

MEMBERS PRESENT

Peg Birney
Brian Callahan, Alternate
Thomas J. Knips, Vice Chairman
Robert LaColla
Sheila Lahey
Robert Rahemba
James H. Wick, Chairman

MEMBERS ABSENT

David Stenger
Shannon Lashlee, Alternate

OTHER PRESENTS

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Municipal Development Director
J. Theodore Fink, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Daniel F. Simone, P.E.
Richard Rang, P.E.
Arthur F. Brod, AICP
Daniel Zalinsky
Timothy O'Brien
Kimberly Martelli
Matthew Horton
Robert J. Gray, P.E.
Dr. John Collins
Demetreus Moustakas
Anthony Trigonis
Richard Olson, Esq.
Eugene D. Ninnie, P.E.
Nick Dellaportas
Albert P. Roberts, Esq.
Steven Weinstein, P.E.
Dominic Cordisco
William H. Povall III, P.E.

James H. Wick, Chairman at 7:05 p.m., called the meeting to order.

Mr. Wick appointed Mr. Callahan, Alternate Planning Board member, to substitute for Mr. Stenger this evening.

REQUEST FOR EXTENSION
WATERFRONT @ FISHKILL - RETAIL PARCEL - SUBDIVISION

Mr. Knips abstained from this discussion. Mr. Simone stated the reason for his request is that they are still waiting for Department of Health Approval.

Mr. LaColla made a motion to grant a ninety (90) day extension of the Resolution of Preliminary and Final Approval. Seconded by Mrs. Birney. Mr. Knips abstained. Motion carried.

REQUEST FOR READOPTION
WATERFRONT @ FISHKILL - RETAIL PARCEL
CHELSEA FIREHOUSE - SITE DEVELOPMENT PLAN

Mr. Knips recused himself from this discussion. Mr. Andrews stated that the applicant has submitted a short environmental assessment form and there is no change in this proposal.

Mr. LaColla made a motion that the Board readopt the Resolution of Preliminary and Final Approval and that the Chairman sign such Resolution when it is ready. Seconded by Mrs. Birney. Mr. Knips abstained. Motion carried.

NEW SUBMITTAL
TOLL BROS. - MERRITT PARK CONDOMINIUMS
SITE DEVELOPMENT PLAN

Mr. Callahan recused himself from this discussion.

Mr. Rang introduced himself as the representative for this proposal and stated that Toll Bros. has submitted this Site Development Plan to the Planning Board and has submitted a Rezoning Application to the Town Board, which is currently under consideration. Mr. Brod stated with this proposal the unit count totals 876 units rather than the originally approved 896 units.

Mr. Rang stated this project consists of 337 condominium units, which is the build-out of Merritt Park, and the project is consistent with the original Findings Statement. Mr. Rang stated in response to the Town's request the plan has been modified to incorporate a commercial component, which is the subject of a rezoning application with the Town Board.

Mr. Andrews stated these properties are a portion of the old Merritt Park Realty Development, the former Gallagher property and the lands formerly known as the Honness 52 property. Mr. Andrews stated there is an overall density reduction.

Ms. Martelli stated the first building combines residential and retail uses, approximately 21,000 SF; the architecture for this building is similar in nature to all the units being proposed. Mr. Zalinsky stated in order to accommodate the parking they have what is called deck-parking which is one lower level and one upper level. Mr. Rang stated they actually have more parking spaces than are required for the overall density. Mr. Zalinsky stated 10,000 SF of the commercial space is planned for a day care type facility. Mr. Rang presented to the Board a plan indicating the portion of property that they will be offering to the Wappingers Central School District. Mr. Brod stated this is a total "for sale" project; it is no longer a rental project.

Mr. LaColla asked if the deck parking will be freestanding; Mr. Rang stated yes. Mr. LaColla asked what the access to the parking is from the building to the parking deck.

