DRAFT MINUTES OF THE AUGUST 21, 2019
PUBLIC HEARING/WORKSHOP/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT: MICHAEL DUPREE, CHAIRMAN
                  DIANE DI NAPOLI
                  CHRISTOPHER OLIVER
                  STEPHANIE WASSER
                  ANN WEISER
                  ROBERT WATERS-ALTERNATE

MEMBERS ABSENT:  ANNE DEXTER - VICE CHAIR
                  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 ladies and gentlemen and welcome to the August 21st meeting of the Hyde Park Planning Board. Please take note of all the exits around the room in case of emergency and now join us as we salute the American Flag. Chairman Dupree commenced the Pledge of Allegiance.

First before we start, our colleague Ann Weiser, won 1st place and Judge’s Choice at a bread baking competition at the Dutchess County Fair. She won it with a Ciabatta...so Ciabatta Queen, “CQ” from now on. I’ll also add that she now stands up with one of her neighbors, Troy Franke, who has been winning award, after award, after award, these last few years for fruits, vegetables and quick breads. Congratulations for Hyde Park.

The first item on the agenda is a Public Hearing for River Ridge. This is an application seeking extension of site plan approval to complete construction of the Townhouses located just north of here on the left.

NEW PUBLIC HEARING:

**RIVER RIDGE (F/K/A MAPLE RIDGE)**
Extension of site plan approval to complete construction for the townhouses (#57-02)
Location: Hudson View Terrace
Grid#s: Available upon request

**MOTION:** Ms. Wasser  
**SECOND:** Ms. Weiser

To open the public hearing for River Ridge at Hyde Park (f.k.a. Maple Ridge).

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

Chairman Dupree: This is one that we routinely extend because they are for-sale models where it’s market based. Under our Code they have 2 years to complete all aspects of site plan. Obviously in 2 years that market has not been able to absorb the sale of the townhouses.
Ms. Polidoro: The last time the Board extended this approval, you conditioned it on the applicant providing you with an overlay of the trail map. They had given you the trail easement but the map on that was 8” X 11” and a little unclear. So you had conditioned your next approval, 2 years down the road on them providing that and we’re now 2 years down the road and we don’t have a copy of that. The applicant has asked that you extend the public hearing so that they can provide you with the required information.

There were no additional comments from the Board or consultants.

Susan Spivak of Hudson View Terrace, who sells the River Ridge single family Townhouses, indicated that there are still incentivized units available in the HOA community with pool and clubhouse. Karen Cosgrove of Rolling Ridge Road was interested in discussing any revisions to the building design that might be forthcoming. She also added that the neighborhood should be properly maintained. The Chairman complemented the owners on their maintenance thus far.

MOTION: Ms. Wasser
SECOND: Mr. Oliver

To adjourn the public hearing for River Ridge at Hyde Park (f.k.a. Maple Ridge) to September 4th, 2019.

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

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

TACONIC REALTY VIOLET AVENUE
Minor Subdivision 4 lots & Site Plan Approval (#2018-29)
Location: 374, 378, 382, 386 Violet Avenue
Grid#: 6163-04-600353

In Attendance: Kelly Libolt, Page Park Associates

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, left the Dais.
**Chairman Dupree:** The applicant is seeking to subdivide an existing shopping plaza into 4 discrete units. These will also require Site Plan approval for the 4 new lots. Three of the lots will be owned by the applicant and Hudson Valley Hospice will be purchasing the 4th lot.

**Ms. Libolt:** This is an existing facility located on 9G in Hyde Park. There’s 4 existing buildings, it’s essentially an existing lot and we’re proposing the creation of 4 separate lots to accommodate each building. In part with that we’re seeking Site Plan approval for 3 of the newly created lots, the 4th lot as you indicated is being approved in a separate application. The facility has existing water, existing sewer, existing parking, existing access, the only modification that the applicant is proposing is improved landscaping, parking space modifications for a greenspace and sidewalk along 9G. We have provided the Town with the necessary legal documents as far as the easements. At last month’s meeting we did talk about the sidewalk easement and we did receive that from Victoria and turned that around and sent her a draft. In the creation of scale, we did agree to transfer 2% of the scale to the other lot and applicant so that they would meet scale and therefore not need a variance. Likewise, the newly created lots meet the bulk requirements. We provided a coordinated plan that keys everything to the scale and I believe everyone is in agreement with the numbers.

