

**MEMBERS PRESENT**

Peg Birney  
Brian Callahan, Alternate  
Thomas J. Knips, Vice Chairman  
Robert LaColla  
Robert Rahemba  
David Stenger

**MEMBERS ABSENT**

Sheila Lahey  
Shannon Lashlee, Alternate  
James H. Wick, Chairman

**OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
Christopher J. Colsey, Director of Municipal Development  
J. Theodore Fink, AICP, Town Planning Consultant  
Scott L. Volkman, Esq., Town Planning Board Attorney  
Mark A. Day, P.E.  
Richard Olson, Esq.  
Dr. John Collins  
Matthew Horton, P.E.  
Demetreus Moustakas  
Anthony Trigonis  
Mark A. Day, P.E.  
Albert P. Roberts, Esq.  
Nick Dellaportas  
Richard Rang, P.E.  
Timothy O'Brien  
Arthur F. Brod, Jr., AICP

Mr. Knips, Acting Chairman, called the meeting to order at 7:02 p.m.

Mr. Knips appointed Mr. Callahan, Alternate Planning Board member, to substitute for Mrs. Lahey.

**REVIEW**  
**LILAC CORPORATION - SUBDIVISION**

Mr. Knips stated that the review that was scheduled for the Lilac Corporation - Subdivision this evening has been deferred to the June 9, 2005 Planning Board meeting at the request of the applicant.

**REVIEW**  
**HASBROUCK PLACE - SITE DEVELOPMENT PLAN**

Mr. Day stated this property is just north of Splash Down Park, the project is currently 12.6 acres, eight (8) of which are in the Town of Fishkill and the remaining acreage is in the Town of Wappinger. Mr. Day stated the applicant would like to construct two (2) buildings connected by a glass breezeway. Mr. Day stated this parcel is the subject of a Rezoning Application under consideration by the Town Board.

**REVIEW**  
**HASBROUCK PLACE - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Day stated they are proposing to construct the parking to the rear of the property. Mr. Day stated a biologist has confirmed that Blandings turtles are present to the north of the property, but since this project is not disturbing the wetlands, it will not affect the project.

Mr. Day stated the two (2) buildings are separated by a glass breezeway that will have access to both buildings. Mr. Day presented architectural drawings to the Board of what the buildings will look like. Mr. Day stated they are proposing to utilize cedar shake and cultured stone on the exterior of the buildings.

Mr. Day stated that Mr. Fink requested that the parking be reduced by 50% which he is certainly agreeable to.

Mrs. Birney asked if the retail entrances are in the front of the building. Mr. Day stated the entrances are actually in the front and rear of the buildings. Mr. Day stated to enter any of the retail stores you would enter from the front.

Mrs. Birney asked what kind of signage is being proposed. Mr. Day stated they would like to use stand-alone signage, as the applicant is not sold on the idea of putting a sign on Route 9. Mr. Day stated they would utilize the front band of the building for signage.

Mr. LaColla asked what type of construction this will be. Mr. Day stated it would be steel construction with concrete deck.

Mr. Stenger asked if it is central water; Mr. Day stated there would be a well with septic.

Mr. Day stated they may be able to land-bank the parking in the rear of the building if necessary and suggested that the Board do a site visit in about a year. Mr. Knips stated he didn't believe the Board would have a problem land-banking some of the parking.

Mr. Day stated the applicant has agreed to limit the uses on the site with the Town Board Rezoning application. Mr. Day stated the applicant is looking to provide space for professional offices on the second floor buildings and some "mom and pop" type retail uses on the bottom floor of the buildings.

Mr. Knips asked if there is on-site water storage for fire suppression. Mr. Day stated they agreed at the Town Board level to install an on-site water tank for fire suppression. Mr. Day stated they are also going to provide a fire hydrant.

Mr. Andrews reviewed his memorandum to the Board dated May 26, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Day asked if the Board agreed with the architectural rendering; the Board stated it looks great.

**PUBLIC HEARING**  
**QUALITY INN HOTEL - SPECIAL USE PERMIT**

Mr. LaColla recused himself from this public hearing and discussion.

The public hearing for Quality Inn Hotel - Special Use Permit was called to order by the Board at 7:36 p.m. Mr. Knips read the Notice of Public Hearing.

Mr. Olson stated since we were last before the Board all the agencies have responded to the Board's Lead Agency Circulation and he hopes to receive a Lead Agency status from the Board this evening.

