



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 MARCH 15, 2023, 6:00 PM
PUBLIC HEARING/WORKSHOP/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD**

**MEMBERS PRESENT: MICHAEL DUPREE – CHAIRMAN
ANNE DEXTER - VICE CHAIR
CHRISTOPHER OLIVER – VICE CHAIR
JOHN GUERCIO, JR
DON VEITH
STEPHANIE WASSER
ROBERT WATERS**

**OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY
PETER SETARO, PB ENGINEER
BONNIE FRANSON, PB PLANNER
KATHLEEN MOSS, HP ZONING ADMINISTRATOR
CYNTHIA WITMAN, PB SECRETARY**

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PLEDGE OF ALLEGIANCE

Welcome new Board Member Don Veith!

CONTINUED PUBLIC HEARING:

BELLEFIELD PUD PHASE II FINAL DEVELOPMENT PLAN

Final Development Plan Approval (#2022-27)

Location: 15 West Dorsey Lane, Hyde Park, NY 12538

Grid#: 6163-01-131849

In Attendance:

Larry Boudreau, T-Rex Capital Group

Kelly Libolt, KARC

Jennifer Van Tuyl, Cuddy and Feder

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To re-open the public hearing for Bellefield PUD Phase II Final Development Plan.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

There was no public comment.

To close the public hearing for Bellefield PUD Phase II Final Development Plan.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

RESOLUTION TO GRANT CONDITIONAL FINAL DEVELOPMENT PLAN APPROVAL

Bellefield – Final Development Plan Phase 2

Date: March 15, 2023

Moved By: Chairman Dupree

Resolution#: 2023-27B

Seconded By:¹ Vice-Chair Oliver

WHEREAS, the applicant, T-Rex Hyde Park Owner LLC and its related entities (“Applicant”), on July 5, 2022, submitted an application to the Planning Board for Final Development Plan (“FDP”) approval for Phase 2 of the Bellefield Planned Unit Development, an approximately 40-acre area (“the Phase 2 FDP”) located in the southwest corner of the overall Bellefield Property [tax lot 6163-01-131849 (335.55 ac.)] (the “Property” or “Site”); and

WHEREAS, Phase 2 is proposed to be developed as a mixed-use residential community including a total of 24 buildings, consisting of 3 buildings containing a total of 12 townhome-style residences; 6 buildings containing 224 multifamily units over parking; 7 buildings containing 120 loft apartments over retail space, a clubhouse amenity over retail space, a sales office building, 2 retail/commercial buildings, an educational building, a two-level parking garage, and associated accessory buildings and site improvements, including maintenance buildings, barns, and surface parking, and will derive its primary access at the main signalized intersection on Route 9, located approximately 1350 feet north of the intersection with West Dorsey Lane, with secondary access on West Dorsey Lane; and

WHEREAS, the Phase 2 FDP is depicted on a site plan drawing set entitled “Site Development Plans for Bellefield Phase II,” prepared by Passero Associates, dated January 2023, and last revised on March 13, 2023, with supplemental sheets entitled “Parking Plan,” “Trails Map,” and “Preliminary Construction Phasing Plan,” (collectively “Site Civil Plan Set”) and the proposed buildings in the Project are depicted on a set of elevation drawings (38 pages) prepared by Liscum McCormack Van Voorhis (“LMV”), last revised on January 12, 2023 (collectively, “Architectural Drawings”), and the Site Civil Plan Set and the Architectural Drawings (collectively referred to as “the Phase 2 FDP Set”); and

WHEREAS, the Phase 2 FDP is part of the overall development of the Bellefield Property, which has been under review for many years by the Town of Hyde Park, which review has included the preparation of a full Environmental Impact Statement in 2005, resulting in the adoption of SEQR Findings by the Town Board of Hyde Park as Lead Agency on August 29, 2007, followed by approval of a Comprehensive Development Plan/Concept Plan for the Property on said date; the amendment of those SEQR Findings by the Town Board on June 13, 2017; the redesignation of Lead Agency resulting in the Planning Board’s undertaking the role of SEQR Lead Agency on October 18, 2017; the Application by T-Rex for Amended Concept Plan approval in 2021; the adoption of Amended SEQR Findings by the Planning Board as Lead Agency on December 8, 2021, which SEQR Findings were endorsed and adopted by the Town Board, as Involved Agency, as its own SEQR Findings on December 20, 2021 as a predicate to adopting an Amended Concept Development Plan for the Bellefield Project (“The 2021 Amended Concept Plan”); and

WHEREAS, the Planning Board, as SEQR Lead Agency, has reviewed the proposed Phase 2 FDP, with full familiarity with the past proceedings in this matter; and

¹ Approval requires majority-plus-one vote because of County Planning negative recommendation.

