

**MEMBERS PRESENT**

Peg Birney  
Brian Callahan  
Tom Chang Alternate  
Robert LaColla, Chairman Protem  
Robert Rahemba  
David Stenger

**MEMBERS ABSENT**

Sheila Lahey, Vice Chair  
Thomas J. Knips, Chairman

**OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
John A. Morabito, Senior Planner, Town Planning Consultant  
Scott L. Volkman, Esq., Town Planning Board Attorney  
Steve Burns  
Michael Gillespie  
Craig Roffman  
William H. Povall III, P.E.  
Matthew Horton, P.E.  
Reg Walters  
Joseph Beichert

The meeting was called to order by Robert LaColla, Chairman Protem at 7:00 p.m. Mr. LaColla appointed Mr. Chang to fill in for Mrs. Lahey this evening.

**REVIEW**

**D'AGOSTINO – FILED MAP NO.: 7940 – RESUBDIVISION**

Mr. Andrews reviewed his memorandum to the Board dated June 28, 2007, a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed his memorandum to the Board dated July 12, 2007, a copy of this memorandum is attached to the original minutes.

Mr. Stenger made a motion to schedule a public hearing at 7:30 p.m. or as soon thereafter as possible at the July 26, 2007 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

**REVIEW**

**PINE VIEW – SUBDIVISION**

Mr. Andrews reviewed his memorandum to the Board dated June 28, 2007; a copy of this memorandum is attached to the original minutes.

Mr. Stenger made a motion to schedule a final public hearing at 7:30 p.m. or as soon thereafter as possible at the July 26, 2007. Motion carried.

**REVIEW**

**FINAL**

**KENNETH W. DAVIES, JR., - SUBDIVISION**

Mr. Povall introduced Mr. and Mrs. Beall who are the parents of Mr. Mollica who recently purchased this property.

Mr. Povall stated that they are now proposing to combine the two (2) driveways to minimize the disturbance and to maintain the tree-line after discussing this with Mr. Andrews, Mr. Petrus and Mr. Scofield.

Mr. Andrews reviewed his memorandum to the Board dated June 27, 2007, a copy of this memorandum is attached to the original minutes.

Mr. Marino stated that he does not have a problem with the driveway as it is being proposed.

Mr. Andrews suggested that an Amendment to the Resolution of Preliminary and Final Approval be authorized by the Board to account for the modification to the driveway and grant the ninety (90) day extension and that the Chairman sign the Amendment to the Resolution of Preliminary and Final Approval it when it is ready. So moved by Mrs. Birney. Seconded by Mr. Stenger. Motion carried.

**REVIEW**  
**QUALITY INN - SITE DEVELOPMENT PLAN**

Mr. Chang recused himself from this discussion and left the meeting room.

Mr. Andrews stated that the owner had some moments of “wisdom” and he changed things and that he was advised on a number of occasions by himself and Mr. Petrus that they couldn’t approve any of these changes as they must come before this Board first. Mr. Andrews stated nothing is set in stone on the site yet, but the retaining wall modifications have been made.

Mrs. Birney stated she remembers that other members of the Board who are not here this evening specifically asked that the parking spaces adjacent to the diner be removed. Mrs. Birney stated she doesn’t think the parking spaces should remain. Mr. Andrews stated it is up to the Board whether the parking spaces remain or are removed.

Mr. Stenger asked if the parking spaces can be eliminated and banked in the back for future use. Mr. Andrews stated he believed that would make the most sense.

Mr. Stenger made a motion to eliminate the set of parking spaces by adjacent to the diner and to bank them in the back of the building for further use. Seconded by Mr. Callahan. Mr. Chang abstained. Motion carried.

Mr. Andrews reviewed his memorandum to the Board dated June 28, 2007, a copy of this memorandum is attached to the original minutes.

Mrs. Birney asked Mr. Horton if they had obtained the variance for the building-mounted sign.

