DRAFT MINUTES OF THE OCTOBER 2, 2019
PUBLIC HEARING/REGULAR MEETING
OF THE HYDE PARK PLANNING BOARD

MEMBERS PRESENT:  MICHAEL DUPREE, CHAIRMAN
                     DIANE DI NAPOLI
                     CHRISTOPHER OLIVER
                     BRENT PICKETT
                     STEPHANIE WASSER
                     ANN WEISER

MEMBERS ABSENT:  ANNE DEXTER - VICE CHAIR

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

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Chairman Dupree: Good Evening everyone and welcome to the October 2nd meeting of the Hyde Park Planning Board. Please take note of all the exits around the room and now join us as we salute the Stars and Stripes. Chairman Dupree commenced the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

CONTINUED 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

In Attendance: Jeffrey Rothschild, Cappillino, Rothschild & Egan, LLP

MOTION: Ms. Wasser
SECOND: Mr. Oliver

To re-open the public hearing for the River Ridge Site Plan Approval Extension.

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

VOICE VOTE 6-0 1-Absent 0-Nay Motion Carried

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

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

To close the public hearing for the River Ridge Site Plan Approval Extension.

Aye Chairman Dupree
Absent Vice-Chair Dexter
Aye Ms. DiNapoli
VOICE VOTE  6-0  1-Absent  0-Nay  Motion Carried

RESOLUTION TO EXTEND SITE PLAN APPROVAL

River Ridge at Hyde Park (f/k/a Maple Ridge)

Date: October 2, 2019

Moved By: Ms. DiNapoli

Resolution: # 57-02Q

Seconded By: Ms. Weiser

WHEREAS, on October 1, 2014, by Resolution #57-02K, the Planning Board granted the applicant, River Ridge Associates, LLC, amended site plan approval to make minor modifications to the remaining unbuilt dwelling units including updated facades and minor changes in footprints at the River Ridge development project (the “Project”), located at 45 Rolling Ridge Road, Hyde Park on the west side of Route 9; 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, the Chair signed the approved amended site plan on September 25, 2015; and

WHEREAS, the Planning Board may, in its discretion, grant an extension to an approved site plan; and

WHEREAS, on August 16, 2017, the Planning Board granted the applicant a two-year extension of time to complete the project to and including September 25, 2019, subject to the applicant providing the Town with one copy of a vellum overlay which includes the location of the trail easement granted to Winnakee Land Trust; and

WHEREAS, by letter dated July 18, 2019, the applicant’s attorney has requested an additional two-year extension of time to complete construction of the Project; and

WHEREAS, a duly noticed public hearing on the request for an extension was held on August 21, 2019 and closed on October 2, 2019, during which all those who wished to speak were heard; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a two-year extension of the time to complete construction of
the project, as shown on the site plan approved by Resolution #57-02K, to and including September 25, 2021, subject to the following conditions:

1. Payment of all fees and escrow.

2. Submission to the Town of a vellum overlay map showing the approximate location of the 10 foot wide trail easement.

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

VOICE VOTE 6-Aye 1-Absent 0-Nay Motion Carried

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
Ken Fioretti, HSC Hyde Park, LLC

Chairman Dupree: The next item on the agenda is a continued public hearing for Dollar General. This is a proposal for a new store to be located at 1 East Dorsey Lane, which is at the intersection of Dorsey and Violet Avenue.

MOTION: Ms. DiNapoli
SECOND: Mr. Oliver

To re-open the public hearing for the Dollar General 1 East Dorsey Site Plan Approval.

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

VOICE VOTE 6-0 1-Absent 0-Nay Motion Carried
Chairman Dupree: So since our last meeting, we had one issue left pertaining to SEQRA...we had sign off from the NYS DOT as well as DCDPW, both had specific comments requesting specific information, but neither posed any more questions about the traffic impact analysis or supplemental information that was provided. Our own traffic consultants from CPL have also reviewed the traffic impact analysis and summarized that the traffic impacts were not such that they would cause the need for improvements to the road. After that there were questions about the stormwater and drainage. If you’ll recall, the area that is proposed for the stormwater retention basin at some point over the years had fill because it’s not the original soil. They found materials in it that indicated that it’s not the original soil, that it had been disturbed. However, we have a letter from Mr. Setaro and an e-mail for the DEC noting that while they have not addressed the issue fully themselves, they are willing to allow the Town because it’s an MS4 Community on stormwater, to allow our Engineer who’s a part of that stormwater management system, weigh in and say that this is going to operate almost as native soil would, then they were okay with it. We received Mr. Setaro’s letter and as Pete noticed...he’s been working down the street since 1988 and seen no new disturbance, so that’s a long time for fill to settle fully, so I think we’re okay moving forward on SEQRA and that’s what we’re prepared to do tonight.

