MINUTES OF THE REGULAR MEETING AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, APRIL 22, 2019 AT 7:00 PM

PRESENT:

SUPERVISOR AILEEN ROHR
COUNCILMAN NEIL KRUPNICK
COUNCILMAN DAVID RAY
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA McGROGAN

ABSENT:

JOSEPH MARRINE

Supervisor Rohr called the meeting to order with the Pledge of Allegiance to the flag.

MOTION: Councilman Schneider
SECOND: Councilman Krupnick

RESOLVED, that the minutes of the April 8 & April 12, 2019 Town Board meeting as submitted by the Town Clerk, be approved.

VOICE VOTE: 4 - 0  CARRIED

MOTION: Councilman Schneider
SECOND: Councilman Ray

To add resolution 4:22 - 5 of 2019 to the agenda:

RESOLUTION SCHEDULING A PUBLIC HEARING ON LOCAL LAW NO. D OF THE YEAR 2019 ENACTING A SIX (6) MONTH MORATORIUM ON TELECOMMUNICATIONS TOWERS AND FACILITIES APPLICATIONS PURSUANT TO CHAPTER 101 OF THE TOWN CODE

VOICE VOTE: 4 - 0  CARRIED

MOTION: Councilman Schneider
SECOND: Councilman Ray

To add Resolution 4:22 - 6 of 2019 to the agenda:

TO APPROVE SUBMISSION OF A SECOND SHARED SERVICES APPLICATION TO DUTCHESS COUNTY FOR A MUNICIPAL INNOVATION GRANT FOR THE SECOND PHASE OF STREAMLINING THE LAND USE PROCESS.

VOICE VOTE: 4 - 0  CARRIED

PUBLIC COMMENT: none

The Town Board entered a workshop and discussed the following:

1) Comptroller's Update - cancelled

2) 2019 Municipal Innovation Grant for public safety applications software for the Town of Hyde Park Police Department.

RESOLUTION 4:22 - 1 OF 2019
RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPROVE THE APPLICATION SUBMISSION OF THE 2019 DUTCHESS COUNTY SHARED SERVICES MUNICIPAL INNOVATION GRANT (MIG) FOR A SOFTWARE PROGRAM FOR THE TOWN OF HYDE PARK POLICE DEPARTMENT

WHEREAS, the Town of Hyde Park Police Department currently uses IMPACT Software for their communication system within the police department; and

WHEREAS, IMPACT Software limits communication with other policing agencies, is duplicative and inefficient; and

WHEREAS, Dutchess County has presented to municipalities the opportunity to apply for a more cost-effective, up-to-date software through the 2019 Dutchess County Municipal Innovation Grant (MIG) Program; and

WHEREAS, the Town of Hyde Park Police Chief has met with the Town Supervisor and Comptroller's Office who are in agreement that the Town of Hyde Park should apply for the 2019 Dutchess County Innovation Grant (MIG); and

WHEREAS, the application for this grant must be submitted by May 3, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize the application for the 2019 Dutchess County Municipal Innovation Grant (MIG); and

BE IT FURTHER RESOLVED, that the Town Board also hereby authorizes the Town Supervisor to execute any and all documents in regards to the application of said grant.

MOTION: Councilman Krupnick
SECOND: Councilman Ray

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 4:22 - 2 OF 2019

RESOLUTION AUTHORIZING TOWN OF HYDE PARK JUSTICE CLERK TESA STOKES TO CARRY OVER ACCRUED VACATION TIME

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby authorize Tesa Stokes, Town of Hyde Park Justice Clerk to carry over up to 37.5 hours of accrued vacation time which she was unable to use prior to her anniversary date of April 17, 2019, and that said carry over vacation time must be used no later than October 17, 2019.

MOTION: Councilman Ray
SECOND: Councilman Krupnick

VOICE VOTE: 4 - 0 CARRIED

RESOLUTION 4:22 - 3 OF 2019

RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO CONSENT TO THE TOWN OF HYDE PARK PLANNING BOARD SERVING AS LEAD AGENCY FOR THE SEQRA REVIEW OF TWO PROJECTS, TO WIT: CREAM STREET SOLAR AND ATHANAS EAST SOLAR

WHEREAS, the Town Board has received two requests from the Planning Board in which the Planning Board has determined that it desires to serve as lead agency with regard to two projects, to wit: Cream Street Solar and the Athanas East Solar; and
WHEREAS, the Town Board does not have any objections to the Hyde Park Planning Board serving as lead agency for the SEQRA review for both projects.

NOW, THEREFORE, BE IT RESOLVED, that the Hyde Park Town Board does hereby authorize the Town Supervisor to consent to Planning Board serving as lead agency for the SEQRA review of the Cream Street Solar Project and the Athanas East Solar Project.

