



Historic Town of Hyde Park
Planning Board
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111, Ext. 2

“Working with you for a better Hyde Park”

**DRAFT MINUTES OF THE SEPTEMBER 7, 2022, 6:00 PM
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD**

**MEMBERS PRESENT: MICHAEL DUPREE – CHAIRMAN
ANNE DEXTER - VICE CHAIR
CHRISTOPHER OLIVER – VICE CHAIR
STEPHANIE WASSER
ROBERT WATERS**

**MEMBERS ABSENT: JOHN GUERCIO, JR
ANN WEISER**

OTHERS PRESENT: CYNTHIA WITMAN, PB SECRETARY

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Chairman Dupree: Good evening, everyone and welcome to the September 7th meeting of the Hyde Park Planning Board. Please take note of all the exits around the room in case of an emergency or mishap. And now, please join us as we salute the American Flag.

The Chairman led the pledge.

PLEDGE OF ALLEGIANCE

NEW PUBLIC HEARING:

HYDE PARK TOWN CENTER NORTH BUILDING 3, 4 & 5

Extension of all deadlines of Site Plan Approval (#16-15)

Location: 4272-4288 Albany Post Road, Hyde Park, NY 12538

Grid#: 6065-04-933017

Chairman Dupree: We're starting on time, but we still should be having two more potential Planning Board Members, once we begin. The first item on the agenda is a public hearing for Hyde Park Town Center, this is the north building. For most of us this would be known as the Feeds Plus building. The applicants are requesting an extension of the deadline in which to complete substantial construction. They circulated, more or less saying that the reason why is because they've been going through all of the other buildings that have tighter deadlines. Does anyone have any questions here?

Mr. Waters joined the meeting.

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To open the public hearing for the Hyde Park Town Center North Buildings 3, 4 & 5 Site Plan Approval extension.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: Would anyone from the public like to speak about this application? This is a renovation to the exterior of the Feeds Plus building. There being none, may I get a motion to close the public hearing?

There was no public comment.

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To close the public hearing for the Hyde Park Town Center North Buildings 3, 4 & 5 Site Plan Approval extension.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

**Town of Hyde Park Planning Board
4383 Albany Post Road
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RESOLUTION TO EXTEND THE TIME TO COMPLETE SUBSTANTIAL CONSTRUCTION OF A SITE PLAN

Hyde Park Town Center North – Buildings 3, 4, 5

Date: September 7, 2022

Moved By: Vice-Chair Oliver

Resolution: #16-15K

Seconded By: Vice-Chair Dexter

WHEREAS, on June 20, 2018, by Resolution #16-15G, the Planning Board granted conditional site plan approval for exterior alterations to three existing structures in an existing shopping center and other related site plan improvements located at 4272 and 4274 Albany Post Road, tax parcel nos. 6064-02-922988 and 6065-04-933017 in the Town Center Historic District (the "Project"), as depicted on a site plan entitled, "Hyde Park Town Center North – Amended Site Plan," prepared by Berger Engineering and Surveying, dated October 6, 2017, last revised June 14, 2018, sheets T-1, EX-1, SP-1, SP-2, SP-3, SP-4, SP-5, a lighting plan prepared by Selux dated June 13, 2018, landscaping plans prepared by the Michael Boice Collaboration entitled "Hyde Park Town Center North Amended Site Plan" dated April 9, 2016, last revised June 13, 2018 (6 sheets), and undated building elevations prepared by DeGraw and DeHaan Architects entitled "Hyde Park Town Plaza" submitted on June 14, 2018 (the "Site Plan"); and

WHEREAS, the Chair signed the approved Site Plan on August 24, 2018; and

WHEREAS, on April 3, 2019, by Resolution #16-15I, the Planning Board granted the Applicant amended site plan approval for exterior alterations and site improvements, as depicted on a site plan entitled, "Hyde Park Town Center – North – Phase II Site Plan Amendment," sheets SP-1 Revised, prepared by Berger Engineering and Surveying, dated March 12, 2019, an elevation entitled "Emergency One (Sign Location)" prepared by DeGraw and DeHann Architects, submitted March 13, 2019, and a sign plan entitled "Emergency One – Hyde Park," sheets 1, 2, 3, and 4, prepared by Timely Signs of Kingston, Inc., dated February 20, 2019 (collectively, the "Amended Site Plan"); and

WHEREAS, pursuant to Section 108-9.6A of the Zoning Law, an approved site plan shall be void if the entire project or approved phase is not completed within two years of the date the plans were signed by the Chair; and