Ms. Mlodzianowski: The Chairman did a great job summarizing the progress we’ve made with review agencies since the last meeting, about a month or so ago. We see no issues with being able to address DCDPW and DOT comments in regards to access. We are working on plan revisions and we have not officially submitted this because it’s still in the works, but DOT did provide guidance on sharpening the angle of the right-in-only off of Violet Avenue, which we’ve depicted here. This will discourage cars driving traveling south on Violet Avenue from turning left into the site. We’re also smoothed the radius of the sidewalk around the guidewire on East Dorsey Lane and we’re continuing to work through the final comments for both access points. We saw the comments from CPL and I didn’t see anything earth shattering...I think we can address all of it. We are confirming with Dollar General for the delivery hours.

Chairman Dupree: Thank you. Some of the comments are relatively picayune, including the landscaping. I noticed that where we were looking for shade trees that you had a Hornbeam that wouldn’t provide shade, it’s shaped differently. We made those suggestions. Also Buddleia or Butterfly Bush, I think is going to be classified as an invasive. Where you were proposing them, if you want to keep them, it’s probably okay because you’re going to be mowing the rest, but they can land in other people’s yards, etc., so we put in Knock Out Roses, which are probably cheaper. All of my comments have been incorporated into Liz’s memo.

Ms. Axelson: I see that the access configuration is tightened up for the Right. There was a discussion about the path of the sidewalk as it goes along E.
Dorsey, to kind of round that off instead of making a square path around the utility pole. The plane tree on the north, there was a concern about sight distance so we’re suggesting notation indicating that lower limbs shall be removed from the tree as necessary in order to provide clear sight distance for the driveway to the north. Michael already touched on the landscaping, except to add a tree to the landscape island that you just created. Adding the black wire mesh to the post and rail fence around the basin. Those are the biggies.

**Mr. Setaro:** You pretty much covered it in regard to the last issue, the DEC classification of Fill. As I said in my letter/memo, there’s still some technical issues that we’ll work through. Have you completed the soil testing for the primary underground piping system closer to Dorsey Lane?

**Ms. Mlodzianowski:** We have not yet, because we wanted to see where the fill situation led first.

**Mr. Setaro:** That makes sense. I think we’re getting there.

_The Chairman inquired about any tree removal and grading near the eastern neighbor’s driveway. The applicant indicated that they did not intend to do much regrading in that area, only what was necessary to put in the drainage system. Mr. Setaro thought they might be required to clear some of that area for DPW sight distance requirements._

**Ms. Polidoro:** My comments have been incorporated into Liz’s Memo. Just a reminder that the applicant is seeking a variance from the Zoning Board of Appeals and they can’t move forward until this Board completes the SEQRA process.

**Chairman Dupree:** Which we should be doing tonight. Would the Board like to entertain a motion allowing me to send a positive recommendation for the increase in scale that they’re seeking?

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

To authorize the Chairman to send a letter of recommendation to the Zoning Board of Appeals in support of the Dollar General’s variance application.

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<td>Ms. Wasser</td>
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Aye  Ms. Weiser

VOICE VOTE  6-0  1-Absent  0-Nay  Motion Carried

Chairman Dupree: My comments I conveyed to you in a separate email. I just want to reiterate, one, that we don’t have the details of the luminaries, I don’t think and the light poles. It looks as though what you’re proposing matches the lights above the signs on the building…the shepherd’s crook. There is a little inset but it’s so blurry I couldn’t really see what it was and there’s no lighting pole.

Ms. Mlodzianowski: I’ll make sure that it’s on the lighting plan.

There was no public comment.

The Chairman confirmed that the Board Members had reviewed the draft Part II & III EAF and were in agreement that the proposed project will have no significant adverse impacts to the environment.

