MECHANIC POSITION FOR THE TOWN OF HYDE PARK RECREATION DEPARTMENT AND TO APPOINT ROBERT FITZPATRICK TO SAID POSITION

WHEREAS, the Town of Hyde Park Town Board wishes to create a temporary part-time Maintenance Mechanic position for the Town of Hyde Park Recreation Department to assist the Recreation Director with the repairs and maintenance for the pool located at Hackett Hill.

NOW THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby create the position of temporary part-time Maintenance Mechanic for the Town of Hyde Park Recreation department; and

BE IT FURTHER RESOLVED, that the Town Board does also hereby appoint Robert Fitzpatrick to said position effective June 13, 2020 for a period of up to six weeks at a rate of compensation of \$18 per hour; and

BE IT FURTHER RESOLVED, that the Town Supervisor is also hereby authorized to submit any necessary paperwork to the Dutchess County Department of Human Resources to create this temporary position.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

Supervisor Rohr: So just to clarify that, Robert Fitzpatrick is going to be doing some repairs to the Hackett Hill pool. We will be required to open the pool just to assess whether the repairs have worked. And we had applied for the permit from the Department of Health and had paid for the preparation of plans. So, the thought process was that we've already have so much invested that we should go ahead and do that this year, even though we won't really be able to use the pool for 2020.

RESOLUTION 6:8 – 12 OF 2020

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK POLICE DEPARTMENT TO ENTER INTO INTERMUNICIPAL AGREEMENTS WITH DUTCHESS COUNTY SCHOOL DISTRICTS FOR POLICE SECURITY DURING GRADUATION CEREMONIES HELD AT THE HYDE PARK DRIVE-IN

WHEREAS, several school districts in Dutchess County have, or will, contract with the Hyde Park Drive-In to conduct their school graduations at the Drive-In; and

WHEREAS, the school districts have requested that the Hyde Park Police Department provide security services for those graduation ceremonies; and

WHEREAS, the Police Department has provided a draft Intermunicipal Agreement to be used with those school districts for purposes of providing such security services, which is being reviewed by the Attorney to the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to enter into an Intermunicipal Agreement with school districts desiring to have the Hyde Park Police Department provide security during their graduation ceremonies at the Hyde Park Drive-In in a form approved by the Attorney to the Town, Chief of Police and Town Supervisor.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

RESOLUTION 6:8 – 13 OF 2020

RESOLUTION ESTABLISHING TEMPORARY USE AND OCCUPANCY REGULATIONS FOR TEMPORARY OUTDOOR DINING AND SIDEWALK SEATING FOR RESTAURANTS WITHIN THE TOWN OF HYDE PARK

WHEREAS, the Town of Hyde Park Code does not prohibit restaurants from having an outdoor dining component as an accessory use to a restaurant; and

WHEREAS, under normal circumstances, such an outdoor dining component for a legally operated and approved restaurant would require site plan approval; and

WHEREAS, the Governor of the State of New York has provided through Executive Order 202.38 as follows:

“The directive contained in Executive Order 202.3. as extended, that required any restaurant or bar to cease serving patrons food or beverage on-premises, is hereby modified to the extent necessary to allow a restaurant or bar to serve patrons food or beverage on-premises in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity.”

“Upon the resumption of on-premises outdoor service of food and beverages at the licensed premises of restaurants and bars, to facilitate compliance with social distancing requirements in connection with such service, notwithstanding any provision of the Alcoholic Beverage Control law, restaurants or bars in the state of New York shall be permitted to expand the premises licensed by the State Liquor Authority to use (a) contiguous public space (for example, sidewalks or closed streets) and/or (b) otherwise unlicensed contiguous private space under the control of such restaurant or bar, subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and, with respect to (a) the use of public space, subject to the reasonable approval of the local municipality, and all subject to the guidance promulgated by the Department of Health.”

WHEREAS, Dutchess County Executive Marc Molinaro has been working with Dutchess County Supervisors and with the State Liquor Authority to create a series of innovative actions to help restaurants to provide alternatives to “dine-in” setups to enable them to take advantage of the important summer dining season; and

WHEREAS, it is anticipated that the Dutchess County Executive will soon be issuing an Emergency Executive Order permitting local municipalities to authorize outdoor seating components for existing restaurants on an expeditious basis by exempting such applications for outdoor dining from site plan and special use permits as may be required in the various Dutchess County municipal codes; and

WHEREAS, the Hyde Park Town Board is attempting to reduce the health and economic impact of the Covid crisis on Town residents, visitors, restaurants, food service employees and food service establishments by encouraging and facilitating outdoor dining at such establishments subject to social distancing and other Covid safety requirements; and

WHEREAS, Dutchess County has, or is about to, enter into Phase 2 of the reopening of businesses as set forth by the Governor of the State of New York; and

WHEREAS, the Hyde Park Town Board has drafted a permit application process and rules and regulations for Hyde Park restaurants to follow if they wish to provide for outdoor dining during the Covid-19 Pandemic; and

