



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 November 15, 2023, 6:00 PM  
PUBLIC HEARING/WORKSHOP/REGULAR MEETING  
OF THE HYDE PARK PLANNING BOARD**

**MEMBERS PRESENT: ANNE DEXTER - VICE CHAIR  
JOHN GUERCIO, JR  
CHRISTOPHER OLIVER – VICE CHAIR  
ROBERT WATERS**

**MEMBERS ABSENT: MICHAEL DUPREE – CHAIRMAN  
DON VEITH, JR  
STEPHANIE WASSER**

**OTHERS PRESENT: VICTORIA POLIDORO, PB ATTORNEY  
PETER SETARO, PB ENGINEER  
BONNIE FRANSON, PB PLANNER  
KATHLEEN MOSS, HP ZONING ADMINISTRATOR  
CYNTHIA WITMAN, PB SECRETARY**

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*Vice-Chair Oliver stepped in as acting Chair in Chairman Dupree's absence.*

**PLEDGE OF ALLEGIANCE**

*Vice-Chair Oliver led the Pledge of Allegiance.*

**CONTINUED PUBLIC HEARING:**

**BELLEFIELD PUD PHASE 2A**

Site Plan Approval 12 Townhouses and Entry Sign Barn (#2022-44)

Location: 15 West Dorsey Lane, Hyde Park, NY 12538

Grid#: 6163-01-131849

*In Attendance:*

*Larry Boudreau, T-Rex Capital Group*

**MOTION: Vice-Chair Dexter**

**SECOND: Mr. Guercio**

**To re-open the public hearing for Bellefield PUD Phase 2A.**

<b>Aye</b>	<b>Mr. Waters</b>
<b>Absent</b>	<b>Ms. Wasser</b>
<b>Absent</b>	<b>Mr. Veith</b>
<b>Aye</b>	<b>Vice-Chair Oliver</b>
<b>Aye</b>	<b>Mr. Guercio</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Absent</b>	<b>Chairman Dupree</b>

**VOICE VOTE      Aye-4 Absent-3      Nay-0                      Motion Carried**

*There was no public comment.*

**MOTION: Vice-Chair Dexter**

**SECOND: Mr. Guercio**

**To close the public hearing for Bellefield PUD Phase 2A.**

<b>Aye</b>	<b>Mr. Waters</b>
<b>Absent</b>	<b>Ms. Wasser</b>
<b>Absent</b>	<b>Mr. Veith</b>
<b>Aye</b>	<b>Vice-Chair Oliver</b>
<b>Aye</b>	<b>Mr. Guercio</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Absent</b>	<b>Chairman Dupree</b>

**VOICE VOTE      Aye-4 Absent-3      Nay-0                      Motion Carried**

**RESOLUTION TO GRANT SITE PLAN APPROVAL**

**Bellefield Final Development Plan Phase 2**

**Site Plan Phase 2A**

**Date: November 15, 2023**

**Moved By: Vice-Chair Dexter**

**Resolution#: 2022-44A**

**Seconded By: Mr. Guercio**

WHEREAS, the applicant, ARGO Development and Construction, has submitted an application for site plan approval for Phase 2A of the approved final development plan for Phase 2 of the project formerly known as St. Andrew's PUD, now known as Bellefield, which consists of the development of 12 townhouses, the entry barn, and associated improvements, on the property identified as tax parcel no. 6163-01-131849 (the "Property"), in the Bellefield Planned Development Zoning District (the "Project"); and

