



Historic Town of Hyde Park

Planning Board
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“Working with you for a better Hyde Park”

**DRAFT MINUTES OF THE July 1, 2020
PUBLIC HEARING/REGULAR MEETING OF THE HYDE PARK PLANNING
BOARD**

MEMBERS PRESENT VIA LIVE STREAMED MEETING:

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

MEMBERS ABSENT: DIANE DI NAPOLI

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

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Chairman Dupree: Good evening, everyone. Welcome to the July 1st virtual meeting of the Hyde Park Planning Board. A reminder, this meeting is being conducted as authorized by Executive Order 202.38 by Governor Andrew Cuomo, of the State of New York. I'm going to call on each Board Member to confirm that you're alone, or not under any duress to make a decision, that would be, somehow, not yours.

Chairman Dupree confirmed that each Board Member was alone.

Ms. Weiser: I am alone.

Ms. Wasser: I am alone.

Mr. Pickett: I am alone.

Mr. Oliver: I am alone.

Ms. DiNapoli: Absent

Vice-Chair Dexter: I am alone.

Chairman Dupree: I'm alone.

PLEDGE OF ALLEGIANCE

Chairman Dupree: Please join me from home, as we pledge allegiance to the flag of the United States.

The Chairman led the Pledge of Allegiance.

Chairman Dupree: Thank you. Before we begin our meeting, I just want to point out to everyone: Congratulations to the residents of Dutchess County. We are now in another phase and just a reminder, our restaurants are now open. Most of them serving outdoors. So please take a moment to go out and consider patronizing them because they had a real suffering during the COVID crisis. The first item on the agenda is a new public hearing for PLT Storage Yard Reconstruction. The applicants are seeking Site Plan amendment and a Special Use Permit approval to reconstruct a building located 501-503 Salt Point Turnpike. They're also constructing a new, smaller building where activities can occur while the major building is constructed. I believe we should be having Ms. Zervas and I believe Mr. Gleason in from the waiting room. There we are. Thank you. Michelle I'm going to turn it over to you for your presentation.

NEW PUBLIC HEARING:

PLT STORAGE YARD RECONSTRUCTION

Site Plan Amendment & Special Use Permit Approvals (#2019-19)

Location: 501-503 Salt Point Turnpike, Poughkeepsie, NY 12601
Grid#: 6263-03-221319

In Attendance via Zoom: Michelle Zerfas, Berger Engineering & Surveying
Patrick Gleason, PLT Associates, LLC

Ms. Zerfas: Okay. Are you guys going to show this PowerPoint? Or do you want me to show it?

Chairman Dupree: Mr. Krupnick added the applicant's PowerPoint presentation to the screen.

Chairman Dupree: May I get a motion to open the public hearing from Mr. Oliver?

MOTION: Mr. Oliver
SECOND: Vice-Chair Dexter

To open the Public Hearing for PLT Storage Yard Reconstruction.

Chairman Dupree: Cynthia you'd better call the roll because we can't see everybody.

Ms. Witman called the roll.

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

ROLL CALL VOTE 6-Aye 1-Absent 0-Nay **Motion Carried**

The Board Members all raised their hands and verbalized their consent.

Mr. Krupnick: Are you ready for the slides?

Ms. Zerfas: I'm ready.

Mr. Krupnick: Tell us when to go and we'll go.

Ms. Zerfas: Okay. go ahead and go to slide three. This one, go back one. Okay, this project as you know, had originally had a conditional approval last fall or last summer and we made some changes. First changes to the offsite storage area. That's being removed. The proposed trees, which is a second change, which is on the left hand side, those are being shifted onto the property. The fuel tanks, we'd originally showed them with Option A. There may be new tanks put in as Option A, but when the building comes down, when the center building is demolished, if they aren't ready for the new fuel tanks, they may just move the old fuel tanks onto the building pad and put it 100 feet from the property line. The fourth change since the last approval was adding a bathroom to the new building three. So if you just want to go to the next slide. Okay, this shows the difference in the plans between having the offsite storage area with the off offsite storage area removed. Next slide. This shows how the trees have been moved from off of the property and now onto the property. These are the screening trees. Next slide. These are the two possible fuel tank areas. Option A was what was previously approved. Being it would be an interim storage tank area between the time of the demolition of the fire damage building and before the new building is placed on this site. The new replacement building will be the same size as what was previously approved - what's out there now. Plus as it shows in this on the upper north corner, the bump out is going to be squared off. Next slide. There'll be a bathroom added to the new building three that was approved last time. This is the maintenance workshop building. Right now the bathroom is in the building that's going to be demolished. So they're adding a bathroom here. The red line will be the new sewer line. This is going to basically take the waste from that building and extend it to the existing field. There will be no change in the field. We're just tying it to the existing septic tank down there at the end. The second one, it says expansion. Expansion isn't really expansion, it's replacement area. It's just the local Health Department's name for the replacement area. And then the blue line is the water coming off of the existing water to service the new building. The next slide. And that just shows you where the revisions are. So Chairman Dupree back to you.

Chairman Dupree: Thank you. I'd like to point out for anyone watching, that this proposal has been discussed extensively in workshop. We did refer it to the Department of Health. It's important to note that the fire damaged building did have a bathroom in it. So this is really a replacement bathroom in the new building. And we had correspondence from the Department of Health indicating they're okay. We also had correspondence from Dutchess County Planning, which called it a 'matter of local concern'. They had no issues with the changes and I'll make the last comment that overall, this means that there'll be slightly less disturbance. They won't be going off site onto other people's properties to do storage or for plantings. So generally speaking, the Board has been very receptive to the proposal. Let me start with our consultants, Ms. Axelson, do you have any additional comments?

Ms. Axelson: No, I think Pete has been in consultation with the applicant's folks and Michelle, I don't have any comments.

Chairman Dupree: Thank you. Ms. Polidoro?

Ms. Polidoro: No comments.

Chairman Dupree: And any comments from the Board? Were there any members of the public who signed up to make comments for this application? If so, we can admit them from the waiting room.

Mr. Krupnick: There were not.

Chairman Dupree: Thank you. I take it not. So there being no other comment, may I get a motion to close the public hearing from Ms. Dexter?

MOTION: Vice-Chair Dexter

SECOND: Mr. Oliver

To close the Public Hearing for PLT Storage Yard Reconstruction, with the exception of written comments for 10 days.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: And can we all say 'aye' and raise our hands at the same time? All in favor? Any Abstains or Nays? There being none. The motion carries unanimously. Let's put this on the agenda for July 15th. We can consider approval on that date. Thank you, Michelle and Pat. It's good to see you guys; stay safe.

Mr. Gleason: Thank you.

Ms. Zerfas: Thank you.

CONTINUED PUBLIC HEARING:

HUTCHINS STAATSBURG STORAGE ADDITIONAL UNITS

Site Plan Amendment and Special Use Permit Approvals (#2019-20)

Location: 4920 Albany Post Road, Staatsburg, NY 12580

Grid#: 6066-02-891661

In Attendance via Zoom:

*Robert Turner, Tinkelman Architecture, PLLC
Scott Hutchins, 4920, LLC*

Chairman Dupree: Thank you. The next agenda item is a continued public hearing for Hutchins Staatsburg Storage. This is for additional units located at 4920 Albany Post Road, where there's already a storage facility. We welcome Mr. Turner and Mr. Hutchins in for the evening.

MOTION: Ms. Wasser

SECOND: Mr. Pickett

To re-open the Public Hearing for Hutchins Staatsburg Storage Additional Units.

