Historic Town of Hyde Park

Planning Board
4383 Albany Post Road
Hyde Park, NY  12538
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"Working with you for a better Hyde Park"

DRAFT MINUTES OF THE FEBRUARY 6, 2019
PUBLIC HEARING /REGULAR MEETING OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: ANNE DEXTER - VICE CHAIR
DIANE DI NAPOLI
CHRISTOPHER OLIVER
BRENT PICKETT
ANN WEISER
STEPHANIE WASSER

MEMBERS ABSENT: MICHAEL DUPREE, CHAIRMAN

OTHERS PRESENT: VICTORIA POLIDORO, PB CONSULTING ATTORNEY
LIZ AXELSON, PB CONSULTING PLANNER
CYNDIA WITMAN, PLANNING BOARD SECRETARY

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Vice-Chair Dexter: Welcome to the Town of Hyde Park Planning Board meeting for February 6, 2019. Please note the exits in case of emergency and please join me as we say the Pledge of Allegiance. Vice-Chair Dexter commenced the Pledge of Allegiance.
CONTINUED PUBLIC HEARING:

ENCLAVE SOLAR FARM
Site Plan & Special Use Permit Approval (#2018-30)
Location: Cream Street
Grid#: 6263-01-465957

In attendance: Nicole Patti, LRC Group
Palmer Moore, Nexamp

Vice-Chair Dexter: The first item on the agenda is a continued public hearing for the Enclave Solar Farm. They are looking for site plan approval and special use permit approval for a 2.6 Megawatt solar array on Cream Street. Can I have a motion to reopen the public hearing?

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

To re-open the public hearing for Enclave Solar Farm.

Absent: Mr. Dupree
Aye: Ms. DiNapoli
Aye: Ms. Dexter
Aye: Ms. Weiser
Aye: Mr. Oliver
Aye: Mr. Pickett
Aye: Ms. Wasser

VOICE VOTE 6-0 1-absent Motion Carried

Ms. Patti requested that two conditions of Site Plan and Special Use Permit approval become requirements of obtaining a building permit rather than requirements for Site Plan signature. Ms. Polidoro indicated that she would need to confer with the Building Inspector prior to making that change, which might be considered at another time. Ms. Patti also requested that some clarification be made regarding wetland perimeter fencing and “turtle fencing”. Alterations to the resolution were made at the dais.

There was no public comment.

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

To close the public hearing for Enclave Solar Farm.

Absent: Mr. Dupree
Aye: Ms. DiNapoli
Aye Ms. Dexter
Aye Ms. Weiser
Aye Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser

VOICE VOTE 6-0 1-absent Motion Carried

The Planning Board Members and Consultants reviewed Part 2 of the EAF and found only ‘small or no impacts’ involved.

RESOLUTION ADOPTING A DETERMINATION OF SIGNIFICANCE
Negative Declaration

Enclave Solar

Date: February 6, 2019 Moved By: Mr. Oliver
Resolution: #2018-30A Seconded By: Ms. DiNapoli

WHEREAS, the applicant, Cream Street Solar, LLC, has submitted an 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, solar farms are permitted in the Greenbelt Zoning District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form Part 1 (“EAF”) and additional information dated August 30, 2018, revised October 23, 2018; and

WHEREAS, the applicant has submitted the following documents, among others, to supplement its EAF:
1. An Agricultural Data Statement dated September 4, 2018; and
3. Correspondence with the New York State Office of Parks, Recreation, and Historic Preservation dated October 16, 2017, regarding the Project’s potential impact on archaeological and/or historic resources; and
4. A glare study entitled, “Enclave Glare Report,” submitted by Nexamp and LRC, received October 23, 2018; and
5. A habitat assessment entitled, “Bog Turtle Phase 1 Habitat Suitability Assessment,” prepared by Ecological Solutions, LLC, dated November 20, 2018; and
6. Correspondence with the New York State Department of Environmental Conservation dated June 13 and November 10, 2017; and

WHEREAS, on November 7, 2018, the Planning Board classified the Project as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency, to which no other agency has objected; and