Ms. Martelli presented to the Board the floor plan for a typical 20 unit building and a typical 15 unit building. Ms. Martelli stated on the lowest level there are two entryways on either side that provide access to a vestibule.

NEW SUBMITTAL
TOLL BROS. - MERRITT PARK CONDOMINIUMS
SITE DEVELOPMENT PLAN
(CONTINUED)

Mrs. Birney asked if all units were the same square footage. Mr. Zalinsky stated the units will be 1,200 to 1,400 S.F. Mr. LaColla asked if these units will be wood-frame construction; Mr. Rang stated yes.

Mr. Rang stated their objective is to have no impact to the wetlands at all. Mr. Zalinsky stated they will be providing a recreation building and a swimming pool and this development will have a Homeowners Association.

Mr. Andrews asked that serious consideration be given to connecting the future school parcel to this development.

Mr. Marino, Chief of the Rombout Fire District, suggested that the applicant seriously consider a second fire access for this project.

Mr. Wick asked if a completed application, EAF, application fees and escrow deposit has been received; Mrs. Davis stated yes.

Mr. Knips made a motion that the Board accept the application for Toll Bros. - Merritt Park Condominiums - Site Development Plan and refer it to Town Engineer, Town Municipal Development Director, Town Building/Fire Inspector, Town Planning Board Attorney, Town Planning Consultant, Town Environmental Advisory Board, Dutchess County Department of Planning & Development, NYS Department of Transportation and the Rombout Fire District for their review and comments. Seconded by Mrs. Lahey. Mr. Callahan abstained. Motion carried.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT

The public hearing for the Quality Inn Hotel was called to order by the Board at 7:41 p.m. Mr. Wick read aloud the Notice of Public Hearing. Mr. LaColla recused himself from this public hearing and the discussion.

Mr. Andrews reviewed his memorandum to the Board dated April 28, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Knips made a motion that the Board readopt the Resolution to Circulate for Lead Agency Status, and to recirculate to Town of Fishkill Zoning Board of Appeals, Dutchess County Department of Health, NYS Department of Environmental Conservation, NYS Department of Transportation, NYS Thruway Authority, Rombout Fire District and the Town of Fishkill Building Department, Attn: George McGann, Building Inspector. Seconded by Mrs. Lahey. Mr. LaColla abstained. Motion carried.

Mr. Olson stated they have two (2) presentations this evening, one from Mr. Hoeffler of Choice Hotels and one from =Dr. Collins of John Collins Engineers.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Olson introduced Mr. Hoeffler the representative for Choice Hotels. Mr. Hoeffler stated Choice Hotels is one of the largest franchise companies and has eight (8) different brands of hotels. Mr. Hoeffler stated that Quality Inn is one of the oldest franchises in their portfolio and has been available as a franchise for about 60 years.

Mr. Hoeffler stated they now have 600 hotels open in the United States and almost 400 hotels nationally. Mr. Hoeffler stated the Quality Inn is what we call a mid-scale brand about \$60.00 to \$65.00 in revenue each night, 75% of the Quality Inn guests are leisure travelers. Mr. Hoeffler stated there is room in this market for this hotel in the Town of Fishkill. Mr. Hoeffler stated this particular market runs at about 72.5% occupancy and a healthy market is high at 50%. Mr. Hoeffler stated this hotel will bring in new guests that are loyal to the Quality Inn brand.

Mr. Hoeffler stated there is a Courtyard Hotel and Hilton Garden Inn Hotel and they are what he calls upscale hotels that attract business and upscale travelers. Mr. Hoeffler stated the Holiday Inn Hotel is tailored towards business that is more corporate. Mr. Hoeffler stated there are three (3) hotels more in Fishkill; Residence Inn, Homestead and an Extended Stay, which attracts people who are in town for long-term assignments. Mr. Hoeffler stated this Quality Inn slides nicely in between the Residence Inn and Wellesley Inn. Mr. Hoeffler stated the Quality Inn attracts 75% leisure type of guests like families who are traveling, etc.

