MINUTES OF THE REGULAR MEETING, PUBLIC HEARINGS AND WORKSHOP OF THE HYDE PARK TOWN BOARD, HELD AT TOWN HALL, 4383 ALBANY POST ROAD, HYDE PARK, NEW YORK, 12538, ON MONDAY, MAY 6, 2019 AT 7:00 PM

PRESENT:

SUPERVISOR ROHR
COUNCILMAN DAVID RAY
COUNCILMAN JOSEPH MARRINE
COUNCILMAN KENNETH SCHNEIDER
ATTORNEY TO THE TOWN WARREN S. REPLANSKY
TOWN CLERK DONNA MCGROGAN

ABSENT:

COUNCILMAN NEIL KRUPNICK

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

MOTION: Councilman Schneider
SECOND: Councilman Ray

That the minutes of the April 22, 2019 Town Board meeting, as submitted by the Town Clerk be approved.

VOICE VOTE: 4 - 0 CARRIED

PUBLIC COMMENT:

Julianne Goldsbury, Nichris Lane, Staatsburg, feels that 90% of Mills Cross Road is not drivable due to potholes and drainage issues. She has referred this to Howard Fisher, Highway Supervisor.

Joe Boice, Mills Cross Road, agrees and feels that Mills Cross Road is impassable.

John Finley, Chaucer Rd., said he has to drive slow on parts of Mills Cross Road and would like to see the potholes repaired.

Dave Meredith, stated that he occasionally drives on Mills Cross Road. It’s very winding and he feels it’s even more dangerous when avoiding potholes.

Supervisor Rohr closed public comment.

Howard Fisher, Highway Superintendent, explained his crew has been working non-stop on potholes since the blacktop plant opened for the season. Mills Cross Road is currently being worked on and will be completed as soon as possible. Unfortunately, due to lack of funding through taxes, Mills Cross Road will have to remain patched until roads previously scheduled for repaving are addressed.

Donna McGrogan, Town Clerk, read the Public Hearing Notice regarding proposed Local Law D of the 2019 Enacting a Six (6) Month Moratorium on Communication Towers and Facilities Applications Pursuant to Chapter 101 of the Town Code, as it appeared in the newspaper.

PUBLIC COMMENT: NONE

MOTION: Councilman Schneider
SECOND: Councilman Ray

To close the public hearing

VOICE VOTE: 4 - 0 CARRIED
Supervisor Rohr opened public comment on the continuation of the public hearing on proposed local law C of 2019 entitled “a Local Law Enacting Certain Amendments to Chapter 108, Zoning Code of the Town of Hyde Park, to create a New Zoning District Entitled Town Core, and Revise the Zoning Chapter to rename “Town Center Historic District” to “Corridor Business” Zoning District.

PUBLIC COMMENT:  NONE

MOTION: Councilman Ray
SECOND: Councilman Schneider

To continue public hearing to June 3, 2019.

VOICE VOTE:  4 - 0  CARRIED

The Town Board entered Workshop and discussed the following:

1) MS4 Permit Annual Report/Kathleen Moss, Zoning Administrator

RESOLUTION 5:6 - 1 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO SCHEDULE A PUBLIC HEARING ON THE 2018-2019 MS4 PERMIT ANNUAL REPORT

WHEREAS, the Town's Zoning Administrator, with the assistance of the Town's Consulting Engineer, have conducted an annual evaluation of the Town's progress in implementing the MS4 program and have prepared an annual report for public review and comment; and

WHEREAS, the annual report will have been posted on the Town's official website for at least thirty (30) days prior to the public hearing date; and

WHEREAS, the Town is required to conduct a public hearing on the report before submitting the same to the Department of Environmental Conservation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing on the MS4 2018-2019 Annual Report on May 20th, 2019 at 7:05 p.m.; and

BE IT FURTHER RESOLVED, that the Town Clerk shall post and publish the notice of the public hearing in the manner required by law.

