

**Town of Hyde Park Planning Board
4383 Albany Post Road
Hyde Park, NY 12538
(845) 229-5111 Ext. 2
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**RESOLUTION DETERMINING THAT NO SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT IS NECESSARY RELATING TO PROPOSED AMENDED
CONCEPT PLAN AND ADOPTING AMENDED SEQR FINDINGS STATEMENT AND
AUTHORIZING SUBMISSION OF REPORT TO TOWN BOARD**

**BELLEFIELD AT HISTORIC HYDE PARK
(f/k/a ST. ANDREW'S AT HISTORIC HYDE PARK)**

Date: December 8, 2021

Moved By: Chairman Dupree

Resolution: #2020-29A

Seconded By: Vice-Chair Dexter

WHEREAS, the applicant, T-Rex Hyde Park Owner LLC and its related entities ("T-REX"), has submitted an application to amend the Comprehensive Development Plan/Concept Plan for the St. Andrew's Planned Unit Development seeking to amend approvals issued by the Hyde Park Town Board on August 29, 2007 under the name "St. Andrew's at Historic Hyde Park Development in the Bellefield Planned Development District" ("St. Andrew's PUD") located on 339.62 acres on the east side of US Route 9, bounded by St. Andrew's Road to the North and West Dorsey Lane to the South ([tax lots 6163-01-131849 (335.55 ac.), 6163-01-010622 (3.49 ac.) and 6163-01-000897 (0.58 ac.)] (the "Property"); and

WHEREAS, the Town Board served as lead agency in a coordinated SEQRA review of the St. Andrew's PUD, which included preparation of Draft and Final Environmental Impact Statements as a predicate to the Town Board's adoption of the PUD legislative zoning designation for the site and approval of the Concept Plan/Comprehensive Development Plan for the Property; and

WHEREAS, on August 29, 2007, after accepting the Final Environmental Impact Statement for the St. Andrew's PUD as complete, the Town Board adopted a SEQRA Findings Statement and approved the Comprehensive Development Plan/Concept Plan for the St. Andrew's PUD; and

WHEREAS, the Comprehensive Development Plan for the St. Andrews PUD (also known as the "Concept Plan"), included, without limitation, a variety of residential dwelling units including single-family buildings, duplexes, townhouse units, and rental units in a mixed use central area which also included non-residential uses including a hotel, restaurant, retail shops, cafes, offices and in-village mixed-use buildings; a central market square and a plaza that would be the focus for activity in the mixed use center; a total of ten miles of trails and five miles of sidewalks throughout the project, linking various components of the development with the Town's trail system; and included a total area of open space of approximately 200 acres or 58% of the site area (the "Project"); and

WHEREAS, on or about January 19, 2017, T-REX submitted a preliminary application for Final Development Plan approval by the Planning Board for Sub-Phase 1-A of the Project pursuant to the provisions of section 107-7.4 E of the Town Code, which included development of a 104,683 sq. ft. five story 133 guest room hotel, and construction of sewer infrastructure to serve the hotel and future phases of the Project, including a wastewater treatment system; and

WHEREAS, thereafter T-REX proposed to the Town Board, as authorized in the 2007 SEQRA Findings Statement, alternative mitigation in the form of the payment of \$1,250,000 for sewer mitigation purposes, to be used in the Town Board's discretion for development and administration of such sewer system or systems to service the Town Center Historic District to support and further economic development of such area; and

WHEREAS, after holding a public hearing on June 5, 2017 concerning the proposal for alternate sewer mitigation, the Town Board, as lead agency, determined that the alternate mitigation and the proposed Sub-Phase 1-A development did not result in any new, or potentially significant, adverse environmental impacts relating to adverse economic impacts on the Town Center Historic District which had not been previously addressed in the FEIS Project or in the Town Board's Findings Statement for the 2007 Project; and determined that the preparation of a Supplemental Environmental Impact Statement ("SEIS") pursuant to NYCRR Part 617.9(A)(7)(i) was not required, and that the appropriate method to address the modification in the sewer mitigation is the adoption of an amendment to the Findings Statement; and

WHEREAS, on June 13, 2017, the Town Board adopted an Amended Findings Statement incorporating alternate Sewer Mitigation, and reaffirmed the Findings in all other respects, and

WHEREAS, in adopting the 2007 Amended Findings Statement the Town Board confirmed that the adoption of same did not impair the prospective ability of the appropriately designated Lead Agency in the future to evaluate, through appropriate SEQRA review any potential environmental impacts other than those addressed in the June 13, 2017 amendment, including those which may be identified as a result of any

modification or changes to this project, and to make a Finding of Significance relating thereto; and