WHEREAS, pursuant to Section 108-9.6B of the Zoning Law, the Planning Board may, in its discretion, and after conducting a public hearing, grant an extension to an approved site plan if the applicant submits a written request 30 days prior to the expiration of the site plan; and

WHEREAS, by letter dated July 16, 2020, the Applicant timely requested an extension of time to complete substantial construction of the Project; and

WHEREAS, on November 4, 2020, by Resolution #16-15J, the Planning Board granted the Applicant a two-year extension of time to complete substantial construction of the Project, as shown on the Site Plan, to and including August 24, 2022; and

WHEREAS, by letter dated August 2, 2022, the Applicant has timely requested a second extension of time to complete substantial construction of the Project; and

WHEREAS, the Planning Board held a duly noticed public hearing on September 7, 2022 during which all those who wished to speak were heard; and

WHEREAS, the Planning Board has considered this request and the particular circumstances of this Project which warrant the extension of time.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby extends the time to complete substantial construction of the Project, as shown on the Amended Site Plan, by two years, to and including August 24, 2024.

Aye	Chair Dupree
Aye	Vice-Chair Dexter
Absent	Mr. Guercio
Aye	Vice-chair Oliver
Aye	Mr. Waters
Aye	Ms. Wasser
Absent	Ms. Weiser

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

CONTINUED PUBLIC HEARING:

SMALL-O'MALLEY SUBDIVISION

Minor Subdivision Plat Approval 5 lots (#2021-55)

Location: 148 Cream Street, Poughkeepsie 12601

Grid #: 6264-01-210630

In Attendance:

Dan Koehler, Hudson Land Design

Chairman Dupree: The next item on the agenda is a continued public hearing for Small O'Malley. This is a subdivision with 5 lots. May I get a motion to re-open the public hearing?

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To re-open the public hearing for the Small O'Malley Subdivision approval.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: The motion carries. Mr. Koehler, you're back. Thank you, we got your revised submission.

Mr. Koehler: It's nice to see everybody live again.

Chairman Dupree: Same here. Although, I've seen you in the field a couple of times. I take it you're going to do an overview of what the changes are in the submission.

Mr. Koehler: Yeah, I think that would be a wise thing to do at this point. Generally, since we last spoke, the Planning Board had a site visit and then I had a follow up walk with the Chairman. We ended up making some of the changes that we talked about on that. Specific to the driveways, that was one of the biggest things that we found. In this general area, we moved the driveway over a bit. It was better configured in this old farm path actually, that avoided some of the trees that you saw. In addition to that, you had noticed that there were some wetlands out there and since that point, we've had those extra wetlands delineated. There are these 2 pockets to the rear and then there was this pocket over here, kind of behind the existing house. Further, on the

opposite side of the road, as a part of a DEC recommendation, there is a DEC wetland on the other side and that was delineated by DEC staff and picked up by the surveyor as well. Now the plan shows that as well. The 100-foot buffer for the DEC is right in this area and we're not disturbing anything within that 100 foot there. While our driveway is relatively close to this wetland. It is an existing path, so we felt pretty good about being able to do that. We've worked with the Health Department (DOH) and the Department of Public Works (DPW) as well. Some of you, probably unfortunately for you, were on the emails because there was a multitude of them. *Laughter.*

Chairman Dupree: That would be me.

Vice-Chair Dexter: And we don't mind.

Mr. Koehler: So basically, we had some discussions with them regarding the driveway and they actually started saying that they wanted a much larger driveway section and then we met with some of their personnel out in the field. It was determined that the smaller section did make more sense. We're happy about that because we didn't want it to look like a major commercial entrance here. This is a nice rural area and it really didn't make any sense to have that 120-foot-wide entrance that they wanted. We've worked with them and verified the sight distance with them. One of the things we also did, this exhibit shows a little bit of it...There's a stone wall that runs along through this area here. Where we're going through that stone wall, we're actually looking to relocate that stone wall about 2 feet beyond on the back side of that sight line there. The DPW has accepted the sight lines that we're showing here. We're proposing these easements and we're still working on that. It's a process with them.

We've also been working with the Health Department. All of these septic systems that we have, we've reduced the number of comments that the DOH has on them at this point. One thing that's a little bit different, even since we submitted very recently is that...This is the existing well here that serves the house. This well was observed by the Planning Board. This is a drilled well, which was surprising to me and what we've done since this plan is actually changed this lot-line slightly. Now, there is going to be a lot line that comes down through here. This well is a little more centrally located on the property and based on the number of lots, we have to do a well quality and quantity test for the health departments purposes, for the approval. We've proposed to use this well and so far, they have been very receptive to that. What we would do is actually use this well for Lot 2's house now. We would be bringing a well supply line that would run up. We would run it along the bottom side of the driveway and into the house. It will be nice to have an actual well that was tested, that will still remain and be in use, which is a nice indicator for the other 3 lots. Because frankly, this well has been serving that house for quite some time now.