RESOLUTION ADOPTING A SEQRA DETERMINATION OF SIGNIFICANCE NEGATIVE DECLARATION

Dollar General

Date: October 2, 2019  Moved By: Mr. Oliver

Resolution: #2019-04A  Seconded By: Ms. DiNapoli

WHEREAS, the applicant, HSC Hyde Park, LLC, has submitted an application for site plan approval to demolish an existing building and construct a new 7500 sq. ft. retail building along with new access, parking, landscaping, lighting, utilities, and stormwater management at property located at 1 East Dorsey Lane, tax parcel no. 6163-02-504633, in the Neighborhood Business District (the “Project”); and

WHEREAS, the Project is depicted on: a site plan entitled “Site Development Plans for HSC Hyde Park, LLC” sheets 1-13, prepared by Bohler Engineering, dated January 5, 2019, last revised July 29, 2019; a lighting plan entitled “New Store Construction – Dollar General” prepared by Adams Stewart Architects, LLC, dated March 18, 2019, last revised August 1, 2019; elevations entitled “New Store Construction, 7500 Center Entry – Dollar General” prepared by Adams Stewart Architects, LLC, dated May 10, 2019, last revised June 27, 2019; and renderings entitled “Preliminary Perspective View – Dollar General” received May 20, 2019, last revised July 30, 2019, Dollar General Monument Sign detail, preparer not indicated, undated and Dollar General Sign wall sign
WHEREAS, general commercial uses are permitted in the Neighborhood Business District subject to site plan approval; and

WHEREAS, the Project proposes to exceed the maximum permitted scale of 7,500 gross square feet and the applicant has applied to the Zoning Board of Appeals for a variance; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (“EAF”) dated January 21, 2019, revised on July 1, 2019, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on June 5, 2019, the Planning Board classified the action as an unlisted action in accordance with SEQRA and declared its intent to serve as lead agency in a coordinated review, to which no other agency has objected; and

WHEREAS, the Planning Board has reviewed the Full EAF Parts 1; 2; and 3 provided and all available information concerning the potential impacts of the Project and found that the Planning Board has sufficient information on which to base a determination of significance; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby determines that the project as proposed will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.

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

VOICE VOTE 6-Aye 1-Absent 0-Nay  Motion Carried

Involved and Interested Agencies
New York State Department of Environmental Conservation
New York State Department of Transportation
Dutchess County Department of Behavioral and Community Health
Dutchess County Department of Public Works
Town of Hyde Park Zoning Board of Appeals
Town of Hyde Park Fire Inspector
Fairview Fire District

MOTION: Mr. Oliver
SECOND: Ms. Weiser

To adjourn the public hearing for the Dollar General 1 East Dorsey Site Plan Approval to November 6, 2019.

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

VOICE VOTE 6-0 1-Absent 0-Nay Motion Carried

OTHER BUSINESS:

NICHOLS OXYGEN PROPERTY
Site Plan & Special Use Permit Approval (#2019-07)
Location: 1564 Route 9G
Grid#: 6166-04-882279

In Attendance: Ray Nichol, Nichols Oxygen Service Inc.

Chairman Dupree: The next item on the agenda is Nichols Oxygen Property. We have a request to amend the Site Plan and Special Use Permit Approval resolution to account for a 2% increase correction. This is a very simple issue. There were some questions about the calculation of scale. The plans themselves have not changed what so ever, but when we did the original resolution authorizing the increase, it was listed as 145%, our original resolution said change it to 45%, but Ms. Axelson and Mr. Tirums came to an agreement that it’s a 47% increase. It’s still the same plans we approved it’s just a difference in mathematics.

RESOLUTION AMENDING CONDITIONAL SITE PLAN AND SPECIAL USE PERMIT APPROVAL

NICHOLS OXYGEN PROPERTY
WHEREAS, Nichols Oxygen Service, Inc., the applicant, and its consulting professional, Paul Tirums, P.E., submitted a request, dated September 24, 2019, for the Planning Board to revise Resolution 2019-07A, which granted a conditioned site plan and special use permit approval, upon discovering that the proposed increase in scale was incorrectly listed as 45% rather than 47%; and

WHEREAS, though the cited number was incorrect, no changes to the approved site plan have been made nor proposed, and the final plan set will be amended solely to indicate that the correct increase in scale, 47%, is cited; and

