Historic Town of Hyde Park

Planning Board
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111, Ext. 2, (845) 229-0349 Fax
“Working with you for a better Hyde Park”

DRAFT MINUTES OF THE JUNE 19, 2019
PUBLIC HEARING/WORKSHOP/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT:  MICHAEL DUPREE, CHAIRMAN
                   ANNE DEXTER - VICE CHAIR
                   DIANE DI NAPOLI
                   CHRISTOPHER OLIVER
                   BRENT PICKETT
                   STEPHANIE WASSER
                   ROBERT WATERS-ALTERNATE
                   ANN WEISER

OTHERS PRESENT:  VICTORIA POLIDORO, PB CONSULTING ATTORNEY
                  CYNTHIA WITMAN, PLANNING BOARD SECRETARY

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Chairman Dupree: Good Evening ladies and gentlemen and welcome to the June 19th meeting of the Hyde Park Planning Board. Please take note of all the exits around the room and join me as we salute the American Flag. Chairman Dupree commenced the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

NEW PUBLIC HEARING:

CIRE OF DUTCHESS aka LANDS of CIRE
Extension of time to Commence and Complete Construction (#58-08)
Location: 4185 Albany Post Road
Grid#: 6064-02-941754

MOTION: Ms. Wasser
SECOND: Mr. Oliver

To open the public hearing for Cire of Dutchess.

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

VOICE VOTE  7-0  Motion Carried

Chairman Dupree: The applicants are seeking an extension of time to commence and complete construction. This is located at 4185 Albany Post Road and this is the lot that has been partially cleared, with Stormwater tanks installed underground. The Applicant has indicated that he would like an extension of time to complete construction because they had a tenant initially...the review was delayed by DEC wanting to redo the stream through the site, so they lost that tenant and keep looking for another one.

There was no public comment, nor additional comment from the Board or Consultants.

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

To close the public hearing for Cire of Dutchess.

Aye   Chairman Dupree
Aye   Vice-Chair Dexter
Aye   Ms. DiNapoli
VOICE VOTE 7-0 Motion Carried

RESOLUTION TO GRANT ADDITIONAL TWO YEAR EXTENSION OF THE TIME TO COMMENCE AND COMPLETE CONSTRUCTION OF A SITE PLAN

Lands of Cire

Date: June 19, 2019  Moved By: Ms. Weiser

Resolution: #58-08I  Seconded By: Vice-Chair Dexter

WHEREAS, on June 6, 2012, the Planning Board granted conditional amended site plan approval to Cire of Dutchess, LLC (the “applicant”) for the construction of a 22,800 sq. ft. commercial building and associated site improvements on a 2.68 acre project site located at 4185 Albany Post Road, identified as Tax Grid No. 6064-02-941754, in the Town Center Historic District (the “project”); and

WHEREAS, the project is depicted on a site plan entitled “Calmer Place Commercial Building”, prepared by Berger Engineering & Surveying, last revised April 6, 2012; and

WHEREAS, pursuant to Section 108-9.6(a), “a site plan shall be void and the building permit, if any, shall be revoked if substantial construction is not started within one year and the entire project or phase is not completed within two years of signing of the site plan;” 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 therefore”; and

WHEREAS, on October 1, 2014, the Planning Board granted the applicant a one year extension of the time in which the applicant must commence construction to and including September 17, 2015 and the time in which to complete construction to and including September 17, 2016; and

WHEREAS, on October 7, 2015, by Resolution #58-08F, the Planning Board granted the applicant an additional one-year extension of the time in which the applicant must commence construction to and including September
17, 2016, and the time in which to complete construction to and including September 17, 2017; and

WHEREAS, on December 21, 2016, by Resolution #58-08G, the Planning Board granted the applicant a nine month extension of time to commence construction to and including June 17, 2017, and the time in which to complete construction to and including June 17, 2018; and

WHEREAS, on September 16, 2017, by Resolution #58-08H, the Planning Board granted a two year extension pursuant to Section 108-9.6(a) of the Code, of the time in which the applicant must commence construction to and including June 17, 2019, and an extension of the time in which to complete construction to and including June 17, 2020.

WHEREAS, on May 13, 2019, the applicant timely requested an extension of time in which to complete construction; and

WHEREAS, a duly noticed public hearing was held on June 20, 2019 and closed on June 20, 2019 during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants a two year extension pursuant to Section 108-9.6(a) of the Code, of the time in which the applicant must commence construction to and including June 20, 2020, and an extension of the time in which to complete construction to and including June 17, 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 Chairman Dupree
Aye Vice-Chair Dexter
Aye Ms. DiNapoli
Aye Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

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

CONTINUED PUBLIC HEARING:

NICHOLS OXYGEN PROPERTY
Site Plan & Special Use Permit Approval (#2019-07)
Location: 1564 Route 9G
Grid#: 6166-04-882279
In Attendance  
Paul Tirums, PE  
Ray Nichols, Nichols Oxygen Service, Inc.

**MOTION:** Ms. DiNapoli  
**SECOND:** Mr. Oliver

To re-open the public hearing for Nichols Oxygen Property.