**REVIEW**  
**QUALITY INN - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Horton stated he was told by the owner that they were obtaining a variance for the monument sign. Mrs. Birney stated the building-mounted sign is already in place and does believe it is what the Board was shown when they sent to owner to the ZBA to obtain a variance. Mr. Stenger stated that Mr. Horton is not the one to ask about the sign. Ms. Davis stated that the owner has applied for a variance for the building-mounted sign and a monument sign and that it is scheduled for the July 17, 2007 ZBA meeting. Mrs. Birney stated she just wanted it noted that the building mounted sign is already in place.

Mr. Andrews suggested a short Amendment to the Resolution of Preliminary and Final Approval that addresses the modifications, indicates that the parking adjacent to the diner must be removed and banked in the back for future use and that his comments on his July 12, 2007 memorandum must be addressed. Mr. Andrews suggested that when the Amendment to the Resolution of Preliminary and Final Approval is ready that it be signed by the Chairman. So moved by Mrs. Birney. Seconded by Mr. Stenger. Mr. Chang Abstained. Motion carried.

**REVIEW**  
**RHINEBECK SAVINGS BANK - SITE DEVELOPMENT PLAN**

Mr. Walters stated that they have submitted the revised site plan responding to comments and that they are aware there are some issues that still need resolution.

Mr. Walters stated in the discussions with Dutchess County Department of Planning & Development, he mentioned that there is not a great residential population here so they didn't see the drive for pedestrians. Mr. Walters showed the Board the Dutchess County Department's of Planning & Development's sketch of where they would like to see the building constructed.

Mr. Walters stated that he believes his current resubmission to the Board satisfies the Dutchess County Department of Planning & Development's comments with the exception of moving building. Mr. Walters stated that he just see doesn't see how moving the building fits in context with this particular location. Mr. Walters stated Dutchess County Department of Planning & Development wants the Planning Board to seriously consider their comments.

Mr. Stenger stated that he attended the site visit and that when looking at the highway he doesn't see what type of pedestrian traffic is going to get to the building for safety reasons. Mr. Stenger stated that Mr. Walter's proposal falls much more in line with what the Board wants and he understands what the Dutchess County Department of Planning & Development wants. Mr. Stenger asked Mr. Walters if anyone from Dutchess County Department of Planning & Development visited the site with him. Mr. Walters stated the county did not visit the site with him but he is sure they have been to the site. Mr. Rahemba stated he agreed with Mr. Stenger. Mrs. Birney stated she is disappointed that Mr. Walters is just showing the Dutchess County Department of Planning & Development's layout for discussion. Mrs. Birney stated she was under the impression that Mr. Walter's was going to come in with an alternate layout in accordance with Dutchess County Department of Planning & Development's suggestion for moving the building. Mrs. Birney stated that across street at the Stadium Plaza there is a different feel as other members have said this year.

**FINAL**

**REVIEW**  
**RHINEBECK SAVINGS BANK - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Stenger asked what the zoning is to the north of this site. Mr. Andrews stated it is residential and part of the parcels are being considered for rezoning to commercial by the Town Board for this proposal.

Mr. Walters stated he strongly prefers his layout for operational purpose to the layout suggested by Dutchess County Department of Planning & Development.

Mr. Andrews stated this project involves a rezoning by and a lot consolidation. Mr. Andrews stated the Town Board is the Lead Agency for the rezoning. Mr. Andrews stated the Town Board is not interested in moving this project ahead and a super majority can't take place until the Town Board closes SEQRA. Mr. Andrews the Town Board does needs the final determination as to the building location before they can close out SEQRA. Mr. Andrews stated this Board did send their comments to the Town Board.

Mr. Stenger stated when we the Board reviewed the Stadium Plaza project, Dutchess County Department of Planning & Development wanted the parking in the back and this Board found reasons why the parking should be in front. Mr. Stenger stated that all he is saying is maybe we should consider those same reasons with this project.