MOTION: Councilman Ray
SECOND: Councilman Marrine

VOICE VOTE:  4 - 0  CARRIED

RESOLUTION 5:6 - 2 OF 2019

RESOLUTION APPROVING BUDGET REVISIONS TO THE TOWN OF HYDE PARK FOR THE PERIOD OF APRIL 2019 BUDGET REVISIONS NUMBER 2019-04

WHEREAS, the Town Comptroller recommends certain budget revisions based on various department requests and/or the Town Comptroller’s review and analysis of Expenditures versus Budget.
NOW, THEREFORE, BE IT RESOLVED, that the following itemized revisions be authorized and approved by the Town of Hyde Park Town Board for April 2019 identified as Budget Revisions Number 2019-04.

<table>
<thead>
<tr>
<th>REVISION NUMBER</th>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT TITLE &amp; EXPLANATION</th>
<th>INCREASE DOLLARS</th>
<th>DECREASE DOLLARS</th>
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<td></td>
<td>01.5032</td>
<td>Transfer In</td>
<td>5,250.00</td>
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### HIGHWAY FUND

#### #2019-04-12
- **01.8010.440** Zoning Software support 1,520.00
- **01.1990.400** Contingency Account 1,520.00

#### Transfer for Software Support

### HIGHWAY FUND

#### #2019-04-13
- **05.5110.421** Staff Cell Phone Expense 325.00
- **05.5110.450** General Other Expenses 325.00

#### Provide for Staff Cell Phones

#### #2019-04-14
- **05.5112.200** CHIPS Expense 1,185.00
- **05.5112.220** Pave NY 43,640.00
- **05.5112.230** Other Improvements 15,175.00

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT TITLE &amp; EXPLANATION</th>
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<th>DECREASE</th>
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<td>05.5112.230</td>
<td>Pave NY</td>
<td>43,640.00</td>
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<tr>
<td>05.5112.230</td>
<td>05.3501</td>
<td>Other Improvements</td>
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#### Revise final funding for 284 Agreement

### HIGHWAY FUND CONT’D

#### #2019-04-15
- **05.5130.160** Machinery Meal Allowance 105.00
- **05.5130.430** Machinery Tires Expense 105.00

#### Transfer for Meal Expense

#### #2019-04-16
- **05.5142.160** Snow Meal Allowance 840.00
- **05.5142.121** Snow Differential 840.00

#### Transfer for Meal Expense

### ROUTE 9 SIDEWALK PROJECT #1

#### #2019-04-18
- **55.5413.480** Other Expenses 3,459.00
- **55.5413.490** General Government Expenses 30,000.00
- **55.5413.500** Lighting Contract 33,459.00

#### Adjust Project for Contract Award

### Resolution 5:6 - 3 of 2019

**RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD AND TOWN OF HYDE PARK HIGHWAY SUPERINTENDENT TO EXECUTE AN AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONIES FOR GENERAL REPAIRS**

MOTION: Councilman Marrine
SECOND: Councilman Schneider

VOICE VOTE: 4 - 0 CARRIED
WHEREAS, the Superintendent of Highways and the Town Board of the Town of Hyde Park wish to enter into an agreement for the expenditure of Highway Funds for general repairs and maintenance of highways within the Town in accordance with the provisions of Highway Law §284; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from the State for State Aid for the repair and improvement of Highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways is a signatory to the agreement between the Superintendent of Highways and the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize that the monies levied and collected in the Town for repair and improvement of highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies for general repairs; and

BE IT FURTHER RESOLVED, that the members of the Hyde Park Town Board and the Town Highway Superintendent are hereby authorized to sign in duplicate the annexed Agreement for the Expenditure of Highway Monies for general repairs; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file one copy of the Agreement in the Office of the Town Clerk, and one signed copy in the Office of the Dutchess County Department of Public Works.

MOTION: Councilman Schneider
SECOND: Councilman Marrine
VOICE VOTE: 4 – 0 CARRIED

WHEREAS, the Superintendent of Highways and the Town Board of the Town of Hyde Park wish to enter into an agreement for the expenditure of Highway Funds for general repairs and maintenance of highways within the Town in accordance with the provisions of Highway Law §284; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Town Highway Superintendent and the Town Board agree that the monies levied and collected in the Town for repair and improvement of highways, and received from the State for State Aid for the repair and improvement of Highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies; and

WHEREAS, pursuant to the provisions of Highway Law §284, the Dutchess County Commissioner of Public Works in his capacity as County Superintendent of Highways is a signatory to the agreement between the Superintendent of Highways and the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize that the monies levied and collected in the Town for repair and improvement of highways, shall be expended in accordance with the annexed Agreement for the Expenditure of Highway Monies for general repairs; and

BE IT FURTHER RESOLVED, that the members of the Hyde Park Town Board and the Town Highway Superintendent are hereby authorized to sign in duplicate the annexed Agreement for the Expenditure of Highway Monies for general repairs; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file one copy of the Agreement in the Office of the Town Clerk, and one signed copy in the Office of the Dutchess County Department of Public Works.