WHEREAS, Phase 2A is part of the overall development of the Bellefield Property, which has been under review for many years by the Town of Hyde Park, which review has included the preparation of a full Environmental Impact Statement in 2005, resulting in the adoption of SEQR Findings by the Town Board of Hyde Park as Lead Agency on August 29, 2007, followed by approval of a Comprehensive Development Plan/Concept Plan for the Property on said date; the amendment of those SEQR Findings by the Town Board on June 13, 2017; the redesignation of Lead Agency resulting in the Planning Board's undertaking the role of SEQR Lead Agency on October 18, 2017; the Application by T-Rex for Amended Concept Plan approval in 2021; the adoption of Amended SEQR Findings by the Planning Board as Lead Agency on December 8, 2021, which SEQR Findings were endorsed and adopted by the Town Board, as Involved Agency, as its own SEQR Findings on December 20, 2021 as a predicate to adopting an Amended Concept Development Plan for the Bellefield Project; and

WHEREAS, on January 18, 2023, the Planning Board adopted a Resolution to Reaffirm a SEQRA Determination of Significance (Negative Declaration), which included an Appendix describing certain issues examined in detail as part of its SEQRA review; and

WHEREAS, on March 25, 2023, pursuant to Resolution 2023-27B, the Planning Board conditionally approved the Final Development Plan for Phase 2 of the Bellefield Project; and

WHEREAS, pursuant to Resolution 2023-27B, each construction phase of the Final Development Plan shall return to the Planning Board for individual site plan approval in accordance with Article IX of the Town of Hyde Park Zoning Law; and

WHEREAS, the Project is depicted on a site plan entitled "Construction Phase Site Plan: Bellefield Phase 2A" prepared by Passero Associates, dated July, 2023, last revised October 17, 2023 Sheets G001, G002, C120, C121, C130, C131, C140-C143, C150, C151, C160, C161, C170, C171, C180, C181, C530, C540, C541, C550, C560, C561, and A200 dated September 6, 2023 and A201 designed by Liscum McCormack VanVoorhis and Connolly Engineering, PLLC dated November 10, 2023 (the "Site Plan Set"); and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development, which responded on October 5, 2023 that it was a matter of local concern but provided comments on the width of the road, street trees, lighting and the entrance barn; and

WHEREAS, the applicant and the Planning Board have considered the County's comments and incorporated some Project changes; and

WHEREAS, by letter dated November 9, 2023, the Roosevelt Fire District provided comments on the Project; and

WHEREAS, a duly noticed public hearing on the Project was opened on October 4, 2023 and closed on November 15, 2023, during which all those who wished to speak were heard; and

**BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Site Plan Set and authorizes the Chair, or his authorized designee, to sign the Site Plan Set after compliance with the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. Revision of the Site Plan Set to include the Endangered and Threatened Species Notes as attached hereto.**
- 3. Revision of the Site Plan Set to include the sidewalk and platform materials around the water tower on Sheet C131.**
- 4. Revision of note re logging trail on Sheet C131 to state that such trail shall be maintained by applicant in passable condition.**
- 5. Revision of the Site Plan Set to include the following note on Sheet C181: In the applicant's discretion, up to three light poles may be eliminated from the area south of the town houses.**
- 6. Revision of the Site Plan Set to include a note on Sheet C181 stating that the overall lighting shall not exceed an average of 5 footcandles.**
- 7. Revision of the Site Plan Set to stagger the row of trees southeast of the townhomes.**
- 8. Revision of the Site Plan Set to include the dimensions of the roundabout, to implement a truck apron in the center and narrow the pavement width around the circle to discourage vehicles from driving the wrong way through it, and to include mountable curbs for emergency vehicles.**
- 9. Coordinate with the Town Engineer and Zoning Administrator on the location of the future road extension beyond the roundabout and revision of Site Plan Set to relocate roundabout in the north direction to ensure that there is no encroachment in the buffer taking into account sidewalks and grading, as required by the Town Engineer and Zoning Administrator.**