Finally, I would just mention that Mike Nowicki has been retained by the applicant to do the Blandings Turtle Habitat Assessment. We hope we'll have that done by the end of next week. We would come back with that. I should note one more thing, with the last submittal, we also did the Phase 1A and Phase 1B Archeological Sensitivity Analysis and found that there were no potential issues associated with that. We're making our way through. Basically at this point, it's really a comfort level for you all, if you feel like we've made enough progress where we can get to that point where we can close the public hearing. Or do we want to continue the public hearing. I think we're getting close to that point.

Chairman Dupree: We can't close the public hearing yet because you're still giving us new materials. Anything like the Blandings Turtle Report, the public has to be able to see them and comment on them. That's why we have to keep the public hearing open. Once you stop giving us new material and we're settled on everything...By the way, I think relocating that lot-line so the well is now on the Lot 2 property makes a lot of sense. Once you do that, then we can consider closing and giving a conditional approval. We hate giving too many conditions because lately with the agency slowdown, we've had several projects... because you can only have a year to meet your conditions, we can't extend it further than that and people have not been meeting the conditions in a year. It's primarily the DOH, but you're working through that right now.

Mr. Koehler: The DOH has actually been very responsive on this one. I think the slowest has been DPW, but I think we've made a lot of progress with them.

Chairman Dupree: I saw, you've been very patient. I'm shocked that the owners of this site are being as patient as they are too, because it could go weeks before they got back to you with, "No, we still think this is a better idea".

Mr. Koehler: We've been trying to explain the process as much as we can with them and there have been some surprises along the way for them, unfortunately and I feel for them. We're doing our best to get through.

Chairman Dupree: Let me start to my right, Mr. Oliver, comments or questions?

Vice-Chair Oliver: I have no comments. I do also agree with that well, changing the lot-line, I think that's going to be helpful. Other than that, I don't have any new comments.

Chairman Dupree: Ms. Dexter?

Vice-Chair Dexter: I just wanted to ask, that was an extra well that was dug and on the property of the existing house?

Mr. Koehler: Yes, I'm not sure of the purpose of why they did that.

Vice-Chair Dexter: Is it a working well?

Mr. Koehler: There's no pump in it now, so we'll have to bring some temporary electric to it, drop a pump down there and do our quantity test and at the end we'll pull samples and send them to the lab and run through the full Part 5 Analysis.

Vice-Chair Dexter: Okay. In general, I'm glad, you've made it a much better project and have really worked with the existing features. Glad to see it's moving along and also glad that they noted that you don't have to put that huge entrance. I believe you said that right next door is another 5 house lot and they were like, "Oh, okay" and now it seems to work.

Mr. Koehler: Thank you. Yeah, I think it was one of those things that once they went out to the site and looked at it and saw everything along the way, common sense fell into place.

Chairman Dupree: Well the entrance they were proposing was for a neighborhood of 20 houses, not 4 additional lots. Come on.

Mr. Koehler: It's an entrance that is really more suited for a new Town Road or a commercial entrance.

Vice-Chair Dexter: I had a question about the driveway and wondering if it needed to be paved.

Mr. Koehler: I think Pete had raised that in his memo.

Vice-Chair Dexter: I think it's the Fire Department that I would be looking to get feedback.

Mr. Koehler: The Fire Department did give us a memo earlier, they never said anything about the paving. They did talk about turn arounds or emergency turn offs and we did add those on there since to accommodate that. I think we'll work with Pete on that to see. I know he was saying that he might be concerned about the timing of it and when do you put the final top asphalt course based on the damage that might be produced by bringing in the construction vehicles for the other houses. I think he was a little concerned about that and he was mentioning a cold mix asphalt product, that's somewhat like a tar and chip, if you will. That seems to be a nice product for a shared driveway like this. We'll consider that and show that once we determine what that's going to be. We'll work directly with Pete if we can.

Vice-Chair Dexter: Okay. Thank you.

Chairman Dupree: Thank you, Anne. Ms. Wasser?

Ms. Wasser: I don't have any comment, thanks.

Chairman Dupree: Mr. Waters?

Mr. Waters: The same. They've all been addressed.