WHEREAS, the applicant, Nichols Oxygen Service Inc., 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 requested approval to increase the nonconforming scale of the Site by 45% but has now recognized that an increase of 47% is the correct percentage; and

WHEREAS, the applicant 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, 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 reaffirms its original 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 amends Resolution 2019-07A and re-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 “47%” instead of “145%” and amend the note to state, “The increase in scale from existing to proposed is 47%” 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
Absent Vice-Chair Dexter
Aye Ms. DiNapoli
Aye Mr. Oliver
Aye Mr. Pickett
Aye Ms. Wasser
Aye Ms. Weiser

VOICE VOTE 6-Aye 1-Absent 0-Nay Motion Carried

KENNEY, SUSAN
Site Plan Waiver Remodel (#2019-43)
Location: 2 Rogers Place
Grid#: 6064-08-927906

In Attendance: Susan Kenney, Homeowner

TOWN OF HYDE PARK PLANNING BOARD
Susan Kenney
2 Rogers Place
6064-08-927906
SITE PLAN Waiver
Town Code Section 108-9.4 C 2

Date: October 2, 2019 Moved By: Ms. Weiser
Resolution #: 2019-43 Seconded By: Mr. Oliver

Whereas, a request for Site Plan Waiver has been made to the Town of Hyde Park Planning Board by Susan Kenney for home remodel to include new windows, roof, siding, AC, new garage side entry and repair of front entry with addition of porch roof to the existing single family home.

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 August 30, 2019 and the request for a waiver of site plan received by the Planning Department on September 20, 2019.

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**VOICE VOTE** 6-Aye 1-Absent 0-Nay **Motion Carried**

**RENAISSANCE REHABILITATION & NURSING CARE CENTER**

Sign Permit Approval (#2019-44)
Location: 4975 Albany Post Rd., Staatsburg, NY 12580
Grid#: 6066-02-856792

**In Attendance:** Tara Hogan, Renaissance Rehabilitation & Nursing Care Center Administrator

**Chairman Dupree:** The next item on the agenda is the Renaissance Rehabilitation and Nursing Care Center. If you recall we rejected an earlier proposal for a free-standing sign. The applicant revised the plan to have a white background for the sign interior, which comports with the beige and white background of the building. Ms. Moss reviewed it and believes it’s code compliant.

Ms. Hogan passed out a rendering of the sign which included the paint color names. The Board Members were in support of the revised sign design with the exception of Ms. DiNapoli who felt that although the redesign was a huge improvement that if the sign posts could be changed to the darker purple used for the border that it would pull the whole thing together.

**RESOLUTION RECOMMENDATION for ISSUANCE / DENIAL OF SIGN PERMIT PURSUANT TO TOWN CODE SECTION 108-24.3 A (4) (d)**
Renaissance Rehabilitation & Nursing Care Center
4975 Albany Post Road Free standing sign
Parcel 6066-02-856792

Date: October 2, 2019
Moved By: Chairman Dupree
Resolution#: 2019-44
Seconded By: Mr. Oliver

WHEREAS, Tara Wild, on September 13, 2019, submitted a sign permit application for Renaissance Rehabilitation & Nursing Care Center; with revised signage dimensions dated September 6, 2019; and

WHEREAS, the necessary variances have been granted; and

WHEREAS, the design unity has been changed to downplay the purple by reversing the background to white and creating purple letters; and

WHEREAS, the variances granted by the Zoning Board of Appeals are still in effect; and

WHEREAS, the sign is otherwise in compliance with the requirements established in Article 24 Signs in Chapter 108 Zoning of the Code of the Town of Hyde Park,

BE IT FURTHER RESOLVED, the Board hereby recommends the Zoning Administrator issue the sign permit for Renaissance Rehabilitation & Nursing Care Center.

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

VOICE VOTE 5-Aye 1-Absent 1- Nay  Motion Carried

Town Board Referral of Local Law I of 2019 I-Filming and Videotaping for Planning Board Consideration

The Board Members and consultants discussed the proposed law and their suggested changes. They noted that it was clear that the Town Board was trying to regulate big, commercial uses, like movies or the like that cause a disruption. The Board felt that they wouldn’t like to see low key, small commercial enterprises require permits. They suggested some additional language for requiring a permit which included the use of props, size of crew and also adding liability insurance. They discussed trying to keep private or
personal use excluded with crews of 5 or less. Requesting more clarification in terms. The Chairman will amend his letter.