Mr. Hoeffler stated we care about the look, feel and success of this hotel, as it will reflect the Choice Hotels brand. Mr. Hoeffler stated this project will be reviewed three (3) times by Choice Hotels; at the time of application, during construction and finally a walk-through will be performed by Choice Hotels before the hotel is opened. Mr. Hoeffler stated once the hotel is opened it is reviewed by Choice Hotels every six (6) months to be sure it is living up to the Choice Hotels standards. Mr. Hoeffler stated he believes this will be a very successful hotel.

Mr. Wick asked if there was anyone with questions, comments or concerns regarding this public hearing.

Ms. Paladino of 10C Milholland Drive asked how many Choice Brand hotels are within 500' of residential area. Ms. Paladino stated why this hotel cannot be constructed one (1) mile down the road. Ms. Paladino asked what happens if Quality Inn pulls out of this property; will this wind up as a white elephant.

Mr. Hoeffler stated he can't possibly tell how many hotels they have within 500' of residential areas. Mr. Hoeffler stated there are a couple of reasons you would want to stay at this Quality Inn. Mr. Hoeffler stated the parking lots will be well lit and will have clear signage. Mr. Hoeffler stated they chose this location because of its proximity to I-84 and the other advantage is having the diner at this location; 67% of the Quality Inns are close to a restaurant or have a restaurant in it.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Hoeffler stated trucks are not going to be able to pull into the hotel; it is not a place for them to stay.

Mr. Knips stated the concern is displacing of the truck parking lot that is currently quite popular for the diner. Mr. Knips stated the concern is how the trucks magically disappear with the construction of this hotel. Mr. Olson stated the traffic consultant will address the trucks as part of the traffic study.

Ms. Neumann of 1B Milholland asked if the truckers are not going to be allowed to stay at the hotel. Ms. Neuman stated she travels and she sees many hotels where trucks are parked and running all night. Mr. Hoeffler stated they don't make room for truck parking, to get a truck in and out of this parking lot will be very difficult. Mr. Hoeffler stated truck drivers are not used to spending \$80.00 per night to stay at a hotel.

Ms. Russo 12 Kip Drive asked how many of the hotels have fallen under the standards where Choice Hotels had to go in and shut them down. Mr. Hoeffler stated in a given year they have removed between 5% and 12% and they are usually about 40 years old. Mr. Hoeffler stated brand new buildings almost never have problems where they need to go in and shut them down. Ms. Russo asked how the customers will sleep being right off the highway as she lives three blocks down and the noise is sometimes unbearable during the summer.

Mr. Hoeffler stated part of the construction standards are sound proofing technologies, which of course will not totally eliminate the noise, and the guests realize where they are staying.

Mr. Gallagher of 12 Putnam Road asked the duration of the franchise agreement; Mr. Hoeffler stated 20 years. Mr. Hoeffler stated they have many options they can utilize before shutting down the hotel, which is a last resort.

Mr. Salvastrini of Milholland Drive asked if Motel 6 is part of Choice Hotels. Mr. Hoeffler stated no.

Mr. Delpizio of Milholland Drive asked how much lighting will be on the site and how will it impact the surrounding neighborhoods. Mr. Delpizio asked what the occupancy rate is for the Quality Inn. Mr. Hoeffler stated this hotel will probably average just a little bit lower at 68% occupancy.

Ms. Jasilli asked the cost of a room at the Quality Inn as compared to the Marriott. Mr. Hoeffler stated Quality Inn averages \$63.00 per night and the Marriott runs about \$120.00 per night nationwide. Mr. Hoeffler stated the Holiday Inn averages \$73.00 per night. Mr. Hoeffler stated this hotel will attract someone who will afford \$70.00 per night and the average income of a guest nationwide is about \$66,000 per year.