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

VOICE VOTE

6-Aye 1-Absent 0-Nay

Motion Carried

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: Thank you. All in favor, say aye and raise your hand. Carries unanimously. Mr. Turner. You're on mute at the moment. Do you want to walk us through the final changes that you presented since the last meeting?

Mr. Turner: Yes, I can. I know we have a PowerPoint presentation.

Chairman Dupree: Thank you. It'll take Councilman Krupnick...There we go.

Mr. Turner: Okay. If you go to the second page...There we go. On this you can say the most significant change that we did was moving, Building #5 as far

back as we could, because as part of the conversations that we've had, we found that when we did shift the building back to like 10 feet or something, then we found out, there's some additional space there. So we actually took advantage of that, which moved the building back. And so now the West elevation of the building, pretty much aligns with the larger mass of Building #1. And with that, we're able to keep some landscaping in the front and that is being used to screen the parking from Route 9. So if you go to the next slide. This is a close up of what the final result is. You can see that we shifted the building back from 553.6 feet to 635.7 feet. And that it keeps the existing landscaping bed in place and we're using that for screening. It does keep the West elevation visible, which was a critical item for Scott Hutchins. And then there was a comment that Liz had made about a gate at this location, but there is no gate for this parking lot because this lot is to be used by any type of business uses that would occupy the front portion of Building #1. Next slide. There really hasn't been any changes here. You can see the change of Building #5. We're using the existing rock outcropping that splits the site to basically screen the entire Eastern portion of the development, which would be Buildings #7, 8, 9, 10 and 11 from Route 9. And also, we're still able to maintain the existing rock walls to the greatest extent possible, that are currently on that side of the property. Next slide please. With this slide again, there's not substantial change on this, except that I did add some signage on the Eastern base of the buildings that would be indicating short term parking only. I did that on those sides only and not between the buildings, because that's a vehicular access drive and so you don't want cars sitting in those locations for a long period of time. Also we did clearly identify the locations of the emergency only egress signs that lead out onto South Cross Road. So that was an additional change. Next slide please. With this slide, there was a request regarding adding onto the Zoning Table, the setback for the shed. And so that line has been added. And the 22.3 feet has been indicated on our site plan and it's on the civil drawings as well, showing the corner of the shed off the property line. Next slide. At this location, it was just really identifying the proposed area of disturbance, the proposed temporary turtle barrier that is around these two buildings. Also throughout the entire civil plans, we did provide setbacks from most of the corners of the buildings to the property line, so you can pretty much see where they are in relationship to the property. Again, at this location too, we're providing the short-term parking only signs, on the East base of these buildings as well. Next slide. There was a request to add the existing light fixture schedule, so that's added in the center of the page on the left side. It just provides you with the quantities of each of the respective fixtures. I believe that's fixtures A and B. Next slide. As indicated the shift in Building #5, in the parking lot, allowed us to keep that planting area that currently is there. We identified the plants as being existing as per the most recent letter we received from Liz Axelson, she's requesting to actually know what varieties or types of plants they are. So we'll be going back out and picking that up before we do a final submission. Also on this one, if you look at the overall Site Plan, on the right hand side, I did also add the existing

plantings that are on the adjoining property, just so you have a better idea of what, is occurring as you go up and down Route 9 and what you would be seeing. When those things finally do get pretty full, they will be doing a little bit more screening of Building #5, and I'm hoping they're not going to screen from view the West elevation too much. But I know I can't rely on those as being a screening element because in time those could die and we don't have any control of whether those get re-planted or not. Next slide, please. In regards to this one, there was a comment regarding the existing plants in the existing bio retention basin. That basin had been seeded with a New England Wetland seed mixture, and that can be seen in the table that's on the right hand side of this sheet. So that gives you the idea of the variety of plants that were included with that mix that should be growing in that basin at this point in time. Next sheet, please. This shows a maneuvering plan. There has been no real change to this, even with the shift in Building #5. Next sheet, please. This again, I included this one because it does have the landscaping for the wetland buffer area. And that was made reference several times throughout L Liz's document that we needed to refer back to that. So I just wanted to include this sheet as well. And then the last one, it just pretty much sums up the comments that had come in from Liz Axelson, in her memo dated June 26th. The two items that we needed to pick up was a typo on Sheet PZ 102, in regards to referring to DT 102 and we'll pick that up and also about labeling the trees. That pretty much sums up all the changes that we picked up.

Chairman Dupree: Thank you, Mr. Turner, you did an excellent job as always. I want to compliment again, your client, Mr. Hutchins for doing a magnificent job of maintaining that property and being so agreeable to the request to further push Building #5 back. Also, just a quick note, that it's important for the Board to remember that screening is not required between a nonresidential use to non-residential use, as this represents. The screening that Mr. Turner was referring to are actually some plantings that were meant to soften, as you know, the veterinary that is next door. Let me start with our consultants and staff, Ms. Moss comments? Ms. Moss indicated that she had no comments. Okay. Ms. Axelson?

Ms. Axelson: Well Scott and Mark Graminski did such a great job revising the plans. It was so thoroughly done. I have very few comments remaining. Rob and I communicated a little bit about some refinements. So anything that remains in my comments could be conditions of approval. And again, it was nice to see the Board, you know, really jump in and work with Scott on figuring out, you know, planting and pushing the building back.

Chairman Dupree: Thank you. Ms. Polidoro, any comments?

Ms. Polidoro: No.

Chairman Dupree: Let me start from again my virtual left. Ms. Weiser, any comments?

Ms. Weiser: No, I have no comments.

Chairman Dupree: Mr. Pickett?

Mr. Pickett: No comments.

Chairman Dupree: Ms. Wasser?

Ms. Wasser: Well, I want to take the opportunity to personally thank Scott, once more. I think it's a much better project than when it was filed, all around and I appreciate your responsiveness.

Mr. Hutchins: Thank you.

Chairman Dupree: Vice-Chair Dexter?

Vice-Chair Dexter: I would echo my colleague's comments completely and looking forward to the new expansion.

Chairman Dupree: Mr. Oliver?

Mr. Oliver: Again, just echoing my colleagues and thank you very much for moving forward with the project and, you know, working with us to make all the changes that you did. Thank you.

Chairman Dupree: Yes. It's important that Planning Boards remember that this is an important time to welcome investment because not a lot of people are investing in communities right now. It's a lot of uncertainty. So we're very proud that Mr. Hutchins has chosen to expand his project here in Hyde Park.

Chairman Dupree:

I don't believe anyone signed up in advance to make public comment on this application, but if there are any in the waiting room, now's the time to come in.

Councilman Krupnick: There is no one in the waiting room.

Chairman Dupree: Thank you. There being none, may I get a motion from Mr. Pickett to close the public hearing with the proviso that written comments may be submitted for 10 days?

MOTION: Mr. Pickett

SECOND: Ms. Wasser

To close the Public Hearing for Hutchins Staatsburg Storage Additional Units, with the exception of written comments for 10 days.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: Thank you. Can everyone, if you're going to say aye, raise your hand and say, aye, all in favor? Thank you. Then we'll put this on the agenda for July 15th to consider a conditional approval with the minor comments that Liz has left. Anything else, Gentleman?

Mr. Hutchins: I just want to take the opportunity to say thank you and Michael, I think you know what I'm going through in some other areas of our County and it's been an absolute pleasure. As always you people work very well with us. I enjoy the process. It's lengthy, it's long, but it's to the book and I appreciate that. So thank you very much.

Chairman Dupree: Thank you as always. And Mr. Turner, thanks again for turning on a dime and getting this out quickly to us so we could hold this public hearing tonight.

Mr. Turner: No problem. Thank you very much.

Chairman Dupree: We'll see you back on July 15th and when we have the resolutions ready, we'll circulate them in advance to you.