10. Approval of a final plat by the Planning Board and all required easements pursuant to Planning Board Resolution 2022-28C dated October 4, 2023, and proof of filing of such approved final plat and recordation of such easements with the Dutchess County Clerk.
11. Revision of the Site Plan Set, Sheet C120, to designate material storage area and contractor parking area for Phase 2A. The area noted on C120 is the existing Bellefield trailer and parking area. If this area will be used for contractor parking and material storage for Phase 2A, please note it and reference the area as “existing Bellefield trailer area.” If this area will not be used for material storage and parking for the townhomes, designate another area to be approved by the Zoning Administrator and Town Engineer.
12. Revision of the Site Plan Set, Sheet C130, as follows:
  - A. Add pedestrian crosswalk signs at the crosswalk.
  - B. Addition of landscaping around the generators, to the satisfaction of the Zoning Administrator and Town Engineer.
  - C. Addition of a note indicating that sound attenuation will be provided on the generators and that the generator will be exercised during the mid-day, mid-week time period.
  - D. Clarify how generators will feed individual units.
13. Revision of the Site Plan Set, Sheet C131, as follows:
  - A. Include typical road sections for Farmhouse Road.
  - B. Clarify whether a stone-faced retaining wall is located adjacent to Carriage Way or whether such area will be sloped, and provide details for review and approval by the Town Engineer.
14. Revision of the Site Plan Set, Sheet C142 to correct all sidewalk and stair elevations so that they comply with standards in the NYS Building Code.
15. Revision of the Site Plan Set, Sheet C150 to use bold lines for the limits of disturbance for legibility.
16. Revision of the Site Plan Set to add a note on Sheet C131 as follows: The applicant may apply for a site plan waiver for an optional break in the stone wall in the vicinity of the Sign Barn (Bldg. 1800). The stone wall shall remain intact unless a site plan waiver is granted.

<b>Absent</b>	<b>Chairman Dupree</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Aye</b>	<b>Mr. Guercio</b>

**Aye** Vice-Chair Oliver  
**Absent** Mr. Veith  
**Absent** Ms. Wasser  
**Aye** Mr. Waters

**Voice Vote**      **Aye-4**   **Absent-3**   **Nay-0**      **Motion Carried**

**ENDANGERED THREATENED AND RARE SPECIES NOTES:**

INDIANA AND LONG EARED BAT NOTES:

1. TREE CLEARING SHALL BE LIMITED TO THE PERIOD BETWEEN OCTOBER 15 AND MARCH 31 TO ENSURE NO POTENTIAL TAKE OF BAT SPECIES, UNLESS
  - 1.1. ALL OF THE 10 TREE TYPES WITH CHARACTERISTICS OF POTENTIAL ROOST TREES ARE HAND FELLED (LOP AND DROP) BETWEEN NOVEMBER 1 THROUGH MARCH 31 TO AVOID POTENTIAL FOR TAKE FROM CLEARING ACTIVITIES. THESE TREES ARE FLAGGED IN THE FIELD.
  - 1.2. IF DIRECTED BY THE NYSDEC OR USFWS, ACOUSTIC SURVEYS ARE TO BE PERFORMED THE NIGHT BEFORE TREE CLEARING TO ENSURE NO IMPACTS TO INDIVIDUAL BATS.

BLANDINGS TURTLE NOTES

1. THE PRIMARY CONTRACTOR AND SUBCONTRACTORS MUST RECEIVE TRAINING BY NYSDEC APPROVED TRAINER PRIOR TO INITIATION OF ANY CONSTRUCTION ACTIVITIES.
2. PRIOR TO CONSTRUCTION:
  - 2.1. SILT FENCE/TURTLE AVOIDANCE FENCE WILL BE INSTALLED AROUND THE WWTP.
  - 2.2. THE SITE SHALL BE SWEEPED PRIOR TO CONSTRUCTION TO ENSURE THERE ARE NO TURTLES INSIDE THE WORK FENCING
3. ALL WORK IN THE WWTP AREA SHALL BE COMPLETED WITHIN THE SILT FENCE/TURTLE AVOIDANCE FENCE.
4. MONITORING OF THE TEMPORARY CONSTRUCTION EXCLUSION FENCE/SILT FENCE WILL BE COMPLETED AS PART OF THE WEEKLY SWPPP MONITORING.