Mr. Delaney of Greenhills of Glenham stated he travels throughout the year on business. Mr. Delaney stated Mr. Hoeffler has made many assumptions this evening. Mr. Delaney stated he would like to see the raw data, which guarantees this to the public. Mr. Hoeffler stated their expectation is that this hotel will be primarily business type clientele. Mr. Hoeffler stated his is not actually sure what kind of raw data he can provide to make the public comfortable with the success of this hotel.

FINAL

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Delaney asked if Choice Hotels has done studies to prove this hotel will assume the overflows. Mr. Hoeffler stated they have not performed such a study.

Mr. Hoeffler stated consumers spend about 10 million per night a year at a Quality Inn. Mr. Hoeffler stated people cannot necessarily spend over \$80.00 per night for a hotel room. Mr. Hoeffler stated there is a large group of people that do travel to Quality Inns. Mr. Hoeffler stated they have many loyal customers.

Mr. Murray of Milholland Drive stated he just can't understand why Choice Hotels would pick this location.

Ms. Russo asked what other hotel chains fall under the Quality Inn. Mr. Hoeffler stated Comfort Inn, Comfort Suites, Coolidge and Roadway Inn.

Ms. Wright of Milholland Drive stated if people see trucks when they pull into the hotel they are not going to stay here.

Mr. Gallagher stated he assumes the franchise agreement states if the occupancy rate falls below a certain level Choice Hotels can terminate the agreement. Mr. Hoeffler stated there is this option every five (5) years to pull out of the agreement, however it is not corporate policy to do this. Mr. Hoeffler stated this option is only exercised by Choice Hotels when the hotel is grossly mismanaged. Mr. Gallagher asked if there is a franchise agreement currently signed; Mr. Hoeffler stated no; a franchise agreement is usually signed after an approval is obtained.

Mr. Tyrell of Kip Drive stated this person is selling us on the Quality Inn reputation.

Ms. Russo of Kip Drive asked how close the Choice Hotels are away from each other. Mr. Hoeffler stated it is typically 5 miles apart. Ms. Russo asked if the Econolodge in Poughkeepsie is under his jurisdiction; Mr. Hoeffler stated no.

Mr. Ritter of 10 Putnam Road asked what happened in the communities when Choice Hotels pulled out their hotel. Mr. Hoeffler stated he can't possibly answer this question.

Mr. Salvastrini stated the public has no guarantee that Quality Inn is going into this location. Mr. Hoeffler stated they may be jumping the gun a little bit but have been working on this project since 2001. Mr. Hoeffler stated they have put an enormous amount of effort and capital towards this project and are not about to walk away at this time.

Mr. Oberhauser stated the Marriott has about 10 or 12 different brands and the Fairfield Inn is one of them.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Dr. Collins of John Collins Engineers introduced himself. Dr. Collins stated he is going to address the traffic questions. Dr. Collins stated they did a traffic study and used national data as it relates to car trips coming in and out of the hotel parking area.

Dr. Collins stated this hotel will generate 20 vehicles in and out during the evening rush hour. Dr. Collins stated the diner can be served by two (2) driveways. Dr. Collins stated the trucks do not use the southerly driveway they use the northerly drive.

Dr. Collins stated the access to the hotel will be on the southerly piece. Dr. Collins stated he has heard tonight that the question is what happens to truck traffic.

Dr. Collins stated the volume of traffic going to I-84, NYS Route 52 interchange is almost 2,000 cars during the rush, and this hotel will add 20 vehicles to the system so he does not anticipate any signal timing change.

Mr. Delpizio stated there is a problem with traffic coming out of the diner in the morning and at night and why isn't one driveway being used for both enterprises. Dr. Collins stated no matter what time of day it is he goes out of the southerly drive. Dr. Collins stated the access to the hotel is going to be from the southerly driveway; that is the easiest for the hotel. Dr. Collins stated more traffic is being generated by the diner today. Dr. Collins stated if the NYSDOT requests one (1) driveway they will take a look at it.