Mr. Olson stated they have received the comments from Mr. Andrews this evening but have not received any from Mr. Fink this evening. Mr. Fink stated he had no further comments at this time as he is still awaiting revised plans to address some of his past comments.

Mr. Olson stated they have had some alternative plans drawn up to keep in line with the Town Code in order to show the Board the reason for requesting the variance for the 2 ½ stories.

Mrs. Birney made a motion that the Board accept Lead Agency Status for the Quality Inn Hotel. Seconded by Mr. Rahemba. Mr. LaColla abstained. Motion carried.

Mr. Knips asked if alternatives have been looked at as to what the allowed uses on this site are besides a hotel. Mr. Olson stated no. Mr. Knips asked if there was anyone in the audience who had questions, comments or concerns regarding this proposal.

Mr. Delpizio of Milholland Drive in Fishkill stated they had an informal meeting with the owners of the diner about a week ago. Mr. Delpizio stated many of the issues the people were concerned about were pretty much taken care of at this meeting. Mr. Delpizio stated about 95% of the people walked out of the meeting with the owners of the diner happy and with a better understanding of the project. Mr. Delpizio stated the members of Green Hills will go along with this project and would have no problem with the variances being requested.

Mr. Delpizio stated Mr. Horton showed him the alternative and the seven (7) floor plan is ridiculous and the other one would not be worth it to construct. Mr. Delpizio stated he wishes the parties good luck with the project. Mr. Delpizio stated as far as the community is concerned they are satisfied.

Mr. Knips asked Mr. Moustakas what was discussed at the meeting. Mr. Moustakas stated there was some miscommunication as to who was going to run the hotel so he went to Green Hills and explained that he is going to be the one running it, the company name was sought because they wanted a good name. Mr. Moustakas stated they did not want the \$22.00 per night hotel and it was explained to the neighbors.

Mrs. Paladino stated she is the manager of Greenhills of Glenham and stated one of the main concerns was the trucks and Mr. Moustakas explained he didn't want to turn his entire clientele away and that is the reason for the six (6) truck parking spaces remaining.

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

Mrs. Paladino stated that Mr. Moustakas would like to eliminate the trucks too. Mrs. Paladino stated Mr. Moustakas addressed their concerns.

Mr. Tyrell of Forge Brook asked Mr. Andrews how this will affect the sewer system in Forge Brook. Mr. Andrews stated capacity exists to accept additional flows and it was designed to handle development along the NYS Route 52 corridor and he anticipates no impact at all.

Mr. Tyrell stated the roads are starting to cave in because the contractors years ago did a poor job putting in the sewers. Mr. Andrews stated that was before his time and the problems really relate to the roads and not the sewer system. Mr. Andrews stated the water will come from the Glenham Water District which is under contract with the Village of Fishkill so again there should be no impact at all.

Mr. Gallagher of Putnam Road asked if the expectation is the guests will be making left-hand turns out of the south driveway and if so he believes this is an unsafe or unwise turn to make.

Mr. Olson stated there will be an additional detailed study as requested by Mr. Andrews. Mr. Andrews stated access to NYS Route 52 is governed by the NYSDOT. Mr. Andrews stated there will be a dedicated left-turn lane in and a major rework is being planned here which will need to be justified by their engineer. Mr. Andrews stated the NYSDOT will have to issue all the necessary permits for the work along NYS Route 52.

Mr. Pavelock of the City of Beacon asked how many people have seen a tractor trailer block the emergency vehicles on NYS Route 52 - he has seen it.

Mr. Andrews reviewed his memorandum to the Board dated May 26, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Gallagher stated assuming this project is approved he would like the owners to educate the truckers that the day is coming that the diner will not be able to accommodate them.

Mr. Delpizio stated Mr. Gallagher couldn't make the meeting with Mr. Moustakas. Mr. Delpizio stated some of the truck drivers are already asking Mr. Moustakas when the construction will be starting and that Mr. Moustakas may be asking the NYS Thruway Authority if they can put up sign notifying the trucker drivers.

Mr. Delpizio stated he knows one of the concerns of the public is that this would be a welfare hotel and he realizes Mr. Moustakas is not going to invest this kind of money to make a welfare hotel.

Mrs. Birney asked if the entrance to the Fishkill Frosty is one of the two (2) that currently exists; Mr. Horton stated yes they are going to upgrade the entrance to handle the capacity. Mrs. Birney stated she agrees with Mr. Andrews that these entrances need to be looked at closely.

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

Mrs. Birney congratulated the owners for sitting down with the public as it makes the Board's job easier.