Mr. Turner: That'd be great. Thank you.

OTHER BUSINESS:

VERIZON CELL TOWER-ANDERSON

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

Location: 11 Hudson Lane, Staatsburg, NY 12580

Grid#: 6066-02-778644

In Attendance via Zoom:

Scott Olson, Young/Sommer LLC

Chairman Dupree: Thank you. Goodnight. The next item on the agenda...do we have Mr. Olson present? Now would be the time to let him in. This is Verizon cell tower to be located on the Anderson Center for Autism. We held a public hearing at our last meeting and closed it with the exception for 10 days for written comment. No written comment came in. There's Mr. Olson. Mr. Olson, do you want to say anything before we take the resolution and move it?

Mr. Olson: Thank you, Mr. Chairman. No, I don't think I have anything to say. *Laughter.* That's a, that's a, that's a very unique situation.

Chairman Dupree: I can joke and say for an attorney, yes, that's true, but that's not necessarily the case. So I believe this resolution will be offered by Ms. Weiser.

RESOLUTION TO GRANT SITE PLAN AND SPECIAL USE PERMIT APPROVAL

Verizon Cell Tower - Anderson

Staatsburg South Micro

Date: July 1, 2020

Moved By: Ms. Weiser

Resolution #: 2019-37B

Seconded By: Mr. Oliver

WHEREAS, the applicant, Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless, has submitted an application for site plan and special use permit approvals to construct an approximately 62 foot tall telecommunications tower and pool shade structure on a property located at 11 Hudson Lane, identified as tax parcel no. 6066-02-778644 (the "Property"), in the Waterfront Zoning District (the "Project"); and

WHEREAS, the Project is depicted on plans entitled, "Staatsburg South Micro," Sheets T-1, S-1, AD-1, SB-1A, SB-1B, C-1, C-2, C-3, C-4 and R-1, prepared by Tectonic Engineering & Surveying Consultants P.C., last revised June 11, 2020 and supplemental submission package from Anderson Center for Autism dated February 7, 2020 (the "Site Plan Set"); and

WHEREAS, pursuant to Section 108-5.14 of the Town of Hyde Park Zoning Law, telecommunications towers and facilities are permitted in the Waterfront Zoning District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (“EAF”) dated May 15, 2019, revised February 18, 2020, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on February 19, 2020, the Planning Board classified the Project as an unlisted action and declared its intent to serve as lead agency in a coordinated SEQRA review, to which no other agency objected; and

WHEREAS, members of the Planning Board conducted a site walk to look for the presence of eagle nests and found none in the vicinity of the Project; and

WHEREAS, on April 15, 2020, the Planning Board adopted a Negative Declaration, determining that the Project would not result in any significant adverse impacts and that a Draft Environmental Impact Statement would not be prepared; 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 18, 2020 that it was a matter of local concern; and

WHEREAS, on June 24, 2020, the Zoning Board of Appeals granted the applicant an area variance from §101-8B of the Zoning Law to allow a minimum setback of 50 feet where 68.2 feet is required; and

WHEREAS, a duly noticed public hearing was held on June 3, 2020 during which time all those who wished to speak were heard and the Board accepted written comments on the application until June 13, 2020; and

WHEREAS, by letter dated June 30, 2020, the applicant has requested a waiver from the requirements of Section 108-9.4A(1) of the Zoning Law, provision of a certified boundary description of the Property; and

WHEREAS, said public hearing was held remotely in accordance with Executive Order 202.1 and subsequent orders due to the Covid-19 pandemic.

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 108-9.4C(1) of the Zoning Law, the Planning Board hereby waives the requirement of a certified boundary description of the Property.

BE IT FURTHER RESOLVED, that the Planning Board hereby makes the following findings pursuant to Section 108-8.4 of the Zoning Law:

1. **The Project will not result in excessive off-premises noise, dust, odors, solid waste or glare, or create any public or private nuisances. The Project involves the installation of telecommunications equipment on a wooden pole similar to those used for telephone and electrical equipment throughout the Town. The facility will not have lighting or a backup generator.**
2. **The Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. The facility will be unmanned and after construction will generate only 1-3 additional vehicle trips per year for routine maintenance.**
3. **The Project is suitable given the property's size, location, topography, vegetation, soils, natural habitat, hydrology, hydrogeology, and its ability to be screened from neighboring properties and public roads. The Project proposes a low height wooden pole which limits the visual impacts of the Project.**
4. **The Project will be subject to such conditions on operation, design, and layout of structures and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town. The proposed tower will not be visible from sensitive visual receptors outside of the property upon which the facility is proposed to be located.**

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval and special use permit approval to the Project as shown 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. **Approval by the Attorney to the Planning Board of an agreement committing the owner of the telecommunications tower and its successors in interest to negotiate in good faith for shared use of said tower by other providers of telecommunications in the future in accordance with Section 101-6 of the Town Code.**
3. **Approval by the Town Attorney of an access easement to the Town providing access for inspections and decommissioning. Such easement can be incorporated into the Removal Agreement required by Section 101-17 of the Town Code.**
4. **Approval by the Town Attorney of the Communications Facilities Removal Agreement required by Section 101-17 of the Town Code. The**

Removal Agreement shall be executed by both the applicant and the landowner.

- 5. Filing with the Town Clerk evidence of liability insurance in accordance with Section 101-20 of the Town Code.
- 6. Revision of the Site Plan Set to include the field survey prepared by Tectonic Engineering referenced on Sheets SB-A, C-1 and R-1.

Chairman Dupree: Any further discussion by the Board or Consultants? All in favor, please indicate by raising...yes, Ms. Axelson?

Ms. Axelson: I missed when Neil was scrolling through the resolution; the waivers are in there, correct?

Chairman Dupree: Yes. Any further discussion? All in favor, please indicate by raising your hand and saying aye. Aye. Motion carries unanimously. Congratulations, Mr. Olson.

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

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

The Board Members all raised their hands and verbalized their consent.

Mr. Olson: Right. Thank you. It's been a pleasure. I appreciate the time that the Board and its Consultants have put into this.

Chairman Dupree: Thank you very much. It's good to see you. Stay safe.

Mr. Olson: Thank you, you too. Good night.

RIVERVIEW RE-SUBDIVISION-LANDINGS-ANDROS

Minor Re-Subdivision (2017-11)
Location: 6 Dock Street
Grid#: 6065-04-548172

In Attendance via Zoom:

Pete Andros, PE

Chairman Dupree: The next item on the agenda is similar, Riverview Re-Subdivision in the Landings District. We held a public hearing at the last meeting and closed it with the proviso that 10 days were left for written comment. We received no additional written comments other than the one that was submitted and read into the record of the last public hearing. I believe Vice-Chair Dexter will be introducing this resolution.