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

**VOICE VOTE**  7-0  Motion Carried

Mr. Tirums indicated that they will be closing the southern entrance to the property with concrete curbing. Ms. Polidoro indicated that they prepared a draft approval resolution conditioned on them working out the entryway with DOT. The Chairman added that the final change would be approved by the Zoning Administrator and the Town Engineer, including any necessary change to internal circulation.

There was no public comment.

**MOTION:** Ms. DiNapoli  
**SECOND:** Mr. Oliver

To close the public hearing for Nichols Oxygen Property.

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

**VOICE VOTE**  7-0  1-Absent  Motion Carried

RESOLUTION GRANTING CONDITIONAL SITE PLAN AND SPECIAL USE PERMIT APPROVAL

NICHOLS OXYGEN PROPERTY
WHEREAS, the applicant, Nichols Oxygen Service Inc., has submitted an application for site plan and special use permit approval to establish used car sales, auto repair, and equipment storage uses (the “Project”) at property located at 1564 Route 9G, tax parcel no. 6166-04-882279, in the Neighborhood Business District (the “Site”); and

WHEREAS, the Project is depicted on a site plan entitled “Amended Site Plan for Nichols Oxygen Service Inc. for New Auto Repair Business,” pages 1 and 2, prepared by Paul Tirums, P.E., dated February 11, 2019, last revised June 4, 2019 (the “Site Plan”); and

WHEREAS, general commercial uses are permitted in the Neighborhood Business District subject to site plan approval; and

WHEREAS, the Planning Board may issue a special use permit allowing an expansion of a nonconforming structure by up to 50% of its area in gross square feet; and

WHEREAS, the applicant is requesting approval to increase the nonconforming scale of the Site by 45%; and

WHEREAS, the applicant has proposed a new sign as shown on an elevation dated February 28, 2019 prepared by Ray Nichols (the “Sign”); and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated February 22, 2019 pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on March 6, 2019, pursuant to 6 NYCRR § 617.5c(18), the Planning Board classified the action as a Type II SEQRA action; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the project was referred to the Dutchess County Department of Planning and Development for a report and recommendation, which responded on March 28, 2019 that it was a matter of local concern and commented that the applicant should remove one curb-cut and modify on-site traffic circulation accordingly; and

WHEREAS, the Dutchess County Department of Behavioral and Community Health provided the Planning Board with a letter dated March 22, 2019, recommending that consideration be given to chemical use and disposal at the site and that detailed specifications will need to be submitted to the Department to determine if the onsite wastewater system is adequate for the expansion of a nonconforming structure; and
WHEREAS, by letter dated April 22, 2019, the Roosevelt Fire District advised the New York State Department of Transportation that the two-driveway layout easily allows a water tanker shuttle to be placed on the Site with a circular path to the two access points to Route 9G and that vehicle repair and service stations pose one of the highest risks to firefighters within the Roosevelt Fire District; and

WHEREAS, the New York State Department of Transportation provided the Planning Board with a letter dated May 1, 2019 stating that the Department requires that one curb cut be eliminated and that a single, non-mountable curb access with drainage facilities is required; and

WHEREAS, a duly noticed public hearing was opened on April 17, 2019 and closed on June 19, 2019, during which all those who wished to speak were heard.

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

1. The Project will comply with the applicable requirements of Articles 4 and 5 of the Zoning law and will be consistent with the principles of the Neighborhood Business District. The proposal utilizes spaces within and without the existing buildings that have been in commercial use and are screened by existing trees and natural features.

2. The Project will be consistent with the purposes of the Zoning Law. The proposed increase in scale is permitted by the Zoning law and expands the uses at the Site without significantly expanding the Site’s footprint or impact on neighboring properties.

3. The Project will not result in excessive off-premises noise, dust, odors, solid waste or glare or create any public or private nuisances. The proposed used car use does not generate significant noise, dust or glare.

4. The Project will not cause significant traffic congestion, impair pedestrian safety or overload existing roads.

5. The Project will be suitable for the proposed action considering the Property’s size, location, topography, vegetation, soils, natural habitat and its ability to be screened from neighboring properties and public roads. The Project does not include any new structures and only minor increases in impervious surfaces.

6. The Project has been designed to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town. The
Property is not bordered by any natural, historic or scenic resources. Neighboring uses are commercial and the Project is not inconsistent with the neighboring uses.

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

1. Payment of all fees and escrow.

2. Revision of the scale calculation to identify the increase as “45%” instead of “145%” and amend the note to state, “The increase in scale from existing to proposed is 45%” and delete everything after.

3. Revision of the Site Plan to show the existing Y-shaped entrance/exit consolidated into one curb cut as a single 2-way driveway, as approved by the NYS Department of Transportation. The pavement shall be removed from the closed driveway, ground scarified, soil added, area seeded with lawn mix and mulched, to the satisfaction of the Zoning Administrator and Town Engineer. Any revisions to the internal circulation plan necessitated by the consolidation shall be approved by the Zoning Administrator and Town Engineer.