**Chairman Dupree:** At the last meeting I had discussed the fact that we thought that when we did the expansion for the Dialysis Center, that we had used a special use permit to expand. It turns out that we did not! It was only a portico that was added over an already paved space, so you still have 50% expansion. It’s very nice that you’re transferring over 2% to the next applicant, which means that you have 48% in reserve for the future. Thanks for your help getting to the bottom of that. It has been really nice working with you guys, particularly the site owner, Mr. Page because he’s been very accommodating with the landscaping and we’re really confident that it will look better when it’s all said and done.

The Consultants reviewed some of the remaining items needed for approval. The Board Members had no new comments because new plans haven’t been received since the last workshop. Ms. Libolt indicated that she has a draft ready of the revised plans that she’ll submit after hearing any public comment.

**MOTION:** Ms. DiNapoli  
**SECOND:** Ms. Weiser

**To open the public hearing for Taconic Realty Violet Avenue Subdivision and Site Plan Approvals.**

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Aye  Ms. DiNapoli
Aye  Mr. Waters
Absent  Mr. Pickett
Aye  Ms. Wasser
Aye  Ms. Weiser

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

There was no public comment.

MOTION: Ms. DiNapoli
SECOND: Ms. Weiser

To adjourn the public hearing for Taconic Realty Violet Avenue Subdivision and Site Plan Approvals to September 4th, 2019.

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

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

Due to the Labor Day Holiday and vacation schedules it was decided that September 4th might not be enough time for a full review by the consultants. Ms. Libolt discussed the future project timeline, indicating that the County’s creation of a Zone of Assessment for the sewer would take approximately 3 months and would be required for the final Subdivision Plat, whose filing would be required for the Site Plan Approvals. “In theory after 3-4 months we could come in and hopefully have addressed all of those issues.”

MOTION: Ms. DiNapoli
SECOND: Ms. Wasser

To amend the prior motion to adjourn the public hearing for Taconic Realty Violet Avenue Subdivision and Site Plan Approvals to September 18th, 2019.

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

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

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

In Attendance: Joe Berger, Berger Engineering and Surveying
Michelle Zerfas, Berger Engineering and Surveying

Alternate Planning Board Member Robert Waters remained on the Dais for this application. Mr. Oliver who is recused from this application remained off the dais.

Chairman Dupree: The next item on the agenda is Hudson Valley Hospice. The applicants are seeking approval to expand an existing structure under the special use permit process to expand beyond the existing scale. The applicants have worked very closely with the Board on some tweaks to the originally proposed architecture, mostly in thanks to Mr. Waters and the applicants for agreeing to undertake it. In the interim they have also chosen some new colors that I think look really smart. They have also formalized pedestrian access, movement, added new landscaping in the rear, etc., etc.

MOTION: Ms. DiNapoli
SECOND: Ms. Weiser

To open the public hearing for Hudson Valley Hospice Site Plan and Special Use Permit Approvals.

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

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

The Consultants reviewed the few remaining items needed for approval, which included the SWPPP and scale calculations review. The Chairman inquired about the DEC requirements for fencing around stormwater retention ponds and was told that they are required for steep slopes and recommended for slopes less
steep. The Board Members were very complimentary about the changes to the architecture and new colors.

There was no public comment.

**MOTION:** Ms. DiNapoli
**SECOND:** Ms. Wasser

To adjourn the public hearing for Hudson Valley Hospice Site Plan and Special Use Permit Approvals to September 18th, 2019.

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

Mr. Berger concluded by thanking the Board and Mr. Waters for his assistance in the design of the new building. Mr. Oliver returned to the Dais.

**CONTINUED PUBLIC HEARING:**

**THE LOCUSTS RURAL EVENT VENUE**
Site Plan and Special Use Permit Approval- Rural Events Venue (#2018-10)
Location: 83 Penny Lane, 135 Old Post Road, 34 Strawberry Fields Staatsburg 12580
Grid#: 6067-02-996864, 6167-01-117843, -168935

**Chairman Dupree:** The next item on the agenda is a continued public hearing for The Locusts Rural Event Venue. As a reminder the applicants are seeking Site Plan and Special Permit Approvals for permission to use an existing 90 acre estate for occasional events, such as weddings. The law applies to situations where an owner would be charging, so it would be a commercial use. The Town Board created a special law for this and we’ve been waiting for details on a secondary means of access for the Emergency providers. We were asked to adjourn to this meeting so we could receive comments from the neighbor’s attorney.