**CARRIAGE TRAILS (a.k.a. Crofton Mews)**

Extension of Site Plan Deadlines for Construction (#16-96)

Location: 1269 Route 9G, Hyde Park, NY 12538

Grid #: 6165-01-340743

*In Attendance:*

*Louis Kaufman, One Key LLC*

**MOTION: Vice-Chair Dexter**

**SECOND: Mr. Guercio**

**To re-open the public hearing for Carriage Trails (a.k.a. Crofton Mews).**

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

**VOICE VOTE**      **Aye-4**   **Absent-3**   **Nay-0**      **Motion Carried**

Public comment was received from Francine White of Lister Drive. She expressed concerns over increased traffic on 9G and a left turn out without a traffic light. She previously fought for a traffic light at the South Cross Road intersection with 9G, which wasn't installed until after a fatal car accident. She also questioned the demographics of the future tenants, the size of the units and the impact on the school district. Mr. Kaufman stated that her neighborhood might benefit from his project which will bring DCWWA water closer to them. He also indicated that the units were mostly 1-2 bedrooms, with one 3 bedroom per quad. He noted that the apartments will be nice and rent at market rates, not government subsidized.

**MOTION: Vice-Chair Dexter**  
**SECOND: Mr. Guercio**

**To adjourn the public hearing for Carriage Trails (a.k.a. Crofton Mews) to January 17, 2023.**

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

**VOICE VOTE Aye-4 Absent-3 Nay-0 Motion Carried**

**WORKSHOP:**

**JEFFREY GROVES ESTATES**

Site Plan Amendment Exterior Modification (#2018-04 & 68-12)  
Location: North Cross Road, Daniels Way and Blair Road, Staatsburg, NY 12580  
Grid #: 6167-18-328190, + 52 (available upon request)

*In Attendance:* Louis Kaufman, One Key LLC  
Brian Watts, Day Stokosa

**MOTION: Vice-Chair Dexter**  
**SECOND: Mr. Guercio**

**To waive the public hearing for the Jeffrey Groves Estates Site Plan Amendment, as recommended by the Zoning Administrator.**

**Aye** Mr. Waters  
**Absent** Ms. Wasser  
**Absent** Mr. Veith

**Aye** Vice-Chair Oliver  
**Aye** Mr. Guercio  
**Aye** Vice-Chair Dexter  
**Absent** Chairman Dupree

**VOICE VOTE**      **Aye-4 Absent-3**      **Nay-0**                      **Motion Carried**

*The Board and Consultants recommended the applicant make some corrections to the site plan, including a fence height of 6 feet, adding landscaping around the enlarged utility pad and correcting typos.*

**MOTION: Vice-Chair Dexter**  
**SECOND: Mr. Guercio**

**To refer the Jeffrey Groves Estates Site Plan Amendment application, once amended, to Dutchess County Planning and Development per 239m.**

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

**VOICE VOTE**      **Aye-4 Absent-3**      **Nay-0**                      **Motion Carried**

**STEWART’S SHOPS 9G**  
Site Plan Amendment Exterior Modification Approval (2023-66)  
Location: 1115 Route 9G, Hyde Park, NY 12538  
Grid #: 6165-03-391200

*In Attendance:*    *Steve Licciardi, Stewart’s Shops*

**MOTION: Vice-Chair Dexter**  
**SECOND: Mr. Waters**

**To set a public hearing for Stewart’s Shops 9G Site Plan Amendment for December 6, 2023.**

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



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

**VOICE VOTE**    **Aye-4 Absent-3**    **Nay-0**                            **Motion Carried**

**RESOLUTION CLASSIFYING THE ACTION UNDER SEQRA AND REFERRING TO THE  
DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Stewart’s Shops – East Park**