4. Revision of the Site Plan to add a notation prohibiting fluids leaking or spilling from vehicles and requiring all vehicle repair to be performed inside of the garage building.

5. Revision of the Site Plan to add a note prohibiting the outside storage of parts or materials.

6. Revision of the Site Plan to add a note prohibiting the outdoor storage of unregistered vehicles that are not capable of passing inspection.

7. Revision of the Site Plan to move the pointer to buildings A1 - A3 to point only to building A1 and revise the label pointing only to building A1 to read “Existing Two Story Building” with no reference to any dimensions or square footage.

**BE IT FURTHER RESOLVED**, that the Planning Board recommends that the Zoning Administrator issue a sign permit for the Sign.

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

VOICE VOTE  7-0  Motion Carried

WORKSHOP:

SALT POINT SOLAR
Site Plan Modification Approval-Solar Farm (#2018-01)
Location:  525 Salt Point Turnpike, Poughkeepsie, NY 12601
 Grid#:  6263-03-305465

In attendance:  Annie McQuillan, Cypress Creek Renewables

Chairman Dupree:  The next item on the agenda is Salt Point Solar. The applicants were delayed in removing the trees they need to in order to install the silt fence to prevent the Bog Turtles from entering into the site. If you recall, what happened was that we had actually hired an environmental consultant from AKRF to do a peer review of their Indiana/Northern Long Eared Bats habitat study. Their study concluded that there would not be any issue with tree clearing at any time. Our consultant disagreed noting that Northern Long Eared Bats don't forage by going from a forest out into clear areas like Indiana Bats. They instead stay in the forest and feed in between the upper tree canopy and the shrub layer, so it’s his recommendation that as a part of our negative declaration that we include no tree clearing during the times of months that the Northern Long Eared Bats are there. Subsequent to that, when the government was closed, we were waiting on a sign off from US Fish and Wildlife Service. Well after approving the project, we received that and they agreed with the comment that there would not be any potential habitat for the Northern Long Eared Bat. Now that we’re into the time that they need to clear, they have asked us to use the USFWS conclusion because that is what started this all in the first place and we have agreed. We have a draft resolution in support of that.

Ms. Polidoro:  We had assumed the worst case scenario because we didn’t have an answer and now we have an answer and they want to move forward without that restriction.

RESOLUTION GRANTING AMENDED SITE PLAN APPROVAL

Salt Point Solar

Date:  June 19, 2019  Moved By:  Ms. DiNapoli
Resolution:  #2018-01D  Seconded By:  Mr. Oliver
WHEREAS, on September 5, 2018, by Resolution # 2018-01B, the Planning Board granted site plan and special use permit approval to the applicant, Salt Point Solar, LLC, to develop a 2-megawatt solar farm on a 41.44-acre property located at 525 Salt Point Turnpike, as depicted on a site plan entitled “Preliminary Design Drawings for Salt Point, LLC,” sheets C-100, C-150, C-200, C-300, C-301, C-400, C-500, C-501, C-502, C-600, and L-100, prepared by Rina Consulting and Spinella Engineering, PLLC, dated December 18, 2017, last revised August 13, 2018 (the “Approved Site Plan”); and

WHEREAS, on March 20, 2019, the Planning Board acknowledged the de minimis change to the Conditionally Approved Site Plan to include the installation of a the battery back-up; and

WHEREAS, the Approved Site Plan was signed by the Planning Board Chair on May 15, 2019; and

WHEREAS, the applicant has applied for amended site plan approval to eliminate the seasonal restrictions on tree clearing, based on a letter received from the US Fish and Wildlife Service received on September 4, 2018; and

WHEREAS, the amended site plan is shown on plans entitled, “Preliminary Design Drawings For Salt Point, LLC”, prepared by Spinella Engineering, PLLC, dated June 3, 2019, Sheets C-100, C-150, C-200,C-300, C-301, C-400, C-500, C-501, C-502, C-600 and L-100 (the “Amended Site Plan”); and

WHEREAS, the applicant is not proposing to amend its special use permit; and

WHEREAS, by letter dated June 10, 2019, the Zoning Administrator has recommended that the Planning Board waive the requirement for a public hearing on the Amended Site Plan pursuant to Section 108-9.4C(2) of the Zoning Law.

NOW THEREFORE BE IT RESOLVED, that the Planning Board waives the requirement for a public hearing upon the recommendation of the Zoning Administrator.

BE IT FURTHER RESOLVED, that the Planning Board hereby reaffirms its prior negative declaration adopted on September 5, 2018 and amends its Notice of Determination to exclude reference to the seasonal tree clearing restriction, as set forth in the attached revised Notice of Determination.

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Amended Site Plan and authorizes the Chair or his authorized designee to sign the Amended Site Plan after compliance with the following conditions:
1. Payment of all fees and escrow.

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

VOICE VOTE 7-0 Motion Carried

617.7
State Environmental Quality Review (SEQR)
Negative Declaration
Notice of Determination of Non-Significance

Date of Adoption: September 5, 2018, Amended June 19, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Hyde Park has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Salt Point Solar

SEQR Status: Type I ☑
Unlisted ☐

Conditioned Negative Declaration: YES ☐
NO ☑

Description of Action: The applicants propose to develop a 2-megawatt ground-mounted solar photovoltaic array system on property located at 525 Salt Point Turnpike, identified as tax parcel no. 6263-03-305465 (the “Site”).