Chairman Dupree: My only comment is that it's nice to see the progress. It's nice working with you as always. Thank you for being so attentive to our requests. Particularly in relocating the driveway. I think the people who ultimately buy and build a house will be much happier having some trees there instead of just a naked driveway. Again, I'm on the record. I don't think there's going to be a lot of Blandings Turtles there, because the wet area is so dark with the canopy and they need a little light penetration. Also to conclude that Pete does have a new memo out for you. He apologized...They're having some issues with their server since the merger and he thought you already had it. You'll have a chance to respond to that.

Mr. Koehler: Absolutely and did Bonnie think that she would have a memo for me at some point.

Chairman Dupree: Bonnie is going to work on a memo, but she wanted me to speak to her after tonight to see if there were any concerns from the Planning Board to add in there, but you hear there aren't.

Mr. Koehler: Perfect. I tend to agree with you on the Blandings. We did the soil test pits for the septic and they were good, but they weren't the typical habitat for where nesting would normally occur. They like to really have the Hoosic gravelly loam. This was more of a silty loam. It was deep but not easily diggable. They like to easily dig through, lay their eggs and then cover them back up. I don't think it's going to be habitat either, but we'll run through the process.

Chairman Dupree: The DEC required it, so.

Mr. Koehler: Absolutely. I did have a couple of questions. I had mentioned in my submittal letter. The conservation easement is back through here, that dashed line, so we were talking about a demarcation for that. I thought that I would want to hear what the Planning Board would prefer to see, because there was talk about boulders. I thought moving boulders back there might be counterintuitive due to the fact that we might have to actually remove vegetation to get the boulders to it.

Chairman Dupree: This is a Ms. Moss kind of question because she's the one that goes out and makes sure it's all been done. Generally speaking, if you can get some boulders to align, she's fine with that. Otherwise, if you want to do something that's a little more expensive, but then is permanent, you can put in the...

Mr. Koehler: Concrete monuments or iron rods? That's what I mentioned in there, but I didn't know if the Board had a preference.

Chairman Dupree: It's really Tad's preference. Tad loves monuments, anything that can be found years later. Boulders can be moved, that's really the issue. Although if you have big boulders, I don't think someone is going to go back there and try and reconstruct Stone Henge to try and destroy your border. We generally try to adhere to applicant's requests too, to see about costs.

Mr. Koehler: Yeah, unfortunately, they do cost more money to put in. It could be a mixture of monuments and maybe some iron rods or something to that affect.

Chairman Dupree: Big boulders can pretty much tell people, I'm not supposed to go mow past that area.

Vice-Chair Dexter: And you're trying to demarcate it in a persistent way so that it doesn't disappear in 10 years and that's why we like boulders. They're nature and can become features of the landscape.

Mr. Koehler: Yeah, I'm of the opinion that there probably won't be much clearing back there.

Vice-Chair Dexter: It does drop off.

Mr. Koehler: Once you get to this, like for example, this septic system, it does drop off in the back. You see the topo gets a little bit more steep through there. I'm thinking that they're probably going to just clear in that area over here and liking the fact that there's a nice wooded area behind. Same with this lot really.

Chairman Dupree: Most of us having walked this site, the area where the houses are proposed are pretty much already cleared. This isn't like you're taking a lot of old trees down for that. Primarily, the older growth trees that are staying are in the conservation easement, so I don't see that as a problem. That's why when we were looking at the limits of construction, we thought they were tight, then we went out and were like, "Oh, there is already a lot of stuff removed".

Mr. Koehler: That was the other thing I wanted to bring up. We did have some discussions about the limit of disturbance. What we did was show a limit of disturbance that would extend out at least 50 feet beyond the house. Basically, you'll see almost a circular area for the limit of disturbance because that's a 50-foot radius from the house. That is more about soil disturbance for purposes of the SWPPP. Those are the areas where the construction vehicles may go, you may want to de-compact that soil before you're finished with everything and establish your final lawn. I think that's a pretty fair assessment of where there will be disturbance. I don't see people really doing a lot of soil disturbance that's going to be damaging the topo otherwise. I think a lot of people are going to look at this and go with the natural topo here.

Chairman Dupree: What you're talking about, sometimes we have the same discussion: disturbance to some people, engineers, means soil disturbance. You can cut down the tree but you can't take the roots out. For us, when we look at the limits of construction disturbance, we're talking really about where they'll remove trees and everything. That's why Pete's comment is in there about it maybe being too small for a lawn area, because you're looking at disturbed areas where the soil will be disturbed and he's thinking a bigger area where people would want to remove additional trees and have a lawn.