Mr. Olson asked the Board to consider closing the public hearing this evening so they can move forward addressing all the comments they have received so far.

Mr. Knips asked if there were any further questions, comments or concerns regarding this public hearing. There was no response from those in general attendance.

Mrs. Birney made a motion that the Board close the public hearing for the Quality Inn Hotel - Special Use Permit at 8:11 p.m. Seconded by Mr. Rahemba. Mr. LaColla abstained. Motion carried.

**PUBLIC HEARING**  
**AVEONIS - SITE DEVELOPMENT PLAN**

The final public hearing for Aveonis - Site Development Plan was called to order by the Board at 8:19 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Day stated they are proposing 54 townhouse units and that this is Senior Housing Project. Mr. Day stated they are before the NYSDOT for the work they are proposing on NYS Route 52 and Route 82. Mr. Day stated this project will utilize central water and central sewer.

Mr. Day stated they are going to provide a loop road and there is an on-site stormwater management system. Mr. Day stated there has been no significant changes since the first public hearing.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal.

Mr. Brown of Fishkill Glen stated he is concerned with the entrances and exits for this project with the current traffic. Mr. Day stated they have conducted a traffic study and there was a sight line analysis for both the entrances and exits, there is considerable sight distance. Mr. Day stated this site was conceptually approved by the NYSDOT and this is the same location that was approved for what was known as Fishkill Public Storage. Mr. Andrews stated any driveway access here is at the sole authority of the NYSDOT. Mr. Andrews stated the NYSDOT and their traffic engineer agreed that adequate sight distances exist and NYSDOT has in fact issued the permit for the driveway specifically for this use.

Mr. Callan stated he has the same concern as Mr. Brown but you can go the back road and exit on NYS Route 52 by Fishkill Glen.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no further comments from those in general attendance.

Mr. Andrews stated he has met with Mr. Day at the authority of this Board and Mr. Day is in the process of addressing his concerns.

**PUBLIC HEARING**  
**AVEONIS - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mrs. Birney made a motion to close the public hearing for Aveonis - Site Development Plan at 8:29 p.m. Seconded by Mr. LaColla. Motion carried.

**REVIEW**  
**AVEONIS - TOWNHOUSES - SITE DEVELOPMENT PLAN**

Mr. Andrews reviewed the Resolution of Final Approval - Aveonis Townhouses - Site Development Plan. Mr. Andrews reviewed his memorandum to the Board dated May 26, 2005; a copy of this memorandum is attached to the original minutes.

The Board agreed that the language contained in Mr. Andrews' memorandum dated May 26, 2005 be added to the Resolution of Final Approval.

Mr. Knips suggested that the changes be made to the document and it be reviewed for the next meeting.

Mr. Roberts stated they really need a final approval this evening so that they can move forward with the Attorney General's office.

Mr. Day stated the hold up right now is the Dutchess County Department of Health as soon as they receive their approval they will have the drawings submitted to the Town for the endorsement of the Planning Board Chairman.

Mr. Alberts and Mr. Dellaportus consented to the modifications that were made to the Resolution of Final Approval this evening. Mr. Colsey suggested that he and Mr. Andrews will amend the Resolution of Final Approval as discussed this evening and will e-mail it to Mr. Volkman and Mr. Roberts for their approval. The Board agreed with Mr. Colsey.

Mr. Stenger made a motion that the Board adopt the Resolution of Final Approval as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mr. Rahemba. Motion carried.

**REVIEW**  
**TOLL BROS., INC. - MERRITT PARK CONDOMINIUMS**  
**SITE DEVELOPMENT PLAN**

Mr. Rang stated when they were last before the Board they reviewed their 337 condominium application. Mr. Rang stated they have looked at the possibility of providing an additional emergency access road. Mr. Rang stated they have provided a boulevard entrance on Merritt Boulevard.

Mr. Rang stated they met with the Wappingers School District and had a very successful meeting and once a concept is agreed upon by the Planning Board and the Town Board, they will look into submitting a separate application to subdivide the piece out for dedication to the school district.

**FINAL**

**REVIEW**  
**TOLL BROS., INC. - MERRITT PARK CONDOMINIUMS**  
**SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Rang stated they have received the comments from Mr. Andrews and Mr. Fink this evening and see no problems addressing their comments.

Mr. Knips asked if there are any opportunities for biking paths or pedestrian paths to get to the retail portion of the site. Mr. Rang stated they will investigate the possibility for biking paths and/or pedestrian paths.