**Date: November 15, 2023**

**Moved By: John Guercio**

**Resolution #: 2023-66**

**Seconded By: Vice-Chair Dexter**

WHEREAS, the applicant, Stewart’s Shops Corp, has submitted an application for site plan amendment approval to alter the exterior façade of the existing structure shop located at 1115 NYS Route 9G in Hyde Park New York, tax parcel no. 133200-6165-03-391200 (the “Property”), in the East Park Business District (the “Project”); and

WHEREAS, the Project is depicted on plans entitled, “East Park – EPKC – 149,” Sheets S-1 and A-1, prepared by Stewart’s Shop Corp. and dated October 25, 2023, (the “Site Plan Set”); and

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

WHEREAS, the applicant has submitted a Short Environmental Assessment Form (“EAF”) dated October 27, 2023, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(1), maintenance and repair involving no substantial changes to an existing structure and 6 NYCRR § 617.5(c)(9), construction or expansion of a non-residential structure involving less than 4,000 sq. of gross floor area are Type II actions; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:**

- 1.                    Classifies the Project as a Type II action under SEQRA.**



**RESOLUTION CLASSIFYING THE ACTION UNDER SEQRA**

**Paldino Ground Mounted Solar**

**Date: November 15, 2023**

**Moved By: Mr. Waters**

**Resolution #: 2023-61**

**Seconded By: Vice-Chair Dexter**

WHEREAS, the applicant, Empire Solar Solutions, has submitted an application for site plan approval to install 26.88kW Ground Mounted Solar array at 11 Spy Glass Lane in Staatsburg New York, tax parcel no. 133200-6168-03-469114 (the "Property"), in the Greenbelt District (the "Project"); and

WHEREAS, the Project is depicted on plans entitled, "Solar Panel Installation Paldino Residence," Sheets S-1, S-2, S-3, S-4 and S-5, prepared by Michael Edward Mele, PE, dated September 19, 2023, last revised October 19, 2023 (the "Site Plan Set"); and

WHEREAS, ground-mounted solar energy systems are permitted in all zoning districts, subject to the issuance of a solar system building permit and site plan approval by the Planning Board; and

WHEREAS, the applicant has submitted a Short Environmental Assessment Form ("EAF") dated October 25, 2023, pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Project; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(10) and Town of Hyde Park Environmental Quality Review Law § 54-7A, construction or placement of a minor accessory residential structure not changing land use or density is a Type II action; and

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:**

- 1. Classifies the Project as a Type II action under SEQRA.**

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

**VOICE VOTE      Aye-4   Absent-3   Nay-0      Motion Carried**

**OTHER BUSINESS:**

**VERIZON WIRELESS TOWER 9G**

Site Plan & Special Use Permit Approvals Telecommunications (#2022-52)

Location: Route 9G at St Andrews Rd., Hyde Park, NY 12538

Grid #: 6164-03-494023

*In Attendance:*

*Scott Olson, Young Sommer*

**RESOLUTION TO ADOPT A NEGATIVE DECLARATION AND GRANT SITE PLAN AND SPECIAL PERMIT APPROVAL**

**Verizon Cell Tower – St. Andrews**

**Date: November 15, 2023**

**Moved By: Vice-Chair Oliver**

**Resolution #: 2022-52A**

**Seconded By: Mr. Waters**

WHEREAS, the applicant Verizon Wireless of the East LP, d/b/a Verizon Wireless, has submitted an application for site plan and special use permit approvals to construct a 154-foot-tall telecommunications tower (150 ft with a 4 ft lighting rod) (the “Tower”) and 50 foot x 50 foot fenced compound at property located at the intersection of St. Andrews Road and Violet Ave, identified as tax parcel no. 133200-6164-03-494023 (the “Property”), in the Neighborhood District (the “Project”); and

WHEREAS, the Project is depicted on plans entitled, “Verizon Wireless of the East LP d/b/a Verizon, Site Name:40A,” Sheets T-1, SU-101, AD-1, AD-2, SB-1, C-1, C-2, C-3, C-4, C-5A, C-5B, C-5C, C-5D, C-6, and R-1, prepared by Tectonic Engineering & Surveying Consultants P.C., last revised October 16, 2023 (“Site Plan Set”); and

