



Historic Town of Hyde Park

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

"Working with you for a better Hyde Park"

May 18, 2022, 6:00 PM
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

Meeting To be held in the Hyde Park Town Hall, 4383 Albany Post Road

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARING:

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

Extension of Site Plan Deadlines for Construction (#16-96)
Location: 1269 Route 9G
Grid #: 6165-01-340743

CAMP VICTORY LAKE MASTER PLAN & PHASE 1 CHURCH

Site Plan & Special Use Permit Approvals (#2018-66)
Location: 277 Crum Elbow Road, 232 & 262 Cardinal Road
Grid #s: 6265-04-630350, -539445, 6265-02-721505, 6265-04-672479, -681487, -712479

OTHER BUSINESS:

HYDE PARK TOWN CENTER- PARK PLAZA

Site Plan Waiver Approval-change in tenancy (#2022-20)
Location: 4240-4260 Albany Post Road
Grid #: 6064-02-965956

MOORE & ROSADO

Site Plan Waiver Approval-AG Pool (#2022-21)
Location: 14 Crumwold Place
Grid #: 6064-08-861974

ADJOURNMENT:

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify the Planning Board Secretary in advance so that arrangements can be made. *Board Members reserve the right to go into executive session at any time. Agenda items are subject to change in order or may be removed at any time. Draft Resolutions included were those available at this posting and may not be in final form or a complete listing and the Board may choose to remove from consideration at their discretion. All persons interested in a particular application are advised to visit the Town of Hyde Park's website daily. The agenda is posted at www.hydeparkny.us

**RESOLUTION TO GRANT A SIX-MONTH EXTENSION OF TIME TO COMPLETE
CONSTRUCTION**

CARRIAGE TRAIL AT TOWNE CENTRE

Date: May 18, 2022
Resolution: #16-96GJ

Moved by:
Seconded by:

WHEREAS, on October 15, 2003, a prior applicant, Sarcar, LLC, was granted conditional final site plan approval for a 317-unit development in the Neighborhood Core District, identified as tax map parcel no. 6165-01-340743 (the "Site"), formerly known as "Crofton Mews," now identified as "Carriage Trail at Towne Centre"; and

WHEREAS, on September 20, 2006, by Resolution No. 16-96U, the applicant was granted a sixth extension of time to allow it to satisfy the conditions required for final site plan approval, with said extension set to expire on March 15, 2007; and

WHEREAS, in conjunction with the request for a time extension on the site plan approval, the applicant presented to the Planning Board amendments to the site plan that would result in a project superior in design to the originally approved project, said amendments consisting of a new location for an emergency access road significantly shorter in length, and which further provides a reciprocal emergency access to a neighborhood that currently exists without any emergency access point; and

WHEREAS, after careful review and consideration, the Zoning Administrator opined that the requested amendments were not substantial and the Board concurred and granted approval for the amendments to the site plan on March 13, 2007; and

WHEREAS, the applicant returned to the Planning Board for additional amendments to make the units more appealing by offering additional amenities as specified in a letter to the Town Zoning Administrator dated September 19, 2007; and

WHEREAS, on November 7, 2007, by Resolution No. 16-96AA, the Planning Board approved a modification to the site plan as shown on plans prepared by Rohde, Soyka & Andrews, dated October 16, 2006, subject to the conditions that the applicant comply with the conditions and requirements set forth in the conditionally approved site plan resolution dated October 15, 2003 (Resolution No. 16-96F) and that the Town Attorney approve of any and all legal agreements and/or documents relating to the water line and the DCWWA; and

WHEREAS, pursuant to Section 108-9.6(a) of the Code in existence in 2008, "a site plan shall be void and the building permit, if any, shall be revoked if substantial construction is not started within one year and completed within two years of the resolution of the Planning Board approval of the site plan with or without conditions;" and

WHEREAS, on October 15, 2008, the Planning Board granted the applicant a 2-year extension of the time within which the applicant must commence substantial construction to and including November 7, 2010, and the time in which to complete construction to and including November 7, 2011; and

WHEREAS, the Zoning Administrator and the applicant agree that substantial construction on the project, including construction of the roads and infrastructure, has begun; and

WHEREAS, in 2009, Section 108-9.6 of the Zoning Law was amended to require completion of construction within two years of the signing of the site plan by the authorized officer of the Planning Board; and

WHEREAS, on November 17, 2010, by Resolution 16-96DD, the Planning Board granted the applicant a one year-extension of time to complete construction to and including November 7, 2012 and approved minor modifications to the site plan to eliminate seven residential buildings; and

WHEREAS, on October 17, 2012, by Resolution 16-96EE, the Planning Board granted the applicant a two-year extension of time to complete construction to and including November 7, 2014 with conditions, including the requirement that any future request for an extension of time to complete the conditions of approval include recertification of the wetland's boundaries; and

WHEREAS, on January 7, 2015, by Resolution 16-96FF, the Planning Board granted the applicant a seven-month extension of time to complete construction to and including July 7, 2015 with conditions, including the requirement that any future request for an extension of time to complete the conditions of approval include recertification of the wetlands boundaries and repair and reinstallation of all Blanding's turtle mitigation measures; and

WHEREAS, on July 1, 2015, by Resolution 16-96FF, the Planning Board granted the applicant a twelve-month extension of time to complete construction to and including July 7, 2016 with conditions; and

WHEREAS, on May 4, 2016, by Resolution 16-96GG, the Planning Board granted the applicant a twelve-month extension of time to complete construction to and including July 7, 2017 with conditions; and

WHEREAS, on May 17, 2017, by Resolution 16-96GH, the Planning Board granted the applicant a twelve-month extension of time to complete construction to and including July 7, 2018 with conditions; and

