



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

“Working with you for a better Hyde Park”

**DRAFT MINUTES OF THE JULY 6, 2022, 6:00 PM
REGULAR MEETING OF THE HYDE PARK PLANNING BOARD**

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

MEMBERS ABSENT: STEPHANIE WASSER

**OTHERS PRESENT: VICTORIA POLIDORO, PB CONSULTING ATTORNEY
PETER SETARO, PB CONSULTING ENGINEER
KATHLEEN MOSS, ZONING ADMINISTRATOR
CYNTHIA WITMAN, PB SECRETARY**

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Chairman Dupree: Good Evening everyone and welcome to the July 6th meeting of the Hyde Park Planning Board. Please take note of all the exits around the room in case of emergency and now please join us as we salute the American Flag.

The Chairman led the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

OTHER BUSINESS:

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

Extension of Site Plan Deadlines for Construction (#16-96)

Location: 1269 Route 9G

Grid #: 6165-01-340743

In Attendance:

Louis Kaufman, Onekey, LLC.

RESOLUTION TO GRANT A THIRTY-FIVE-MONTH EXTENSION OF TIME TO COMPLETE CONSTRUCTION

CARRIAGE TRAIL AT TOWNE CENTRE

Date: July 6, 2022

Resolution: #16-96GJ

Moved by: Chairman Dupree

Seconded by: Vice-Chair Dexter

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 after a change in the applicable zoning regulations; 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 the Planning Board Engineer has recommended that the performance guaranty for completion of the road be evaluated and increased at the time that construction activity will begin to account for increased material and labor costs.

NOW THEREFORE BE IT RESOLVED that pursuant to **Section 108-9.6(b)** of the **Town Code**, the **Planning Board** hereby grants the applicant a final 35-month extension of the time in which the applicant must complete construction to and including **June 7, 2023**, 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 inspection escrow for the Town Engineer in the amount of \$10,000.00.**

BE IT FURTHER RESOLVED that prior to any disturbance of the existing conditions at the Site, including but not limited to any grading and tree removal, the applicant shall:

- 1. Repair and reinstall all Blanding's turtle mitigation measures;**
- 2. Approval of an updated SWPPP by the Planning Board Engineer and Stormwater Management Officer;**
- 3. Obtain a local stormwater permit pursuant to Chapter 93 of the Town Code; and**
- 4. Post a performance guaranty in an amount recommended by the Planning Board in form, substance and manner of execution acceptable to the Attorney to the Town. Said performance guaranty shall be posted prior to, and as a condition precedent of, the SWPPP being accepted by the Town Engineer and Stormwater Management Officer**

BE IT FURTHER RESOLVED, that the Zoning Administrator shall not authorize the issuance of a building permit for any development on the Site until the above conditions are satisfied.

BE IT FURTHER RESOLVED, that

- 1. No further extensions shall be granted unless all approvals and permits have been received, renewed or are otherwise in effect, construction of the Project has recommenced and the Storm Water Pollution Prevention Plan has been updated with the Department of Environmental Conservation to reflect the change in ownership and site inspections occur in accordance with the DEC regulations;**

2. 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
3. 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.

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

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

There was a brief discuss confirming the dollar amount of \$10,000.00 for condition #2, as it was a last-minute amendment.

EL REY MEXICAN EATERY

Sign Permit Recommendation Wall Mounted (#2022-24)
 Location: 4285 Albany Post Road, Hyde Park, NY 12538
 Grid #: 6065-02-900008

In Attendance:

Kate Hinz-Shaffer, Riverwood Signs

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

**El Rey Mexican Eatery
 Wall Sign
 4285 Albany Post Road Parcel 6065-20-900008**

Date: July 6, 2022

Moved By: Mr. Guercio, Jr.

Resolution #: 2022-24

Seconded By: Vice-Chair Oliver

WHEREAS, a sign permit application was submitted to the Town of Hyde Park Zoning Administrator on June 10, 2022 and finalized on June 17, 2022, for El Rey Mexican Eatery, a copy of which is attached hereto, and

WHEREAS, the prior occupant was Jasper Café and before that, KT Sushi and no change in the number of seating or use is proposed, and

WHEREAS, the Zoning Administrator has reviewed the requested signage and has determined that the proposal is in conformance with Article 24 of the Code, and

WHEREAS, pursuant to Section 108-24.3 of the Code, applications for sign permits for signs that will be visible from Route 9 must be forwarded to the Planning Board for its recommendation; and

NOW THEREFORE BE IT RESOLVED that the Town of Hyde Park Planning Board, recommends approval of the sign permit for El Rey Mexican Eatery.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

LINENBROKER, DIANE

Site Plan Waiver Approval Porch & Deck (#2022-25)

Location: 20 Circle Drive, Hyde Park, NY 12538

Grid #: 6065-02-833517

TOWN OF HYDE PARK PLANNING BOARD

Diane Linenbroker

20 Circle Drive

Screened in porch and deck

6065-02-833517

SITE PLAN WAIVER

Town Code Section 108-9.4 C 2

July 6, 2022
Resolution#: 2022-25

Moved By: Mr. Waters
Seconded By: Ms. Weiser

Whereas, an application requesting a waiver of site plan has been made to the Town of Hyde Park Planning Board by Ms. Diane Linenbroker, on June 16, 2022 for property located at 20 Circle Drive in the Town of Hyde Park, and