RESOLUTION TO APPROVE A MINOR SUBDIVISION PLAT

Riverview Subdivision

Date: July 1, 2020

Moved By: Vice-Chair Dexter

Resolution: #2017-11C

Seconded By: Mr. Pickett

WHEREAS, the applicant, Hyde Park Landing, Ltd., has submitted an application for subdivision approval to subdivide an existing 3.279-acre lot located at 6 Dock Street, tax parcel no. 6065-04-548172, in the Landing District, into a 0.646 (Lot 1A) acre lot and 2.632 acre lot (Lot 1) (the "Subdivision"); and

WHEREAS, the Subdivision is depicted on a plat entitled "Final Plat, Subdivision of Lot 1, Riverview Subdivision, F.M. No. 4647A" prepared by Peter J. Andros, P.E., and Mark R. Graminski, L.S., dated March 10, 2020 (the "Subdivision Plat"); and

WHEREAS, the applicant has demonstrated that Lot 1A could be a buildable lot that could support a dwelling, or other permitted water-enhanced and/or water-dependent use; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form ("EAF") dated January 17, 2020, last revised February 19, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, on February 5, 2020, the Planning Board classified the action as an unlisted action under SEQRA and declared its intent to serve as lead agency in a coordinated review of the Project, to which no other agency objected; and

WHEREAS, on March 4, 2020, pursuant to Section 96-12C of the Subdivision Law, the Planning Board, the Planning Board accepted a sketch plan and classified the proposed Subdivision as a Minor Subdivision; and

WHEREAS, on June 17, 2020, the Planning Board adopted a negative declaration, determining that the proposed Subdivision would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, pursuant to Section 277 of Town Law and Section 96-8 of the Town Code, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, such land for parks and other recreational purposes may not be required until the Planning Board makes a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town; and

WHEREAS, a duly noticed public hearing was held on June 17, 2020, during which all those who wished to speak were heard and a written public comment period was left open for an additional ten days; and

WHEREAS, said public hearing was held remotely in accordance with Executive Order 202.1 and subsequent orders due to the Covid-19 pandemic.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby finds that a proper case exists for requiring parks or recreation land to be suitably located on the plat but that such land cannot be property located within the plat, and hereby requires a payment of a recreation fee to the Recreation Trust Fund in lieu of such park and recreation land for each new lot before filing the final plat.

BE IT FURTHER RESOLVED, that the Planning Board hereby conditionally approves the Subdivision Plat and authorizes the Chairperson or his authorized designee to sign the Subdivision plat after compliance with the following conditions:

1. Payment of all fees and escrow, including the recreation fee for one new lot.
2. Approval by the Planning Board Attorney of a Declaration of utility easement over Lot 1.
3. Department of Behavioral and Community Health permission to file.
4. Revision of the Subdivision Plat to include the following note:
The owner of Lot 1A shall consult with the NYS Office of Parks, Recreation and Historic Preservation prior to any disturbance on Lot 1A.

5. Revision of the bulk regulation summary table so that Lot 1A's principal rear building setback is 14 feet.

BE IT FURTHER RESOLVED, that prior to the Zoning Administrator authorizing issuance of any building permit for Lot 1A, evidence of recordation of the approved utility easement with the Dutchess County Clerk shall be provided.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: Okay. Thank you. Any further discussion? There being none. All those in favor, please raise your hand and say aye. Aye, aye. There are no abstentions or nays, so the motion carries unanimously. Congratulations, Mr. Andros. You're on mute.

Mr. Andros: I'm going to unmute. Okay. I had a couple of comments on the resolution. I guess it's too late to do that now.

Chairman Dupree: I'm sorry. I thought...I should have asked you if you had comments. You were sent this, this afternoon, but you didn't respond back to us.

Mr. Andros: I was.

Chairman Dupree: You didn't respond back to us.

Mr. Andros: No, because I didn't really, I didn't receive it, actually receive it and print it out and look at it until maybe around 4:30, a quarter to five. When I came back to the office.

Chairman Dupree: Want to give us your comments now?

Mr. Andros: I can go through them.

Chairman Dupree: Go right ahead.

Mr. Andros: Okay. Well, my first comment is, with regard to one of the "Whereas's", it's the one that starts, "pursuant to section 277 of town law. Everybody see that one, I think that's the next page.

Chairman Dupree: The eighth, "whereas "down.

Mr. Andros: There it is right there, up at the top. I don't think, and this is entirely just technical, that section 277 of the town law should be there because that specifically speaks to lots created that have residential uses on them. And of course this subdivision doesn't have any proposed use. So I think that that could, that really should come off. And if you go down to the second line, you'll see, over, toward the right, "containing residential units", that ought to come off. However, section 96-8 of the town code does allow you to do the park thing and to collect a recreation fee. So that's fine, I don't have any problem with that. I just think that the 277 of the town law really doesn't apply to this particular subdivision. It's up to you, what you do with. Moving right along to the conditions, payment of all fees and escrow, that's not a problem. Approval by the Planning Board Attorney of a declaration of utility easement over Lot 1. I don't think that the Town's involved in that at all. I don't know where that came from, but perhaps somebody can tell me about why, why the Planning Board Attorney would get involved in it or any, anybody from the Town because it's merely for water service, electric service and cable TV service for Lot 1. It doesn't have anything to do with water main, storm drains or anything that the Town might ever be involved with. For example, most lots, that are connected to public water, the water main's out in the street. And then there's a water service line that goes to the property line and then becomes part of the property. And that's all we're talking about. The declaration itself was required by the Health Department. I have to file that declaration simultaneously with the map, the subdivision plat to be filed. And I have to provide the County copies of that filed declaration. And also, I guess I could send a copy to the Town, based on the very last thing in the resolution, but I really don't think that there's any, any jurisdiction for the Planning Board Attorney to even get involved in this. It's a private thing.

Chairman Dupree: Victoria, do you want to respond really quickly?

Ms. Polidoro: Sure. So we generally always approve the easements where a lot needs it in order to have access to a utility. So in this case, the Planning Board is approving a lot and wants to make sure that the lot can be used for a residential purpose, even if it might not be. And so that utility easement is necessary for that purpose, to make sure that the lot can be serviced.

Mr. Andros: It's already there, they already exist and it already is serviced.

Ms. Polidoro: I mean, this is not unique to your property. We review these on all subdivisions and all we're looking at is the form. I mean, you're

sophisticated, but a lot of times people, you know, don't use the right declaration form or they don't use the right language and we need to make sure that there's actually going to be an easement. We're not interested in how much you're charging one line.

Mr. Andros: No, no, we're not charging, I'm not charging anything. And it's a declaration that I could have done before we actually, got the final plat.

Ms. Polidoro: You could have. And then I would have reviewed it before issuing this approval.

Mr. Andros: Well, I'm not, I don't, I don't think that that's right and reasonable because it has nothing to do with the Town of Hyde Park.

Ms. Polidoro: Well, the Lot needs the easement to have access to the utilities.

Mr. Andros: Yeah. And it's being provided, but the Town of Hyde Park's not involved in it. It's not your water main, it's not your electric cable. It's not anything to do with the Town. It doesn't even come off a town highway.

Ms. Polidoro: Your argument is noted.

Mr. Andros: Thank you. The next thing is, uh, number three, that's okay. Number four, I have a problem with the language in, it seems to me that every time somebody digs a hole on Lot 1, they got to go to the Office of Parks, Recreation, and Historic Preservation (SHPO). Anytime "any disturbance occurs" on the lot. That's basically what it says there. Prior to any disturbance, not the first disturbance or the second one or the fifth one or one that's more than this, or one more than that. It's any disturbance. And I, I don't think that that's right. I think that's an undue burden on a lot. Oh, by the way. Most of... there's so many other regulations in the Town that when you want to do a disturbance on a piece of property, you have to get an Erosion Sediment Control Permit at minimum. And when you apply for that, the Zoning Administrator who happens to be the administrator for the Erosion and Sediment Control Permits will ask for, well, what did CRIS have to say? So that, it's kind of a redundant thing. I just don't see it for "any disturbance." If you want to change the language in it, that's fine with me, but the way it is right now, I can't accept that. Finally, finally, number five, this bulk regulation summary table, I don't know where this came from. I think it's from an old sketch plan review comment of the Town Planning Consultant. There are no proposed structures, principal, or anything on this lot. And it says, so right on table that's on the subdivision map and I don't know where the 14 feet came from. The minimum setback in this Zone for the rear lot is 10 feet. And so I don't think it should be anything greater.

