

MEMBERS PRESENT

Peg Birney
Brian Callahan
Tom Chang, Alternate
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey, Vice Chair
David Stenger

MEMBERS ABSENT

Robert Rahemba
Joel Sasser, Alternate

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Town Municipal Development Director
John A. Morabito, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Richard Mazzone
William H. Povall III, P.E.
Debra Lanza
Laurie Ann Montross
John Furst, Esq.
Steve Turk
John Maucieri
Daniel Zalinsky
Pete Galotti
Richard Rang

The meeting was called to order by Thomas J. Knips, Chairman at 7:00 p.m. Mr. Knips appointed Mr. Chang to the Board this evening to fill in for Mr. Rahemba.

AUGUST 24 2006 PLANNING BOARD MEETING MINUTES

Mr. LaColla made a motion to adopt the August 24, 2006 Planning Board Meeting Minutes as amended. Seconded by Mr. Callahan. Motion carried.

DISCUSSION
11 MAPLE STREET

Mr. Colsey stated that Mr. Mazzone is present this evening to discuss a proposed addition to his residence that is located in the LHC (Local Historic District) as he must have an approval from this Board before he proceeds with the Building Department.

Mr. Knips stated the rear of the house would more closely match the front. Mr. Colsey stated that is correct. Mr. Knips asked if there are any proposed changes in the siding. Mr. Mazzone stated no.

Mr. LaColla made a motion that the Board empower Mr. Colsey to prepare and sign a letter to file indicating that the proposed addition and the materials were shown this evening are acceptable to the Planning Board. Seconded by Mrs. Lahey. Motion carried.

REQUEST FOR READOPTION
LANDS OF WICK, SOVIK & HYATT - SUBDIVISION & RESUBDIVISION

Mr. Povall stated they are requesting a Readoption of the Final Approval as the hold up has been the construction of the shared driveway.

Mr. Andrews stated that Mr. Povall needs to fill out Part 2 of the Short EAF to reflect no change in circumstances involving this application. Mr. Povall stated he will complete Part 2 of the Short EAF. Mr. Volkman stated there may be a need to phase this in the future but right now a formal Readoption is what is being requested and the Board is in a position to grant the extension.

Mr. LaColla made a motion the Board readopt the Resolution of Final Approval effective August 23, 2006 and that it be prepared and signed by the Chairman when it is ready. Seconded by Mr. Callahan. Motion carried.

NEW SUBMITTAL
MOMENTUM ADVERTISING & DESIGN, INC. - AMENDED SITE DEVELOPMENT PLAN

Mrs. Lanza stated that the Applicant is seeking to amend the existing site development plan approval to construct a two (2) story, 905 S.F. addition to the existing office building at the rear. Mrs. Lanza stated that in addition, the Applicant is seeking a waiver from illustrating the existing and proposed contours on the site plan and a waiver to temporarily occupy (1) parking space for loading functions. Mrs. Lanza stated that the parcel for this proposal is located at 1793 Route 52, in the GB (General Business) Zoning District and consists of 0.39 acres.

Mrs. Birney asked if the parking that is in place now will be adequate for the addition. Mrs. Lanza stated yes. Mrs. Birney asked if the client parking is in the front. Mrs. Lanza stated all the parking is really in the back. Mrs. Birney asked if there is asphalt in the front of the building. Mrs. Lanza stated yes and they are not proposing any additional asphalt there.

Mrs. Lanza asked the Board if they would entertain the Wetlands Permit. Mr. Andrews stated that this would need to be reviewed by both him and Mr. Morabito. Mr. Andrews stated that he and Mr. Morabito will receive this as a referral after the Board officially accepts and refers the application this evening.

Mr. Knips asked if a completed application, EAF, application fees and escrow deposit have been received; Ms. Davis stated yes.

Mr. LaColla made a motion that the Board accept the application and refer it to the Town Engineer, Town Municipal Development Director, Town Planning Consultant, Dutchess County Department of Planning & Development, New York State Department of Transportation and the Rombout Fire District for their review and comments. Seconded by Mr. Stenger. Motion carried.

Mrs. Lanza asked if the Board could schedule a public hearing for the October 26, 2006 Planning Board meeting. Mr. Andrew stated since this is an existing site there should be no major problems so the Board could schedule a public hearing for the October 26, 2006 Planning Board meeting as long as the review goes well.

FINAL

NEW SUBMITTAL
MOMENTUM ADVERTISING & DESIGN, INC. - AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

Mrs. Lanza asked when the Board would review this project. Mr. Andrews stated since this is going to the county there is a thirty (30) day window for their review. Ms. Davis stated this can be scheduled for its first review at the October 12, 2006 Planning Board meeting.

Mr. LaColla made a motion to schedule a public hearing for the October 26, 2006 Planning Board meeting. Seconded by Mr. Stenger. Motion carried.

REVIEW
CITIZENS BANK AT THE DUTCHESS MALL
AMENDMENT TO THE SITE DEVELOPMENT PLAN

Mr. Andrews stated Dutchess County Department of Planning & Development has suggested that the building be moved back. Mr. Andrews suggested that the Applicant take a look into this to see if a better traffic circulation can be obtained. The Board agreed with Mr. Andrews. It was the consensus of the Board that the traffic circulation needed to be improved, as there would be three (3) lanes of traffic going into one major roadway.

Mr. Andrews reviewed his memorandum to the Board dated September 14, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed his memorandum to the Board dated September 14, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Colsey reviewed the memorandum from Dutchess County Department of Planning & Development dated September 13, 2006.