Mr. Koehler: So maybe a limit of clearing versus a limit of disturbance. We've done that in the past, but what's going to happen is that these lots will get sold and someone will come up with something other than the rectangle that I'm showing.

Chairman Dupree: We're aware of that. As long as they don't go back into the conservation easement, that's okay.

Mr. Koehler: Right. So there's this fine line of being precise with the subdivision plan, versus the reality of what ends up being built.

Chairman Dupree: Believe me we know. The housing locations may shift, etc., that's all, within our Code, what you're allowed to do. For us, again, I don't want to say we're being lenient, but the concern about removal of trees isn't as strong because they are already gone! What we were talking about when we were out there was how to preserve the biggest trees left, because people like screening from the road, etc. I think you've done most of that, particularly with Lot 5. At any rate, you can show limits of clearing rather than limits of disturbance, because it's limits of clearing that we're interested in.

Mr. Koehler: Right.

Ms. Wasser: How much time do they need before we reschedule?

Chairman Dupree: When do you want us to adjourn this to?

Mr. Koehler: Assuming that he was accurate when he said he would give me the report by the end of next week, that would mean I would like to address some more of these and if Bonnie has anything.

Chairman Dupree: Let's put you on for October 5th.

Mr. Koehler: Yes, I think that would make sense. Is it 2 weeks prior?

Chairman Dupree: Once you're in the pipeline and this far along...If it's new material the first time we see something, we need the full 2 weeks, so do our consultants.

Vice-Chair Dexter: You just did a major resubmission.

Chairman Dupree: Yes, which I've already reviewed.

Ms. Witman: He still has to submit the Final Plat, if it's going to be the last submittal and...

Chairman Dupree: I'm not sure he's going to do a full submittal or just the habitat assessment.

Mr. Koehler: It depends. If there are things we can take care of here and make the list smaller, we may do that.

Chairman Dupree: That would be fine as well, but not all of us will have a chance to review everything if you give you get it in like 2 days before hand. As I said, you're in the pipeline, we've been working with this and are familiar with it. But we still need some time, particularly the consultants because they don't just work for Hyde Park, they have all sorts of other clients.

Mr. Koehler: I spoke to a pump company today. I've been trying to get in touch with them for a little over 2 weeks about getting that well tested and he actually said, "Frankly, I'm just too busy". There are a lot of people having water issues right now, so he's getting pulled in a lot of directions right now. I'm going to try and get someone else out there.

Chairman Dupree: Do you want us to push this to the 19th?

Mr. Koehler: I don't think I'm going to have a DOH approval in my hand at that point regardless, but as long as I feel like I'm getting to that point where I

have very few comments, I'd be happy to say within the first 6 months. If I need two 90-day extensions after that, I'd be surprised.

Chairman Dupree: You're further along with the DOH than some are, so may I get a motion to adjourn this to October 5th?

There was no public comment.

MOTION: Vice-Chair Dexter
SECOND: Vice-Chair Oliver

To adjourn the public hearing for the Small O'Malley Subdivision approval to October 5, 2022.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: So we'll have this for discussion and it's a public hearing, so we'll have to open it, but if you don't need to come or something, just let us know and we'll open and adjourn to another date. Good to see you. Thank you.

Mr. Koehler: Okay. Thank you very much. I appreciate your time.

WORKSHOP:

POYSER GROUND MOUNTED PV PANELS

Site Plan Approval Ground Mount PV Panels (#2022-41)

Location: 14 Hill and Hollow Road, Hyde Park, NY 12538

Grid#: 6265-03-045219

In Attendance: Craig Poyser and Renee Lucieer, Property owners

Chairman Dupree: The next item on the agenda is Poyser Ground Mounted Photovoltaic Panels. This is located at Hill & Hollow Road and it looks like the applicants are here tonight. Come on up. So this is near, I believe it was the Quick's, that we had before for ground mounted solar panels. Off Hill & Hollow, there was a dam, a catchment sort of pond. This is going to be very near. They proposed more or less the same landscaping that's being used at the other location. They got their variance for the incursion into the stream

corridor from the ZBA, so they are looking to us for site plan approval. Let me turn it over to you guys.

Mr. Poyser: I'm Mr. Poyser and this is my wife, Renee.

Chairman Dupree: Nice to meet you.

Ms. Lucieer: Thanks for having us.

Mr. Poyser: We're just looking to put in a 2 ground rack solar system for a total of 20 kilowatts.

Chairman Dupree: We've seen the plans and everything ourselves up here, so I don't think there are any questions. We're really just here tonight to set a public hearing, because that's required. Ms. Moss, our Zoning Administrator likes to have public hearings on these because sometimes people are like, "I want screening right there, I don't want it over here", and we're required to have screening under the law. That's really it. This should be fairly easy. Do you have any questions?