Mr. Andrews stated the actual right-of-way line is probably in some cases up 15' to 20' into the property.

Mr. Morabito stated he would like to see some more landscaping on either side to screen the cars and prefers Mr. Walters proposed layout as opposed to Dutchess County Department of Planning & Development's proposal.

Mr. LaColla asked if the Board would agree to conduct a poll as to the building location. Mrs. Birney stated she would like to see some attempt at a better compromise to move building. Mrs. Birney stated during the course of on the site visit she got some sense that Mr. Walter could see Dutchess County Department of Planning & Development's point.

Mr. LaColla asked Mr. Andrews and Mr. Morabito if they would review their memorandums and then we can get back to the building location discussion.

Mr. Andrews reviewed his memorandum to the Board dated July 12, 2007 , a copy of this memorandum is attached to the original minutes.

Mr. Stenger asked if Mrs. Birney wanted to move the building up enough to move all the parking in the front or just some of the parking in the front. Mr. Stenger asked Mr. Walters if the building could go anymore forward and still keep the parking in the front.

Mr. Walters stated any movement forward narrows the aisle widths and they need queuing space. Mr. Andrews stated that the building can be shifted up a little bit and maybe a few parking spaces maybe lost but they can be put somewhere along the side.

**REVIEW**  
**RHINEBECK SAVINGS BANK - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mrs. Birney stated that is an interesting concept to consider if you don't eliminate the landscaping out front. Mr. Stenger stated if we move 20' forward we are getting closer to what Dutchess County Department of Planning & Development would like to see. Mrs. Birney stated that she appreciated Mr. Stenger's idea and asked Mr. Walters to take a look at it. Mr. Walters stated they will take a look at this and if he can preserve the basic design and move it all in mass he believes they can accomplish Mr. Stenger's suggestion. Mr. Walters stated he will need to discuss this with his clients to be sure there are no constraints.

Mr. Morabito reviewed his memorandum to the Board dated July 12, 2007, a copy of this memorandum is attached to the original minutes.

Mr. Andrews suggested that Mr. Walters be allowed to submit an alternate layout at the July 26, 2007 Planning Board meeting. The Board agreed with Mr. Andrews.

Mr. LaColla asked the Board if it is agreed that the footprint be kept and if the building can be moved a little closer to Route 9D it would be looked upon favorably. The Board agreed with the concept, but stated that they would like to see the plan.

Mr. Beichert submitted rendering of the proposed sign and an alternate sign. Mr. Stenger asked Mr. Beichert if he has discussed this with Mr. Colsey. Mr. Beichert stated no. The Board suggested that Mr. Beichert meet with Mr. Colsey and the proposed signage.

Mrs. Birney stated Mr. Knips previously expressed his opinion that he does not like the temperature and time type sign.

Mr. Andrews stated he would appreciate Mr. Colsey being present at the Board meeting when signage is to be discussed with the Board so that he can offer his comments in accordance with the sign code. Mrs. Birney indicated that it is reflected in the minutes from a previous meeting that the Planning Board passed a motion to that effect.

**REVIEW**  
**10 OLD ROUTE 9 RETAIL/RESTAURANT - SITE DEVELOPMENT PLAN**

Mr. LaColla recused himself from this discussion, appointed Mrs. Birney, Chair Protem and left the meeting room.

Mr. Povall stated they have submitted plans that address Mr. Andrews' and Mr. Morabito's comments.

Mr. Povall stated that the pavement has been removed and the topsoil is done. The Board agreed that this was fine.

Mr. Povall stated they would like the concrete in the front and not the pavers and a portion of the sidewalk for the employees will be asphalt. The Board agreed that this was fine.

**FINAL**

**REVIEW**  
**10 OLD ROUTE 9 RETAIL/RESTAURANT - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Andrews reviewed his memorandum to the Board dated June 28, 2007.