WHEREAS, thereafter, a Lead Agency redesignation took place, and after a recirculation and with the consent of the Town Board, the Hyde Park Planning Board became Lead Agency for all purposes with respect to the continued review of th Project, now called the Bellefield Project (f/k/a St. Andrew's at Historic Hyde Park) ("Bellefield" or the "Amended Concept Plan"), and the Planning Board confirmed such Lead Agency designation on October 18, 207; and

WHEREAS, On January 3, 2018, after completing its review and considering the entire SEQR record relating to the proposed Final Development approvals for the Sub-Phase 1-A project including the Site Plan approval entitled, "The Inn at Bellefield" and the Subdivision relating to the Property, the Planning Board adopted a SEQR Determination that: (1) the environmental record before the Planning Board was sufficient to assess the potential impacts of the proposed Hotel and WWTP relocation, and that a SEIS was not required; (2) that the proposed development set forth on the proposed Site Plan/Final Development Plan including the proposed Hotel and WWTP relocation, will not create any significant adverse effect on the environment and adopted a Negative Declaration with respect to such action; (3) found that, in all other respects, the impacts of the proposed Site Plan/Final Development Plan for the proposed Hotel and WWTP relocation are in accordance with the amended SEQR Findings Statement adopted by the Town Board on June 13, 2017, and accordingly adopted said Findings Statement as that of the Planning Board, and adopted the required SEQR Certifications; and (4) determined that the Site Plan/Final Development Plan for the hotel and the WWTP relocation were consistent with the approved Concept Plan for the Property as adopted by the Town Board on August 29, 2007; and

WHEREAS, on June 14, 2021, the Applicant made a formal submission for the Amended Concept Plan to amend the St. Andrew's PUD, and the application materials were distributed to Planning Board members for review; and

WHEREAS, on June 28, 2021, the Planning Board members attended a pre-application conference held jointly by the Town Board and Planning Board at Town Hall, to hear a presentation about the proposed Amended Concept Plan, and make initial comments; and

WHEREAS, at the close of the pre-application conference, the Town Board passed a Resolution confirming its consent that the Planning Board serve, and continue to serve, as Lead Agency with respect to the review of the Amended Concept Plan; and

WHEREAS, On September 1, 2021, pursuant to the above Resolution, the Planning Board circulated Notice to all Involved and Interested Agencies of its intent to serve as Lead Agency to examine the potential impacts of the proposed Amended

Concept Plan, and no Agency having objected thereto, the Planning Board's status as Lead Agency has been confirmed by operation of law as of October 1, 2021; and

WHEREAS, The Planning Board has reviewed extensive application materials from T-REX, including a SEQR comparison of the impacts of the St. Andrews PUD and the Amended Concept Plan; and

WHEREAS, the Planning Board has evaluated the relevant issues of environmental concern, including visual impacts, traffic impacts, fiscal and community services impacts, and community character impacts, among others, in light of the purposes of the relevant provisions of the Town Code including those of the Bellefield Planned Development District and the Planned Unit Development section, and the Planning Board has received reports and documents relating to the relevant areas of environmental concern, and has consulted with its Engineer, Planner, and Attorney within their respective fields of expertise concerning same; and

WHEREAS, The Planning Board and its consultants attended a site visit on the Property on October 20, 2021 and observed the nature of the terrain, the location of the proposed buildings, the prospective heights of the buildings (through drone flights); and thereafter viewed at a public meeting the photographs taken by the drones at the height equivalent to the highest points of the buildings; and

WHEREAS, T-REX has made modifications to the proposed Amended Concept Plan during the review process, including the reduction in requested heights of buildings, the reduction in size of the rental apartment element of the Project, including elimination of an entire building of rental units, and modification in treatment of the 150-foot setback along Route 9 to maintain an estate-like setting for the area forming the southern gateway into the Town of Hyde Park, and

WHEREAS, the Planning Board held a duly advertised public hearing on the proposed Amended Concept Plan on November 17, 2021, and provided for a 7 day extended period for written comments thereon; and

WHEREAS, the Planning Board is a reviewing Board relating to the review of the Amended Concept Plan, and is charged with the duty of making findings and recommendations to the Town Board concerning the adoption of the Amended Concept Plan, and will also have continuing jurisdiction to review and approve Final Development Plans (incorporating the standards of Site Plan and Subdivision review under the zoning law, for any proposed development within an approved PUD); and

WHEREAS, the Planning Board has considered the entire SEQR record, and has considered the standards applicable to assessing project changes in light of SEQR; and