WHEREAS, pursuant to Section 108-5.14 of the Town of Hyde Park Zoning Law, telecommunications towers and facilities are permitted in the Neighborhood Zoning District subject to special use permit and site plan approval; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, projects located within 500 feet of a state or county highway must be referred to the Dutchess County Department of Planning and Development for a report and recommendation thereon; and

WHEREAS, the Project is located within 500 feet of a county highway; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development which responded on June 27, 2023 that it was a matter of local concern; and

WHEREAS, the applicant has provided an Engineering Necessity Case Report documenting the feasibility of potential alternative locations and its efforts to secure shared use of an existing tall structure and which report determined no alternative sites were available; and

WHEREAS, among the alternative sites, the Town Planning Board reviewed the potential to locate it on a water tower in close proximity to the project site, and independently confirmed with the Dutchess County Water and Wastewater Authority that it will not allow the applicant to collocate on its water tower; and

WHEREAS, the Planning Board engaged an RF engineering consultant to independently review the applicant's case for necessity, who confirmed that there is a significant gap in coverage, that the network is experiencing significant capacity issues, and that the proposed location of the Tower would remedy those issues; and

WHEREAS, on October 16, 2023, the Town Board entered into a lease amendment agreement with the applicant which restricts the total tower height to 150 feet (or 154 feet with the lightening rod); and

WHEREAS, on June 7, 2023 by resolution 2023-52, the Planning Board classified the Project as an unlisted action and declared its intent to serve as lead agency in a coordinated review, to which no other agency objected; and

WHEREAS, by Resolution No. 2023166, the Dutchess County Legislature authorized the access on County Route 40A (St. Andrews Road); and

WHEREAS, the Project includes mitigation measures for encounters of Blanding's turtles; and

WHEREAS, the applicant has provided a visual impact assessment to determine whether the Project, including the potential for future collocation would result in a significant adverse visual impact; and

WHEREAS, the Planning Board has reviewed Parts 1, 2 and 3 of the EAF 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; and

WHEREAS, a duly noticed public hearing was opened on August 2, 2023 and closed on November 1, 2023 during which all those who wished to speak were heard.

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

- 1. The Project is consistent with the purposes of the Zoning Law and with the applicable sections of Articles 4 and 5 of the Zoning Law and has been given due consideration by the Planning Board. The Tower is a permitted use in the Zoning District. The Planning Board has considered its proposed location, which will be on the interior of a wooded lot, and which will not have a community-wide visual**

impact. A purpose of the Zoning Law is to facilitate the provision of infrastructure to meet public needs.

2. The Project will not result in excessive off-premises noise, dust, odors, solid waste or glare, or create any public or private nuisances. The Project involves the installation of telecommunications equipment on a new monopole in approximately the center of a 7.82-acre parcel. The tower will not be lit at night and facility lights will only be used when there is a person at the facility during evening hours. There will be no off-premises noise, dust, solid waste or glare.
3. The Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads. The facility will be unmanned and after construction will generate only 1-3 additional vehicle trips per year for routine maintenance.
4. The Project is suitable given the property's size, location, topography, vegetation, soils, natural habitat, hydrology, hydrogeology, and its ability to be screened from neighboring properties and public roads. The applicant has prepared a Visual Resource Evaluation which shows that the proposed Project will be substantially screened due to existing vegetation and topography. The Planning Board acknowledges that some neighboring properties will see the Tower but this is unavoidable. The Planning Board has reviewed the potential for visual screening, such as a pine tree, but has determined that this type of camouflage would draw the eye to the Tower and that the silver/gray treatment on the Tower would better blend into the sky.
5. The Project will be subject to such conditions on operation, design, and layout of structures and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

**BE IT FURTHER 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.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants special use permit approval and approves the Site Plan Set and authorizes the Chair, or his authorized designee, to sign the Site Plan Set after compliance with the following conditions:

1. Payment of all fees and escrow.

2. **Submission of fully executed lease amendment with the Town Board limiting the height of the tower to 150 feet.**
3. **Approval by the Attorney to the Planning Board and Attorney to the Town of an agreement committing the owner of the telecommunications tower and its successors in interest to negotiate in good faith for shared use of said tower by other providers of telecommunications in the future in accordance with Section 101-6 of the Town Code.**
4. **Approval by the Town Attorney of the Communications Facilities Removal Agreement required by Section 101-17 of the Town Code. The Removal Agreement shall be executed by both the applicant and the landowner. As part of this Agreement the Town Board may require an undertaking and a continuing letter of credit or other financial security covering the projected costs of dismantling and removal, as recommended by the Town Engineer.**
5. **Filing with the Town Clerk evidence of liability insurance in accordance with Section 101-20 of the Town Code.**
6. **Issuance of a Town of Hyde Park Erosion and Sediment Control permit or Stormwater Pollution Prevention Plan, as determined necessary by the Town's Stormwater Management Officer.**
7. **Issuance of a construction access permit and a commercial access permit from the Dutchess County Department of Public Works ("DCDPW") or letter from DCDPW indicating that no permit is needed for the Project.**

**BE IT FURTHER RESOLVED, that it shall be a ongoing condition of site plan and special use permit approval that by December 31 each year after the Tower is constructed, the applicant shall provide the Zoning Administrator with the following pursuant to Town Code 101-7(E):**

1. **Evidence that all licenses and agreements are current and in effect.**
2. **Evidence that the Tower has been inspected for safety by a qualified building inspector.**
3. **A written statement affirming that the antenna(s) is active and intended use is to continue throughout the upcoming year.**
4. **A written statement that the applicant is in compliance with FCC maximum permissible exposure limits and if the applicant files an environmental assessment to the FCC due to noncompliance, a copy shall be sent to the Zoning Administrator.**





application to the Planning Board for its consideration along with an expanded Short Environmental Assessment Form dated October 2, 2023 (the “Sales Trailer Application”); and

WHEREAS, in connection with its Sales Trailer Application, the Applicant is seeking approval of an area variance from Section 108-4.3(g)(2)(a) to permit disturbance within 44 feet of a stream for the Sales Trailer and associated improvements; and

WHEREAS, the Sales Trailer Application is depicted on plans entitled, “Overall Site Plan for Temporary Sales Trailer,” Sheet C-120 and “Proposed UTV Path Plan,” Sheet C-121, prepared by LaBella and last revised November 13, 2023 and elevations/renderings in an Architectural Deck prepared by Gensler (the “Sales Trailer Site Plan Set”); and

WHEREAS, the Sales Trailer is not considered a post-approval construction trailer and requires site plan approval from the Planning Board; and

WHEREAS, pursuant to 6 NYCRR §§ 617.15 and 617.3(k)(1), and relevant case authority, the Planning Board has authority in its discretion under SEQRA to permissibly segment its SEQRA review of the subject Sales Trailer Application from the remainder of the Lodging Facility Project, provided that the Planning Board clearly sets forth the reasons supporting segmentation and demonstrates that its review of the Sales Trailer Application is no less protective of the environment; and

WHEREAS, the Applicant asserts that the processing of the Sales Trailer Application prior to the completion of the Planning Board’s environmental review of the remainder of the Lodging Facility Project is necessary due to the need for Applicant to begin marketing the Lodging Facility Project at the earliest possible date in order to attract and obtain the necessary financing commitments for the Lodging Facility Project; and

WHEREAS, the Sales Trailer EAF indicates, and members of the Planning Board witnessed during a site walk on November 12, 2023, that the area where the Sales Trailer and associated improvements are proposed is adjacent to previously disturbed areas at the terminus of a service road; and

WHEREAS, the Applicant has stated that prospective purchasers viewing the overall Project site from the Sales Trailer and ATV will use only existing trails and pathways on the Property; and