WHEREAS, the proposed temporary outdoor dining/sidewalk café permit application and the rules and regulations for such restaurant expansions and operations is annexed to this Resolution as Schedule “A”; and

WHEREAS, the Town Board feels that the adoption of this permit process and rules and regulations is necessary and appropriate as part of the Town Board’s effort to reduce the health and economic impacts of the crisis on Town residents, visitors, food service employees and food service establishments and that the passage of such a permit process is in the best interest of the citizens of the Town of Hyde Park.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts the temporary outdoor guidance/sidewalk café permit application process and rules and regulations, as set forth herein as Exhibit “A” in the same, or substantially similar, form as set forth in Schedule “A” herein; and be it further

RESOLVED, that such permits shall be reviewed and issued by the Town’s Zoning Administrator; and be it further

RESOLVED, that such temporary outdoor dining and sidewalk seating permit application and the process set forth therein are hereby declared exempt from site plan or special permit review for a period of six (6) months, or upon the cancellation of the Dutchess County Executive’s Order related to outdoor dining, whichever is sooner; and be it further

RESOLVED, that this Order and the permit process and rules and regulations for the same shall be deemed to take effect immediately upon the issuance of the Dutchess County Executive’s Emergency Order related to the relaxation of Dutchess County municipalities’ code requirements for outdoor seating and dining; and be it further

RESOLVED, that the issuance of said permit shall be conditioned upon the restaurant’s compliance with the rules and regulations for its outdoor seating operations, as set forth in Exhibit “A” hereto, and all guidance memoranda and rules and regulations relating to the relaxed standards for outdoor dining issued by the Governor of the State of New York and the State Liquor Authority.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

ALL IN FAVOR 5
ALL OPPOSED 0 CARRIED

TEMPORARY OUTDOOR DINING/SIDEWALK CAFE PERMIT APPLICATION

NOTE: THIS PERMIT SHALL EXPIRE IN ONE (1) YEAR OR UPON THE CANCELLATION OF THE COUNTY EXECUTIVE'S EXECUTIVE ORDER RELATED TO OUTDOOR DINING WHICHEVER IS SHORTER

Please complete this interactive form and attach all required documents. Click the "Submit" button when you are finished.

The undersigned requests the issuance of a temporary special permit pursuant to the Dutchess County Executive's Order on outdoor dining relating to the COVID-19 pandemic, in order to transfer some of its current restaurant capacity to outdoor space.

The undersigned agrees that the outdoor restaurant business or Sidewalk Cafe, shall be operated in accordance with State Law, including Executive Orders, Dutchess County Department of Behavioral and Community Health Sanitary Law and COVID-19 guidelines, and all relevant sections of the Hyde Park Town Code, County Emergency Orders, and all rules and regulations attached to this permit application.

The undersigned agrees that the outdoor restaurant business or Sidewalk Cafe shall be operated only on that property of which undersigned has ownership, control, possession or permission (proof required) to use.

The undersigned hereby AGREES TO PROTECT, DEFEND, INDEMNIFY AND HOLD THE TOWN OF HYDE PARK AND ITS EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, LIENS, DEMANDS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER, INCLUDING THE AMOUNT OF JUDGMENTS, PENALTIES, INTEREST COURT COST AND LEGAL FEES INCURRED BY THE TOWN IN DEFENSE OF SAME ARISING IN FAVOR OF CLAIMS, LIENS, DEBTS, PERSONAL INJURIES, INCLUDING PERSONAL INJURIES SUSTAINED BY EMPLOYEES OF THE TOWN, DEATH OR DAMAGE TO PROPERTY, INCLUDING PROPERTY OF THE TOWN, AND WITHOUT LIMITATION BY ENUMERATION, ALL OTHER CLAIMS OR DEMANDS OF EVERY CHARACTER OCCURRING OR IN ANY WAY INCIDENT TO THE OPERATION OF THE OUTDOOR RESTAURANT BUSINESS AT ITS EXPENSE, AGREES TO, INVESTIGATE, HANDLE RESPOND TO, PROVIDE DEFENSE FOR AND DEFEND ANY CLAIM MADE AGAINST THE TOWN FOR WHICH CLAIMS ARE, IN WHOLE OR PART, LIABLE AND AGREES TO BEAR ALL COST AND EXPENSES RELATED THERETO, INCLUDING ATTORNEY'S FEES AND COSTS EVEN IF SUCH CLAIM IS GROUNDLESS, FALSE OR FRAUDULENT.