Location: 525 Salt Point Turnpike, Town of Hyde Park, Dutchess County

Reasons Supporting This Determination:
This Notice of Determination of Non-Significance is an amendment to the Notice adopted by the Town of Hyde Park Planning Board on July 18, 2018. This amendment is made in order to include in this Notice additional mitigation measures and information regarding the project’s potential to have significant adverse impact on animals, of which there will be none. The only changes are within the section “Impacts on Plants and Animals.” The remainder of this Notice is unchanged from its July 18, 2018 publication.

Impact on Land

The project will result in a small to minor impact to land. The increase in impervious surface area at the site will be approximately 5.22 acres, or 12.81% of the 40.71-acre parcel. However, this figure includes the surface area of the panels which are located above pervious ground. Rain will flow off the surface of the solar panels to the ground below and drain as it would have previously.

There will be some removal of vegetation, which could result in increased erosion. Removal of existing vegetation will be mitigated by the planting of a pollinator wildflower/meadow seed mix. The applicant has prepared a Stormwater Pollution Prevention Plan which includes best practices for stormwater treatment and erosion prevention.

Impact on Water Resources

The project will not result in any significant adverse impacts to surface water. The project proposes to create two infiltration basins for the storage of stormwater runoff at the site. These basins are only meant to be temporary impoundments and will assist in controlling runoff at the site. There will be no introduction of new point sources at the site. Any use of herbicides will not affect surface water, as they only herbicides used will be biodegradable, EPA-registered and approved, organic solutions that are designed to be non-toxic to pets and wildlife.

The Site contains four wetlands, two of which meet the criteria for state and federal jurisdiction. A Waters and Wetlands Delineation Report dated March 26, 2018 prepared by Arcadis was reviewed by the Planning Board. The project has been designed to avoid impacts to the wetlands and all disturbance is located a minimum of fifty feet from the wetland boundaries.

Impacts on Plants and Animals

The project will not result in any significant adverse impacts to plants and animals. The Site is located in the vicinity of documented occurrences of the dwarf wedge mussel, Indiana bat, northern long-eared bat and bog turtle.

The applicant has caused the preparation of an acoustic survey entitled, “Listed Bat Acoustic Surveys for Cypress Creek Renewables Proposed Solar
Developments [redacted] New York” prepared by Copperhead Environmental Consulting, dated July 19, 2018. According to the applicant, the survey plan for the site was reviewed and approved by the USFWS prior to performing the field work. Surveys were completed on the 5th and 6th of June and after analysis, no potential Indiana bat or northern long-eared bat calls were identified at the site. The Planning Board’s consulting wildlife biologist has reviewed the Survey and advised that this study’s methodology was designed to detect Indiana bats and may not have adequately surveyed the site for northern long-eared bats, which tend to feed within a forest interior rather than in the open areas where the study was conducted. In the absence of a response from USFWS, the consulting biologist recommended limiting tree clearing seasonally.

USFWS responded on September 4, 2018, that Copperhead Environmental Consulting, Inc. followed the recommended survey protocols to assess presence or probable absence of the Indiana bat and Northern long-eared bat and agreed that it was unlikely that such species were present at the site and that no restriction on tree clearing is necessary.

All tree-clearing at the Project site will therefore be prohibited during the USFWS northern long-eared bat 4(d) rule exclusion period (June 1-July 31). Accordingly, the Project is not anticipated to have a significant adverse environmental impact on these bat species.

The submittal letter to USFWS also states that delineated wetlands W-1 and W-4 provide marginally potential suitable habitat for bog turtles. A Phase I Bog Turtle Habitat Survey was completed to evaluate this potential habitat. The applicant is proposing a 50-foot buffer around these wetlands, with silt fencing around the Limit of Disturbance. If this fence is not installed prior to the turtle active period beginning on April 15, a turtle monitor will be brought on site until the fence is complete. Accordingly, the Project is not anticipated to have a significant adverse environmental impact on the bog turtle.

A majority of the project area has already had extensive tree removal, in anticipation of agricultural operations. Dwarf wedge mussels live in freshwater streams. Their habitat is damaged by damming or rechannelization of existing streams and rivers, and by excessive use of fertilizers. Neither are proposed as part of the action. Bog turtle habitat is typically successional wet meadow or open bogs, dominated by sedges. Site visits revealed a lack of either. The onsite wetland has a tree canopy that does not permit suitable solar penetration, and the project area is at a high elevation with no ready access to wet or open boggy fields. In addition, the NYS DEC Environmental Mapper did not note the presence of the four species, though the US Fisheries and Wildlife Service did. However, USFWS’s on line mapping show all of Dutchess County excepting areas immediately adjacent to the Hudson River to provide suitable habitat for bog turtles. This site has been extensively disturbed in the past.