Mr. Brod stated they presented this to the Town Board and Mr. Blass has been authorized by the Town Board to draft the legislation for the rezoning and a public hearing will hopefully be set by the Town Board soon.

Mr. LaColla asked if there was a targeted sell price is for the units. Mr. Rang stated he does not have that information but his guess would be in the low to mid \$200,000.00 range but this is more Mr. Zalinsky's forte.

Mr. Andrews reviewed his memorandum to the Board dated May 26, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Rang stated they have had a meeting with Mr. Brinckerhoff regarding the easement suggested in Mr. Andrews' memorandum and Mr. Brinckerhoff has been very receptive to the ideas they have shared. Mr. Andrews stated he just wanted this on record and would like the details as indicated in his memorandum as soon as they are available.

Mr. Fink stated he has called for a visual impact analysis as part of his memorandum to the Town Board as they are the Lead Agency for SEQR on this project.

Mr. Fink reviewed his memorandum to the Board dated May 26, 2005; a copy of this memorandum is attached to the original minutes.

Mr. Fink stated the Comprehensive Plan Committee has been discussing the traditional neighborhood development. Mr. Fink stated the disadvantage here is the slope and the Central Hudson right-of-way through the project. Mr. Fink stated there will be some good solid recommendations for traditional neighborhood type developments when the Comprehensive Plan is approved by the Town Board.

Mr. Rang stated the ability for Toll Bros. to fit into the site was a concern. Mr. Rang stated they have really consolidated the project to fit into the site. Mr. Rang stated he is concerned with losing density with a traditional neighborhood type of development. Mr. Fink stated you could certainly reduce some of the parking, as the idea is to have more pedestrians walking rather than driving. Mr. Rang stated they would be happy to reduce the parking spaces. Mr. Fink stated the lot count may be able to be maintained with the traditional neighborhood type development.

**ZBA REFERRAL**  
**THE HOME DEPOT**

Mr. Colsey stated the project sponsor met with him and Mr. McGann and they are now proposing the 32' high sign and Mr. McGann denied it rightfully and it is now before the ZBA for a variance.

Mr. Knips stated the way the application is written says they are looking for a variance to the variance; shouldn't it say they are looking for a variance to the law.

Mr. Knips stated Home Depot is stating that they are replacing 300 SF of theatre signage with this 100' request and the theatre signage can come back when the mall is revitalized.

Mr. Knips stated as he reads this entire package it would apply to any big box store coming to the mall.

Mrs. Birney stated this doesn't conform to the Greenway Compact Guidelines relating to monument signs. Mrs. Birney stated a monument sign would mark the entrance of the mall. Mrs. Birney stated she believes all the other stores are going to want the same type of sign as the Home Depot.

Mrs. Birney stated the signs on the building will be visible from much farther away than any 32' high sign. Mrs. Birney stated the original variance was for a store name and there was also an agreement with May & Co. Mrs. Birney stated until the site is further designed it seems premature to offer this type of variance.

Mr. Colsey stated he has invited Mr. Wick to the Zoning Board meeting.

Mr. Knips stated if they want to spend their sign allocation on one store that is fine. Mrs. Birney requested that Mr. Colsey send his memorandum to the Board before he presents it to the ZBA. The Board agreed with Mrs. Birney.

**PLANNING BOARD MEETING MINUTES - MAY 12, 2005**

Mr. LaColla made a motion that the Board adopt the May 12, 2005 Planning Board Meeting Minutes as revised. Seconded by Mrs. Birney. Motion carried.

**OTHER ITEMS DISCUSSED**  
**HUDSON VALLEY TOWNE CENTER - MASTER PLAN**

Mr. Colsey distributed a letter prepared by Mr. Wick and suggested the Board review it and to either call or e-mail him with any comments or revisions to the letter.

**SUNOCO - ROUTE 9D - SITE DEVELOPMENT PLAN**

Mr. Colsey stated Sunoco has yet to finish the shields on the lights and requested authorization from the Board to send them a certified letter requesting they appear before the Board to address the incomplete items. The Board agreed that Mr. Colsey send a certified letter to Route 9D Sunoco.

**OTHER ITEMS DISCUSSED**  
**(CONTINUED)**

**SITE VISITS**

It was the consensus of the Board that a site visit will be performed at River Walk next Friday, June 3, 2005 at 7:30 a.m. and that Mr. Andrews be invited.

Mr. LaColla made a motion to close the meeting at 9:45 p.m. Seconded by Mrs. Birney. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments to the original minutes