MOTION: Councilman Schneider  
SECOND: Councilman Ray  
VOICE VOTE: 4 - 0  CARRIED

RESOLUTION 4:22 - 4 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN SUPERVISOR TO AMEND THE CONTRACT WITH NELSON, POPE AND VOORHIS, LLC TO PROVIDE PLANNING AND ZONING CONSULTING SERVICES TO SUPPORT REDEVELOPMENT IN THE CORE PINEWOODS COMMERCIAL AREA OF ROUTE 9

WHEREAS, as part of the Hyde Park Downtown Initiative, the Town studied and sought public input on redevelopment opportunities along the Route 9 corridor around the intersection with Pinewoods Road; and

WHEREAS, by Resolution 5:7 - 1 of 2018, the Town authorized a contract with Nelson, Pope & Voorhis, LLC, Environmental, Planning and Consulting Professionals to produce a zoning update to support the desired redevelopment at an amount of $6,425; and

WHEREAS, the project entailed working with a team of town and county representatives to develop a new zoning district that would codify the vision developed through the NYSERDA-funded town center planning project; and

WHEREAS, in the course of the project, it became necessary to expand the scope to create design standards that would provide the necessary detail for prospective developers; and

WHEREAS, as a result, the budget for the project has increased.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the Town Supervisor to amend and execute the contract with Nelson, Pope & Voorhis to increase the contract to $16,907.50.

MOTION: Councilman Krupnick  
SECOND: Councilman Ray  
VOICE VOTE: 4 - 0  CARRIED

RESOLUTION 4:22 - 5 OF 2019

RESOLUTION SCHEDULING A PUBLIC HEARING ON LOCAL LAW NO. D OF THE YEAR 2019 ENACTING A SIX (6) MONTH MORATORIUM ON TELECOMMUNICATIONS TOWERS AND FACILITIES APPLICATIONS PURSUANT TO CHAPTER 101 OF THE TOWN CODE

WHEREAS, the Town Board has been advised that there are certain sections of Chapter 101 of the Town Code entitled: “Telecommunications Towers and Facilities” which are inconsistent and outdated and which are in need of revision and clarification, including, but not limited to, the fact that Chapter 101 provides that site plan approval for such facilities shall be granted by the Planning Board and special permit approval for such facilities shall be granted by the Zoning Board of Appeals; and
WHEREAS, the Town Board has determined that Chapter 101 of the Town Code is in immediate need of revision and has commenced the process to undertake the needed revisions and amendment to Chapter 101; and

WHEREAS, the Town Board has determined that a period of six (6) months is required for that process and, accordingly, that a moratorium should be enacted on such applications for a period of six (6) months to prevent telecommunications towers and facilities from being approved, or erected, which may be in violation of Chapter 101 as may be revised by the Town Board; and

WHEREAS, the Attorney to the Town has drafted a proposed moratorium law for a period of six (6) months on such applications and approvals of such facilities; and

WHEREAS, the Town Board has determined that such moratorium law is a Type II action exempt from SEQRA review; and

WHEREAS, the members of the Town Board have determined that the enactment of the moratorium is necessary to provide the necessary time for the Town to amend Chapter 101 to protect the visual resources, health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts Local Law No. D of the Year 2019 entitled: "Moratorium on Telecommunications Towers and Facilities" for purposes of commencing the local law adoption process; and be it further

RESOLVED, that the Town Board hereby schedules a public hearing on said Local Law on May 6, 2019 at 7:05 pm in the evening; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish notice of said Local Law, as required by law and to refer said Local Law to the Town Planning Board for its review and comment.

MOTION: Councilman Ray
SECOND: Councilman Krupnick
VOICE VOTE: 4 - 0 CARRIED

TOWN OF HYDE PARK
LOCAL LAW NO. D OF THE YEAR 2019
A LOCAL LAW ENACTING A SIX (6) MONTH MORATORIUM ON ALL TELECOMMUNICATIONS TOWERS AND FACILITIES IN THE TOWN OF HYDE PARK

BE IT ENACTED by the Town Board of the Town of Hyde Park as follows:

SECTION 1: LEGISLATIVE INTENT.