MOTION: Councilman Schneider
SECOND: Councilman Marrine
VOICE VOTE: 4 – 0 CARRIED
<table>
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<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Paving</td>
<td>Rock Rd</td>
<td>$159,448.40</td>
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<tr>
<td></td>
<td>Grove St</td>
<td>$7,329.56</td>
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<tr>
<td></td>
<td>High St</td>
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<td></td>
<td>Highland St</td>
<td>$7,738.80</td>
<td>255'</td>
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<tr>
<td></td>
<td>Highland (cul-de-sac)</td>
<td>$6,720.00</td>
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<td></td>
<td>Linden Lane</td>
<td>$16,537.28</td>
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<td></td>
<td>Sherwood Place</td>
<td>$18,897.10</td>
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<td></td>
<td>Rossmere Court</td>
<td>$4,434.90</td>
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<tr>
<td></td>
<td>Cookingham Rd</td>
<td>$7,680.00</td>
<td>400'</td>
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**Paving subtotal:** $238,811.04

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<td>Drainage</td>
<td>Forest Dr</td>
<td>$2,187.38</td>
<td>140'</td>
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<td>Van Wagner Rd</td>
<td>$9,931.53</td>
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<tr>
<td></td>
<td>Cookingham Rd</td>
<td>$5,987.23</td>
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**Drainage subtotal:** $7,106.14

**Drainage & Paving total:** $245,917.18

**Contingency:** $5,000.00

**Total:** $250,917.18

Page 1 of 2
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<td><strong>Grand Total:</strong></td>
<td><strong>$250,000</strong></td>
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<tr>
<td>2019 Roads</td>
<td>Appr length x 2.5'</td>
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<tr>
<td>---------------------</td>
<td>--------------------</td>
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<tr>
<td>BECK ROAD</td>
<td>5,121.6' x 22'</td>
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<tr>
<td>GROVE STREET</td>
<td>360' x 13'</td>
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<td>HIGH STREET</td>
<td>420' x 19'</td>
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<tr>
<td>HIGHLAND STREET</td>
<td>250' x 13'</td>
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<tr>
<td>LINDEN LANE</td>
<td>80' x 12'</td>
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<td>SHERWOOD PLACE</td>
<td>577' x 20'</td>
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<td>ROSEDALE COURT</td>
<td>500' x 24'</td>
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<td>RED OAK ROAD</td>
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<td>FOREST DRIVE</td>
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<td>CORKRIMHERG ROAD</td>
<td>400' x 12'</td>
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<tr>
<td>VAN WAGNER RD</td>
<td>250' x 12'</td>
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Sources of Funding:

- CHIPS: $155,184.49
- PAVE NY: $43,693.81
- PLANET FITNESS BOND: $5,117.25

TOTAL: $250,000.00
RESOLUTION AUTHORIZING THE RELEASE OF A DRIVEWAY BOND FOR MID-HUDSON DEVELOPMENT CORPORATION FOR PROPERTY LOCATION: 20 POND VIEW COURT, LOT #3, NORRIE PARK ESTATES

WHEREAS, the Highway Superintendent accepted a check from Mid-Hudson Development Corporation for Property Location: 20 Pond View Court, Lot #3, Norrie Park Estates; and

WHEREAS, this check was deposited into a non-interest bearing account to be held until the applicant complied with the terms and conditions as set forth by the Highway Superintendent; and

WHEREAS, the Highway Superintendent has inspected this driveway and is satisfied that the applicant has met all terms.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby direct the Town Supervisor to issue a check in the amount of $1,000.00 for the above driveway location to Mid-Hudson Development Corporation, P.O. Box 636, Fishkill, NY 12524; and

BE IT FURTHER RESOLVED, that the Town will retain the $100.00 filing fee from the applicant for this driveway location.