Further, although the project will include the removal of approximately 11.15 acres of forested land, it will result in increase of approximately 10.39 acres of
meadows, grasslands, or brushlands. The cleared area will be seeded with native grasses and flowering plants that will result in a meadow that will provide wildlife habitat.

**Impact on Archaeological Resources**

The Site is located in an area with archaeological sensitivity. The applicant has conducted a Phase 1A/B Archaeological Investigation for locations of proposed roads, facilities, retention ponds, staging areas, utility trenches and areas of grubbing and grading, which concluded that there would be no impact to cultural resources.

By letter dated June 22, 2018, the NYS Office of Parks, Recreation and Historic Preservation (“OPHRP”) advised the Planning Board that it had reviewed the applicant’s Phase 1A/B Archaeological Investigation and recommended a finding that the project will have no impact on cultural resources. The Board agrees with OPRHP’s conclusion that the project will not result in any significant large impacts on archaeological or cultural resources. Should the land under the panels ever be proposed for redevelopment, additional studies may be required.

**Impact on Aesthetic Resources**

The project will result in a small adverse impact on aesthetic resources. A portion of the Site is visible from certain points in Peach Hill Park. A visual assessment report dated January 8, 2018 was prepared and supplemented by visual simulations and a site walk to assess the visual impact on users of Peach Hill Park. The Board has determined any potential impacts to the views from Peach Hill Park can be mitigated by the installation of evergreen trees along the eastern/southeastern boundary. The Board also notes that a significant woodland buffer will remain to occlude views from the Park. Any remaining impact that the project has on the views from Peach Hill Park will not rise to the level of a large impact.

The applicant will also be installing educational materials relating to solar power at Peach Hill Park as mitigation for impact on scenic views so that park users can learn about the project and the benefits of solar power from points in the park where the panels will be visible.

**Impact on Noise, Odor, and Light**

The project will not result in any significant adverse impacts on noise, odor, or light. During construction, there will be an increase in noise at the site. However, the construction will only last 12-16 weeks, and the associated noise of the solar farm while operational will not exceed ambient levels at the edge of the site. In addition, many forested areas along the outer edge of the property site will remain, which will serve as a noise buffer during construction.

**Consistency with Community Character**
The project is consistent with community character. The Town of Hyde Park supports solar energy initiatives and has adopted a Solar Energy Systems and Facilities Law. The project is consistent with Hyde Park’s goal of using greener energy sources and will otherwise have little impact on the Town’s community. The site is currently vacant and the project will not result in the removal or displacement of any valuable community resources, such as low-income housing, significant architecture, or other officially recognized public resources.

A Solar Glare Hazard Analysis Report was prepared which concluded that there would be no glare impacting drivers on the public roadways.

OTHER BUSINESS:

SCOTT, SEAN
Site Plan Waiver Garage Remodel (#2019-26)
Location: 25 Rogers Place
Grid#: 6064-08-832925

TOWN OF HYDE PARK PLANNING BOARD
Sean Scott
25 Rogers Place
6064-08-832925
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: June 19, 2019
Resolution #: 2019-26
Moved By: Ms. Weiser
Seconded By: Ms. Wasser

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Sean Scott for repair to the existing 20’ x 20’ detached garage, 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 changes as described in the Building Permit
Application dated April 22, 2019 and the request for a waiver of site plan received by the Planning Department on May 28, 2019.

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

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

RENAISSANCE REHABILITATION & NURSING CARE CENTER
Sign Permit Approval (#2018-60)
Location: 4975 Albany Post Rd.
Grid#: 6066-02-856792

In Attendance: Tara Wild, Renaissance Rehabilitation Administrator

Chairman Dupree: The next item on the agenda is the Renaissance Nursing and Rehabilitation Care Center. The applicants are seeking approval for a sign already erected at 4975 Albany Post Road. I have this resolution. First do we want to have any discussion? Have you all had the chance to read the resolution? I’m sorry about the length of it, but when you’re doing a denial, it’s best to do an affirmative denial rather than to vote no on a positive. If that makes any sense, because you want to detail your reasons or findings for the denial in the first place. I’ll just point out that this has a tortured history. I’d forgotten that originally, back when...Anne and I were on the Board then...we approved through Site Plan their intent to reface the front of the structure. I remember this now because, afterwards, when we drove by, you could see the red brick on two sides and we thought, from now on we’ll encourage them to also do the other sides. As part of that approval they had proposed a certain kind of canopy that was somehow changed when they go to building it and they put up burgundy awnings over the door and some of the windows. They also added quoins to the side of the building. Tad thought that they were minor enough that we could waive Site Plan review to accept informally, which we did. Then later on, they proposed a sign. The sign, I believe was going to be erected before some anniversary celebration. It required variances and we even had a special meeting to pass it, but it wasn’t passed in time for them to erect it for the anniversary celebration. It appears they never erected it. Then they put up the sign they have now, without an approval because by our Code, signs must be installed 6 months after an approval or the approval lapses. In addition, the sign they put up doesn’t match the sign that was approved, in any way. Let’s say that some of the lettering on it does.
The Chairman proceeded to begin reading the resolution and was interrupted by Tara Wild, the facility Administrator with a request to address the Board.