Ms. Polidoro: Liz, that's your condition. Can you speak to that?

Ms. Axelson: This is a lingering comment, it's just a remaining comment. We had March 2, 2020 comment, it asked for a rear setback to be identified. I think it was in prior comments.

Mr. Andros: Yeah, that was when that was when we still had a structure shown as a possible, a possible three-bedroom dwelling. But of course, since that time we removed that structure and we removed all the structures that were possible and so there really isn't any 14 feet. It's just a 10-foot setback and the building setback lines are shown on the final plat.

Ms. Polidoro: If the Board doesn't have a problem with it, I don't have a problem letting that go. You know, when you come for building permit, you'd have to comply with the requirements.

Mr. Andros: Oh, absolutely. I know that full well, thank you.

Chairman Dupree: Victoria?

Ms. Polidoro: I do think the concern about item four, where it says prior to any disturbance on Lot 1A is valid. It would be good to either work with the Zoning Administrator or the Engineer to come up with some threshold, so maybe disturbance of a quarter acre or more, something quantifiable besides, you know, him doing a test pit. So what we could do...

Mr. Andros: What's the goal?

Ms. Polidoro: The goal is to make sure that you do SHPO review before any significant disturbance.

Mr. Andros: Well, that's going to have to happen anyway, because that's part of the whole process of getting a Building Permit.

Ms. Polidoro: Building Permits are not discretionary, and he doesn't require...You generally don't have to go to SHPO before pulling a Building Permit, so that's why we put this in here as a catchall so that...

Mr. Andros: When I go to get a Building Permit there will be no Building Permit until I have an Erosion and Sediment Control Permit.

Ms. Polidoro: Correct?

Ms. Moss: That is also a ministerial permit. No discretion. I don't send it anywhere.

Mr. Andros: You don't ask. You don't ask for what about SHPO? What about CRIS review?

Ms. Moss: No. It's ministerial only.

Ms. Axelson: And I think this originated from the fact that all through this proposal, the discussion was that no structure or disturbance is proposed, but that the Board was mindful of the fact of resources in and around the area. So this was a way of handling it to address the fact that there was the insistence that nothing is proposed on this lot, but ultimately it could be. So in order for the Board to do a full SEQR review, they had to somehow provide for the potential, for those kinds of resources to be present and to be verified that they aren't there or that they are being mitigated when there is disturbance.

Chairman Dupree: The SHPO response also indicated that they thought there was no impact because there was nothing proposed structurally at the time. It's just a non-realty subdivision.

Mr. Andros: Right.

Chairman Dupree: So we, Victoria, I'm sorry I cut you off.

Ms. Polidoro: No, that's okay. So I was just saying that we can quantify that and tighten that condition up. And so, if Mr. Andros is in no rush, we can take two weeks speak, with Pete and Tad and try and craft a tighter condition there. And we can come back and amend the resolution, or you could withdraw the approval tonight. And, you know, we adopt it in two weeks. I think it's better to let it lie and we can amend it in two weeks.

Mr. Andros: I don't have a problem with two weeks. You can't go anywhere anyway; 'cause you can't file a map.

Chairman Dupree: So we'll just not take a vote. The motion has been made and seconded, and then we'll make a motion to amend this resolution at a later date.

Ms. Polidoro: I believe it was voted on.

Chairman Dupree: Oh, what am I saying? It's already been passed. That's right.

Vice-Chair Dexter: So we'll do an amendment, right?

Ms. Polidoro: Yeah. So per the applicant's request, we'll take it up again in two weeks and we'll amend those conditions.

Mr. Andros: Just, just as a, I don't know, as a comment. If you're going to do that, maybe sometime before the evening of the meeting, you might share what you come up with, so that I can take a look at it.

Chairman Dupree: Be happy to. Most of our resolutions actually arrived today - late last night - I should say and they had to be reviewed by Liz, Pete, Tad, myself, so I apologize. Yours was pretty simple. We still had a resolution that was undergoing changes as late as 5:15 tonight.

Ms. Polidoro: Well, Mr. Andros, if you want to send me your Declaration for the Utility Easement now, I can approve it so that it's not a condition of the approval.

Mr. Andros: Okay. Yeah, I think John Marvin will probably send it to you. He's the one who drew it up.

Chairman Dupree: And if you have any suggestions about how to improve the, 'any disturbance', something that's quantifiable.

Mr. Andros: I, I don't know.

Chairman Dupree: Feel free to send it in is all I was going to say.

Mr. Andros: Maybe, before any Building Permit is issued. I don't know. Before any permit required by the town is issued.

Ms. Polidoro: Well, here's, you know, planning for, my always thinking of the worst, not you, but someone else buys your lot. They want to avoid that requirement. They dig, which doesn't require a permit. And then they come in and then there's nothing left to review, so...

Mr. Andros: Well that happens, you know, that happens all the time in this Town.

Chairman Dupree: No comment. But, yes. No comment, but yes.

Mr. Andros: What can I tell you?

Chairman Dupree: We'll schedule this to go on for the July 15th meeting and in the meantime, I'll make sure we do this quickly Pete.

Mr. Andros: Like I said, I can't file a map anyway.

Chairman Dupree: But the earlier we get it through and to you the better.

Mr. Andros: Okay.

Chairman Dupree: Thanks for your comments.

Mr. Andros: All right.

Chairman Dupree: See you in two weeks.

Mr. Andros: Thank you.

Chairman Dupree: Stay safe.

Ms. Polidoro: Bye.

ENCLAVE SOLAR FARM

Extension of Special Use Permit & Site Plan Approvals (#2018-30)

Location: Cream Street

Grid#: 6263-01-465957

Chairman Dupree: The next item is Enclave Solar Farm. This is an extension of the deadline in which to start and complete construction. They're close, by the way, to being able to do so. I did not ask Mr. Casamento, who represents the applicant, to come in tonight because it's fairly straight forward. And we also received no written comments nor public comments after our last meeting or during our last public hearing. So I believe this resolution will be introduced by Mr. Pickett.

**RESOLUTION TO GRANT ONE YEAR EXTENSION OF ALL DEADLINES
PURSUANT TO SECTION 108-9.6(b) OF THE TOWN CODE**

Enclave Solar

Date: July 1, 2020

Moved By: Mr. Pickett

Resolution: # 2018-30D

Seconded By: Ms. Weiser

WHEREAS, on February 6, 2019 the applicant, by Resolution No. 2018-30B, the Planning Board conditionally approved Cream Street Solar, LLC's application for site plan and special use permit approval to develop a 2.6-megawatt solar farm on property located at Cream Street (the "Project"), identified as Lot #26 on a subdivision map entitled "Subdivision/Site Plan/Special Use/Submission Set for the Enclave at Hyde Park A Residential Subdivision" filed in the Dutchess County Clerk's Office on August 13, 2018 as Filed Map No. 11697C, further identified as tax parcel no. 6263-01-465957, in the Greenbelt Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a site plan entitled "Site Plan and Special Use Permit Set for Enclave Solar Nexamp," sheets C-001, TP-1, C-002, C-100, C-101, C-102, C-103, C-104, C-105, C-106, and C-107, prepared by the

LRC Group, dated September 4, 2018, last revised December 4, 2018 (the “Site Plan”); and

WHEREAS, pursuant to Section 108-9.6(a), “An approved site plan shall be void and the building permits, if any, shall be revoked if substantial construction is not started within one year and the entire project or approved phase is not completed within two years of signing of the site plan or site plan amendment by an authorized officer of the Planning Board;” and

WHEREAS, pursuant to Section 108-9.6(b) “The Planning Board may, at its discretion, after conducting a public hearing, grant an extension to an approved site plan. The applicant shall submit a written request 30 days prior to the site plan date of expiration, requesting an extension for a specified time and the reason therefor;” and

WHEREAS, the site plan was signed by the Planning Board Chairman on June 11, 2019; and

WHEREAS, the applicant has submitted a written request for an extension of site plan approval; and

WHEREAS, a duly noticed public hearing was held on June 17, 2020, during which all those who wished to speak were heard and a written public comment period was left open for an additional ten days; and

WHEREAS, said public hearing was held remotely in accordance with Executive Order 202.1 and subsequent orders due to the Covid-19 pandemic.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants a twelve-month extension pursuant to Section 108-9.6(b) of the Code, of the time in which the applicant must commence substantial construction of the Project as shown on the Site Plan to and including June 11, 2021 and the time in which to complete construction of the Project as shown on the Site Plan to and including June 11, 2022.