MOTION: Councilman Ray
SECOND: Councilman Marrine

VOICE VOTE: 4 - 0 CARRIED

ORIGINAL RESOLUTION 5:6 – 5 OF 2019

RESOLUTION COMMENCING LOCAL LAW NO. E OF 2019 ENTITLED:
“A LOCAL LAW TO AMEND §104-1 PARKING OR STANDING RESTRICTED OF THE TOWN OF HYDE PARK TOWN CODE TO RESTRICT PARKING ON MAIN STREET IN THE TOWN OF HYDE PARK”

WHEREAS, the Town of Hyde Park Library has requested that a “No Parking” zone be created on the north and south sides of Main Street for a distance of 97 feet from Main Street’s intersection with New York State Route 9; and

WHEREAS, the Highway Superintendent and the Hyde Park Police Department have confirmed that creation of a “No Parking” zone in that manner is in the best interests of the public’s health, safety and welfare; and

WHEREAS, the Attorney to the Town has created an amendment to §104-1 of the Vehicle and Traffic Law to provide for one hour parking zones in these areas at all hours; and

WHEREAS, the Town Board has reviewed the proposed local law and has determined that the same is acceptable for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board has determined that this is a Type II action not subject to environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept proposed Local Law No. E of the Year 2019 entitled: “A Local Law to Amend §104-1 Parking or Standing Restricted of the Town of Hyde Park Town Code to Restrict Parking on Main Street in the Town of Hyde Park” for commencement of the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule a public hearing on said local law for May 20th, 2019 at 7:10 p.m. in the evening; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide notice of said public hearing as required by law.
TOWN OF HYDE PARK

LOCAL LAW NO. E OF THE YEAR 2019

A LOCAL LAW TO AMEND §104-1 PARKING OR STANDING
RESTRICTED OF THE TOWN OF HYDE PARK TOWN CODE TO
RESTRICT PARKING ON MAIN STREET IN THE TOWN OF HYDE PARK

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

SECTION 1:

Section 104-1 of the Hyde Park Town Code is hereby amended to add in proper alphabetical order:

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<th>Name of Street</th>
<th>Side</th>
<th>Hours</th>
<th>Location</th>
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<tbody>
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<td>Main Street</td>
<td>South</td>
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<td>From the intersection with New York State 9</td>
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<td></td>
<td></td>
<td>limit</td>
<td>for a distance of 97 feet</td>
</tr>
<tr>
<td>Main Street</td>
<td>North</td>
<td>1 hour</td>
<td>From the intersection with New York State 9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>limit</td>
<td>for a distance of 97 feet</td>
</tr>
</tbody>
</table>

SECTION 2:

The Highway Superintendent is hereby directed to post the requisite signs designating the “No Parking” zone in the manner required by the New York State DOT rules and regulations.

SECTION 3:    SEVERABILITY

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.

SECTION 4:    SUPERSESSION

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 5:    EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.
MOTION: Councilman Schneider
SECOND: Councilman Ray

To amend Resolution 5:6 – 5 of 2018 by adding “from 9:00am to 5:00pm Monday through Friday” in place of “at all hours” at the end of the third Whereas paragraph. The amendment to Local Law “E” of 2019 will be the addition of “9:00am to 5:00pm Monday through Friday” under the words “1 hour limit” in the Hours column of both South Main Street and North Main Street.

VOICE VOTE: 4 - 0  CARRIED TO AMEND

AS AMENDED
RESOLUTION 5:6 – 5 OF 2019

RESOLUTION COMMENCING LOCAL LAW NO. E OF 2019 ENTITLED:
“A LOCAL LAW TO AMEND §104-1 PARKING OR STANDING
RESTRICTED OF THE TOWN OF HYDE PARK TOWN CODE TO
RESTRICT PARKING ON MAIN STREET IN THE TOWN OF HYDE PARK”

WHEREAS, the Town of Hyde Park Library has requested that a “No Parking” zone be created on the north and south sides of Main Street for a distance of 97 feet from Main Street’s intersection with New York State Route 9; and

WHEREAS, the Highway Superintendent and the Hyde Park Police Department have confirmed that creation of a “No Parking” zone in that manner is in the best interests of the public’s health, safety and welfare; and