**MOTION:** Ms. DiNapoli
**SECOND:** Ms. Wasser
To re-open the public hearing for The Locusts Rural Event Venue.

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

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

There was no public comment.

MOTION: Ms. DiNapoli
SECOND: Ms. Wasser

To adjourn the public hearing for The Locusts Rural Event Venue to November 6th, 2019.

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

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

WORKSHOP:

**DOLLAR GENERAL 1 EAST DORSEY**
Site Plan Approval (#2019-04)
Location: 1 East Dorsey Lane, Poughkeepsie, NY 12601
Grid#: 6163-02-504633

In attendance: Caryn Mlodzianowski, Bohler Engineering
               Scott Rehms, HSC Hyde Park, LLC

Chairman Dupree: The next item, workshop, our big item for tonight. Dollar General, proposed to be located at 1 East Dorsey Lane, at the intersection of 9G, just north of St. Peter's School. The applicants have been working diligently with the Planning Board making periodic changes both to the architecture as well as to the site, turning radii, etc. Since our last meeting,
they’ve made a new submission and we’ve received comments from our traffic engineers at Clark Patterson and Lee, our engineering and planning consultants.

**Ms. Mlodzianowski:** We’re very excited to be here this evening as we’ve made what I think is a significant change which actually resulted in not needing an area variance for impervious area. We’ve gone from 20’ parking stalls to 18’ stalls for all of the parking spaces and from 32’ to 28’ drive aisle, which put us well below the need for that variance. We still do need the area variance for scale although that did decrease as well. It’s also a huge benefit as that will positively reduce stormwater, which was a concern that was brought up. Another concern was regarding traffic and we did receive CPL’s letter on Friday. It was a good letter and it sounds like we’ve addressed all of their concerns with the 2 traffic impact assessments that were completed. They were sent to DPW and we’ve been chasing them for comments. I did get an email from Steven Gill, he does not foresee any issues but schedules have not allowed for that review. We also submitted that to DOT, but I don’t anticipate any issues as it’s just a right in off the road. We’re not adding any movements to the road only taking traffic off of the road once they’ve already gone through the intersection. The other change we’ve made is regarding the building itself. The vestibule, instead of having it recessed, which we previously had, we bumped that out with the finishes and the doors. That store front glazing is brought out, we kept the barn doors...again the Board has been amazing giving direction as far as architecture goes. We’ve come a long way from what we thought was a great building to begin with. This will be the best looking Dollar General out there in Hyde Park.

**Chairman Dupree:** We think in the nation.

**Ms. Mlodzianowski:** Again, the vestibule is a functional component needed for climate control and manages cart storage, so it’s not out on the sidewalk or in the parking lot. We submitted a sign cut sheet detail that shows the letters are 18” tall.

**Chairman Dupree:** So we’re allowed to grant you...The Board...dimensional increases, 1 inch for every 20 feet back from your access roadway, but you’re not back far enough for us to get to 18” on the letters. You would need a variance from the ZBA if you want to keep them at 18”, which would be contingent on our granting the increase first because they are required to give the minimum variance possible. Also, I believe your monument sign has letters that are too large and we can’t grant anything larger than 10” and maximum height is 7’ with perhaps a decorative element above that.

**Ms. Mlodzianowski:** The sign itself is 8’ wide by 4’ tall.

**Chairman Dupree:** I don’t see any dimensional size on the letters.
Ms. Mlodzianowski: We can get that.

Chairman Dupree: It looks like you only need a variance for the wall sign.

Ms. Polidoro: I’m not sure that the Board could grant a waiver because the sign doesn’t face 9 or 9G and we’d have to measure distance from the road.

Chairman Dupree: If you could measure the distance from the sign to East Dorsey that will let us know what we’re able to do.

Ms. Polidoro: But they are on the ZBA agenda for next week, so you should talk with the Zoning Administrator and try and sort out the variances that you need so you don’t have to go through that process twice.

Ms. Mlodzianowski: Certainly. They do have a sign vendor that often pulls permits after all approvals are obtained, so that might be something they could pursue as well.

Chairman Dupree: If you wanted to pull that after, then you would have to not show it on the plan or show it at the height that we allow. There are 2 ways to get signs approved under our Code. One is to go through the site plan process, so whatever is shown should be built. The other is to take them off and apply for a sign and it’s another $150. Sometimes people haven’t finalized what they want for their sign. So you could do that as well. Get the variance later on, but it seems easier to do it all in one fell swoop.

Mr. Rehms: What would be letter height?

Chairman Dupree: Maximum is 10”.