Mr. Poyser: No.

Chairman Dupree: We want to make this easy for you. Okay. May I get a motion to set the public hearing for September 21st?

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To set a public hearing for Poyser Ground Mounted PV Panels site plan approval for September 21, 2022.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: We'll see you in two weeks.

SALT POINT SOLAR AMENDMENT

Site Plan Amendment Approval shed container (#2022-42)

Location: 525 Salt Point Turnpike, Poughkeepsie, NY 12601

Grid#: 6263-03-305465

Chairman Dupree: The next item on the agenda is Salt Point Solar Amendment. This is for the application that’s approved and has been built, located at 525 Salt Point Turnpike. This is Mr. Baxter’s property. One of the reasons this has taken so long and Cynthia can attest, is the companies that first get in here, sell things quickly to others and then others sell their approvals to others, so chasing the chain of command was actually hard to figure out who got the escrow, etc. This is for the approval of the shed container, or really forgiveness, since it’s already there. Ms. Moss discovered it. It was white and has been painted green. If you go by you can take a look at it. Essentially, this must also be referred to County Planning, because Salt Point Turnpike is a County and State Road. The important part is that we set the public hearing and make a motion to refer it over to County Planning. I don’t think they will be interested. In addition, I do want to give the applicants a little bit of a shout out, they thought that because it’s a storage container that could be moved, that it didn’t need site plan because it’s not permanent. It’s planned to be there permanently for storage, so that’s why it has to have site plan. May I first get a motion to refer this to Dutchess County Planning per 239m?

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To refer the site plan amendment for Salt Point Solar to Dutchess County Planning and Development per 239m.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: Then may I get a motion to waive the public hearing for the Salt Point Solar Amendment because it was recommended as such by the Zoning Administrator? We never had anybody comment on this except for the Friends of Peach Hill Park and their concerns were mitigated. We haven’t had

July 26, 2022 the application was revised to be consistent with design unity of dark letters on white background; and

WHEREAS, the sign is designed to be code compliant; and

WHEREAS, the sign demonstrates shopping center design unity with dark letters on a light background, now therefore

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the tenant panel sign permit for Access Supports for Living submitted by Grace Ruseskas, on July 26, 2022.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Absent	Mr. Guercio, Jr.
Aye	Vice-Chair Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Absent	Ms. Weiser

Voice Vote Aye-5 Nay-0 Absent-2 Motion Carried

NUVANCE HEALTH MEDICAL OFFICES

Sign Permit Recommendation Wall sign & Free-Standing Tenant Panel (#2022-39)
Location: 4068 Albany Post Road, Hyde Park, NY 12538
Grid#: 6164-03-006457

Chairman Dupree: The next items on the agenda are Nuvance Health Medical Offices. These are new panels and signs going in at 4068 Albany Post Road, near the Roosevelt Movie Theatre. We have 2, one for the free-standing and one for the replacement wall sign. Anybody have any questions on these?

**Town of Hyde Park Planning Board
RESOLUTION RECOMMENDATION for ISSUANCE OF SIGN PERMIT
PURSUANT TO TOWN CODE SECTION 108-24.3 A (4) (d)**

**Nuvance Health
Replacement Wall Sign
4068 Albany Post Road
Parcel 6164-03-006457**

Date: September 7, 2022
Resolution#: 2022-39

Moved By: Ms. Wasser
Seconded By: Mr. Waters

WHEREAS, on July 18, 2022, Amber Smith of Expedite, representing the property owner Springwood View LLC, and Nuvance Health submitted an application for a replacement wall sign that is consistent with design unity of dark letters on light background; and

WHEREAS, the sign is designed to be code compliant; now therefore

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the wall sign permit for Nuvance Health submitted by Amber Smith, on July 18, 2022.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Absent	Mr. Guercio, Jr.
Aye	Vice-Chair Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Absent	Ms. Weiser

Voice Vote Aye-5 Nay-0 Absent-2 Motion Carried

Town of Hyde Park Planning Board
RESOLUTION RECOMMENDATION for ISSUANCE OF SIGN PERMIT
PURSUANT TO TOWN CODE SECTION 108-24.3 A (4) (d)

Nuvance Health
A Single Tenant Panel
4068 Albany Post Road
Parcel 6164-03-006457

Date: September 7, 2022
Resolution#: 2022-39A

Moved By: Mr. Waters
Seconded By: Ms. Wasser

WHEREAS, on July 18, 2022, Amber Smith of Expedite, representing the property owner Springwood View LLC, and Nuvance Health submitted an application for a tenant panel replacement sign that is consistent with design unity of dark letters on light background; and

WHEREAS, the sign is designed to be code compliant; now therefore

BE IT RESOLVED, the Board hereby recommends the Zoning Administrator issue the tenant panel sign permit for Nuvance Health submitted by Amber Smith, on July 18, 2022.