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

To authorize the Chairman to amend his draft response letter regarding Local Law I of 2019 to include the Board’s commentary.

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**VOICE VOTE** 6-0 1-Absent 0-Nay **Motion Carried**

Amended letter below:

Historic Town of Hyde Park
Planning Board  
4383 Albany Post Road  
Hyde Park, NY  12538  
(845) 229-5111, Ext. 2, (845) 229-0349 Fax

Michael Dupree, Planning Board Chairman  
“Working with you for a better Hyde Park”

9 October 2019

Supervisor Aileen Rohr, Town of Hyde Park  
Honorable Councilpersons Neil Krupnick, David Ray, Joe Marrine, Ken Schneider  
Warren Replansky, Esq., Attorney to the Town  
4383 Albany Post Road

**Re: Proposed Local Law I of 2019**

Dear Supervisor Rohr, distinguished Councilmembers and Counselor:

Hyde Park, New York 12538  
We appreciate the opportunity to comment on proposed Local Law I which would enact a new Chapter 52 of the Town code as regards filming and videotaping on public and private property. Since this proposed law is not a part
of zoning, nor subdivision, and does not require any action by this Board, we do not believe it needed referral, but are happy to offer the following comments:

1. Though multiple sections of proposed Law I refer to “filming”, the latter is defined as to include “still photography.” Still photography is a broad term – for example, were a couple to want to utilize Riverfront Park for wedding or engagements shots, this would surely be considered still photography. The Board should consider whether all still photography requires a permit. Some types of still photography and personal video filming, such as taking family pictures or videos while visiting Hyde Park would seem to be exempt from the permitting process to avoid an overly burdensome effect.

2. We agree that film, video and still photography projects should require a permit when there are props, sets, or models involved, or when the project takes place outside of regular operating hours, involves town equipment or town personnel as addressed in the law. However, the Board should consider some further clarification as to the size of a crew, perhaps. One photographer and one assistant, for example, might not offer much in the way of possible disruption.

3. We had considered suggesting you add “Commercial” before “Filming” in §52-2 “Definitions” as the points raised above reflect the intent of the law: to ensure that commercial filming would not interfere or disrupt daily activities of our residents. However, it was noted that individuals who are termed “influencers”, i.e. persons with expertise on a topic or who have vast numbers of social media followers, make money off self-photos and self-videoing. So we raise the issue of formulating language that more clearly establishes that it is commercial filming rather than personal or family filming that should be regulated more closely for the common public good.

4. In §52-4 “Application for Permit” and §52.5 “Approval by Town Zoning Administrator” we suggest adding a provision in the application form that requires proof of liability insurance and that in no case will a permit be issued unless the liability insurance covers a minimum of $500,000 or more as determined by the Zoning Administrator based on factors listed in the law, such as use of public spaces or buildings or number of filming locations, etc...

5. The Zoning Administrator suggested that the law include a time frame for the tear down and removal of any sets so that an area used is restored to its perhaps mostly original condition.

We hope you will give due consideration to the comments we have provided and recommend you rely on your own facts in deciding whether to pass local law I. Please do not hesitate to contact me if you require more information.

Sincerely,

Michael Dupree
Chairman
**MOTION:** Ms. Wasser  
**SECOND:** Mr. Oliver

To adjourn.

<table>
<thead>
<tr>
<th>Aye</th>
<th>Chairman Dupree</th>
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<tbody>
<tr>
<td>Absent</td>
<td>Vice-Chair Dexter</td>
</tr>
<tr>
<td>Aye</td>
<td>Ms. DiNapoli</td>
</tr>
<tr>
<td>Aye</td>
<td>Mr. Oliver</td>
</tr>
<tr>
<td>Aye</td>
<td>Mr. Pickett</td>
</tr>
<tr>
<td>Aye</td>
<td>Ms. Wasser</td>
</tr>
<tr>
<td>Aye</td>
<td>Ms. Weiser</td>
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</tbody>
</table>

**VOICE VOTE**  
6-0 1-Absent 0-Nay Motion Carried