**Ms. Wild:** So, yes, the tortured history that you went on to say, I have only been here for two years. I've worked at Renaissance for two years and that was my mistake...I went through...I have a sign approval, so I worked on making a sign. That was after the six months or whatever permit was approved in the past. They had a change in administration, so the owner just gave me the sign permit and I called the company and gave him the specs that we had from the last sign permit and that’s why that sign was made. In the past 4 or 5 months, we’ve been coming to different Planning Board meetings...

**Chairman Dupree:** Zoning Board of Appeals Meetings.

**Ms. Wild:** Zoning Board Meetings. Correct. I went through numerous, different meetings of measuring the sign and whether or not we needed a Variance for the sign. It's my understanding that we didn’t need a Variance for the sign.

**Chairman Dupree:** You received a Variance for the dimensional size of the letters and the logo. You did not need a Variance for the overall size of the sign. The initial dimensions were labeled incorrectly.

**Ms. Wild:** Correct, which was also our mistake, so I just want to understand, what going forward do we need to do?

**Chairman Dupree:** If the vote goes the way I suspect tonight, there will be a denial of the sign permit, so you’ll have to change the sign because our Code requires design unity within a site. Before, the colors that were proposed on the approved sign that was not put up, matched the burgundy of the awnings.

**Ms. Wild:** Correct. So our colors are purple and yellow. Just so you understand a little about the ownership. There was an owner who acted as the Administrator for about 30 years, Mr. Yenowitz. I don’t know if you’ve met him. Now there is a new owner that bought the building, Mr. Koschitzki and he bought that building about 4 or 5 years ago. When he bought the building he was a co-owner with Mr. Yenowitz and they started to change the face...which it sounds like that’s when they changed the front of the building that you’re describing. So when they changed the front of the building...initially it looked like the sign that they had was white and green and some maroon and it was in the awnings, like you’re discussing, but our colors are purple and yellow. That’s why that sign is purple and yellow. We do have the intent of going through another Planning Board process of changing the awnings to be purple to match the sign, to match our logo, our new name. It’s the color of all of our business cards, our shirts, our pens.
Chairman Dupree: The approval for the exterior renovation was given in 2009, so he must have bought it well before 4 years ago. At the time, I said we approved the sign because it exhibited design unity. This time, I struggled and the Zoning Administrator struggled as well. There is no way we can say that this matches anything else at the site. The only thing it does match is the large passenger van that you have decked out in purple and gold that has the Renaissance Rehabilitation Logo, quite large, that you park near the road, which functions as a sign as well. That is not a site plan element for us to say, these match. Believe me, there is nothing that I can do. We try to be a business friendly Planning Board but part of that is making sure that everyone is treated the same. You’re not really allowed in this Town or any other that I can think of in the County, to just erect a sign without approvals. I’m not saying that this is your fault, you thought you had a sign permit that was valid into perpetuity, I guess, but that’s not how these work. You would have needed to have worked with the Board or at least the Zoning Administrator before it was erected. You don’t have to take the sign down, unless the Town forces you to, but we can’t as a Board permit it, because it doesn’t match design unity.

Ms. Polidoro: Well, once it’s disapproved, it will be an illegal sign, as it is now.

Chairman Dupree: It’s already an illegal sign. So it doesn’t change that status. If we could approve it, we would and that would make that legal. Again, a passenger van in those colors is not a site plan element that I can say this matches and that’s always there so therefore it matches something. The process should be to go through and change the awnings. I want to just say straight out if you’ve been working here a few years...if you look around Hyde Park, our Comprehensive Plan, which is what the Zoning Code is based on, is replete with instructions trying to have the Planning Board help create a sense of place. As a consequence, you’ll find that corporate branding, while we appreciate how everyone wants to do it, has to be a little subtler here. You’ll notice, McDonalds doesn’t have a building like every other building, it’s much different in scale and the colors are different as well. It’s all crème and white and you see very little of the red and gold. If you look at the Donkin Donuts down at the end, that’s also a unique structure...well it was a unique structure, but other towns liked the way it looked so they followed. If you noticed, many towns allowed Dunkin Donuts to have purple and orange striped awnings on the outside of the building and all purple and orange signs and if you look here you’ll see that they are subtly evident. You can see the corporate colors but they are subtle. I think what we need to do is work with you guys as part of your Site Plan change and it may be that Ms. Moss, the Zoning Administrator will say, ‘oh, change in awning doesn’t really require Site Plan’. That’s her ability to say that. If that’s the case, as long as she gives you approval, then you can erect purple awnings and let it go at that. I’ll also add that why I appreciate your wanting to attract attention, this is an area that is a transition from the busy commercial center here out into a rural area and it’s been the Board’s practice to try and get colors that are more commonly found
in nature. Earth tones, browns, greens, reds...more harmonious with the natural elements. That particular color looks like Mardi Gras purple.