Aye Chairman Dupree
Aye Vice-Chair Dexter
Absent Mr. Guercio, Jr.
Aye Vice-Chair Oliver
Aye Ms. Wasser
Aye Mr. Waters
Absent Ms. Weiser

Voice Vote Aye-5 Nay-0 Absent-2 Motion Carried

MARCOZ & CHALK

Site Plan Waiver Approval inground pool (#2022-40)
Location: 16 Poppinga Lane, Hyde Park, NY 12538
Grid#: 6065-02-602972

Chairman Dupree: The next item on the agenda is Marcoz and Chalk. This is for a site plan waiver to approve an inground pool. This is the interesting house that you can see from Bard Rock, across the way that will be before us shortly, for a rather extensive renovation. They've been meeting with Tad and me. This is in an area where there are no trees. It is not directly in the flood plan and it's probably the only place you can actually put a pool there. Ms. Moss has recommended that we waive site plan review. This is visible from the river, the whole house, the whole place is on the river. It's got 2 boat loading docks as well. Does anybody have any questions on this one?

Vice-Chair Dexter: No, I wanted to thank you for clarifying because when I was trying to look at the available imagery, it looked like there was all trees there.

Chairman Dupree: Yes, I went over and took an actual physical look. It's hard.

Vice-Chair Dexter: I thank you and as always appreciate the update.

Nadja Marcoz and Adrian Chalk
6065-02-602972
16 Poppinga Lane
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: September 7, 2022
Resolution #: 2022-40

Moved By: Vice-Chair Dexter
Seconded By: Vice-Chair Oliver

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Nadja Marcoz and Adrian Chalk for construction of a 36’ x 12’ inground lap pool on the property associated with a single-family home requiring a building permit, and,

Whereas, the proposed change is declared a Type II action under SEQRA, and

Whereas, the applicant is proposing to construct a 36’ x 12’ inground lap pool, and

Whereas, the proposed addition was granted an area variance on August 24, 2022, Resolution #22-15Z, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, 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, now

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 received by the building department May 31, 2022, and per the request to the planning board dated August 26, 2022.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Absent	Mr. Guercio, Jr.
Aye	Vice-Chair Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Absent	Ms. Weiser

Voice Vote Aye-5 Nay-0 Absent-2 Motion Carried

AMKRAUT, BRIAN

Site Plan Waiver Approval generator (#2022-43)
Location: 16 Cove Road, Rhinebeck, NY 12572
Grid#: 6168-03-214242

Chairman Dupree: The next item is for Brian Amkraut. This is for a site plan waiver for a generator located at 16 Cove Road. This is also in a Statewide Area of Scenic Significance, but it is not visible from the river or the immediate historic sites. Anybody have any questions?

TOWN OF HYDE PARK PLANNING BOARD

Brian Amkraut
6168-03-214242

16 Cove Road, Rhinebeck, NY 12572
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: September 7, 2022
Resolution #: 2022-43

Moved By: Vice-Chair Oliver
Seconded By: Mr. Waters

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Brian Amkraut, for installation of a standby generator on the property associated with a single-family home requiring a building permit, and,

Whereas, the proposed change is declared a Type II action under SEQRA, and

Whereas, the applicant is proposing to install a standby generator, and

Whereas, the proposed addition meets the zoning code setback requirements, and

Whereas, the proposed changes are minor in nature, and

Whereas, Section 108-9.4 C 2, allows the Planning Board to waive the site plan procedures for minor changes requiring a building permit, 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, now

THEREFORE, BE IT RESOLVED, that the Town of Hyde Park Planning Board hereby waives site plan requirements for the proposed addition as described in the building permit received by the Building Department August 9, 2022, and per the request to the Planning Board dated August 30, 2022.

Aye	Chairman Dupree
Aye	Vice-Chair Dexter
Absent	Mr. Guercio, Jr.
Aye	Vice-Chair Oliver
Aye	Ms. Wasser
Aye	Mr. Waters
Absent	Ms. Weiser

Voice Vote Aye-5 Nay-0 Absent-2 Motion Carried

Discuss Town Board Referral of Local Law C of 2022 to Amend Zoning Chapter 108, Article 23: Residential Care Facilities

Chairman Dupree: The next item on the agenda is the Town Board referral for our comments on Local Law C. I have so far heard very nice statements from several of our Planning Board Members. I appreciate that. Does anybody have any questions about the letter?