WHEREAS, the Planning Board finds that its SEQR Determination relating to the Amended Concept Plan should precede the consideration of the Planning Board's Report to the Town Board relating to such Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Planning Board, as lead agency, finds that the changes in the Amended Concept Plan, as compared to the 2007 approved St. Andrew's PUD; which include, without limitation, the following, will not result in any new, or potentially significant, adverse environmental impacts that have not been previously addressed, or were inadequately addressed in the existing EIS:
 - (a) Those changes in the overall development program and layout on the Property, including, without limitation: a net reduction in total square footage of development of approximately 55,500 square feet, with an increase in the ratio of residential to nonresidential square footage; an increase in the residential Project mix, and an increase in multi-family units; the elimination of the 23 affordable housing units; an overall reduction in retail and office square footage, with reduction of destination retail, and increase in specialty food and beverage oriented uses, food manufacturing demonstration venues and convenience retail; the inclusion of a second hotel and increase in number of hotel rooms; and modification of project architecture and layout within a very similar area of disturbance as the 2007 approved St. Andrew's PUD; and
 - (b) The specific changes in the proposed layout of the northwest corner of the Property (north of the outparcel self-storage facility), which respond to the changed circumstances of development in the area since the time of the 2007 approvals (which include the construction of the Sake facility at the northeast quadrant of the Route 9 and St. Andrews Road intersection and the redesignation of the zoning district north of the Property as the "Corridor Business District") by proposing a possible restaurant at the location of the previous WWTP and modifying the layout at the northwest corner to remove the parking in front of (vis-à-vis Route 9) the building that was proposed in 2007; including the requested modification to remove the 2007 condition of an increased setback of 250 feet from Route 9, and restoring the required setback to the 150 feet required for the rest of the Property.

2. Accordingly, the Planning Board determines that the preparation of a Supplemental Environmental Impact Statement (“SEIS”) pursuant to NYCRR Part 617.9(A)(7)(i) is not required, and that the appropriate method to address the modifications in the project is the adoption of an amendment to the Findings Statement in the form attached to this Resolution.
3. This Resolution, together with the attached Amended Findings Statement shall constitute the amended SEQR Findings Statement for the Bellefield Project (f/k/a St. Andrew’s at Historic Hyde Park) as described in the Amended Concept Plan.
4. The Planning Board retains its jurisdiction to conduct site specific reviews of any individual Final Development Plans, and retains the authority to address and impose conditions relating to any impacts arising from site-specific layout and engineering; including the authority, referred to in the SEQR Findings Statement, to approve or require modifications in layout and composition of buildings, roads, sidewalks, paths, recreational land or other improvements in order to avoid or minimize to the maximum extent practicable, such impacts.
5. Additionally, this Amended Findings Statement shall not impair the prospective ability of the Lead Agency to evaluate through appropriate SEQRA review any future modifications or changes in the Project, and to make a Finding of Significance relating thereto.
6. This Amended Findings Statement has been prepared in accordance with article 8 of the Environmental Conservation Law:

Lead Agency: Hyde Park Planning Board
Town Hall
4383 Albany Post Road
Hyde Park, NY 12538

Description of Action: Amending SEQR Findings relating to Amended Concept Plan

SEQR classification: Type I

Location of Action: 339.62 acre site fronting on the east side of Route 9, South of St. Andrew’s Road and north of West Dorsey Lane

For further information: Cynthia Witman, Planning Board Clerk
Town Hall (address above)

7. Having considered the entire SEQR record, including the FEIS, Findings Statement and the within adopted amendments to the Findings Statement relating to the Project, and having considered all proceedings, facts, documentation and conclusions relating to the Project, and having considered the requirements of 6 NYCRR Part 617.11, the statement of amended Findings adopted herein also certifies that:
 - (a) The requirements of 6 NYCRR Part 617 have been met;
 - (b) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids, or minimizes, adverse environmental impacts to the maximum extent practicable and that such adverse impacts shall be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that have been identified in the Findings Statement as amended; and
 - (c) The Planning Board in making its determination has weighed and balanced relevant environmental impacts with social, economic and other considerations.
8. The Planning Board Clerk is directed to file and make available this amended SEQR Findings Statement as provided in 6 NYCRR Section 617.12(b).
9. Pursuant to the provisions of Article 7 of the Town Zoning Law (§ 108-7.3C), the Planning Board hereby adopts the attached report entitled, "Planning Board Report and Recommendation to the Town Board, Proposed Amended Concept Plan, Bellefiled Planned Unit Development, Bellefield at Historic Hyde Park" and authorizes the Planning Board Clerk to forward a copy of the Report and Recommendation to the Town Board.

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

Michael Dupree

Michael Dupree, Planning Board Chair

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