WHEREAS, on November 7, 2018, Planning Board referred the application materials to the Dutchess County Department of Planning and Development for its review pursuant to section 239-m of the General Municipal Law, which responded on December 5, 2018, that it was a matter of local concern; and

WHEREAS, the Planning Board has reviewed Part 1 of the EAF provided by the applicant, Parts 2 and 3 of the EAF prepared by the Board’s consultants, and all available information concerning the potential impacts of the Project and finds that the Planning Board has sufficient information on which to base a determination of significance; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that for the reasons set forth in Parts 1, 2, and 3 of the EAF and the attached Notice of Determination of Significance, the Planning Board hereby adopts a negative declaration, finding that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.

BE IT FURTHER RESOLVED, that the Planning Board hereby directs the secretary to the Planning Board to send notice of the Determination of Significance to the Environmental Notice Bulletin for publication and to make all other required filings.

Mr. Dupree Absent
Ms. Dexter Aye
Ms. DiNapoli Aye
Voice Vote  6-0  1-absent Motion carried

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

Authorize the Chairman to make recommendations to the TB regarding the Enclave Solar Decommissioning Plan.

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

VOICE VOTE  6-0  1-absent Motion Carried

RESOLUTION GRANTING CONDITIONAL SITE PLAN AND SPECIAL USE PERMIT APPROVAL

Enclave Solar

Date: February 6, 2019  Moved By: Mr. Oliver
Resolution: #2018-30B  Seconded By: Ms. DiNapoli

WHEREAS, the applicant, Cream Street Solar, LLC, has submitted an 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, solar farms are permitted in the Greenbelt Zoning District subject to special use permit and site plan approval; and

WHEREAS, on November 7, 2018, the Planning Board classified the Project as a Type I action under the State Environmental Quality Review Act ("SEQRA") and declared its intent to serve as lead agency, to which no other agency has objected; and

WHEREAS, on November 7, 2018, Planning Board referred the application materials to the Dutchess County Department of Planning and Development for its review pursuant to section 239-m of the General Municipal Law, which responded on December 5, 2018, that it was a matter of local concern; and

WHEREAS, on February 6, 2019, the Planning Board determined that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and

WHEREAS, a duly noticed public hearing was opened on December 19, 2018, and closed on February 6, 2019, during which all those who wished to speak were heard.

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

1. The Project will comply with the applicable requirements of Articles 4 and 5 of the Zoning law and will be consistent with the principles of the Greenbelt District. Solar farms are an expressly permitted use within the District.

2. The Project will be consistent with the purposes of the Zoning Law.

3. The Project will not result in excessive off-premises noise, dust, odors, solid waste or glare or create any public or private nuisances. A natural wooded buffer will reduce the potential for glare. Once constructed, the Project will not create any noise, dust or odors.

4. The Project will not cause significant traffic congestion, impair pedestrian safety or overload existing roads. After construction the Project will generate very little traffic as there will be no employees at the Site.
5. The Project will be suitable for the proposed action considering the Property’s size, location, topography, vegetation, soils, natural habitat and its ability to be screened from neighboring properties and public roads. The Site is screened from the road and neighboring properties by a natural wooded buffer, which will be supplemented with additional plantings. The solar farm is a low-impact use which is consistent with neighboring uses.

6. The Project has been designed to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Site Plan and grants a special use permit for the Project as shown on the Site Plan, and authorizes the Chairperson or his authorized designee to sign the Site Plan after compliance with the following conditions:

1. Payment of all fees and escrow.

2. Proof of recordation with the Dutchess County Clerk of the revised emergency access easement for the relocated roadway along with metes and bounds descriptions, subject to approval in form and substance approved by the Planning Board’s Attorney and Engineer.

3. Revision of the Site Plan Sheet C-100 to include metes and bounds descriptions of the proposed emergency access easement and to label the proposed Town Stormwater Easements.

4. Proof of recordation with the Dutchess County Clerk of a stormwater easement and maintenance agreement in form and substance approved by the Planning Board’s Attorney and Town Attorney.