Vice-Chair Dexter: I guess my only comment is that you had mentioned the intense research that went into the drafting of this Local Law and you were talking about that through some of our other applications, which made this really seem like a no brainer, that the work had been done and it made sense.

Chairman Dupree: It does, I promise.

Vice-Chair Dexter: And that you outlined it very nicely in here in your letter.

Chairman Dupree: The Town Board hiring Bonnie to do the consulting work on it helped immensely because when Bonnie and I discussed the scope of how to do this...Years ago when we passed a wetlands ordinance and we didn't look at all the properties that had wetlands. Which we probably should have because now that I've worked this through with Bonnie and she said let's go through and look at every parcel that could be affected in these districts that's over 4 acres and she analyzed each one to say likelihood of development, yes or no. A lot of things that were looked at were like infrastructure, is there Town water, is there enough room for septic capacity, because that's going to be the limitation always in Hyde Park, is how much septic can they have for a larger building. The nice thing is, I do agree that as our population ages in the area, we're going to need it. We will have young people coming in to buy the housing stock, or rent, but we have to have a place for seniors, like me, to go. You really can't get economies of scale with a limitation on scale of 65,000 square feet. That includes parking. That's very hard to turn a profit off of.

Vice-Chair Dexter: Hyde Park has been proactive, so as always, I'm happy to see my Town trying to address these problems.

Chairman Dupree: I totally concur with you. I wish we could have done this earlier before interest rates rose and construction costs, but with construction costs, this would have had to been done 2 years ago before Covid. AT any rate, may I get a motion to authorize Cynthia to send this over to the Town Board?

MOTION: Vice-Chair Dexter
SECOND: Vice-Chair Oliver

To authorize the Chairman to send a comment letter to the Town Board regarding Local Law C of 2022.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio

Aye **Vice-Chair Dexter**
Aye **Chairman Dupree**

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

7 September 2022

Supervisor Al Torreggiani
Honorable Councilpersons Nicole Noakes, Lynn Ruggiero, John Lombardi, Don Prusakowski
Sarah Wilson, Kyle Barnett, Esquires
4383 Albany Post Road
Hyde Park, New York 12538

Re: Proposed Local Law C

Dear Supervisor Torreggiani and distinguished Councilpersons:

Thank you for the opportunity to comment on proposed Local Law C, which would amend chapter 108, and allow the Planning Board to waive the “scale” bulk requirement for residential care facilities as set forth in § 108-5-15, Schedule of Bulk Regulations. After careful consideration of the language of the law, we recommend that the Town adopt it as proposed. In support, we offer the following:

- The waiver may be applied only to lots that are four (4) acres and larger.
- The proposed use cannot have a significant negative visual impact on the neighborhood.
- The proposed use cannot produce an undesirable change in the character of the neighborhood.
- The proposed use cannot be a substantial detriment to nearby properties.
- The proposed use cannot have a large, adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- The maximum number of Residential Care Facility resident rooms or units shall not exceed 200.

In addition, in issuing a waiver, the Planning Board shall impose conditions where necessary to ensure the above standard are met, including but not limited to:

- increasing building setbacks to an adjoining lot;
- reducing building height;

- imposing greater screening and buffering requirements; and
- such other conditions necessary to ensure the waiver does not cause an adverse impact on adjoining parcels.

Our region contains an aging population, and the demand for assisted living and similar senior care facilities is expected to increase. The proposed amendments allow for efficiencies in elder care programs by allowing larger facilities. The proposed zoning amendments appear to be narrowly drafted so that waiver of the scale requirement is not applicable to other uses allowed in the town.

Please contact me if you need any additional information.

Sincerely,

Michael Dupree
Chairperson

ADJOURNMENT :

Chairman Dupree: Any finally, may I get a motion to adjourn?

MOTION: Vice-Chair Dexter

SECOND: Vice-Chair Oliver

To adjourn.

Absent	Ms. Weiser
Aye	Mr. Waters
Aye	Ms. Wasser
Aye	Vice-Chair Oliver
Absent	Mr. Guercio
Aye	Vice-Chair Dexter
Aye	Chairman Dupree

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

Chairman Dupree: Thank you everyone. Thank you to the Town Board for the resources to record and broadcast this meeting. I also want to thank our staff, Cynthia and Ann Marie for all the work they did in preparing these resolutions tonight. Thank you.