RESTAURANT NAME: _____

RESTAURANT LOCATION _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

TOWN/STATE/ZIP: _____

APPLICANT TELEPHONE: _____ EMAIL: _____

Total Number of Tables Currently Permitted: _____

Total Number of Seats Currently Permitted: _____

Total Number of Tables Moved Outdoors: _____

Total Number of Seats Moved Outdoors: _____

RULES AND REGULATIONS

General Operating Rules for Sidewalk, Parking Lot, Yard, or other Outdoor Spaces

- 1) All outdoor dining operations must meet social distancing requirements and follow all applicable health guidelines as set forth by the CDC, New York State (including Executive Order), Dutchess County Department of Behavioral and Community Health, NYS Liquor Authority, and NYS Department of Health.
- 2) Applicants must provide an outdoor floor plan diagram indicating the location and the number of tables and chairs.
- 3) Entryways, emergency exits, fire hydrants, and Siamese connections shall not be obstructed.
- 4) No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area, unless site plan approval has been previously obtained for such uses in the outdoor dining area.
- 5) No outdoor dining activity, including table clean up, shall be permitted after 11:00 p.m.
- 6) The total number of tables and seats placed indoors and outdoors must not exceed the maximum permitted each restaurant by the Dutchess County Department of Behavioral and Community Health.
- 7) The Town, through its Code Enforcement, Fire Inspector and/or Police Department, shall have the right to revoke the license in the event of any breach of these regulations, or require modifications.

For restaurant operations on a public sidewalk or right-of-way

- 1) Sidewalk fronting the entire property must be in good condition, without violations or illegal encroachments.
- 2) No permanent structures may be affixed to the sidewalk area used for outdoor dining. In addition, the area must be clearly delineated by outdoor dining

partitions, plants, or similar enclosures, and may only be occupied by chairs, tables, benches, umbrellas, portable heaters and planters for the convenience of the patrons.

3) Sidewalk clearances must always be sufficient to ensure a pedestrian path free of obstructions. There must be a minimum clearance of four feet from the curb to the perimeter of the sidewalk area used for outdoor dining.

4) No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the outdoor dining area on public property.

For restaurant operations in parking lots

1) Any parking lot area used for the outdoor dining must be marked off and the boundaries of the approved areas clearly delineated by outdoor dining partitions, plants or similar enclosures. The area reserved for outdoor dining in a parking lot must not exceed 30% of the parking lot coverage. No permanent structures may be affixed to the ground in the outdoor dining area, and the use of tents to shade tables is expressly banned excepting when a valid building permit is issued by the Town’s Building Inspector. No parking shall be permitted in the outdoor dining area.

2) The dining area must be a safe distance from parked vehicles and traffic and a minimum of 10 feet. Distance should be indicated on the floor plan diagram submitted herewith.

3) Walkway clearances must always be sufficient to ensure an accessible path free of obstructions.

Applicant Signature _____
Date _____

Office Use Only						
Date Received	Application No.	Section	Block	Lot	Permit #	Date Approved

Supervisor Rohr: Two final comments. We had a very successful food drive at the Hyde Park Pantry this last Saturday. I want to thank Neil for doing a lot of coordination for that but, the Hyde Park residents were very generous. Our meeting room is full of food that we will connect with the Hyde Park Food Pantry on. Second item to mention, I received a beautiful thank you letter from some Hyde Park residents regarding three of our Police Officers. Officers Berkowitz, Sweeney, and Stallone. They were very helpful in locating a child who had wandered away. So, I received a really nice letter from their parents giving a lot of accolades to our very nice Police Officers. So, I want to thank them for that.

Councilman Schneider: With the second phase, has anything changed for people entering Town Hall to meet with our department heads?

Supervisor Rohr: Our Phase 1 opening has been in place for two weeks. Town Hall is still locked because we have not yet put in place all those mechanisms that we have to have in order to allow for social distancing and appropriate cleaning. So, we are getting up to speed on that. But we do have every office is manned, or womaned. There is someone there answering phones, returning emails. And the Phase 1 guidance stated that nonessential employees should still work from home. Phase 2 guidance is that 50 percent of nonessential employees should be returning to work. And in our discussions today, every Monday and Thursday we have a conference call with County Executive, and their anticipation is that the county will be bringing their full workforce for reopening on June 15th We're working towards that goal as well, but at this point in time, Town Hall is still open by appointment only. But we're getting there for sure. So, I know if people call Town Hall, they are able to reach the employees and make arrangements to obtain whatever it is that they need. So, we are working in that direction and the County did supply us with their Phase 2 reopening plan. So, I didn't get a chance to look at that yet, but we'd like to follow their guidelines and have an opening around June 15th.

Councilman Schneider: Great, thank you.

Councilman Krupnick: Just want to thank everybody like Donna who's done a great job during this crisis and the number of people who were sort of keeping this ship afloat. Aileen has done a really amazing job and it hasn't been easy and it's not easy for a lot of people, but you know, we're hanging in there. And so, thanks to everybody.

Supervisor Rohr: And you too Neil, I don't know what we would do without your technical expertise. Thank you,

MOTION: Councilman Schneider

SECOND: Councilman Ray

To adjourn meeting

ALL IN FAVOR 5

ALL OPPOSED 0 CARRIED

Meeting Adjourned 7:39 PM

Respectfully Submitted,

Donna McGrogan
Town Clerk