Mr. Andrews stated the Planning Board did ask that the overall on-site traffic be reviewed and he didn't see this addressed in the traffic study. Dr. Collins stated they will have to address this. Mr. Andrews stated NYSDOT is suggesting a left-turn lane on to NYS Route 52 and changes in some of the radii. Mr. Andrews stated the Board requested truck maneuverability also be reviewed and this is not shown in the traffic study. Mr. Andrews stated NYSDOT asked that a right-turn in and out only be considered and it has sort of fallen to the way side. Mr. Andrews stated right now the proposal is that the two (2) driveways as they are today will remain.

Ms. Paladino asked what about having some kind of exit ramp right off of I-84 into the site. Dr. Collins stated he could never convince the NYSDOT of this.

Mr. Delaney, Jr. of 5 Milholland Drive stated that cars passing the hotel are going to turn around on Milholland Drive and he is concerned because he rides his bike there. Dr. Collins stated he hopes that this will be a rare event; it is always a possibility.

Mr. Oberhauser stated Dr. Collins stated at rush hour there will be 20 cars leaving and coming; you are actually at two (2) or three (3) cars every two (2) minutes.

Mr. Delaney stated he is concerned 20 cars is inaccurate. Dr. Collins stated he has the data to support the number of cars.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Delpizio asked if the statistic took into consideration the Crest at Fishkill which is the new development being planned. Dr. Collins stated yes the traffic study includes this.

Mr. Gallagher asked if a traffic study has been prepared considering how many cars currently turn left on to NYS Route 52. Dr. Collins stated no they did not perform this type of study. Dr. Collins stated he doesn't use the north driveway because the trucks use it.

Mr. Wick asked the current level of service towards Fishkill at the traffic light; Dr. Collins stated the level service is currently "C" and will continue to be level "C" with this project.

Dr. Collins stated he understands the concerns about the trucks. Dr. Collins stated because of the construction 25 trucks will be displaced and the question is will the trucks be parking on the side of the ramps and/or roads. Dr. Collins stated there are ways the site plan may be designed so as to discourage trucks from utilizing the hotel. Dr. Collins stated he wishes he had a crystal ball to say all of these trucks will disappear. Dr. Collins stated truck drivers will go to places they can get in and out of easily and right now, the diner could displace the trucks without the hotel being built.

Dr. Collins stated this becomes an enforcement issue. If the trucks are parked illegally, and he can't say this evening that these trucks will not try to park for a while off the ramps and streets but it will be temporary. Dr. Collins stated this is a matter of enforcement.

Mr. Tyrell of Kip Drive asked if a sign can be put up indicating that no trucks are allowed. Dr. Collins stated a height restriction can be put into place, "no trucks allowed" etc., this is part of a site plan issue and a design element. Dr. Collins stated this type of design element is usually done before a site plan approval is granted.

Ms. Jasilli stated people will want to obtain gas, go to Town Hall, Town Court, etc. Mr. Jasilli asked if there will be a traffic light on Milholland Drive. Dr. Collins stated that is a different issue than the hotel.

Mr. Oberhauser stated any day during the week he travels this intersection he is courteous to the truck drivers. Mr. Oberhauser stated a third lane is being created by drivers which is dangerous.

Ms. Russo asked who would install street signs such as "local trucks" and "no u-turns." Dr. Collins stated if it was part of the site plan approval process it will be part of the site plan. Dr. Collins stated the Board can ask that the applicant install the signage. Mr. Andrews stated signage on Town roads is the sole authority of the Town Board.

Mr. Gallagher stated they don't want to eliminate trucks totally; they want to allow six (6) trucks and we all know that trucks tend to caravan together as they travel down I-84. Mr. Gallagher asked if the traffic study takes this into consideration. Dr. Collins stated he would have a way that the trucks can go in and come back out; it can be designed.