WHEREAS, the Sales Trailer will be equipped with potable water and wastewater facilities such that sewer and water facilities will be self-contained, and that no tree clearing or removal of shrubs is proposed or required in relation to the Sales Trailer Application; and

WHEREAS, the Sales Trailer will be brought onto the Property and will remain on wheels, raised off of the ground such that water can flow and infiltrate beneath the Sales Trailer; and

WHEREAS, the Site Plan Set and EAF also indicate that a silt fence will be installed in the area prior to construction of the Sales Trailer for erosion and sediment control; and

WHEREAS, the ATV will be housed in an all-weather carport located outside of any Stream Corridor or other regulated area, and shall be fueled only off-site as necessary; and

WHEREAS, in accordance with SEQRA, the Planning Board is required to determine the classification of the proposed Sales Trailer Application; and

WHEREAS, the EAF indicates that the Project proposes an approximately 1,000 square foot temporary Sales Trailer, with under 2,000 square feet of total disturbance; and

WHEREAS, pursuant to 6 NYCRR 617.5(c), all actions that involve the construction of a “primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls,” constitutes a Type 2 action under SEQRA; and

WHEREAS, the proposed Sales Trailer Application involves a non-residential structure of less than 4,000 square feet in gross floor area, does not involve a change in zoning or use variance, and has been found to be consistent with local land use controls, subject to the Applicant obtaining an area variance by the Hyde Park Zoning Board of Appeals.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board finds that permissibly segmenting the Sales Trailer Application from the Lodging Facility Project is no less protective of the environment as the Planning Board has taken a hard look at the potential environmental effects of the Sales Trailer Application, is continuing and undertaking a full environmental review of the remainder of the Lodging Facility Project, and that approving said Sales Trailer Application does not in any way commit the Planning Board to any final determination on the overall Lodging Facility Project, and by this Resolution makes no representations with respect thereto.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby:**

- 1. Permissibly segments the Sales Trailer Application from the remainder of the Lodging Facility Project.**
- 2. Classifies the Sales Trailer Application as a Type II Action under SEQRA such that no further environmental review is required and further determines that even if a determination of environmental significance was required under SEQRA, the Sales Trailer Application would not result in any significant adverse impacts to the environment.**

**BE IT FURTHER RESOLVED, that this Resolution does not authorize removal of any trees or brush and that no trees or brush shall be removed while the review of the Lodging Facility Project is pending.**

**BE IT FURTHER RESOLVED, that this determination in no way commits the Planning Board to approve the Lodging Facility Project and the Applicant has taken on the risk that any pre-sales will need to be returned if the Lodging Facility Project is not approved or is significantly amended as a result of the Planning Board’s continued review.**

<b>Absent</b>	<b>Chairman Dupree</b>
<b>Aye</b>	<b>Vice-Chair Dexter</b>
<b>Aye</b>	<b>Mr. Guercio</b>
<b>Aye</b>	<b>Vice-Chair Oliver</b>

Absent Mr. Veith  
Absent Mr. Waters  
Absent Ms. Wasser

**VOICE VOTE      Aye-4   Absent-3   Nay-0                      Motion Carried**

**MOTION: Mr. Waters**  
**SECOND: Vice-Chair Dexter**

**To refer the CIA Hotel & Villas Site Plan for the temporary Sales Trailer application, once amended, to Dutchess County Planning and Development per 239m.**

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

**VOICE VOTE      Aye-4   Absent-3   Nay-0                      Motion Carried**

**MOTION: Vice-Chair Dexter**  
**SECOND: Mr. Guercio**

**To set a public hearing for the CIA Hotel & Villas Site Plan for the temporary Sales Trailer for December 6, 2023.**

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

**VOICE VOTE      Aye-4   Absent-3   Nay-0                      Motion Carried**

*After some discussion, it was decided to push the public hearing out to December 20<sup>th</sup>.*