**Ms. Weiser:** Actually, I have something to say about the color. I wanted to address another issue of safety. I know that might sound strange. Signs and buildings that are painted in garish colors are developed in mind to attract the attention of passing motorists, a tradition laden with good intentions but in actuality is a bad practice. It’s obvious that the color of the Renaissance Rehabilitation roadside sign is designed to do precisely that: to attract the attention of drivers and with hope, bring in more business. An acquaintance asked me about the color and I said, “It’s very bright, perhaps too bright.” And he said. “Well, it really grabs your attention.” Which appears to be the point of the color choice. And it is the problem as well. The color stands out so enormously that it can be considered an eyesore. In 1958, Robert Moses (a man who definitely knew his highways) stated unequivocally that eyesores along our roads are traffic hazards. In 1963, a study conducted by the New York State Thruway Authority found that there were three times as many accidents per mile where “driver inattention” was encouraged by billboards and similar eyesores. This attention grabbing purple sign is exactly that type of hazard because it intentionally competes for the driver’s attention. Also, if we were to let this pass, it sends a signal to other businesses that it is perfectly fine to construct similarly colored signs in order to compete for driver’s attention. This isn’t just an aesthetic hazard, it is a safety hazard. A side note about brightly colored signs generating more business: An enterprise like Renaissance Rehabilitation most likely gets its customers from on-line research and recommendations. This type of business should really only need the sign as an address marker. Thank you.

**Chairman Dupree:** We had wondered about that because my sister had to have emergency hip replacement surgery and had to go through rehab and basically the process was, who takes her insurance and who has an empty bed. I don’t even think you guys had an empty bed at the time or you didn’t take her insurance. In other words, we’re somewhat questioning why the sign needs to be so vibrant to attract the average driver when you’re typically not going to make a decision for a rehab center based on how many times you drive by it and how many times it’s caught your attention.

**Mr. Oliver:** I don’t think Ferncliffe Nursing Home even has a sign.

**Chairman Dupree:** You’re right they don’t.

**Mr. Pickett:** When you’re driving in a 55 mph zone, I don’t know if it’s my age or eyesight, but you’ve got that gold on the purple and it’s hard to read. It’s just a big sign and nothing is definitive as you’re going by.

**Ms. Polidoro:** SO you’re saying there’s not enough contrast?
Mr. Pickett: Exactly.

Chairman Dupree: It’s also a thin font. The lettering is pretty. You’ve done a very nice job with the landscaping below the sign; it’s quite nice. The site is maintained. None of this is meant to be insulting to you personally.

Ms. Wild: I understand that. I don’t take it personally.

Mr. Pickett: And your ratings have gone up.

Ms. Wild: Yes they are. We just got a deficiency free NYS survey.

Chairman Dupree: That’s good to hear. Congratulations. Deficiency free is not always easy to do.

RESOLUTION TO RECOMMEND DISAPPROVAL OF A SIGN PERMIT PURSUANT TO ZONING LAW § 108.24.3.A.4(d)

Renaissance Rehabilitation and Nursing Care Center
4975 Albany Post Road
Grid 6066-02-856792

Date: June 19, 2019
Moved By: Chairman Dupree
Resolution: #2018-60
Seconded By: Vice-Chair Dexter

WHEREAS, an application to erect a freestanding sign for Renaissance Rehabilitation and Nursing Care Center, located at 4975 Albany Post Road, Staatsburg, New York was submitted to the Zoning Administrator on September 18, 2018 (the “Proposed Sign”); and

WHEREAS, the application for the Proposed Sign was revised with accurate dimensions on April 26, 2019; and

WHEREAS, Renaissance Rehabilitation had previously applied for a permit to replace an existing unapproved freestanding sign on May 12, 2016, which, after
WHEREAS, the Board has reviewed the application and finds the proposed sign esthetically appropriate (the “Approved Sign”);” and

WHEREAS, §108-24.F.2 requires that all signage within a site exhibit design unity; and

WHEREAS, by a letter dated December 16, 2009, Zoning Administrator Kathleen “Tad” Moss wrote to the Planning Board:

“Hyde Park Realty, is requesting a Certificate of Occupancy for the re-siding of the Hyde Park Nursing Home, now known as Renaissance Rehabilitation. The Planning Board reviewed the re-siding request, and granted site plan approval on August 6, 2008.

The project has been completed and altered from the plans presented to the Board. Burgundy awnings have been added over the front entrance door and the central section windows on the second and third floor which replace the previously approved four columned two story decorative structural canopy over the front door that extending the width of the central section.

The applicant has replaced the free standing sign and submitted a sign permit application. The sign will be dealt with separately at a later time because a variance may be required”; and

WHEREAS, on December 16, 2009 by Resolution #41-09, the Planning Board waived site plan review, and approved the change from burgundy canopy to burgundy door and window awnings.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby recommends that the Zoning Administrator deny the permit for the Proposed Sign for Renaissance Rehabilitation and Nursing Care Center. In support, we make the following findings:

1. The applicant has twice installed unapproved freestanding signage that did not comply with the provisions of §108-24. In 2016, applications for area variances and a sign permit for the Approved Sign for the site were submitted and granted, successively in June and July of that year. At that time, the Approved Sign, as proposed and drawn, was code compliant in all respects excepting the graphic logo, for which an area variance was approved. This latest application suggests that a new administration assumed the permit was still valid and in effect, but decided, for corporate branding purposes, to erect one that was different in color, size and letter height. Regardless, the current purple color was not approved under the previous permit.