PUBLIC HEARING
QUALITY INN HOTEL - SPECIAL USE PERMIT
(CONTINUED)

Mr. Codero of 11 Milholland Drive stated he is concerned with the trucks. Dr. Collins stated let's say we eliminate all the trucks today he would guarantee within a week tractor trailer trucks would no longer go to the site.

Mr. Craven of Milholland Drive asked if the traffic study took into consideration the existing ice cream stand. Dr. Collins stated this study did not include this but he will check the data to see if he has numbers on this.

Mrs. Birney stated she remembers the Board asking that one single entrance be examined along with reworking the parking configuration. Mrs. Birney asked if any thought has been given to reducing the size of the hotel.

Mr. Knips asked if signage in the surrounding locale would be effective. Dr. Collins stated "no u-turns" or "local traffic only" would be effective. Mr. Knips asked if truck trips that currently exist were part of the traffic study. Dr. Collins stated no. Dr. Collins stated they can put a tube across the road to count the trucks that travel in and out per day. Mr. Knips stated possibly the overall traffic may be less with the hotel than it is today.

Mr. Gallagher stated assuming this plan is approved with six (6) trucks what prevents the owner from making it ten (10) trucks.

Mr. Knips made a motion that the Board adjourn the public hearing at 9:25 p.m. for the Quality Inn. Seconded Mrs. Lahey. Mr. LaColla abstained. Motion carried.

Mr. Knips made a motion to reopen this public hearing at 7:30 p.m. or as soon thereafter as possible at the May 26, 2005 Planning Board meeting. Seconded by Mrs. Lahey. Mr. LaColla abstained. Motion carried.

NEW SUBMITTAL
HASBROUCK PLACE - SITE DEVELOPMENT PLAN

Mr. Day introduced himself as the representative for this project. Mr. Day stated the proposal is to construct two (2) 26,000 S.F. buildings for a mixed use development (retail/office space), including the construction of a parking area which shall consist of 324 parking spaces. Mr. Day stated that the parcel for this proposal located at 931 Route 9, is the subject of a Rezoning Application by the Town Board to be rezoned from R-40 to GB (General Business) and it consists of 12.4 acres.

Mr. Day stated there will be 13,000 SF of retail on the bottom floor of the buildings and 13,000 SF of office space on the second floor of the buildings.

Mr. Knips asked the purpose of the existing boom. Mr. Day stated they used to use it to harvest the peat moss.

NEW SUBMITTAL
HASBROUCK PLACE - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated the applicant is seeking rezoning to GB and there are certain things that are allowed in GB that the Town Board did not want to see. Mr. Andrews stated there has been talk about modifying the types of uses to be allowed on this site. Mr. Andrews stated the Town Board will probably be looking for some guidance from the Planning Board as to what other types of uses should be restricted on this site.

Mr. Marino, Chief of the Rombout Fire District, asked if the current well will support a fire hydrant. Mr. Day stated no; they will propose a standard aqua-store type tank for fire department use.

Mr. Wick asked if a completed application, EAF, application fees and escrow deposit had been received; Mrs. Davis stated yes.

Mr. Knips made a motion to accept the application for Hasbrouck Place - Site Development Plan and refer it to the Town Engineer, Town Director of Municipal Development, Town Planning Consultant, Town Planning Board Attorney, Town Environmental Advisory Board, Dutchess County Department of Planning & Development, NYS Department of Transportation and the Rombout Fire District for their review and comments.

REVIEW
WESTAGE LOT 5 HOTELS - SITE DEVELOPMENT PLAN

Mr. Andrews stated the Board can grant a waiver of the parking spaces as requested by the Applicant. Mr. Andrews stated the waiver is a function of final approval and the applicant must demonstrate that the parking spaces can be constructed.

Mr. Fink reviewed his comment memorandum to the Board dated April 28, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Ninnie stated the current code requires 195 parking spaces and they are currently working on addressing the comments from Mr. Fink and Mr. Andrews.