There will be no written or verbal notification from the Planning Board office to the applicant at such time as the extension expires. Any request for an extension of the deadlines set forth herein must be submitted to the Planning Board at least 30 days in advance of said dates.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: This has been moved and seconded. Thank you, Ann. I just want to point out to anybody who might be watching that, although this is standard in our resolutions, I just like to say compliments to our secretary, Ms. Witman, because she actually does keep track of when things are going to expire and does alert all our applicants just in case. They know that it's a courtesy that we do. We're not required to under our code, which is why this is put into the resolutions, but we do do it to try to be helpful. That noted, all those in favor, please raise your hand and signify by saying aye. Aye. Aye. Aye. Great, motion carries unanimously.

JEFFREY GROVES ESTATES RE-SUBDIVISION

Consider amending Conditions of Approval of Major Re-Subdivision and Site Plan Approvals (#2018-04)

Location: 39-41 North Cross Road

Grid#: upon request

In Attendance via Zoom:

Louis Kaufman, One Key LLC

Chairman Dupree: The next item on the agenda is Jeffrey Groves Estates Re-Subdivision. This is simply for the re-subdivision. We had a request by Mr. Kaufman. Who's here. Let's see if he can connect. Mr. Kaufman, can you hear me? Can you hear me? So we have the same problem as before, we can hear Mr. Kaufman, but he cannot hear us.

Ms. Polidoro: Oh, his audio is joining. He needs to unmute his phone. And now you have to turn off YouTube.

Mr. Kaufman: Hello?

Chairman Dupree: We can hear you Lou.

Mr. Kaufman: Okay, great.

Chairman Dupree: Okay. So this was...I was busy with another project today and when I got back, I went through what looked to be a hundred thousand emails back and forth. We finally have a resolution. Mr. Kaufman, did you have a chance to review the final version?

Ms. Polidoro: He has not. I don't think he's seen the final-final because we were working on it until very last minute. So perhaps we can put it up or I could email it now.

Chairman Dupree: Are there any areas you want to highlight Victoria?

Ms. Polidoro: Yes, so if we scroll down to condition, it's condition, keep going down, it's 21, that we're looking at. So Lou, you had asked the Board to delete the requirement of approving the easements of having DC WWA approve them. And what we did here is that we clarified that DCWWA is only approving the form of the easement, so we're not expecting them to accept them and they don't need to be conveyed, because we know that doesn't happen until the end of the project. We just want them in final form. And then, there's also been a request that those easements be shown on the Subdivision Plat if they're not within the road right of way.

Mr. Kaufman: Right. So that being the only change, that's fine with us. We're, you know, intending to put the entire water system within the right of way. And in fact, Mr. Comatos, who's the attorney for the DCWWA is providing me with the form of easement that he finds acceptable, which I can forward on to you, Victoria. But, you know, we won't be adding anything to the Plat because nothing will be out of the right of way.

Ms. Polidoro: Okay. So it's just going to be a matter of you filling out his form and, you know, completing it for this project.

Mr. Kaufman: That's right. Yeah. The only reason I had suggested, it wasn't that deleted per se rather, but the way the MOU describes it is before they accept the system, they needed easements in place. So I felt that, at this juncture, you know, it might be a little premature, and that if you could see your way clear to just leave the easements until, you know, prior to issuance of the C.O., But I don't really have any objection to the language as you've included it Victoria.

Ms. Polidoro: That's good, thank you.

Chairman Dupree: I believe that's it, Victoria.

Ms. Polidoro: There were some other changes, but Mr. Kaufman had reviewed them earlier.

Chairman Dupree: That was the final change that you made, that was still a little bit under contention. Great. So I'm going to introduce this resolution because I'm the fastest speaker, ha, ha, ha.

**RESOLUTION TO AMEND THE CONDITIONS OF SUBDIVISION
APPROVAL**

Jeffrey Groves Estates

Date: July 1, 2020

Moved By: Chairman Dupree

Resolution: #2018-04K

Seconded By: Ms. Weiser

WHEREAS, on November 20, 2019, by Resolution #2018-04H, entitled “Resolution to Grant Amended Conditional Final Plat Approval” (the “Subdivision Resolution”) the Planning Board granted the applicant, North Cross, LLC, amended conditional subdivision approval to re-subdivide nine existing individual residential lots and two open space lots into twelve residential townhouse lots and two open space lots on North Cross Road (the “Project”), tax grid nos. 133200-6167-18-356197, -361162, -398188, -383173, -380159, 385145, -397167, 403149, -414150, -425174, -328190, in the Neighborhood District (the “Site”), as depicted on a plan set entitled “Jeffrey Grove [sic] Estates Subdivision” prepared by M. A. Day Engineering, PC, dated December 21, 2017, last revised November 20, 2018, sheets G1101, VP101, VP102, VP 501, VP502, VP503, VP504, VP505, VP506, VP507, VP508 and VP509, (the “Conditionally Approved Subdivision Plat”); and

WHEREAS, approval of the Conditionally Approved Subdivision Plat was conditioned on satisfaction of 21 conditions of approval that must be satisfied before the plat is filed and additional conditions that must be satisfied before various phases of project implementation; and

WHEREAS, Condition 4 of the Subdivision Resolution requires:

Posting of a performance guaranty or other surety for completion of the wastewater facilities (treatment plant and collection system) with the Dutchess County Water and Wastewater Authority (“DCWWA”) in form, substance and matter of execution acceptable to the DCWWA

WHEREAS, condition 16 of the Subdivision Resolution requires:

Revision of Sheet VP 503 to include a black four foot high chain link fence (or other fence permitted by the Zoning Law) on top of the retaining wall where the drop is greater than four feet.

WHEREAS, condition 17 of the Subdivision Resolution requires:

Revision of Sheet CS 507 to be consistent with Sheet VP 507.

WHEREAS, the applicant has requested that the Planning Board modify conditions 4, 16 and 17 of the Subdivision Resolution; and

WHEREAS, the Planning Board has thoroughly considered the applicant's request.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby deletes conditions 4, 16 and 17 of the Subdivision Resolution and adds a new condition that must be satisfied prior to commencement of construction of the wastewater treatment plant so that the conditions of the Conditional Subdivision Approval are as follows:

1. Payment of all fees, including the recreation fee for three new lots, and escrow for the Town's consultants.
2. Department of Health approval for methods of water supply and sewage disposal.
3. Dutchess County Department of Public Works conceptual approval of the curb cut for Daniels Way.
4. [Deleted]
5. Posting of a performance guaranty or other surety for completion of Daniels Way in an amount approved by the Planning Board and Town Engineer, and in form, substance and manner of execution acceptable to the Town Board and Attorney to the Town.
6. Confirmation that the sewer-works corporation is still in full force and effect and in good standing and holds clear title to the existing and proposed sewer lot.
7. Approval by the Planning Board Attorney and Attorney to the Town as to the form of an entity to own the common areas, such as a homeowner's association or condominium association (the "HOA"), which shall be responsible for maintenance of the roadways, sidewalks, drainage easements, light pole maintenance, retaining wall for the roads and drainage, and guest parking spaces of the subdivision.
8. Approval by the Attorney to the Town of an offer of cession and deed with related recording documents for the proposed town roads and drainage easements, together with proof by a title company certified to do business in the state of New York that the owner has clear unencumbered title to all land subject to the offer of cession.
9. Approval by the Planning Board Attorney and Attorney to the Town of a deed restriction over the open space area limiting its uses pursuant to Section 96-

9E(3) of the Subdivision Law and providing the Town with the right, but not the obligation, to enforce the deed restriction.