WHEREAS, the Attorney to the Town has created an amendment to §104-1 of the Vehicle and Traffic Law to provide for one hour parking zones in these areas from 9:00am to 5:00pm Monday through Friday; and

WHEREAS, the Town Board has reviewed the proposed local law and has determined that the same is acceptable for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board has determined that this is a Type II action not subject to environmental review.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept proposed Local Law No. E of the Year 2019 entitled: “A Local Law to Amend §104-1 Parking or Standing Restricted of the Town of Hyde Park Town Code to Restrict Parking on Main Street in the Town of Hyde Park” for commencement of the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board does hereby schedule a public hearing on said local law for May 20th, 2019 at 7:10 p.m. in the evening; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide notice of said public hearing as required by law.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

VOICE VOTE: 4 - 0  CARRIED AS AMENDED

AMENDED
TOWN OF HYDE PARK
LOCAL LAW NO. E OF THE YEAR 2019

A LOCAL LAW TO AMEND §104-1 PARKING OR STANDING
RESTRICTED OF THE TOWN OF HYDE PARK TOWN CODE TO
RESTRICT PARKING ON MAIN STREET IN THE TOWN OF HYDE PARK

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

SECTION 1:
Section 104-1 of the Hyde Park Town Code is hereby amended to add in proper alphabetical order:

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street</td>
<td>South</td>
<td>1 hour limit 9:00am to 5:00pm</td>
<td>From the intersection with New York State 9 for a distance of 97 feet</td>
</tr>
<tr>
<td></td>
<td>North</td>
<td>1 hour limit 9:00am to 5:00pm</td>
<td>From the intersection with New York State 9 for a distance of 97 feet</td>
</tr>
</tbody>
</table>

SECTION 2:

The Highway Superintendent is hereby directed to post the requisite signs designating the “No Parking” zone in the manner required by the New York State DOT rules and regulations.

SECTION 3: SEVERABILITY

In the event that any section, paragraph, sentence, clause or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.

SECTION 4: SUPERSESSION

This local law is hereby adopted pursuant to the provisions of RPTL §487, §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 5: EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESOLUTION 5:6 – 6 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO HAVE THE TOWN ENGINEER PROCEED WITH CONSTRUCTION ADMINISTRATION SERVICES FOR THE HYDE PARK ROUTE 9 PEDESTRIAN LIGHTING PROJECT

WHEREAS, the Town of Hyde Park has awarded a contract to Ray S. Pantel Inc. for the installation of pedestrian lighting from Hyde Park Antiques Center to Rodgers Place; and

WHEREAS, the project requires construction administration services including site inspections and coordination with NYSDOT; and

WHEREAS, the Town’s consulting engineer, CPL Engineering and Architecture has provided the Town with a proposal for Construction Administration Services in the
NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board hereby authorizes CPL Engineering and Architecture to proceed with the work outlined in the April 29, 2019 proposal for an amount not to exceed $11,360.

MOTION: Councilman Schneider
SECOND: Councilman Marrine

VOICE VOTE: 4 - 0    CARRIED

RESOLUTION 5:6 – 7 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO HAVE THE TOWN ENGINEER PROCEED WITH SURVEYING AND ENGINEERING SERVICES FOR THE STAATSBURG DRAINAGE PROJECT

WHEREAS, the Hamlet of Staatsburg has experienced flooding for many years resulting from storm water flowing into the hamlet from the Dinsmore Golf Course; and

WHEREAS, the Town Board has previously authorized spending up to $100,000 to alleviate the flooding in the hamlet of Staatsburg; and

WHEREAS, the Towns consulting engineer, CPL Engineering and Architecture has provided the Town with a proposal for Surveying, Engineering, Bidding, and Construction Administration Services dated April 29, 2019 in the amount of $10,500.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board hereby authorizes CPL Engineering and Architecture to proceed with the work outlined in the April 29, 2019 proposal for $10,500, with the understanding that the design work will not commence until all drainage easements have been secured.

MOTION: Councilman Ray
SECOND: Councilman Marrine

VOICE VOTE: 4 - 0    CARRIED

RESOLUTION 5:6 – 8 OF 2019

RESOLUTION ACKNOWLEDGING THE RESIGNATION OF TOWN OF HYDE PARK ACCOUNT CLERK LORI HICKS

WHEREAS, Town of Hyde Park Account Clerk, Lori Hicks has submitted a letter of resignation effective Tuesday, April 23, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Hyde Park does hereby acknowledge the resignation of Account Clerk, Lori Hicks and that the Hyde Park Town Supervisor and Town Board extend their appreciation and gratitude to Lori Hicks for her many years of dedicated service to the Town of Hyde Park.

MOTION: Councilman Marrine
SECOND: Councilman Schneider

VOICE VOTE: 4 - 0    CARRIED

RESOLUTION 5:6 – 9 OF 2019

RESOLUTION AUTHORIZING THE TOWN OF HYDE PARK TOWN BOARD TO APPOINT PART-TIME ACCOUNT CLERK HEIDI PETERS AS TEMPORARY ACCOUNT CLERK FOR THE TOWN OF HYDE PARK ADMINISTRATIVE OFFICE
WHEREAS, the Auditing firm of O'Connor Davies, L.L.P. has previously recommended to the Town Board the need for segregation of duties in the administration offices (including the processing of payroll and accounts payable); and

WHEREAS, due to a current vacancy, the Town Board deems it necessary to increase hours of current staff to perform these duties and keep up with the current workload.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize the temporary increase of hours for part-time account clerk Heidi Peters and appoint her as Temporary Account Clerk on an hourly basis at the rate of $20 per hour for up to 35 hours per week, effective May 8, 2019 for a time period not to exceed ninety days; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board does also hereby authorize the Hyde Park Town Supervisor to execute all necessary paperwork with the Dutchess County Department of Human Resources to establish the increase of hours for part-time Account Clerk Heidi Peters.

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

RESOLUTION 5:6 - 10 OF 2019

RESOLUTION ADOPTING 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; and

WHEREAS, the Town Board scheduled a public hearing on the adoption of this Local Law on May 6, 2019 at 7:05 p.m. and opened the said public hearing, and closed the public hearing on the same date; and
WHEREAS, the Town Board has determined that the adoption of this moratorium law would be in the best interest of the Town of Hyde Park and its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts 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 Clerk is hereby directed to file a copy of said Local Law with the Department of State as required by law and to provide a copy of said Local Law to the Town Planning Board, Zoning Board of Appeals, Zoning Administrator and Building Inspector.

MOTION: Councilman Marrine
SECONDE: Councilman Schneider

ROLL CALL VOTE BY TOWN CLERK

Councilman Krupnick AYE
Councilman Ray AYE
Councilman Marrine AYE
Councilman Schneider AYE
Supervisor Rohr AYE CARRIED

TOWN OF HYDE PARK

LOCAL LAW NO. 3 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 30 days.

**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 5:6 - 11 OF 2019
RESOLUTION AUTHORIZING TOWN OF HYDE PARK POLICE OFFICER BRANDON EWING TO ATTEND A FIVE DAY TRAINING SESSION CONDUCTED BY THE DUTCHESS COUNTY CRISIS INTERVENTION TEAM (CIT)

WHEREAS, the Chief of Police Robert Benson has requested approval for Police Officer Brandon Ewing to attend a five day training session conducted by the Dutchess County Crisis Intervention Team (CIT) from Monday, May 20th, to Friday, May 24th, 2019 at the Town of Poughkeepsie Police Department; and

WHEREAS, the Town Board deems it appropriate and beneficial for Police Officer Brandon Ewing to attend this training; and

WHEREAS, there will be no set fee associated with this training.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Town Board does hereby authorize Police Officer Brandon Ewing to attend the five day training session conducted by the Dutchess County Crisis Intervention Team (CIT) from Monday, May 20th, to Friday, May 24th, 2019 at the Town of Poughkeepsie Police Department; and

BE IT FURTHER RESOLVED, that the Town of Hyde Park Town Board also authorizes reimbursement for travel and necessary business expenditures deemed appropriate and reasonable.