Whereas, the application is to construct an 18' x 14' screened porch and 7'6" deck at the rear of the house, and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed change as described in the building permit received by the Building Department on June 10, 2022, and per the request to the Planning Board dated June 16, 2022.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

ENCLAVE AT HYDE PARK

Extension of Special Use Permit and Site Plan Approvals (#16-49)

Location: Cream Street at Long Branch Road

Grid#: 6263-01-475939 (1 of 30 grid #s available upon request)

In Attendance:

Ken Casamento, LRC Group

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To set a public hearing for The Enclave at Hyde Park Extension for July 20, 2022.

Aye Ms. Weiser

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

VOICE VOTE Aye6- Absent-1 Nay- 0 Motion Carried

CULINARY INSTITUTE OF AMERICA SIGNAGE

Sign Permit Recommendation Free-standing signs (#2022-15)
 Location: 1946 Campus Drive & 3745 Albany Post Road, Hyde Park, NY 12538
 Grid#: 6063-02-906630, -966578

In Attendance: *Paul Biechert, Timely Signs*

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

**The CIA North Entry Sign
 1946 Campus Drive, Hyde Park, NY 12538
 Free Standing Sign
 Parcel 6063-02-906630**

**Date: July 6, 2022
 Resolution #: 2022-15**

**Moved By: Ms. Weiser
 Seconded By: Mr. Waters**

WHEREAS, Paul Beichert; of Timely Signs, representing The Culinary Institute of America, on April 21 2022, submitted a sign permit application for the panel replacements on the free-standing sign near the north entrance to the campus. The sign change will incorporate their new branding image and slightly reduce the sign area; and

WHEREAS, the sign is designed to come into more conformance with the current signage requirements; and

WHEREAS, on June 22, 2022, the Zoning Board of Appeals has granted the necessary variances by Resolutions #22-10Z and #22-10ZA, now therefore

BE IT RESOLVED, that the Planning Board hereby recommends the Zoning Administrator issue the sign permit for the northerly entry sign to the CIA campus as submitted by Paul Beichert of Timely Signs, on April 21, 2022.

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

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

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

**The CIA South Entry Sign
3745 Albany Post Road, Hyde Park, NY 12538
Free Standing Sign
Parcel 6063-02-966578**

**Date: July 6, 2022
Resolution: 2022-15A**

**Moved By: Vice-Chair Oliver
Seconded By: Mr. Guercio, Jr.**

WHEREAS, Paul Beichert; of Timely Signs, representing The Culinary Institute of America, on April 21 2022, submitted a sign permit application for the panel replacements on the free-standing sign near the south entrance to the campus. The sign change will incorporate their new branding image and slightly reduce the sign area; and

WHEREAS, the sign is designed to come into more conformance with the current signage requirements; and

WHEREAS, on June 22, 2022, the Zoning Board of Appeals has granted the necessary variances by Resolutions #22-10Z and #22-10ZA, now therefore

BE IT RESOLVED, that the Planning Board hereby recommends the Zoning Administrator issue the sign permit for the Southern entry sign to the CIA campus as submitted by Paul Beichert of Timely Signs, on April 21, 2022.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

POLIZIANI, KENNETH

Site Plan Waiver Approval Rear Deck and windows (#2022-26)

Location: 12 Circle Drive, Hyde Park, NY 12538

Grid #: 6065-02-798506

TOWN OF HYDE PARK PLANNING BOARD

Kenneth Poliziani

12 Circle Drive

Rear deck enlargement and interior renovations

6065-02-798506

SITE PLAN WAIVER

Town Code Section 108-9.4 C 2

July 6, 2022

Resolution#: 2022-26

Moved By: Vice-Chair Dexter

Seconded By: Ms. Weiser

Whereas, an application requesting a waiver of site plan has been made to the Town of Hyde Park Planning Board by Mr. Kenneth Poliziani, on July 1, 2022 for property located at 12 Circle Drive in the Town of Hyde Park; and

Whereas, the application is to enlarge his rear deck to 12 x 24' and do interior renovations; and

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

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

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

NOW THEREFORE BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed change as described in the building permit received by the Building Department on June 27, 2022, and per the request to the Planning Board dated July 1, 2022.

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

VOICE VOTE

Aye-6 Absent-1 Nay-0

Motion Carried

PLANNING BOARD TRAFFIC CONSULTANT CONTRACT FOR REVIEW OF THE CIA HOTEL & VILLAS

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

To authorize the Chairman to sign the engagement contract with Hudson Valley Engineering Associates, PC to review the CIA Hotel & Villas Traffic Study.

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

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

ADJOURNMENT:

MOTION: Vice-Chair Dexter
SECOND: Ms. Weiser

To adjourn.

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

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