Mr. Knips asked the total room count for both hotels; Mr. Ninnie stated 185 rooms is the total.

Mrs. Birney stated she is certainly in favor of waiving parking spaces to obtain more green space. Mr. Ninnie stated that is his intention and reason for requesting the waiver.

It was agreed that a number of parking spaces may be waived by the Board as long as the applicant can demonstrate that the number as required by the Town Code can be constructed.

Mr. LaColla asked how many lots are left to build out in Westage; Mr. Andrews stated one or two more approximately nine (9) acres. Mr. LaColla asked the status of water on this proposal. Mr. Andrews stated it is anticipated that slightly before the middle of July this issue will be addressed.

FINAL

REVIEW
AVEONIS - SITE DEVELOPMENT PLAN

Mr. Andrews reviewed his comment memorandum to the Board dated April 28, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink stated they are satisfied with the results of the archaeological study.

Mr. Andrews reviewed draft no. 2 dated April 28, 2005 of the Resolution of Approval - Aveonis Townhouses - Clearing and Grading Permit.

Mr. Andrews stated we tried to make this almost a complete Clearing and Grading Resolution. Mr. Andrews stated most of changes are in terms of clarity and shortening the record.

Mr. Andrews stated Mr. Roberts has identified on page 3 of 7 of the resolution that the "Whereas" in the middle of the page dealing with the NYOPR&HP has been addressed. Mr. Andrews stated this "Whereas" shall now include that the study has been completed by the Project Sponsor and has satisfied the concerns as a condition precedent to site disturbance.

Mr. Andrews suggested that this Resolution of Approval for Clearing and Grading is ready for adoption by the Board.

Mr. Knips made a motion that the Board adopt the Resolution of Approval - Aveonis Townhouses - Clearing and Grading Permit as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mrs. Lahey. Motion carried.

REVIEW
THE CREST @ FISHKILL - SITE DEVELOPMENT PLAN

Mr. Andrews reviewed draft #2 dated April 28, 2005 of the Resolution of Preliminary Approval - Site Development Plan. Mr. Andrews stated this has been delayed and he doesn't expect the Board to vote on it this evening.

Mr. Andrews stated this gives the Board and the Applicant the thought process on this resolution. Mr. Andrews stated on page 5 of 7 of the resolution, because there were so many waivers he has made this part of a "Now Therefore Be It Further Resolved" rather than a "Whereas."

Mr. Cordisco stated he would like the opportunity to take this to his client and review it.

It was the consensus of the Board that this Resolution of Preliminary Approval shall be scheduled for review at the May 12, 2005 Planning Board meeting.

REVIEW
CEDAR VIEW DEVELOPMENT, LLC - SUBDIVISION

Mr. LaColla stated he has contacted the applicant to contract for one of these lots.

FINAL

REVIEW
CEDAR VIEW DEVELOPMENT, LLC - SUBDIVISION
(CONTINUED)

Mr. Andrews reviewed draft #3 of the Resolution of Final Approval dated April 28, 2005 - Resolution of Final Approval - Cedar View Development, LLC - Subdivision.

Mr. Knips made a motion that the Board waive the final public hearing. Seconded by Mrs. Lahey. Motion carried.

Mr. Andrews suggested that on condition number 9, that before issuance of a final certificate of occupancy for an individual lot, the Building Inspector shall issue a written report to the Planning Board covering compliance with approved tree reservation plan. Mr. Andrews suggested that this wording be added as a note to the subdivision plat. The Board agreed with Mr. Andrews to add this suggested language to the resolution.

Mr. Knips made a motion that the Board adopt the Resolution of Final Approval - Cedar View Development, LLC - Subdivision as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mrs. Lahey. Motion carried.

Mr. Knips made a motion to close the meeting at 10:40 p.m. Seconded by Mr. LaColla. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes