DRAFT MINUTES OF THE MAY 15, 2019
PUBLIC HEARING/WORKSHOP/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT:  MICHAEL DUPREE, CHAIRMAN
ANNE DEXTER - VICE CHAIR
BRENT PICKETT
STEPHANIE WASSER
ANN WEISER

MEMBERS ABSENT:  DIANE DI NAPOLI
CHRISTOPHER OLIVER

OTHERS PRESENT:  VICTORIA POLIDORO, PB CONSULTING ATTORNEY
PETER SETARO, PB ENGINEERING CONSULTANT
LIZ AXELSON, PB CONSULTING PLANNER
CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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Chairman Dupree: Good Evening everyone and welcome to the May 15th meeting of the Hyde Park Planning Board. Please take note of exits around the room in case of mishap and now join me as we salute the American Flag. Chairman Dupree commenced the Pledge of Allegiance.

NEW PUBLIC HEARING:

JEFFREY GROVES ESTATES
1 Year Extension of all deadlines (#68-12)
Location: 19 & 31 North Cross Road
Grid#s: upon request

In Attendance: Louis Kaufman, One Key LLC

Mr. Kaufman updated the Board on his progress with regard to the conditions of approval.

MOTION: Vice-Chair Dexter
SECOND: Mr. Pickett

To open the public hearing for Jeffrey Groves Estates.

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absent Ms. DiNapoli
Absent Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

VOICE VOTE 5-0 2-Absent Motion Carried

There was no public comment.

MOTION: Vice-Chair Dexter
SECOND: Ms. Wasser

To close the public hearing for Jeffrey Groves Estates.

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absent Ms. DiNapoli
Absent Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser
RESOLUTION TO GRANT ONE YEAR EXTENSION OF ALL DEADLINES
JEFFREY GROVES ESTATES

Date: May 15, 2019
Moved by: Ms. Weiser
Resolution: #68-12G
Seconded by: Ms. Dexter

WHEREAS, on March 6, 2013, the Planning Board reapproved the applicant, North Cross, LLC’s final site plan approval for a townhouse development known as “Jeffrey Groves Estates” located on 25.17 acres in the Neighborhood District, then identified as tax map parcel nos. 6167-03-30194 and 6167-03-398168, as represented on the map set entitled “Jeffrey Groves Estates,” prepared by Fuss & O’Neill of New York, P.C., dated October 24, 2005, last revised August 3, 2007; and

WHEREAS, pursuant to Section 108-9.6(a), “An approved site plan shall be void and the building permits, if any, shall be revoked if substantial construction is not started within one year and the entire project or approved phase is not completed within two years of signing of the site plan or site plan amendment by an authorized officer of the Planning Board;” and

WHEREAS, pursuant to Section 108-9.6(b) “The Planning Board may, at its discretion, after conducting a public hearing, grant an extension to an approved site plan. The applicant shall submit a written request 30 days prior to the site plan date of expiration, requesting an extension for a specified time and the reason therefor;” and

WHEREAS, on May 4, 2016, by Resolution #68-12D, the Planning Board granted the applicant a twelve-month extension of time to commence construction, and the time in which to complete construction; and

WHEREAS, on May 3, 2017, by Resolution #68-12E, the Planning Board granted the applicant a twelve-month extension of time to commence construction, and the time in which to complete construction; and

WHEREAS, on June 6, 2018, by Resolution #68-12F, the Planning Board granted the applicant a twelve-month extension of time to commence construction, and the time in which to complete construction; and

WHEREAS, by letter dated April 22, 2019, the applicant submitted a written request for an extension of site plan approval; and
WHEREAS, a duly noticed public hearing was held on May 15, 2019 during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants a twelve-month extension pursuant to Section 108-9.6(b) of the Code, of the time in which the applicant must commence substantial construction to and including June 14, 2020 and the time in which to complete construction to and including June 14, 2021.

There will be no written or verbal notification from the Planning Board office to the applicant at such time as the extension expires. Any request for an extension of the deadlines set forth herein must be submitted to the Planning Board at least 30 days in advance of said dates.

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

VOICE VOTE  5-Aye  2-Absent  0-Nay  Motion Carried

OTHER BUSINESS:

JEFFREY GROVES ESTATES RE-SUBDIVISION
Major Re-Subdivision and Site Plan Approval (#2018-04)
Location:  39-41 North Cross Road
Grid#s:  upon request

In Attendance:  Louis Kaufman, One Key LLC

RESOLUTION GRANTING EXTENSION OF TIME TO COMPLETE CONDITIONS OF SUBDIVISION AND SITE PLAN APPROVALS

Jeffrey Groves Estates Resubdivision

Date:  May 15, 2019  Moved By:  Ms. Weiser
Resolution:  #2018-04E  Seconded By:  Ms. Dexter
WHEREAS, the applicant, North Cross, LLC, submitted applications for site plan and subdivision approvals to re-subdivide nine existing individual residential lots and two open space lots into twelve residential townhouse lots and two open space lots on North Cross Road (the “Project”), tax grid nos. 133200-6167-18-356197, -361162, -398188, -383173, -380159, 385145, -397167, 403149, -414150, -425174, -328190, in the Neighborhood District (the “Site”); and


WHEREAS, the subdivision is depicted on a plan set entitled “Jeffrey Grove [sic] Estates Subdivision” prepared by M. A. Day Engineering, PC, dated December 21, 2017, last revised November 20, 2018, sheets GI101, VP101, VP102, VP 501, VP502, VP503, VP504, VP505, VP506, VP507, VP508 and VP509, (the “Subdivision Plat”); and

WHEREAS, townhouses are a permitted use in the Neighborhood District subject to site plan approval by the Planning Board; and

WHEREAS, on May 16, 2007, the Planning Board granted site plan and subdivision approval to a previous iteration of the Project, a thirty-eight-lot townhouse and single-family residential development located on North Cross Road and represented on the map set entitled “Jeffrey Groves Estates,” prepared by Fuss & O’Neill of New York, P.C., dated October 24, 2005, last revised August 3, 2007 (the “Approved Project”); and

WHEREAS, the subdivision plat for the Approved Project was filed in the Office of the Dutchess County Clerk on May 22, 2008 as Filed Map No.12164; and

WHEREAS, on November 2, 2005, the Planning Board, serving as lead agency in a coordinated review of the Approved Project, adopted a determination of non-significance, finding that the Approved Project as proposed would not result in any adverse impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, on April 18, 2018, the Planning Board reaffirmed its prior determination of significance, a negative declaration, finding that the Project would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

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WHEREAS, the Site Plan was referred to the Dutchess County Department of Planning and Development, which responded on May 9, 2018, that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing on the preliminary subdivision plat was opened on May 16, 2018 and closed on June 20, 2018, during which all those who wished to speak were heard; and

WHEREAS, on June 20, 2018, the Planning Board granted conditional preliminary plat approval; and

WHEREAS, the Planning Board did not schedule a public hearing on the final plat as it was substantially similar to the preliminary plat; and

WHEREAS, a duly noticed public hearing on the Site Plan was opened on May 16, 2018, and closed on December 5, 2018, during which all those who wished to speak were heard; and

WHEREAS, thereafter, on December 5, 2018, the Planning Board conditionally approved the final Subdivision Plat and Site Plan for the Project by Resolution Nos. 2018-04C and 2018-04D; and

WHEREAS, pursuant to Subdivision Law § 96-14(B)(9), conditional approval of a final plat shall expire 180 days after the date of the resolution granting conditional approval, but the Planning Board may extend the time in which a conditionally approved final plat must be submitted for signature if, in its opinion, such intention is warranted by the particular circumstances thereof for not to exceed two additional periods of 90 days each; and

WHEREAS, pursuant to Zoning Law § 108-9.3(E)(4)(c), conditional approval of a final site plan shall expire 180 days after the date of the resolution granting conditional approval, but the Planning Board may extend the time in which a conditionally approved site plan must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, for not to exceed two additional periods of 90 days each; and

WHEREAS, the conditions of site plan and final plat approval must be satisfied by June 3, 2019; and

WHEREAS, no such extensions have previously been granted; and

WHEREAS, by letter dated April 22, 2019, the applicant submitted a written request for extensions of conditional final plat and site plan approval; and

WHEREAS, the Planning Board has considered the circumstances warranting such extensions.
NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant its first 90-day extension of time to satisfy all conditions of conditional final plat approval to and including September 3, 2019.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants the applicant its first 90-day extension of time to satisfy all conditions of conditional site plan approval, to and including September 3, 2019.

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

VOICE VOTE 5-Aye 2-Absent 0-Nay Motion Carried

WORKSHOP:

ATHANAS EAST SOLAR FARM
Site Plan & Special Use Permit Approval Solar Farm (#2018-12)
Location: 1436 Route 9G
Grid#: 6165-02-770880

In attendance: Dawn Dana, La Bella Associates

The Chairman gave a brief overview of the proposal and Ms. Dana expanded upon the revisions provided in their latest submission, which included a narrative on traffic impacts, buried utility wires and a proposed supplemented seed mix.

The Chairman confirmed with the Board members that they had reviewed the Draft Full Environmental Assessment Form Part II and found no significant adverse impacts on the environment.

RESOLUTION ADOPTING A DETERMINATION OF SIGNIFICANCE Negative Declaration

Athanas East Solar Farm
WHEREAS, the applicant, NY Solar 1000, on behalf of owner Thomas Athanas, has submitted an application for site plan and special use permit approval to develop a 2.6-megawatt solar farm on property located at 1436 Route 9G (the "Project"), identified as tax parcel no. 6165-02-770880, in the Greenbelt Zoning District (the "Site"); and

WHEREAS, the Project is depicted on a site plan entitled “Athanas East Photovoltaic Plan,” sheets C-001, C-101, C-201, C-202, C-301, C-401, C-501, C-502, C-601, C-602, prepared by LaBella PC, dated November, 2018, last revised May 3, 2019 (the “Site Plan”); and

WHEREAS, solar farms are permitted in the Greenbelt Zoning District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form Part 1 and narrative (“EAF”) last revised May 10, 2019; and

WHEREAS, the applicant has submitted the following documents, among others, to supplement its EAF:

1. A Blanding’s turtle encounter brochure;
2. A Wetland Delineation Map;
3. US Fish and Wildlife Service letter dated March 16, 2018;
4. NYSDEC Natural Heritage Program letter dated March 16, 2018;
5. US Department of the Interior letter dated March 17, 2018;
6. Threatened and Endangered Species Habitat Suitability Assessment Report, prepare by Michael Nowicki, Ecological Solutions, LLC, dated March 22, 2018;
7. US Fish and Wildlife Service letter dated November 7, 2018;
8. Phase 1 Archeological Survey dated January 10, 2019;
9. NYS OPRPH letter dated January 15, 2019;
10. Pre-Construction Notification to Army Corps of Engineers dated January 22, 2019;
11. An Agricultural Data Statement received March 19, 2019;
12. A narrative on likely traffic impacts which concluded they would be minimal after construction; and

WHEREAS, on April 3, 2019, the Planning Board classified the Project as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency, to which no other agency has objected; and
WHEREAS, on April 3, 2019, the Planning Board referred the application materials to the Dutchess County Department of Planning and Development for its review pursuant to section 239-m of the General Municipal Law, which responded on May 2, 2019, that the Planning Board should rely upon its own study of the facts in the case along with comments; and

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

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

NOW THEREFORE BE IT RESOLVED, that for the reasons set forth in the EAF and supplemental materials, the Planning Board hereby adopts a negative declaration, finding that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.

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

Aye  Chairman Dupree
Aye  Vice-Chair Dexter
Absent  Ms. DiNapoli
Absent  Mr. Oliver
Aye  Mr. Pickett
Aye  Ms. Wasser
Aye  Ms. Weiser

VOICE VOTE  5-Aye  2-Absent  0-Nay  Motion Carried

CREAM STREET SOLAR FARM
Site Plan & Special Use Permit Approval Solar Farm (#2018-28)
Location: 129 & 133 Cream Street
Grid#s: 6264-01-473668, -465747

In attendance:  Dawn Dana, La Bella Associates

The Chairman confirmed with the Board members that they had reviewed the Draft Full Environmental Assessment Form Part II and found no significant adverse impacts on the environment.
RESOLUTION ADOPTING A DETERMINATION OF SIGNIFICANCE
Negative Declaration

Cream Street Solar Farm

Date: May 15, 2019
Moved By: Mr. Pickett
Resolution: #2018-28A
Seconded By: Vice-Chair Dexter

WHEREAS, the applicant, NY Solar 1000 LLC, on behalf of owners Equine129, LLC and Cattle133, LLC, has submitted an application for site plan and special use permit approval to develop a 4.9-megawatt solar farm on two properties located at 129 and 133 Cream Street (the “Project”), identified as tax parcel no. 6264-01-465747 and -473668, respectively, in the Greenbelt Zoning District (the “Site”); and

WHEREAS, the Project is depicted on a site plan entitled “129/133 Cream Street,” sheets C-001, C-101, C-201, C-202, C-301, C-401, C-402, C-501, C-502, C-601, C-602, prepared by LaBella PC, dated November, 2018, last revised May 8, 2019 (the “Site Plan”); and

WHEREAS, solar farms are permitted in the Greenbelt Zoning District subject to special use permit and site plan approval; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form Part 1 and narrative (“EAF”) last revised May 10, 2019; and

WHEREAS, the applicant has submitted the following documents, among others, to supplement its EAF:

13. Wetland Delineation Map;
14. NYSDEC Natural Heritage Program letter dated March 19, 2018;
15. US Department of the Interior letter dated March 22, 2018;
16. Threatened and Endangered Species Habitat Suitability Assessment Report, prepare by Michael Nowicki, Ecological Solutions, LLC, dated March 22, 2018; and
17. US Fish and Wildlife Service letter dated March 5, 2019;
18. An Agricultural Data Statement received March 19, 2019; and

WHEREAS, on April 3, 2019, the Planning Board classified the Project as a Type I action under the State Environmental Quality Review Act (“SEQRA”) and declared its intent to serve as lead agency, to which no other agency has objected; and
WHEREAS, on April 3, 2019, Planning Board referred the application materials to the Dutchess County Department of Planning and Development for its review pursuant to section 239-m of the General Municipal Law, which responded on May 2, 2019, that the Planning Board should rely upon its own study of the facts in the case along with comments; and

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

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

NOW THEREFORE BE IT RESOLVED, that for the reasons set forth in the EAF and supplemental materials, the Planning Board hereby adopts a negative declaration, finding that the Project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.

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

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absnt Ms. DiNapoli
Absnt Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

VOICE VOTE 5-Aye 2-Absnt 0-Nay Motion Carried

PLT STORAGE YARD RECONSTRUCTION
Site Plan Amendment and Special Use Permit Approval (#2019-19)
501-503 Salt Point Turnpike, Poughkeepsie, NY 12601
Grid#: 6263-03-221319, -260384

In Attendance: Joe Berger, Berger Engineering and Surveying
Michelle Zerfas, Berger Engineering and Surveying
The applicants and their consultants gave an overview of their proposal.

HUDSON VALLEY HOSPICE
Site Plan & Special Use Permit Approval (#2019-10)
Location: 374 Violet Avenue
Grid#: 6163-04-600353

In Attendance: Joe Berger, Berger Engineering and Surveying
Michelle Zerfas, Berger Engineering and Surveying
Michael Kaminski, Hudson Valley Hospice
Chuck Lischum, Lischum, McCormack, VanVoorhis LLP

Alternate Planning Board Member Robert Waters joined the other Board Members on the Dais for this application. Mr. Oliver who is recused from this application was absent this evening.

The applicant’s consultants and architect presented their revised proposal to the Board. The Board responded with some site plan and architectural suggestions and improvements to consider.

OTHER BUSINESS:

MOTION: Vice-Chair Dexter
SECOND: Ms. Weiser

To authorize the Chairman to send his reviewed comments to the Town Board regarding the proposed Local Law C for the Town Core Rezoning.

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absent Ms. DiNapoli
Absent Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

VOICE VOTE 5-0 2-absent Motion Carried

MOTION: Vice-Chair Dexter
SECOND: Ms. Weiser
To support the Town Board’s adoption of the proposed 6 month moratorium on Solar Farm Applications known as Local Law F of 2019.

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absent Ms. DiNapoli
Absent Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

VOICE VOTE 5-0 2-absent Motion Carried

MOTION: Ms. Wasser
SECOND: Vice-Chair Dexter

To adjourn.

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

VOICE VOTE 5-0 2-absent Motion Carried