5. Revision of Site Plan Sheet C-103 to incorporate and blend spruce trees into the proposed eastern white pine buffer in the northwestern corner of the Property.

6. Revision of Decommissioning Plan Item 4 to read as follows: “#4. The planning board shall require the posting of a removal bond or enter into a Decommissioning Agreement in which the Town may, at its own expense, enter the property and remove or provide for the removal of the structures and equipment and/or the restoration of the site in accordance with the Decommissioning Plan. The Decommissioning Agreement would also provide the Town the right to recover all expenses incurred for such activities from the defaulting property owner and/or operator.”
7. Revision of the Decommissioning Plan notes on Site Plan Sheet C-107 as follows:

   a. After the 3rd note (3rd paragraph) about above and below ground equipment, add the following 2 notes:

      i. “4. The PV mounting system framework will be dismantled and the metal piles will be removed from their approximated depth of four feet and recycled.”

      ii. “5. Grade slabs will be broken and removed to a depth of one foot below grade, and clean concrete will be crushed and disposed of off-site or recycled, in no event shall the concrete be reused on site. The portion of the gravel access road created specifically for the project, namely that portion within the perimeter fence surrounding the PV modules, will be removed as well. For the reclamation of the areas beneath the concrete pad, the previously compacted ground will be tilled with a standard tiller or excavation equipment to mix 4” of topsoil into the compacted soil. The tiller should be able to till a depth of 12” below grade to decompact the soils beneath the pad areas. Once decompacted, the area shall be seeded with the seed mixture consistent with the approved plans.”

   b. Move the 1st note (1st paragraph), about the Property being restored to a natural condition, to become the second to last note on C-107, to precede the note stating “A final site walk ....”

   c. Renumber the notes on C-107 accordingly.

8. Revision of Site Plan Sheet C-106 to label the items in the plan view to correspond with the details and elevation view.

9. Revision of Site Plan Sheet C-106 to add a note below to illustration to read as follows: “The cabinets will be metal and either dark green or white.”

10. Revision of the warning signage details on Site Plan Sheet C-103 to include the manufacturer’s and installer’s identities, per § 130-8B.

11. Revision of the Site Plan to include the Property’s tax map identification (Section-block-lot).
12. The applicant shall provide the Zoning Administrator with evidence of approval by the New York State Department of Environmental Conservation of an Education and Encounter Plan for all contractors and workers.

13. Revision of the Site Plan Sheet C-100 to include the following note: “All work done on the Property must be done in accordance with a NYSDEC-approved Education and Encounter Plan and only after all workers or contractors on the Property have been educated on encounter procedures per the approved Education and Encounter Plan.”

14. Approval of a final Stormwater Pollution Prevention Plan, subject to approval by the Planning Board’s Consulting Engineer and the Town of Hyde Park Stormwater Management Officer.

15. Issuance of stormwater permit by the Zoning Administrator.

16. Approval by the Town Board of a removal bond pursuant to Town Code § 130-8(l)(4) or, alternatively, approval and execution by the Town Board of a decommissioning agreement with the applicant for the Project. Such removal bond or decommissioning agreement is to be based on disassembly, disposal, and site restoration costs only excluding salvage value.

17. Entry into a Payment In Lieu Of Taxes (PILOT) Agreement with the Town of Hyde Park pursuant to Chapter 100 of the Town Code.

18. Revision of site plan sheet C-107 to change the label for the pointer to the access inside the chain link security fence to read as follows: “15’ Wide NYSDEC Approved Gravel Access to be removed and stabilized”.

BE IT FURTHER RESOLVED, that 30 days prior to disturbance of the Site, the applicant shall reflag the federal wetland on the Property and install a “turtle fence” around its perimeter in accordance with DEC specifications for “turtle fencing”. The applicant’s consulting biologist shall provide the Zoning Administrator with certification that the fence has been properly installed.