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

RESOLUTION 5:6 – 12 OF 2019

RESOLUTION COMMENCING THE LOCAL LAW APPROVAL PROCESS AND SCHEDULING A PUBLIC HEARING ON LOCAL LAW NO. F OF THE YEAR 2019 ENACTING A SIX (6) MONTH MORATORIUM ON THE PROCESSING AND APPROVAL OF APPLICATIONS FOR SOLAR FARMS PURSUANT TO THE PROVISIONS OF CHAPTER 130 AND §130-8 OF THE TOWN CODE

WHEREAS, the Town Board has determined that the provisions of Chapter 130 and §130-8 of the Town Code which regulate the approval process for solar farms needs to be reviewed and possibly amended to provide for more detailed and rigorous standards for the siting and approval of such solar farms to mitigate the potential for adverse environmental impacts and impacts on surrounding neighborhoods of such facilities; and

WHEREAS, the Town Board has commenced the process to undertake the needed review and possible revisions and amendments to Chapter 130 and §130-8 of the Town Code; 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 solar farms and facilities from being approved, or erected, which may be in violation of Chapter 130 and §130-8 of the Code 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 130 and §130-8 of the Code 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. F of the Year 2019 entitled: “Moratorium on the Processing and Approval of Applications for Solar Farms pursuant to the provisions of Chapter 130 and §130-8 of the Town Code” 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 20, 2019 at 7:15 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 Marrine

VOICE VOTE: 4 - 0 CARRIED

TOWN OF HYDE PARK
LOCAL LAW NO. F OF THE YEAR 2019
A LOCAL LAW ENACTING A SIX (6) MONTH MORATORIUM ON THE PROCESSING AND APPROVAL OF APPLICATIONS FOR SOLAR FARMS PURSUANT TO THE PROVISIONS OF §130-8 OF THE TOWN CODE

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

SECTION 1: LEGISLATIVE INTENT

The Town Board, by Local Law No. 11 of 2016, adopted an amendment to the Town Code adding Chapter 130 entitled: “Solar Energy Systems and Facilities”. Chapter 130 of the Town Code regulates the permitting and approval process for rooftop, building mounted, free standing, and ground mounted solar collectors. In addition, §130-8 of the Code regulates the application and approval process for “Solar Farms”. Solar Farms are defined in Chapter 130 of the Code as an “energy generation facility or area of land principally used to convert solar energy to electricity whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies with the primary purpose of wholesale or retail sale of electricity.” Since the enactment of this provision of the Zoning Code, the Town has received several applications for approval of solar farms. The Planning Board has determined, and advised the Town Board, the provisions of §130-8 of the Town Code are in need of amendment to provide for more detailed and rigorous standards for the siting and approval of such solar farms, because in some cases, these facilities have the potential for adverse environmental impacts, and impacts on surrounding neighborhoods. The Town Board has determined that a six month moratorium on the processing of certain pending applications for solar farms and the processing and approval of new solar farms applications is necessary in order to give the Town Board the necessary time to study its existing solar law and determine what amendments to the law are necessary. The Town Board has already commenced this process through its legal counsel and it is anticipated that the process will not take longer than six (6) months, and may very well be completed before the six (6) month period. 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 §130-8 of the Town Code.

SECTION 2: MORATORIUM

D. A moratorium is hereby imposed from the effective date of this Local Law for a period of six (6) months on the processing and/or approval of all applications for erection, construction, reconstruction, expansion, changing, repairing or structurally altering any solar farm pursuant to Chapters 130 and 130-8 of the Town Code.
E. The Planning Board shall not 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.

F. No building permit shall be issued pursuant to the Town of Hyde Park Zoning Code for construction of any new solar farm facility or for any other matters within the scope of this moratorium for the term of this moratorium.

G. This moratorium shall not, however, apply to any pending application before the Town of Hyde Park Planning Board for approval of a solar farm at the time of the enactment of this Local Law for which a determination of significance has been made by the Planning Board, as lead agency, pursuant to the provisions of 6 NYCRR Part 617 (State Environmental Quality Review).

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

C. The Town Board may waive the provisions of the moratorium upon the application of an owner of property on which a solar farm 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.

D. 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.

MOTION: Councilman Schneider
SECOND: Councilman Ray

To adjourn meeting

VOICE VOTE: 4 - 0 CARRIED

Meeting Adjourned at 7:40 pm

Respectfully submitted,

Donna McGrogan
Town Clerk