- 10. Approval by the Planning Board Attorney and Attorney of the Town of an easement to the sewer-works corporation for mains in the roadway.**
- 11. Approval by the Planning Board Attorney and Attorney to the Town of a blanket cross-access easement for grading across the residential lots.**
- 12. Approval by the Planning Board Attorney of the stormwater management easements, pond maintenance easements, parking easements and utility easements and revision of the Plat to include metes and bounds descriptions of each easement area.**
- 13. Approval by the Dutchess County Water and Wastewater Authority of the water distribution infrastructure and water connection and plans and specifications for the wastewater system.**
- 14. Revision of the owner/applicant signature on the cover sheet to remove the reference to site plan approval.**
- 15. Approval by the Planning Board Engineer of all metes and bounds descriptions for all legal documents.**
- 16. [Deleted]**
- 17. [Deleted]**
- 18. [Deleted]**
- 19. Approval by the Town Board of updated Memorandum of Understanding with the applicant and the Dutchess County Water and Wastewater Authority regarding wastewater service.**
- 20. [Deleted]**
- 21. Approval by the DCWWA of the form of the water line easements for the Project, including metes and bounds descriptions. DCWWA easements that are not proposed within the road right of way shall be shown on the Subdivision Plat.**

BE IT FURTHER RESOLVED, that prior to the Zoning Administrator authorizing issuance of a building permit on any lot on the Conditionally Approved Subdivision Plat, the following conditions must be satisfied:

1. Evidence that all deeds, easements, restrictive covenants and offers of cession have been duly recorded with the Dutchess County Clerk.
2. Completion of Daniels Way through binder course to satisfaction of Town Engineer.

BE IT FURTHER RESOLVED, that as a condition of the Town accepting dedication of the roads shown on the Subdivision Plat, the applicant shall provide the Town, at its own cost, with a title insurance policy and a one-year maintenance guaranty in form and amount acceptable to the Town Board.

BE IT FURTHER RESOLVED, that the following must be satisfied as a condition of the Town accepting dedication of the roads shown on the Final Subdivision Plat: A) Formation of a sidewalk maintenance district for sidewalks on Daniel's Way and Blair Road; or B) Evidence that the Town denied a valid petition for formation of a sidewalk district and the site plan includes a note requiring the applicant or an HOA to maintain the sidewalks; or C) Evidence of adoption of a sidewalk maintenance law by the Town of Hyde Park which requires the adjacent property owners to maintain the sidewalk; and D) Formation of a drainage district to maintain the required stormwater practices for Daniel's Way and Blair Road or evidence that the Town denied a valid petition for formation of a drainage district. If the drainage district is not formed, approval by the Planning Board Attorney of a Stormwater Maintenance agreement.

BE IT FURTHER RESOLVED, that prior to commencement of construction of the wastewater facilities (treatment plant and collection system), the applicant shall post a performance guaranty or other surety for completion of the wastewater facilities with the Dutchess County Water and Wastewater Authority ("DCWWA") in form, substance and matter of execution acceptable to the DCWWA in accordance with the Memorandum of Understanding dated April 30, 2020.

BE IT FURTHER RESOLVED, that prior to the commencement of operation of the wastewater treatment plant and the Zoning Administrator authorizing issuance of a CO for any residential structure on any lot shown on the Conditionally Approved Subdivision Plat, the following conditions must be satisfied:

1. Posting of a maintenance guaranty or other surety for maintenance of the sewage treatment plant with the DCWWA as the beneficiary/obligee in an amount approved by the DCWWA, and in form, substance and manner of execution acceptable to the Dutchess County Water and Wastewater Authority.

2. Acceptance of the HOA by the Attorney General.

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

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

The Board Members all raised their hands and verbalized their consent.

Mr. Kaufman: Wow. You're right. You do read fast.

Chairman Dupree: Any further discussion? All in favor, indicate so by raising your hand and saying, aye. Aye. Motion carries unanimously. Thank you, Mr. Kaufman. I believe this should get you...

Mr. Kaufman: I do have a question, in Tad's list that she had provided me, you know, and I'll go over them with her again, maybe tomorrow or the next day, I think that most, if not all of these conditions are now satisfied, but I will confirm that with Tad and that being the case, she will then, assuming that she's satisfied and Victoria is as well. Then the next process is for me to submit the final set of drawings for signature. Is that right?

Chairman Dupree: Once we get the sign off from Tad and Pete, then they authorize me to sign, but I have to have something to sign.

Mr. Kaufman: Right. So we'll take care of that. And I did have another question, but you read everything so fast that my brain is a little...I have to slow it down before I can think of the next question. So, no worries. Okay. So I think we're, we're good. We're good.

Chairman Dupree: Lou, it's been a long journey. I know. And now we move on to the Site Plan. That's the next step, but congratulations.

Mr. Kaufman: Well, you say that, but I mean...Okay, thank you. We're getting there. You know, we really want to start and I know you guys will be very pleased with the end product, so we just need to get through this paperwork and then we'll get it done.

Chairman Dupree: If you recall, because I do, the entire Board commented on how nice the buildings look architecturally. Even your sewage treatment plant is the nicest looking sewage treatment plant I've ever seen. So we're looking forward to seeing this developed.

Mr. Kaufman: Oh, I just got something from Jerry Comatos, but I'll, I'll send that over to Victoria tomorrow, so she can take a look at the form of easement for the water system.

Chairman Dupree: Victoria, do you want to see his form or do you want to see it filled out by them?

Ms. Polidoro: Right. I mean, it needs to be filled out, but what I really need is something from Mr. Comatos...

Mr. Kaufman: I thought you were just going to approve the form at this point. You want to actually...

Ms. Polidoro: Lou, I don't need to approve anything. I need Jerry Comatos to give us a letter saying that he approves the form. So if he just gets us a letter saying...read #21 closely and then get a letter from Gerald. Okay. I don't need to see it.

Mr. Kaufman: Very good.

Chairman Dupree: Right. Thank you. And we'll see you, prior to my signing at some point.

Mr. Kaufman: Yes, you will.

Chairman Dupree: Okay. Thank you very much. Have a nice night. Stay safe.

CARRIAGE TRAILS (a.k.a. Crofton Mews)

2 Year Extension of Site Plan to Complete Construction (#16-96)

Location: 1269 Route 9G

Grid #: 6165-01-340743

In Attendance via Zoom:

Louis Kaufman, One Key LLC

Councilman Krupnick: Lou is on the next item on the agenda.

Chairman Dupree: This is true. I'm sorry. So Mr. Kaufman and his partners purchased what we used to call Crofton Mews. It's had several names; now it's Carriage Trails at the point. But we have been routinely extending the time in which the applicants have to complete construction. They've already started it.