Mr. Dupree Absent
Ms. Dexter Aye
Ms. DiNapoli Aye
Mr. Oliver Aye
Voice Vote 6-0 1-absent Motion Carried

OTHER BUSINESS:

BELLEFIELD HOTEL SUBDIVISION
Major Subdivision 3 lots (#2018-11)
Location: Albany Post Road
Grid#: 6163-01-131849

In attendance: Jennifer Van Tuyl, Cuddy & Feder

Vice-Chair Dexter reaffirmed with Ms. Axelson that the information required by Condition #13 is accessible elsewhere on the Final Plat. There were no additional comments.

RESOLUTION TO AMEND CONDITION 13 OF FINAL PLAT APPROVAL

Inn at Bellefield Subdivision

Date: February 6, 2019  Moved By: Mr. Pickett
Resolution: #2018-11C  Seconded By: Ms. Wasser

WHEREAS, on June 20, 2018, by Resolution # 2018-11A, the applicant, T-Rex Hyde Park Owner LLC, received conditional preliminary and final plat approval of a subdivision entitled “Map of Subdivision Lands of T-Rex Hyde Park Owner LLC,” prepared by Chazen Engineering, sheets SP-1, SP-2, and SP-3, dated April 23, 2018, and on sheet C100, dated June 30, 2017, last revised April 27, 2018 (the “Subdivision Plat”); and

WHEREAS, approval of the Subdivision Plat was conditioned on satisfying seventeen conditions prior to the plat being signed by the Planning Board Chairperson; and

WHEREAS, Condition 13 of Resolution # 2018-11A granting approval requires that the applicant:
Provide a worksheet to show that the proposed lot layout and any temporary or permanent easements would encompass the extent of development, including grading and limits of disturbance; and
WHEREAS, the applicant has requested that Condition 13 be deleted as the information has been provided to the Planning Board in a different format; and

WHEREAS, the Planning Board has considered the applicant’s request.

NOW THEREFORE BE IT RESOLVED, that Condition 13 in Resolution # 2018-11A is hereby amended to read as follows:


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

Voice Vote  6-0  6-Aye 1-Absent  Motion Carried

BUNDY AUTO SALES
Sign Permit Approval (#2019-01)
Location: 495 Violet Avenue, Poughkeepsie, NY 12601
Grid#: 6163-01-479647

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

Bundy Auto Sales
495 Violet Avenue
Free Standing Sign
Parcel 6163-01-479647

Date: February 6, 2019
Resolution #: 2019-01
Moved By: Ms. Weiser
Seconded By: Mr. Oliver

WHEREAS, Munther Nishiewat, on October 25, 2018, submitted sign permit application for the Bundy Auto Sales free standing sign, and was subsequently revised
and finalized by verbal indication on January 15, 2019, which completed the submittal of the sign permit application; and

WHEREAS, the sign is in complete compliance with the Site Plan and Sign Code, and an installation location was approved on the Matthews Auto Sales Site Plan; and

NOW THEREFORE BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for Bundy Auto Sales.

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

VOICE VOTE 6-0 1-absent Motion Carried

SERINO REALTY
Site Plan Waiver 2 Story Porch Repair (#2019-02)
Location: 4391 Albany Post Road
Grid#: 6065-16-102810

SITE PLAN WAIVER TOWN CODE SECTION 108-9.4 C 2

Sue Serino
Replacement covered second story porch
4391 Albany Post Road
6065-16-810281

Date: February 6, 2019 Moved By: Ms. Wasser
Resolution #:2019-02 Seconded By: Ms. DiNapoli

Whereas, a request for Waiver of Site Plan has been made to the Town of Hyde Park Planning Board by Sue Serino, on January 17, 2019 to construct a replacement second story covered porch on her mixed use building; and

Whereas, the replacement of this structure is necessary for safety reasons; and

Whereas, the historic character is being maintained; and

Whereas, the proposed change was declared a Type I1 action under SEQRA; 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 as requested.

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

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

DOMINO’S PIZZA
Sign Permit Approval-wall mounted sign (2019-05)
Location: 4272-4288 Albany Post Road
Grid#: 6065-04-933017

In Attendance: Nancy Forrest, Gloede Signs

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

Domino’s
4272 – 4288 Albany Post Road
Wall Sign
Parcel 6065-04-933017

Date: February 6, 2019  Moved By: Ms. DiNapoli
Resolution #: 2019-05  Seconded By: Mr. Oliver

WHEREAS, Nancy Forrest of GNS Group, on January 23, 2019, submitted sign permit application for the Domino’s wall sign on Building 4 of Hyde Park Town Center North, and was subsequently revised and finalized to show the defined halo surface which completed the submittal of the sign permit application; and
WHEREAS, the sign is the first of the backlit signs and is not in a framed beadboard area; and

WHEREAS, the applicant is required to follow the design unity established for this location, which was discussed at the November 7, 2018 Planning Board meeting; and

WHEREAS, the signage details are in accordance with the design unity established in the site plan approval process for the Hyde Park Town Center North, Grid No. 6065-04-933017, in the Town Center Historic District; and

WHEREAS, the sign location is over 125 feet from the primary access and the applicant has requested that the 10 inch standard letter height be relaxed to 15 inches for the domino symbol and to 11.2 inches in height for the lower case ‘I’ and the ‘o’ with apostrophe in the word Domino’s, and to 10.3 inches for the ‘D’; and

WHEREAS the remainder of the lower case letters are below the 10 inch maximum; and

WHEREAS, the letters and symbol are similarly sized in terms of letter height to the existing Verizon sign on the same building;

NOW THEREFORE BE IT RESOLVED, that the requested relaxation of the symbol size of the domino from 10 inches in any dimension to 15 inches tall and 15 inches wide is granted; and

BE IT FURTHER RESOLVED, the requested relaxation of the letter height from 10 inches to 11.2 inches for the lower case ‘I’ and the ‘o’ with apostrophe is granted; and

BE IT FURTHER RESOLVED, the requested relaxation of the letter height from 10 inches to 10.3 inches for the upper case ‘D’ be granted; and

BE IT FURTHER RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for Domino’s backlit wall sign.

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

VOICE VOTE 6-0 1-absent Motion Carried

DOMINO’S PIZZA
Sign Permit Approval-tenant panel signs (2019-06)
Location: 4272-4288 Albany Post Road
Grid#: 6065-04-933017

In Attendance: Nancy Forrest, Gloede Signs

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

Domino’s
4272 – 4288 Albany Post Road
One tenant panel on free standing sign Albany Post Road
One tenant panel on free standing sign along Pinewoods Road
Parcel 6065-04-933017

Date: February 6, 2019 Moved By: Ms. DiNapoli
Resolution #: 2019-06 Seconded By: Mr. Oliver

WHEREAS, Nancy Forrest of GNS Group, on January 23, 2019, submitted sign permit application for the Domino’s tenant panels on the two free standing signs associated with Hyde Park Town Center North; and

WHEREAS, the applicant is required to follow the design unity established for this location on the free standing signs of dark lettering/symbols on a white panel background; and

WHEREAS, the signage details are in accordance with the design unity established in the site plan approval process for the Hyde Park Town Center North, Grid No. 6065-04-933017, in the Town Center Historic District; and

NOW THEREFORE BE IT RESOLVED, the Planning Board hereby recommends the Zoning Administrator issue the sign permit for Domino’s free standing sign tenant panels.
Mr. Dupree Absent
Ms. Dexter Aye
Mr. Pickett Aye
Ms. Weiser Aye
Mr. Oliver Aye
Ms. Wasser Aye
Ms. DiNapoli Aye

VOICE VOTE 6-0 1-absent Motion Carried

MOTION: Ms. DiNapoli
SECOND: Ms. Wasser

To Approve the Minutes from the January 16, 2019 Meeting of the Hyde Park Planning Board.

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

VOICE VOTE 6-0 1-absent Motion Carried

MOTION: Ms. DiNapoli
SECOND: Ms. Weiser

To adjourn.

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

VOICE VOTE 6-0 1-Absent Motion Carried