WHEREAS, on June 6, 2018, by Resolution 16-96GI, the Planning Board granted the applicant a two-year extension of time to complete construction to and including July 7, 2020; and

WHEREAS, by letter dated June 29, 2020, Elbow Creek, LLC, the current owner of the Project, requested that the Planning Board grant a two-year extension of the time to complete construction of the project; 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;" and

WHEREAS, a duly noticed public hearing was opened on August 5, 2020 and closed on May 18, 2022, during which all those who wished to speak were heard; and

WHEREAS, pursuant to Section 108-9.6D of the Zoning Law, any previously approved site plan, including a conditionally approved site plan, shall have been completed by September 8, 2005 or subject to the requirements of the Zoning Law; and

WHEREAS, although the Board has found that substantial construction has been performed for purposes of initiating construction under the provisions of Section 108-9.6 of the Zoning Law, such construction does not necessarily rise to the level of construction needed to “vest” approvals; and

WHEREAS, there has been no construction activity at the Property for more than 11 years and stormwater reports have not been filed for the Property since 2018; and

WHEREAS, almost 15 years have passed since the Project was last reviewed by the Planning Board and circumstances in the environment, economy and community may have changed, warranting additional review; and

WHEREAS, by correspondence dated May 16, 2022, the Planning Board Engineer recommended that the performance guaranty for completion of the road be increased to \$2,251,500.00 to account for increased material and labor costs.

NOW THEREFORE BE IT RESOLVED that pursuant to Section 108-9.6(b) of the Code, the Planning Board hereby grants the applicant a final 29-month extension of the time in which the applicant must complete construction to and including December 7, 2022, subject to the following conditions, which must be satisfied within 60 days of this Resolution:

- 1. Payment of all fees and escrow.**
- 2. Posting of an updated performance guaranty in the amount of \$2,251,500.00 in form, substance and manner of execution acceptable to the Attorney to the Town.**
- 3. Posting of an inspection escrow for the Town Engineer in the amount of \$67,538.00.**

BE IT FURTHER RESOLVED that no further extensions shall be granted unless all approvals have been received, construction of the Project has recommenced and the Storm Water Pollution Prevention Plan has been updated with the DEC to reflect the change in ownership and site inspections occur in accordance with Department of Environmental Conservation regulations; and

BE IT FURTHER RESOLVED that:

1. If and when an agreement with Dutchess County Water and Wastewater Authority is reached relating to the water line, all legal agreements and/or documents created in connection with the agreement shall be submitted to the Town Attorney and Planning Board Attorney for approval; and

2. Before any disturbance on the Site, including any grading and tree removal, the applicant shall repair and reinstall all Blanding’s turtle mitigation measures; and

3. No building permit shall be issued until the applicant has submitted an updated SWPPP to the Town which is acceptable to the Planning Board Engineer and Stormwater Management Officer, and has applied for a local stormwater permit; and

4. No certificate of occupancy for the last completed structure on the Site shall be issued until an as-built survey has been submitted to the Zoning Administrator verifying the complete implementation of the site plan. Completion of all site plan elements must be in place and verified by an as-built survey prior to the Zoning Administrator authorizing issuance of the CO for each structure.

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.

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

Michael Dupree, Planning Board Chairperson

VOICE VOTE Aye- Absent- Nay- Motion Carried/Denied

TOWN OF HYDE PARK PLANNING BOARD
Hyde Park Town Center Suite 13
Town Code Section 108-9.4 C 1 and 2
Grid Number 6064-02-965956
SITE PLAN Waiver

Date: May 18, 2022
Resolution #: 2022-20

Moved By:
Seconded By:

Whereas, a request for a Site Plan Change in Tenancy of Suite 13 has been made to the Town of Hyde Park Planning Board by Kelly Libolt, representing the owner, Cosimo Town Center, LLC, on May 13, 2022, for a new business office as general commercial use into Suite 13, that had previously been approved with a special use permit and site plan approval for a medical/daycare use, now being voided in favor of commercial general, at 4240-4260 Albany Post Road, and

Whereas, no signage, exterior modifications or interior structural changes are proposed, but none the less the use and tenancy are changing, and

Whereas, the change of use is required to be authorized and recorded, and

Whereas, the Planning Board has reviewed the request for this change as submitted on May 13, 2022, and

Whereas, the change is not significant in nature and is in character with the neighborhood, and

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

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

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements as authorized by *Town Code Section 108-9.4 C 1 and 2* for the proposed changes as described in the request of May 13, 2022.

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

Michael Dupree
Planning Board Chairman

VOICE VOTE

Aye-

Absent-

Nay-

Motion Carried/Denied

TOWN OF HYDE PARK PLANNING BOARD
Samuel Moore and Dana Rosado
6064-08-861974
14 Crumwold Place
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: May 18, 2022
Resolution #: 2022-21

Moved By:
Seconded By:

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Samuel Moore and Dana Rosado, for installation of an above ground pool associated with a single-family home requiring a building permit, and,

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

Whereas, the applicant is proposing to construct an 18' x 33' above ground pool in the rear of the home, and

Whereas, the accessory structure meets the zoning code setback requirements, and

Whereas, the proposed changes are minor in nature, and

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

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

Whereas, if in the future a survey shows the location to infringe on required setbacks, a variance will be required for the pool to remain in that location, and

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

THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed changes as described in the building permit received by the Building Department May 4, 2022, and per the request to the Planning Board dated May 6, 2022.

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

Mr. Michael Dupree
Planning Board, Chairman

VOICE VOTE

Aye-

Absent-

Nay-

Motion Carried/Denied

DRAFT