If we recall, actually I think only Anne and I are left from when this was signed and this was approved with a zillion conditions. They finally met them. We signed, they started construction and then various things happened in the economy. So Mr. Kaufman has indicated that they would like to go forward with the project, but in the meantime, what we have to do is set a public hearing in order to review. We are required to have a public hearing, to review extensions in which time to complete. So, I somehow on my sheets seem to have forgotten as to who to assign this to, to make a motion. Anne would you like to introduce this as a motion?

MOTION: Vice-Chair Dexter

SECOND: Ms. Weiser

To set a Public Hearing for Carriage Trails (a.k.a. Crofton Mews) for August 5, 2020.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: Thank you. All in favor, signify by raising your hand and saying aye. Aye. Thank you. So, Lou, this is set up for August 5th. In the meantime, if there are any back and forth issues, we have on this one, let's resolve them. We're going to be having a meeting to discuss this tomorrow and we'll get back to you.

Mr. Kaufman: Thank you.

RHINEVAULT, CARNEY & TATIANA
Site Plan Waiver Approval (#2020-10)
Location: 6 Main Street
Grid #: 6065-20-812236

Chairman Dupree: Okay. Have a nice night. We're nearing the end. The next item on the agenda is a Site Plan Waiver request by Carney and Tatiana

Rhinevault. The home is located at 6 Main Street, directly across Main Street from Town Hall. They're going to be enclosing their porch and after, there we go, they're doing it in historic style. Ms. Moss has made the recommendation. These are custom made windows. They will be wood, et cetera, and there'll be a porch entry for the front door. Anybody have any questions? Comments? Mr. Oliver, this is your resolution.

TOWN OF HYDE PARK PLANNING BOARD

Carney and Tatiana Rhinevault

6065-20-812236

SITE PLAN Waiver

Town Code Section 108-9.4 C 2

Date: July 1, 2020
Resolution: 2020-10

Motion by: Mr. Oliver
Seconded By: Vice-Chair Dexter

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Carney and Tatiana Rhinevault for a closed in front porch on a single-family home requiring a building permit, and,

Whereas, the Planning Board has reviewed the request for this change in the Historic Overlay District, and

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

Whereas, the proposed development does not change the building footprint and meets the zoning code setback requirements, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, and

Whereas, the Zoning Administrator has recommended that for this change it is appropriate to waive the site plan requirements, and

Whereas, no other changes have been requested at this time and whereas the applicant is required to return to the Planning Board for all other changes to the approved plans, now

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the building permit received by the building department June 5, 2020, including supplemental information presented to the Planning Board and per the request to the Planning Board dated June 16, 2020.

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

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

The Board Members all raised their hands and verbalized their consent.

Chairman Dupree: Thank you. Any discussion? All in favor, please signify by raising your hand and saying aye. Aye. Aye. Aye. Thank you. Motion carries unanimously.

DISCUSS REFERRAL OF LOCAL LAW B OF 2020-Amending Zoning 108-2.2

Chairman Dupree: The next item on the agenda is to authorize me to send the comment letter regarding proposed Local Law B of 2020. As a reminder this amends, the definition of Recreation to include both outdoor and indoor recreation. I apologize for sending the letter out fairly late today too. I'd kind of forgotten, I'd started it and didn't finish. I heard from a couple of Planning Board Members who said it was okay. I want to thank Stephanie for finding the typos. I caught one, but I hadn't caught both, which was important. And if you'll look, they refer in the letter to, I kept thinking something was bothering me and they referred to districts that I don't think have been created yet. So I'm not sure how they can adjust that language, but I think they need to before they adopt it, because you can't really refer to zoning districts that don't exist quite yet. Anybody have any other comments or additions?

Vice-Chair Dexter: I just wanted to say that...so I read the other comments that you had forwarded and it's interesting to get the different viewpoints, but I did feel that making the point that allowing indoor recreation does support the comprehensive plan by being more pedestrian friendly because you might be able to walk down to the corner and do something and not have to drive across town to get to the commercial districts. So, and I think there's a lot of indoor recreation that probably hasn't even been invented yet. I'm a *Star Trek* fan. I'm thinking Holodecks.

Chairman Dupree: If it can be the holodeck that was in *Voyager*, I'll be really happy. Any other comments? Yes. So what Anne's referring to, is if you recall, I referred out Mr. Sweet's comments that he'd copied me on. And that's one of the reasons why I went back and looked at the Comprehensive Plan too, to say,

what are the elements that it might be actually satisfying. And we are in a push to try to make this a more pedestrian friendly community and less reliance on automobiles. And I think that by locating uses that would appeal to people to be able to walk to might be a good thing. So thank you for picking up on that. So I believe that a motion to authorize me to send is being introduced by...

Vice-Chair Dexter: I didn't know if there was any more comment...Oh, look, I love that *(to Councilman's Krupnick's display of a holodeck image on screen).*

MOTION: Vice-Chair Dexter

SECOND: Ms. Weiser

To authorize the Chairman to send a comment letter to the Town Board regarding Local Law B of 2020.

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

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

The Board Members all raised their hands and verbalized their consent.

1 July 2020

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

Re: Proposed Local Law B amending the definition of commercial recreation and providing new definitions for indoor and outdoor recreational use

Dear Supervisor Rohr, distinguished Councilpersons and Attorney Replansky:

Thank you for the opportunity to comment on proposed Local Law B which introduces a distinction between indoor and outdoor recreational uses, identifies which zoning districts where such uses are permitted and grants the Planning Board a broader discretion in analyzing specific types of outdoor recreation to limit potential negative impacts. After careful consideration of the law and facts, we recommend passage of the law. In support, we offer the following:

- Indoor recreational uses would now be allowed in most zoning districts. Recreation whether for health or play is a societally recognized manner of helping residents reduce stress and anxiety. Given that our town’s Comprehensive Plan encourages more pedestrian activity and less reliance on automobiles, placing indoor recreational uses in more districts can help achieve that goal.
- Outdoor recreational uses have been limited to districts that seem most appropriate as opposed to allowing them in all districts.

Prior to adoption, however, we suggest you reconsider some sections.

First, in section 2, “Purpose,” the Greenbelt district, where commercial recreation is presently permitted with site plan and special use permit approval, is not listed. We assume this is an oversight, and believe it should be enumerated as an allowed use subject to the same approvals. Then, the same section cites two zoning districts that we are unsure exist: Town Core and Corridor Business. We believe that both are still conjoined as Town Center Historic District (TCHD), but since outdoor recreation would be permitted in Corridor Business but not Town Core, we believe some language will be required such as “when such districts are created” and just ban the uses throughout the TCHD until then.

Second, in section 3.1n in the last sentence, “or” should be “of” so the phrase would read, “sale of sport or exercise-related equipment...”.

Third, in section 4.D, “not” should be added between “to” and “affect” so the phrase would read, “designed so as to not affect adjoining...”.

Please contact me if you need any additional information.

Sincerely,



Michael Dupree
Chairman

Chairman Dupree: Further discussion? All in favor signify by raising your hand and saying, aye. Aye. Thank you. And there being no other business, may I get a motion to adjourn.

ADJOURN

MOTION: Ms. Weiser
SECOND: Vice-Chair Dexter

To adjourn.

Aye

Ms. Weiser

Aye
Aye
Aye
Absent
Aye
Aye

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

VOICE VOTE

6-Aye 1-Absent 0-Nay

Motion Carried

Chairman Dupree: Thank you. All in favor. Signify by raising your hands saying aye. Aye. Thank you, Councilman Krupnick and thank you Town Board for providing the resources to provide this virtual meeting. Thanks for everyone who tuned in and thanks all colleagues and consultants have a good night.

DRAFT