The Town Board has determined on advice and counsel of its Planning Board and Attorney to the Town that Chapter 101 of the Town Code entitled: "Telecommunications Towers and Facilities" which governs, among other things, applications for new telecommunications towers and facilities, and the co-location of those facilities is outdated and is in need of revision. Among other things, the current Chapter 101 of the Code provides for site plan approval for such facilities by the Planning Board and special permit approval for such facilities by the Zoning Board of Appeals. Since the date of enactment of Chapter 101, the Town's Zoning Code has been amended to provide that special permit applications are to be submitted to, and approved by, the Planning Board and not the Zoning Board of Appeals. In addition, there are provisions of Chapter 101 which are not consistent with subsequent amendments to the Town Code and the districts in which such facilities can be located need to be re-examined by the Town Board and possibly modified. The Town
Board, at its meeting on April 22, 2019, has commenced undertaking a study of the required amendments to Chapter 101 of the Code. The enactment of this Local Law is designed to protect the health, safety and welfare of the Town of Hyde Park residents and maintain the status quo to allow the Town to study and make the required amendments to Chapter 101 of the Town Code.

SECTION 2: MORATORIUM.

A. A moratorium is hereby imposed from the effective date of this Local Law for a period of six (6) months on all applications for erection, reconstruction, expansion, changing, repairing or structurally altering any telecommunications towers and for any applications for co-locations and the location of new communications towers and all other applications pursuant to Chapter 101 of the Town Code.

B. Neither the Planning Board nor the Zoning Board shall consider any applications for site plan review or special permit approval, including any such applications currently pending before the Planning Board and/or the Zoning Board for matters within the scope of this moratorium for the term of this moratorium.

C. No building permit shall be issued pursuant to the Town of Hyde Park Zoning Code for construction of any new, co-located or shared tower or telecommunications facilities or for any other matters within the scope of this moratorium for the term of moratorium.

SECTION 3: STATEMENT OF AUTHORITY.

This Local Law is authorized by the New York State Constitution, Article IX, §2; the provisions of the New York State Municipal Home Rule Law (MHRL); the provisions of the Statute of Local Governments; all relevant provisions of the Town Law of the State of New York; the laws of the Town of Hyde Park and the general police powers vested in the Town of Hyde Park to promote the health, safety and welfare and residents and property owners within the Town.

SECTION 4. SUPERSESSION OF TOWN LAW.

Pursuant to the authority granted in the Municipal Home Rule Law, §1(ii)(b)(3) and in accordance with §22(1) of the MHRL, this Local Law supersedes §§267-a, 267-b, 274-a, 274-b, 276, 277 and 278 of the New York State Town Law.

SECTION 5: HARDSHIP WAIVER.

A. The Town Board may waive the provisions of the moratorium upon the application of an owner of property on which a telecommunications tower would have been a permitted principal, special permit or accessory use in the absence of this moratorium, provided that the applicant can demonstrate and the Town Board finds, based upon competent evidence and taking into account the impact of the relief on the health, safety, welfare, open space, rural character, scenic viewsheds and natural resources of the Town: (i) the application of this moratorium to the applicant's property will constitute an unjust result and cause the applicant substantial economic hardship; (ii) the proposed use of the property will not harm the public health, safety and welfare; and (iii) the proposed use of the property is consistent with the Comprehensive Plan of the Town of Hyde Park and compatible with the existing land use in the immediate vicinity of the property. This application must comply with all other aspects of the Town of Hyde Park Code.

B. Upon submission of a written application to the Town Clerk by the property owner seeking a hardship waiver to this moratorium, the Town Board shall, within sixty (60) days of the receipt of such application, schedule a public hearing. Public notice of such hearing shall be given at least five (5) days prior to the date thereof in the official newspaper of the Town. At said public hearing, the property owner, and all other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall within thirty (30) days of the close of said public hearing render its decision either granting, with, or without, conditions, or denying the application.

SECTION 6. PENALTIES FOR VIOLATION.
In the event of a violation of this law, the penalties shall be those listed in the Town Code of the Town of Hyde Park for Zoning Code violations.

**SECTION 7. SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which shall be given effect without such part or parts.

**SECTION 8: EFFECTIVE DATE.**

This local law shall take effect immediately after its filing with the State Secretary of State as provided in §27 of the Municipal Home Rule Law.

**RESOLUTION 4:22 - 6 OF 2019**

BE IT RESOLVED, that the Town Board approves submission of a second shared services application to Dutchess County for a Municipal Innovation Grant for the second phase of streamlining the land use process.

MOTION: Councilman Schneider
SECOND: Councilman Krupnick

VOICE VOTE - 4-0 CARRIED

NEW AND OLD BUSINESS: Councilman Krupnick stated that both he and Town Clerk Donna McGrogan had tried using a Kindle reader and an ipad tablet instead of the traditional paper folder and contents during the meeting this night. His hope is to be able to reduce the waste of so much paper being consumed at their bi-monthly meetings.

MOTION: Councilman Schneider
SECOND: Councilman Krupnick

To adjourn meeting

VOICE VOTE 4 - 0 CARRIED

Meeting adjourned at 7:35pm

Respectfully submitted,

Donna McGrogan
Town Clerk