Mrs. Birney suggested that Mr. Povall take a look at the Town Code regarding the entrance sign. Mrs. Birney asked if the one-way was permitted at its present location. Mr. Andrews indicated that the one-way sign is a Uniform Traffic Sign and is under the authority of the NYSDOT and is not part of the Town's sign code. Mrs. Birney stated she will take Mr. Andrews word for it as he is the engineer. Mr. Povall stated they will take a look into the other private signs on the property.

Mr. Morabito reviewed his memorandum to the Board dated July 12, 2007; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed the Negative Declaration. Mr. Morabito indicated that under "Description of Action," the language shall be revised to read; The proposed action involves the rehabilitation of an existing 4,984 square foot building to accommodate two commercial uses: a 2,900 square foot restaurant and a 1,800 square foot retail space. A portion of the existing structure totaling 284 square feet will be removed, leaving a total of 4,700 square feet to be renovated. An existing paved parking area on a 0.36 acre parcel across Old Route 9 will be removed and covered with up to one foot of topsoil, seeded and mulched. Additional landscaping plantings will be placed in this area. Paving will also be removed directly in front of the building to create a landscaped and grassed area. A new parking lot will be created adjacent to the building for the proposed uses. Mr. Povall agreed with this revised language.

Mr. Stenger made a motion that the Board adopt the Negative Declaration as amended during the course of discussion this evening . Seconded by Mr. Rahemba. Mr. LaColla abstained. Motion carried.

Mr. Andrews reviewed the Resolution of Preliminary and Final Approval.

Mr. Chang made a motion that the Board waive the final public hearing. Seconded by Mr. Rahemba. Mr. LaColla abstained. Motion carried.

Mr. Andrews stated that Mr. Colsey is not here to entertain the signage so he suggested that the following language replace condition number 7, "Any and all signage is specifically excluded from this approval. No approval is granted or intended to be granted for any signage associated with the current project. To the extent that signage or sign details are reflected on any drawings referenced herein, such signage or sign details are for information purposes only and have not been considered for approval. All signage related to this project shall be the subject of a subsequent separate application to the Planning Board. Once the Project Sponsor has settled upon sign layout, colors and sizes, the Project Sponsor shall make application in accordance with the provisions of §150-30 of the Town of Fishkill Town Code related to signage for all signage. Approval of all signage and sign details as may be required shall be obtained prior to construction or installation of any signs related to this project. The Project Sponsor consented to and accepted this condition during the course of the Planning Board discussion of this Resolution." Mr. Povall agreed with this modification.

**REVIEW**  
**10 OLD ROUTE 9 RETAIL/RESTAURANT - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Povall stated that the owner and applicants are requesting to move forward with the improvements. Mr. Andrews stated the Board could suggest that the Department of Health Approval be obtained before a Certificate of Occupancy is issued. Mr. Volkman stated a hold-harmless would need to be in place first. Mr. Povall stated they do not want to take a risk regarding the Department of Health. However, they would like to proceed with certain improvements so the hold-harmless is acceptable in order to achieve this. Mr. Volkman indicated that he will draw up the necessary agreement.

Mr. Stenger made a motion that the Board adopt the Resolution of Preliminary and Final Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Chang. Mr. LaColla abstained. Motion carried.

Mr. Andrews suggested that the applicant can proceed at their own risk and that owner must enter into a Waiver and Hold-harmless agreement in order to proceed at their own risk and they shall be authorized to obtain a limited building permit. Seconded by Mr. Callahan. Mr. LaColla abstained. Motion carried.

**JUNE 14, 2007 PLANNING BOARD MEETING MINUTES**

Mr. Stenger made a motion to adopt the June 14, 007 Planning Board Meeting Minutes as amended. Seconded by Mr. Chang. Motion carried.

Mr. LaColla made motion to close the meeting at 10:00 p.m. Seconded by Mr. Stenger. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments to the original minutes