WHEREAS, the Planning Board opened a duly advertised and noticed public hearing on the Phase 2 FDP on November 16, 2022, and closed it on March 15, 2023, during which anyone who wished to speak was heard; and

WHEREAS, the Planning Board has referred the Phase 2 FDP to the Dutchess County Department of Planning and Development pursuant to General Municipal Law section 239-m, which responded on December 2, 2022, and recommended that the Planning Board not granted approval to the Phase 2 FDP unless the following changes were made: 1) Building connectors are removed in favor of standalone buildings as shown in the adopted Concept Plan; 2) Architecture throughout the village is modified to reflect the requirements and guidelines included in the Bellefield Design Guidelines; 3) Parking along the main street between buildings 700/800 and 900/1000 is re-oriented as parallel on-street parking, not angled, and the overall building-to-building width is reduced accordingly; 4) The parking structure is better screened from view, either via true liner buildings, improved landscaping, or other similar technique; and 5) Non-compliant building materials are replaced with compliant building materials; and

WHEREAS, the Planning Board has considered the County's comments and has worked with the Applicant to implement changes to the Phase 2 FDP; and

WHEREAS, throughout the review process, the plans have been further detailed and have incorporated, or will incorporate in the plans submitted for FDP signature, refinements and modifications as requested by Board members, consultants, and other commenters, for the purpose of improving the plan and assuring its consistency with the Town's codified standards of development, the approved Concept Plan, and the 2021 Amended Findings Statement; and

WHEREAS, on January 18, 2023, the Planning Board adopted a Resolution to Reaffirm a SEQRA Determination of Significance (Negative Declaration), which included an Appendix describing certain issues examined in detail as part of its SEQRA review; and

WHEREAS, on January 23, 2023, the Town Board approved an Open Development Area for Phase 2 of the Project, and also, after a public hearing, adopted Variations approving the proposed heights of Buildings 100 through 600 as shown on the Architectural Drawings; and

WHEREAS, the Planning Board has examined all materials submitted by the Applicant in connection with the proposed Phase 2 FDP, all public and agency comments, all comments by its consultants, and the entire record before the Board; and

WHEREAS, the New York State Town Law (section 274-a (4)) and the Town's Zoning Law give Planning Boards authority to impose conditions on approvals such as the subject FDP approval, which are directly related to and incidental to the proposed approval, and to specify the conditions that must be met in connection with the issuance of building permits and other related permits by applicable enforcement agents or officers of the Town; and

WHEREAS, the Planning Board has determined that it is appropriate to grant this conditional Phase 2 FDP approval, but to condition such approval as provided herein, including review and approval of a site plan for each construction phase as provided herein, which condition shall be a prerequisite to the issuance of building permits in any construction phase of FDP Phase 2; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby conditionally approves the Phase 2 FDP Set, dated March 13, 2023, and authorizes the Chair to sign a modified

signature block indicating such approval after compliance with the following conditions:

- 1. Payment of all fees and escrow, including \$22,000.00 fee to the Recreation Trust Fund which represents 44% of the total fee in proportion to the amount of residential proposed in Phase 2 FDP. (The balance will be due upon approval of the next phase of the FDP).**
- 2. Approval by the Planning Board of the Sign Design Manual, including, without limitation maximum dimensional standards for letters, symbols and sign area.**
- 3. Approval by the Town Stormwater Management Officer and Town Engineer of the Stormwater Pollution Prevention Plan for all of Phase 2 as shown on the FDP.**
- 4. Approval by the Planning Board of an overall utility plan for all of Phase 2 as shown on the FDP.**
- 5. Submission of a “Preliminary Construction Phasing Plan”, including tabular evidence that the “Preliminary Construction Phasing Plan” does not contain residential space which would exceed 67% of total floor space for the project for each construction phase. The floor space for the connector buildings shall be included in the tabulations.**
- 6. Revision of the FDP Phase 2 Set as follows:**
 - A. Notation added to the Final Development Plan that the Site shall provide ADA accessible routes pursuant to the applicable ADA Regulations.**
 - B. All sidewalks shall be a minimum of 5 ft. wide.**
 - C. Remove all notations referring to a “tax exempt” lot or a “tax exempt” use.**
 - D. Satisfy all technical comments relating to the Phase 2 FDP Set from the Planning Board Engineer, Planner and Zoning Administrator which will be set forth in written memoranda issued to the Planning Board on the 03.13.2023 FDP Set.**
 - E. Provide narrative with program details of recreational facilities, and open space linking completion with occupancy of identified buildings within a designated construction phase.**
 - F. Include notations regarding construction access on West Dorsey Lane.**
 - G. Inclusion of a new Cover Sheet and accurate numbering of all sheets, accurate scale, and inclusion of all overall sheets of the FDP including construction phasing plan, parking plan, recreation and trail plan, etc., as set forth in this resolution.**
 - H. Inclusion of a note on the Cover Sheet of the FDP Phase 2 Set that no building permits shall be issued for any building until the Planning Board has approved a site plan for its corresponding construction phasing plan. The Planning Board reserves the right to evaluate all components of development during site plan review approval for each construction phase.**

I. Revision of the terminus of Carriage Way to include a temporary turnaround compliant with the Town Road Standards, Appendix A111.

BE IT FURTHER RESOLVED, that subsequent to the satisfaction of conditions of FDP Phase 2 approval set forth in the first **BE IT RESOLVED** provision herein, each construction phase, as indicated on the “Preliminary Construction Phasing Plan” prepared by Passero Associates, dated January 13, 2023, last revised March 13, 2023, shall return to the Planning Board, with plans at the appropriate scale, for individual site plan approval (including but not limited to landscaping, lighting and architectural renderings) in accordance with the procedures in Article IX of the Town of Hyde Park Zoning Law.

BE IT FURTHER RESOLVED, that before the Zoning Administrator may authorize the issuance of a building permit for any building on any approved construction phase of the FDP Phase 2, the following conditions shall be met:

- 1. Proof of recordation with the Dutchess County Clerk of all required easements, including the Stormwater Easement and Maintenance Agreement relating to the subject phase.**
- 2. Site plan approval by the Planning Board of the corresponding construction phase, including satisfaction of all conditions of approval.**
- 3. Proof of filing of the subdivision for the corresponding construction phase with the Dutchess County Clerk, if applicable.**
- 4. Approval by Dutchess County Department of Behavioral and Community Health for methods of water supply and wastewater disposal for the corresponding construction phase.**
- 5. Approval of Dutchess County Water and Wastewater Authority of water supply infrastructure for the corresponding construction phase.**
- 6. For any construction phase of work that will use construction access over West Dorsey Lane, approval by the Town Board of a performance guaranty in an amount approved by the Town Engineer and Planning Board in form, substance and manner of execution acceptable to the Town Attorney to secure the obligation to complete so much of the work listed in the estimate included in the July 26, 2019, memorandum from Town Engineer Peter Setaro, as may be updated by the Town Engineer from time to time after ongoing inspections and after completion of each construction phase, to the extent such work is determined to be necessary by the Town Highway Superintendent and NYS Department of Transportation including a 2” compacted overlay, replacement of signal loops, sealing of existing cracks and other associated work listed in the estimate, on that portion of West Dorsey Lane between construction access and US Route 9 to the satisfaction of the Highway Superintendent and Department of Transportation, and posting of such bond. The Planning Board may approve the Bond amount at a regular meeting, as a regular item of business and no public hearing is required. The Town Engineer shall have the authority to reevaluate the amount of the bond every three (3) years. If the bond amount increases, any renewals thereafter shall be increased to the newly required amount.**

7. The base and/or binder course of the internal project private roads providing access to the proposed work shall have been installed pursuant to the applicable specifications approved by the Town Engineer and Town Board on January 23, 2023, to the satisfaction of the Town Engineer.
8. Approval by Fire District having jurisdiction over the construction phase of an emergency access plan.

BE IT FURTHER RESOLVED, that the following general conditions apply to the use of West Dorsey Lane for construction access (the “West Dorsey Construction Access” or “WDCA”):

1. There shall be no deliveries from the east and the Applicant shall advise all contractors, subcontractors, vendors and agents to approach the WDCA from Route 9.
2. The Applicant shall post and maintain a sign at the exit from the WDCA to West Dorsey Lane indicating NO left turn onto West Dorsey Lane eastbound from the construction entrance.
3. There shall be no further improvements to the WDCA, including the removal of vegetation, rock, earth, etc., unless authorized by the Highway Superintendent and Town Engineer to satisfy any safety concerns during construction.
4. The present authorization for use of the WDCA is limited to construction of FDP Phase 2, construction phase 2A, and use for construction of any future phases or sub-phases shall be considered as part of site plan review for such future phases or subphases by the Planning Board in consultation with the Highway Superintendent.
5. The Applicant and its contractors shall ensure that the entrance to West Dorsey Lane from the Site is kept clean and free of dirt and dust at all times.
6. The WDCA shall be closed each night at the conclusion of work with a gate with knock box emergency access facilitated for Fire and Emergency Services

BE IT FURTHER RESOLVED, that before the Zoning Administrator may issue a Certificate of Occupancy for any building in FDP Phase 2 as shown on the FDP, the following conditions have been satisfied:

If the Town Engineer and Highway Superintendent determine that repair work is needed to the area of West Dorsey Lane designated in the July 26, 2019 memorandum from Town Engineer Peter Setaro, as may be updated by the Town Engineer from time to time after ongoing inspections and after completion of each construction phase, to the extent such work is determined to be necessary by the Town Highway Superintendent and NYS Department of Transportation, including, if required, a 2” compacted overlay, replacement of signal loops, sealing of existing cracks and other associated work listed in the estimate, on that portion of West Dorsey Lane between the WDCA and US Route 9, to the satisfaction of the Highway Superintendent. In the event that the Highway Superintendent and Town Engineer determine that work is required, but completion of any portion of such work described is not then possible based on weather conditions, and the

Applicant has satisfied all other conditions of CO Issuance, the CO shall be issued based on the previously filed performance security for the work, and the Applicant shall complete such work as soon as possible in the following spring. The extended time for performance based on weather conditions shall not exceed six months from the issuance of the CO. The performance guaranty shall not be released until the Highway Superintendent and the Town Engineer have advised that the required work described herein has been satisfactorily completed.

BE IT FURTHER RESOLVED that the following General Conditions shall apply to all work performed pursuant to this FDP approval for Phase 2:

1. All construction and site work shall comply with the SWPPP and with the SPDES General Permit for Stormwater Discharges from Construction Activity and shall be properly maintained in compliance with all permits.
2. All construction and site work shall comply with the Noise Mitigation Plan dated December 22, 2017, as determined applicable by the Town Engineer.
3. Continued compliance with all requirements of the Zoning Law, the Approved Final Concept Plan and the Amended SEQRA Findings statement.
4. This FDP approval covers only Phase 2 of the Bellefield PUD as described in the FDP.

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

Voice Vote Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

BELLEFIELD PUD PHASE II SUBDIVISION

Major Subdivision Approval 8 lots (#2022-28)

Location: 15 West Dorsey Lane, Hyde Park, NY 12538

Grid#: 6163-01-131849

In Attendance:

*Larry Boudreau, T-Rex Capital Group
Kelly Libolt, KARC
Jennifer Van Tuyl, Cuddy and Feder*

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To re-open the public hearing for Bellefield PUD Phase II Subdivision.

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

VOICE VOTE **Aye-7 Absent-0 Abstain-0 Nay-0** **Motion Carried**

There was no public comment.

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

To adjourn the public hearing for Bellefield PUD Phase II Subdivision to April 19, 2023.

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

VOICE VOTE **Aye-7 Absent-0 Abstain-0 Nay-0** **Motion Carried**

MASKELL LOT-LINE ALTERATION

Minor Subdivision Approval 2 lots (#2022-58)

Location: 6 N. Cross Rd. & 5146 Albany Post Rd., Staatsburg, NY 12580

Grid #: 6167-03-182180, -093172

In Attendance:

Josh Maskell, Owner/Applicant
Patrick Miglio, Surveyor

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

To re-open the public hearing for Maskell Lot-line Alteration.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

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

There was no public comment.

To close the public hearing for Maskell Lot-line Alteration.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

RESOLUTION TO GRANT FINAL SUBDIVISION APPROVAL

Maskell Lot Line Alteration

Date: March 15, 2023

Moved By: Vice-Chair Dexter

Resolution #: 2022-58A

Seconded By: Mr. Guercio, Jr.

WHEREAS, the applicant, Joshua K. Maskell, has submitted an application to alter the lot lines between a 6.3 acre lot (6167-03-093172), a 12.4 acre lot (6167-03-182180) and an unbuilt portion of Hillcrest Terrace to create a new 8.528 acre parcel and a new 9.605 acre parcel located at 5146 Albany Post Road and 6 North Cross Road, the ("Property"), in the Neighborhood Zoning District (the "Project"); and

WHEREAS, the Project is depicted on plans entitled, "Final Lot Line Adjustment Map" prepared by the Patrick J. Miglio, last revised 03/05/2023 (the "Subdivision Plat"); and

WHEREAS, no new lots are proposed as part of the Project; and

WHEREAS, the Project involves the conveyance of a portion of a paper road, which may separately require approval from the Town Board including but not limited to road abandonment procedures and permissive referendum; and

WHEREAS, on February 13, 2023, the Planning Board classified the Project as an Unlisted action under the State Environmental Quality Review Act and declared its intent to serve as lead agency in a coordinated review, to which no other agency has objected; and

WHEREAS, on February 13, 2023, the Planning Board accepted the sketch plan and classified the Project as a Minor Subdivision pursuant to Section 96-4 of the Subdivision Law; and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the EAF and all available information concerning the potential impacts of the Project and found 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; and

WHEREAS, a duly noticed public hearing was opened on March 1, 2023 and closed on March 15, 2023, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that 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 grants final subdivision approval to the Subdivision Plat and authorizes the Chair or his authorized designee to sign the Subdivision Plat after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Dutchess County Department of Behavioral and Community Health permission to file.**
- 3. Approval by the Attorney to the Planning Board and Town Engineer of the following Deeds with legal descriptions, together with an undertaking from the applicant's attorney to record the Deeds after the Subdivision Plat is filed: 1) Deed from the owner of the Lot identified as 6167-03-182180 conveying 2.145 acres to the owner of the Lot identified as 6167-03-093172; 2) Deed from Town of Hyde Park to the owner of the Lot identified as 6167-03-**

093172 for 0.178 acres; 3) Merger Deed combining the 2.145 acres, 0.178 acres and 6.2 acres into a single lot.

4. Approval by the Attorney to the Planning Board, Town Attorney and Town Engineer of an easement in favor of the Town of Hyde Park as depicted on the Subdivision Plat, together with an undertaking from the applicant's attorney to record the easement after the Subdivision Plat is filed.
5. Approval by the Town Board of the Town of Hyde Park of the conveyance of 0.178 acres to Maskell.

BE IT FURTHER RESOLVED, that before the Zoning Administrator may authorize the issuance of a building permit for any structure on either lot shown on the Subdivision Plat, proof of recordation of the Deeds and easement with the Dutchess County Clerk shall be provided.

BE IT FURTHER RESOLVED, that before the Zoning Administrator may authorize the issuance of a building permit for any structure on the Lot identified as 6167-03-093172 as shown on the Subdivision Plat, the proposed turnaround in the easement area shall be installed by the lot owner to the satisfaction of the Town Highway Superintendent and Town Engineer.

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

Voice Vote Aye-7 Absent-0 Nay-0 Abstain-0 Motion Carried

Involved and Interested Agencies

Town of Hyde Park Town Board
Town of Hyde Park Highway Superintendent
NYS Department of Transportation (pursuant to § 96-13E)
Dutchess County Department of Public Works (pursuant to § 96-13E)
Roosevelt Fire District

WORKSHOP:

DS ELECTRIC OFFICE

Site Plan Amendment Exterior Modification Approval (#2023-09)

Location: 33 Brower Blvd., Hyde Park, NY 12538

Grid #s: 6165-03-364146, -379151

In Attendance:

*Dave Stewart, Stewart Holdings LLC, DS Electric
Paul Pilon, S & P Architects*

**RESOLUTION CLASSIFYING THE ACTION AND REFERRING THE PROJECT TO THE
DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

DS ELECTRIC

Date: March 15, 2023

Moved By: Ms. Wasser

Resolution: #2023-09

Seconded By: Mr. Waters

WHEREAS, the applicant, Stewart Holdings LLC, has submitted an application for site plan approval to establish a service business at property located at 33 Brower Boulevard, tax parcel no. 6165-03-364146 and -379151, in the East Park Business District (“EPBD”) (the “Project”); and

WHEREAS, the Project is depicted on a site plan entitled “Proposed Site Plan for DS Electric” prepared by S & P Architects, P.C., dated February 25, 2023, Sheets S-1, S-2 and S-3, Architectural Plans entitled, “Proposed Alterations for Dave Stewart” prepared by S & P Architects P.C. dated February 25, 2023, Sheet A1, and a lighting plan entitled, “Proposed Site Plan for DS Electric” prepared by S & P Architects P.C., dated February 25, 2023 (the “Site Plan Set”); and

WHEREAS, general commercial businesses are permitted in the EPBD with site plan approval; and

WHEREAS, the Project is located within 500 feet of CR 41 (E Market Street); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“SEAF”) dated February 24, 2023, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(9), the construction or expansion of a non-residential structure or facility involving less than 4,000 square feet of gross floor area, and 6 NYCRR § 617.5(c)(18), reuse of a residential or commercial structure, where the residential or commercial use is a permitted use in the district, and the action does not exceed any Type I thresholds, is a Type II SEQRA action.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby classifies the Project as a Type II action under SEQRA.

BE IT FURTHER RESOLVED that the Planning Board hereby refers to the Project to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

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

Voice Vote **Aye-7** **Absent-0** **Nay-0** **Abstain-0** **Motion Carried**

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

To set a public hearing for the DS Electric Office Site Plan for April 19, 2023.

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

VOICE VOTE **Aye-7** **Absent-0** **Abstain-0** **Nay-0** **Motion Carried**

VERIZON WIRELESS TOWER 9G

Site Plan & Special Use Permit Approvals Telecommunications (#2022-52)
Location: Route 9G at St Andrews Rd., Hyde Park, NY 12538
Grid #: 6164-03-494023

In Attendance:

Scott Olson, Young Sommer LLC
Nate Keenan, Tectonic Engineering

Mr. Olson gave a brief update on the application. Ms. Franson highlighted some of her comments from her review of their February 27, 2023 submittal. Ms. Polidoro issued a letter indicating that the application is still incomplete, citing several items

previously requested. The application has tentatively been scheduled to return for April 19, 2023.

OTHER BUSINESS:

KEY CONSTRUCTION OFFICE/STORAGE UNITS

Site Plan Amendment Approval Exterior Modification (#2020-30)

Location: 1234 Route 9G, Hyde Park, NY 12538

Grid #: 6165-04-524481

In Attendance:

Kelly Libolt, KARC

Amy Argyrakis, KARC

Chairman Dupree, being recused from this application, stepped down from the Dais and Alternate Victoria Kane joined the Board on the Dais. Vice-Chair Dexter stepped in as acting Chair.

**RESOLUTION TO GRANT SITE PLAN APPROVAL
1234 Route 9G – Key Construction**

Date: March 15, 2023

Moved By: Ms. Kane

Resolution: #2020-30D

Seconded By: Vice-Chair Oliver

WHEREAS, the applicant, JASA Properties, LLC (the “Applicant”), has submitted an application for approval of a site plan to construct self-storage and warehouse space on an existing 17.277-acre lot located at 1234 Route 9G (the “Property”). Associated improvements include but are not limited to stormwater facilities, on-site parking, individual well, septic system, landscaping, and lighting (the “Project”); and

WHEREAS, the Property is further identified on the Dutchess County Real Property tax maps as Tax Grid No. 133200-6165-04-524481-0000, which property is located in the East Park Business Zoning District (“EPBD”) as per the Town of Hyde Park zoning chapter; and

WHEREAS, on September 21, 2021, the Dutchess County Department of Planning and Development conducted its review in accordance with 239-m of the NYS General Municipal Law, and determined the matter is one of local concern. No further action is required; and

WHEREAS, the Applicant submitted a permit application to the NYS Department of Environmental Conservation on October 26, 2021, to encroach into the 100-foot adjacent area; and

WHEREAS, the Applicant submitted a permit application to the NYS Department of Transportation on December 9, 2021, for the proposed driveway improvements within the Route 9G state right-of-way; and

WHEREAS, on January 19, 2022, the Planning Board, pursuant to the regulations implementing the New York State Environmental Quality Review Act, issued a Determination of Non-significance, i.e., a Negative Declaration, finding that the project will not have a significant adverse impact on the environment; and

WHEREAS, on February 23, 2022, the Hyde Park Zoning Board of Appeals granted an area variance to increase the maximum permissible building scale square footage from 40,000 to 66,914 square feet, in order to construct the proposed commercial buildings;

WHEREAS, on March 3, 2022, the New York State Department of Environmental Conservation (NYSDEC) validated the on-site DEC-regulated wetlands, which validation expires on March 3, 2027; and

WHEREAS, a duly noticed public hearing on the Project was opened on November 3, 2021, and closed on March 2, 2022, during which time all individuals who wished to speak were heard. After the close of the public hearing, the public was afforded an additional seven (7) days to submit written comments, and none were received; and

WHEREAS, on March 16, 2022, the Planning Board granted site plan approval to the site plan, subject to conditions (Resolution 2020-30B). The Planning Board subsequently extended said approval in order for the applicant to meet the conditions of same, which approval was extended to March 11, 2023 (Resolution 2020-30C); and

WHEREAS, the applicant has subsequently amended the site plan to remove the proposed office building, and to replace same with a proposed climate controlled self-storage warehouse with accessory office space. Among other revisions, the amended site plan now has buildings and parking area with a total scale of 64,849 square feet; and

WHEREAS, the Project is depicted on a site plan submission set entitled "Site Plan Submission Set, Proposed Warehouse/Self Storage, Key Construction", prepared by LRC Group (and architectural elevations and floor plans prepared by Liscom McCormack VanVoorhis), dated June 1, 2021, and last revised February 15, 2023, which drawings are subject to revision based on any conditions which shall be met in accordance with this resolution, as follows:

Index No.	Name	Last Revision Date
Sheet 1 of 27	Cover Sheet	2/15/23
1 of 1	Boundary & Topographic Survey	2/9/22
OP-1	Overall Site Plan	2/15/23
SP-1	Site Plan	2/15/23
SP-2	Site Plan	2/15/23
SG-1	Site Grading/Drainage Plan	2/15/23
SG-2	Site Grading/Drainage Plan	2/15/23
UT-1	Utilities Plan	2/15/23

Index No.	Name	Last Revision Date
SDS-1	SDS Design Plan	2/15/23
WL-1	Buffer Impact Plan	2/15/23
EC-1	Erosion and Sedimentation Control Plan	2/15/23
EC-2	Erosion and Sedimentation Control Plan	2/15/23
LL-1	Landscape Plan	2/15/23
LL-2	Landscape Plan	2/15/23
LP-1	Lighting Plan	2/15/23
LP-2	Lighting Plan	2/15/23
PH-1	Phasing Plan	2/15/23
TM-1	Turtle Mitigation Plan	2/15/23
DN-1	Site/Details	2/15/23
DN-2	Sanitary Details	2/15/23
DN-3	Stormwater/Water Details	2/15/23
DN-4	Erosion Control Details	2/15/23
A101	First Floor Plan	2/8/23
A201	Exterior Elevations	2/15/23
A202	Commercial Storage Building #1 Elevations	2/15/23
A203	Commercial Storage Building #2 Elevations	2/15/23
A204	Residential Scale Storage Building Elevations	2/15/23

and;

WHEREAS, the Zoning Administrator, in a letter to the Planning Board dated January 30, 2023, recommended that the Board waive the public hearing requirement for the application, and the Planning Board has granted said waiver; and

WHEREAS, on February 22, 2023, the Hyde Park Zoning Board of Appeals held a public hearing and re-granted an area variance, by Resolution #21-21z-B, to increase the maximum permissible scale square from 40,000 to 66,941 square feet, in order to construct the proposed commercial buildings. The scale is within and below the approved scale variance; and

WHEREAS, on March 1, 2023, the Dutchess County Department of Planning and Development conducted its review in accordance with 239-m of the NYS General Municipal Law, and determined the matter is one of local concern. No further action is required.

NOW THEREFORE BE IT RESOLVED, that the Planning Board reaffirms the Negative Declaration issued for the proposed action, finding that the project will not have a significant adverse impact on the environment.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval to the Project 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. Final review of the site plan set by the Town Engineer and Zoning Administrator.
3. All LED lighting shall be a maximum of 3000 Kelvin.
4. Approval of the methods of water supply and wastewater disposal from Dutchess County Department of Behavioral and Community Health. The site plan shall be revised to comply with any conditions of said approval.
5. Issuance of a permit from the NYSDEC for encroachment into the 100-foot adjacent area. The site plan shall be revised to comply with any conditions of said approval.
6. Issuance of a permit from the NYSDOT for approval of the driveway entrance. The site plan shall be revised to comply with any conditions of said approval.
7. Approval of the revised Stormwater Pollution Prevention Plan, dated February 15, 2023, and issuance of a Stormwater Management Permit by the Town Engineer and Stormwater Management Officer.

BE IT FURTHER RESOLVED, that should the issuance of any permits set forth above necessitate revisions to the site plan set, the Zoning Administrator may refer the Site Plan back to the Planning Board for review and approval.

BE IT FURTHER RESOLVED, that prior to the Zoning Administrator authorizing issuance of a building permit, the applicant shall provide the Planning Board with a .pdf of the fully signed Site Plan Set.

Aye Vice-Chair Dexter
Aye Mr. Guercio, Jr.
Aye Ms. Kane
Aye Vice-Chair Oliver
Aye Mr. Veith
Aye Ms. Wasser
Aye Mr. Waters

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

HYDE PARK LANDINGS

Site Plan Waiver Approval Shed Addition (#2023-11)

Location: 6 Dock Street, Hyde Park, NY 12538

Grid #: 6065-04-548172

Chairman Dupree Returned to the Dais and Ms. Kane stepped down.

TOWN OF HYDE PARK PLANNING BOARD

**Hyde Park Landing
6 Dock Street
6065-04-548172
SITE PLAN Waiver
*Town Code Section 108-9.4 C 2***

**Date: March 15, 2023
Resolution #: 2023-11**

**Moved By: Mr. Waters
Seconded By: Mr. Veith**

***Whereas*, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Hyde Park Landing, Peter Andros, for the construction of a 13' x 22' addition to an existing shed, now considered an accessory structure, located on property at 6 Dock Street, and**

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

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

***Whereas*, the addition will be visible from the Hudson River east of the railroad tracks and the historic train station, and**

***Whereas*, the proposed addition will be clad to match the existing shed in earth tone siding, 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 for the proposed changes as described in the Building Permit Application dated February 20, 2023 and the request for a waiver of site plan received by the Planning Department on February 13, 2023.**

**Aye Chairman Dupree
Aye Vice Chair Dexter
Aye Mr. Guercio
Aye Vice Chair Oliver
Aye Mr. Veith
Aye Ms. Wasser
Aye Mr. Waters**

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

WHITMAN, MICHAEL & KATHRYN

Site Plan Waiver Approval deck with stairs and HVAC (#2023-12)

Location: 60 Old Post Road, Staatsburg, NY 12580

Grid #: 6167-03-021384

TOWN OF HYDE PARK PLANNING BOARD

Michael and Kathryn Whitman
60 Old Post Road
Rear deck, entry stairs and mini splits
6167-03-021384

SITE PLAN WAIVER
Town Code Section 108-9.4 C 2

Date: March 15, 2023

Resolution #: 2023-12

Moved By: Ms. Wasser

Seconded By: Vice-Chair Dexter

Whereas, an application requesting a waiver of site plan has been made to the Town of Hyde Park Planning Board by Michael and Kathryn Whitman, on March 2, 2023 for property located at 60 Old Post Road in the Town of Hyde Park, and

Whereas, the application is to remove the enclosed rear porch and add a 51'4" x 32'4" deck with stairs and mini splits to the house, and

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

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

Whereas, the proposed addition 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, 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 January 30, 2023, and per the request to the Planning Board dated March 2, 2023.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

SMYLE/SCHULTZ

Site Plan Waiver Approval rear deck & porch (#2023-13)
Location: 16 Scenic Drive, Hyde Park, NY 12538
Grid #: 6065-02-713991

In Attendance:

Ana Schutz, property owner

TOWN OF HYDE PARK PLANNING BOARD

Aaron Smyle

16 Scenic Drive

6065-02-713991

SITE PLAN Waiver

Town Code Section 108-9.4 C 2

Date: March 15, 2023

Resolution #: 2023-13

Moved By: Vice-Chair Dexter

Seconded By: Vice-Chair Oliver

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Aaron Smyle to construct a 22' x 15' screened porch and deck in the rear of his single-family home, and

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

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

Whereas, the construction will not be visible from the Hudson River, 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 for the proposed addition as described in the Building Permit Application

dated February 27, 2023 and the request for a waiver of site plan received by the Planning Department on March 8, 2023.

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

VOICE VOTE Aye-7 Absent-0 Abstain-0 Nay-0 Motion Carried

LYNFORD, JEFFREY

Site Plan Waiver Approval HVAC (#2023-08)
Location: 1 Landings View, Hyde Park, NY 12538
Grid #: 6065-04-571153

TOWN OF HYDE PARK PLANNING BOARD

Jeffrey Lynford

1 Landings View

6065-04-571153

SITE PLAN Waiver

Town Code Section 108-9.4 C 2

Date: March 15, 2023

Resolution #: 2023-08

Moved By: Mr. Veith

Seconded By: Mr. Guercio, Jr.

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Jeffrey Lynford for the installation of an AC unit in the attic and the replacement of condenser in the rear of the town house, and

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

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

Whereas, the application involves no structural change on an existing town house, and

Whereas, the condenser will not be visible from the Hudson River or the historic train station, 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 for the proposed changes as described in the Building Permit Application dated October 17, 2022 and the request for a waiver of site plan received by the Planning Department on February 16, 2023.

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

VOICE VOTE **Aye-7** **Absent-0** **Abstain-0** **Nay-0** **Motion Carried**

ADJOURNMENT :

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

To Adjourn.

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

VOICE VOTE **Aye-7** **Absent-0** **Abstain-0** **Nay-0** **Motion Carried**