The exterior of the building was reviewed by the Planning Board when the initial upgrades were proposed after its purchase in 2009. The Board gave positive comments as to the proposed canopy and stucco resurfacing of the exterior. The
color of the Proposed Sign does not have any unity with the existing maroon design scheme for the site. ‘Color’ is cited as a way to achieve such unity in §108-24.F.2.

Even if the applicant were to apply for approval to change the existing color scheme of the site from maroon to a purple tone that would parallel the color of the unapproved but already erected Proposed Sign, to satisfy the zoning code’s requirement for all signs to exhibit design unity, the Planning Board would be hard pressed to approve such a color scheme. We find the purple color a garish and incongruous one for an area that represents a transition from a small cluster of commercial uses to the more rural pattern of development just north. It has been the Planning Board’s practice to request color schemes in such areas – ones located out of the traditional commercial centers on Routes 9 and 9G – that are commonly found in nature, such as browns, greens, reds and black. Accordingly, we do not believe that, were purple awnings proposed under a site plan amendment, they would be met with favor.

Therefore, we find that the Proposed Sign (which was already been erected) does not satisfy the requirements for design unity within the site.

2. Though the Board appreciates businesses’ desire to brand across multiple platforms as part of a marketing plan, our zoning law is replete with requirements that argue against such a practice in this community. McDonald’s and Dunkin Donuts are examples of franchises that have been heavily branded in terms of architecture, colors and standard signage. However, both businesses made accommodations for their locations in Hyde Park by erecting unique structures which reference traditional architecture, nonstandard colors and signs that incorporate some “branded elements” but are not dominated by them. For example, Dunkin Donuts’ corporate colors are purple and orange. In standard buildings, awnings are purple and orange striped and signage reflects the same. In the Hyde Park model, these colors are only subtly evident.

To phrase it simply, a large purple sign with supporting purple posts appears to substantially conflict with the existing neighborhood and community character.

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

Voice Vote 7-Aye 0-Nay Motion Carried

Chairman Dupree: Thank you colleagues. That’s never pleasant to do and for that matter, I think that’s the first time we’ve ever denied a sign. We’ve always tried to work with people.
Ms. Wasser: I find it jarring every time I pass by.

Ms. Polidoro: I want to point out another example. The Staatsburg Storage facility had originally proposed neon green and that was toned down to be more of a forest green. There’s a history of not allowing garish colors.

Chairman Dupree: They also worked with us before erecting it. That’s the problem here.

Ms. Dexter: I’m sure we’ll be able to work with them to come up with something that works.

Higgins, Nathaniel
Site Plan Waiver Siding, Windows, Porch Stairs & Railing (#2019-27)
Location: 39 Horseshoe Drive
Grid#: 6064-12-840705

In Attendance: Nathaniel Higgins, Property Owner

TOWN OF HYDE PARK PLANNING BOARD
Nathaniel Higgins
39 Horseshoe Drive
6064-12-840705
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: June 19, 2019
Resolution #: 2019-27
Moved By: Mr. Pickett
Seconded By: Ms. Wasser

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Nathaniel Higgins for home remodel to include new windows, roof, siding and repair of front porch stairs and railing to his existing 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 changes as described in the Building Permit
Application dated May 23, 2019 and the request for a waiver of site plan received by the Planning Department on June 11, 2019.

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

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

RIVER RIDGE at HYDE PARK
Site Plan Waiver Rear Deck Stairs for Bldg. T, units 287, 289, 291, 293, 295 & 297 (#2019-29)
Location: 287, 289, 291, 293, 295, & 297 Hudson View Terrace
Grid#: 6066-04-713268, -716268, -718268, -720268, -722268, -724268

In Attendance: Greg Brennan, Project Manager
Michael Thompson, PE

TOWN OF HYDE PARK PLANNING BOARD
River Ridge Associates
287, 289, 291, 293, 295 and 297 Hudson View Terrace
6066-04-713268, -716268, -718268, -720268, -722268 and -724268
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: June 19, 2019 Moved By: Ms. Wasser
Resolution #: 2019-29 Seconded By: Vice-Chair Dexter

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by River Ridge Associates for the addition of rear deck stairs to the following units in Building T: 287, 289, 291, 293, 295 and 297 on Hudson View Terrace.

Whereas, the Planning Board has reviewed the request for this change in the Historic Overlay District and the site plan for Building T, 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 or from the access road, 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 June 4, 2019 and the request for a waiver of site plan received by the Planning Department on May 29, 2019.

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

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

MOTION: Vice-Chair Dexter  
SECOND: Ms. Weiser

To cancel the Regular Planning Board Meeting scheduled for July 3, 2019.

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

VOICE VOTE 7-0 Motion Carried

MOTION: Ms. DiNapoli  
SECOND: Mr. Oliver

To adjourn.

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

VOICE VOTE 7-0 Motion Carried