Ms. Axelson remarked that she was glad to see the reductions in drive aisle and parking space size. She remarked that the hours of operation need to be more specific than not 24 hours or notes limiting delivery times might be required by the Board. The applicants indicated that they are set regionally and they’ll try to get that from the tenant. She reviewed the suggested changes from the CPL traffic consultants which included a tighter turning radius from 9G into the parking area, a shorter truck turnaround and an additional landscape bed near the delivery area. Mr. Setaro inquired if the applicants were able to get any correspondence from the DEC regarding their determination on the fill soils being adequate for drainage. Mr. Mlodzianowski remarked that they were waiting until they had completed additional storm testing in the native soils for the additional infiltration pipe which should be everything that DEC needs. Mr. Setaro went on to explain that some of the subsoil were identified as “fill” and in the NYSDEC stormwater regulations, “fill” soils are prohibited in an infiltration basin. At this site, the “fill” has been there for many years and the DEC
commented to the applicant that they are revising these regulations to address this stabilized “fill”. He’s looking for a letter from the DEC indicating this, so he can sign the MS4 form. There was a discussion regarding the proposed black vinyl covered chain-link safety fencing around the retention pond and whether the Board would prefer post and rail with black mesh fencing. Ms. Polidoro stated that a SEQR determination can’t be made until the stormwater issue is resolved and conceptual approval is received from DPW and the DOT. For educational purposes, the Chairman asked why stormwater is a SEQRA issue. Ms. Polidoro noted that stormwater is always a SEQRA impact to the extent that you are supposed to be reviewing opportunities for low impact development, retention ponds, incorporation of impervious pavement…those are all SEQRA considerations and you don’t have to have to wait for a SWPPP to be approved to close SEQRA, but there should be a level of confidence that the layout is going to work and potential impacts have been mitigated. A majority of the Board Members felt that a post and rail fence around the retention pond was preferable, as is any additional hardy greenspace in the parking lot, a sharper turn in radius at 9G and a decrease in the truck turnaround. The Chairman added that there should be a greenspace between the sidewalk and road as well as sidewalk crossings at the road intersections and a bike rack. There were only positive comments about the architectural changes. The Chairman commented that with the additional elements the building doesn’t appear to be “turning its back” on the main road. Ms. Mlodzianowski stated that they are on board with the landscaped island, turning those 2 spaces and the sharper 9G ‘in’. Ms. Polidoro reminded the applicant that the DOT may require a public access easement. Mr. Rehms thanked the Board for their comments and indicated that they can commit to the landscape island with the rotation of the 2 parking spaces and will evaluate the post & rail fence for the pond for liability. With regard to the truck turn-around, they have reduced the truck size from a WB 67 to a WB 50 to accommodate and it will still need that length.

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

To set a public hearing for Dollar General 1 East Dorsey for September 4th, 2019.

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**VOICE VOTE**  5-0  2-Absent  0-Nay  Motion Carried
OTHER BUSINESS:

JEFFREY GROVES ESTATES RE-SUBDIVISION
Extension of time to meet conditions of Major Re-Subdivision and Site Plan Approvals (#2018-04)
Location: 39-41 North Cross Road
Grid#s: upon request

Chairman Dupree: The last item on the agenda is a resolution to grant Jeffrey Groves Estates Re-Subdivision the second and last extension of time to meet conditions for signature. We know that they’re still waiting for approval by DCWWA and DOH for water and wastewater systems.

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

Jeffrey Groves Estates Resubdivision

Date: August 21, 2019    Moved By: Ms. DiNapoli

Resolution: #2018-04F    Seconded By: Mr. Oliver

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 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

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, not to exceed two additional periods of 90 days each; and

WHEREAS, on May 15, 2019, the Planning Board granted the applicant a 90-day extension of time to satisfy the conditions of site plan and final plat approval to and including September 3, 2019; and

WHEREAS, by letter dated August 5, 2019, the applicant submitted a written request for an additional 90-day extension of conditional final plat and site plan approval; and

WHEREAS, the Planning Board has considered the circumstances warranting such extension.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant its second 90-day extension of time to satisfy all conditions of conditional final plat approval to and including December 2, 2019.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants the applicant its second 90-day extension of time to satisfy all conditions of conditional site plan approval, to and including December 2, 2019.

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

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

MOTION: Ms. DiNapoli
SECOND: Ms. Wasser
To adjourn.

Aye  
Absent
Aye
Absent
Aye
Aye

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

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