Mrs. Birney stated when the credit union was built across the access drive did they have 100' setback; Mr. Andrews stated yes.

Mr. Knips stated asked Ms. Montross to review with the Board what would happen if the building is shifted or rotated. Ms. Montross stated shifting the building the people would have to walk across the drive-thru lanes and then walk around the back of the bank to get to the front door. Ms. Montross stated the parking field isn't really that large. Ms. Montross stated when they looked at rotating the building they realized it would create building along the Route 9 side. Ms. Montross stated they have proposed some additional trees along the side of the building that would at least get up to the parking headlights. Ms. Montross stated they believed this layout was the best one.

Mrs. Birney asked how many employees would be at the bank. Ms. Montross stated about 7 to 8 employees.

Ms. Montross stated the main sign would be above the front door and they are asking for an additional sign on the Route 9 side of the building.

FINAL

REVIEW
CITIZENS BANK AT THE DUTCHESS MALL
AMENDMENT TO THE SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. LaColla asked Mr. Andrews how significant the problem of triple stacking is going out of the site. Mr. Andrews stated he is not familiar with the operation of this bank, but he does use a bank in Poughkeepsie that does use four (4) lanes merging that does create a problem. Mr. Andrews stated what troubles him about this is the distance between these lanes and the main intersection.

Ms. Montross stated that around the back of the building with the 100' setback it would trap some of the vehicles. Mr. LaColla stated if you kicked out the lane a little bit more it might help.

Mr. Andrews stated both he and Mr. Morabito are of the opinion that a Type II Action under SEQRA is warranted. Mr. Andrews stated they are concerned that this is linked to the PSC Zone, but the Board did treat McDonald's as a Type II Action and unless Mr. Volkman has any objections they are comfortable going with a Type II Action.

Mr. Volkman stated he is inclined to agree but would like the opportunity to take a closer look at this. Mr. Furst stated he does agree with Mr. Andrews and this project will go forward whether the rest of the shopping center is developed or not.

Mr. Andrews suggested that Mr. Volkman be allowed to review this and render his opinion. The Board agreed with Mr. Andrews' suggestion.

Mr. LaColla asked if the ring road is considered private. Mr. Andrews stated yes it is a private road .

Mr. Knips asked if we needed an advisement from NYSOPRHP. Mr. Andrews stated this site is considered disturbed and was all considered as part of the original mall so this was the subject of an Environmental Review and an advisement from the NYSOPRHP is not warranted.

It was the consensus of the Board that this project being scheduled for a review at the September 28, 2006 Planning Board meeting and at that meeting Ms. Montross can illustrate alternatives regarding the drive-thru and ATM Lanes as well as the placement of the building.

Mr. LaColla made a motion to schedule a public hearing for the October 12, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

REVIEW
SPLASHDOWN BEACH - SITE DEVELOPMENT PLAN

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

Mr. Andrews reviewed his memorandum to the Board dated September 14, 2006; a copy of this memorandum is attached to the original minutes.

FINAL

REVIEW
SPLASHDOWN BEACH - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews reviewed his memorandum to the Board dated September 14, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Turk stated there are a couple of different events that do occur like the motorcycle event coming up this weekend and K104 events and doesn't believe it is a fair comparison to the Dutchess Stadium. Mr. Turk stated he has had several live feeds that Mr. Lioy never commented on.

Mr. Turk stated he is not sure that everything should lumped together and if he is going to have amplified music coming out of a rock he is not sure why he can't do it as he has invested a lot of money into this amusement park. Mr. Turk stated he made a mistake on the evening of March 10, 2005 trying to be a good neighbor as he was waiting to satisfy Mr. Fink and the NYSDEC involving the Fairy Wand. Mr. Turk stated he is an amusement park owner and he operates Rocking Horse Ranch and has received high ratings.

Mr. Knips stated as he thought about this recently he personally has no problem rescinding the restriction in the Resolution but by no means does that permit certain types of activities. Mr. Knips stated the Town Board is the body that has the authority to waive the noise ordinance and issue the special permission.

Mr. Knips stated that whether amplified music is used or not this is governed by the noise ordinance in the Town Code. Mr. Lioy stated he has been living in Fishkill for many years; he happens to live 1200 feet from Splashdown, and they heard every word from the DJ and K104. Mr. Lioy stated he didn't call because he felt it was a short lived event. Mr. Lioy stated the agreement that was made two years ago in the Resolution was that amplified music wasn't allowed and he agrees with it. Mr. Lioy stated he doesn't want to see that condition removed from the Resolution. Mr. Lioy stated he has Mr. Turk's cell phone number and he doesn't want to have to worry about calling him when the noise bothers him.

Mr. Knips stated that there was a specific restriction in the resolution that restricted amplified music and whether the condition is in the Resolution or not the applicant has a responsibility on a day-to-day operating basis to abide by the Town's noise ordinance. Mr. Knips stated if the applicant wants waivers from the noise ordinance for a special event the Town Board is the one that has the authority to grant such waivers and special permissions for special events.

It was the consensus of the Board that Mr. Turk should have the same rights as everybody else.

Mr. Knips stated Mr. Lioy has far more coverage under the noise ordinance than under the condition on the resolution of approval. Mrs. Birney asked if Mr. Turk will have to go to the Town Board for Special Events. Mr. Knips stated yes.

Mr. Lioy asked who he will have to call when he has a problem with the noise. Mr. Knips stated it would be the Town of Fishkill Police Department or the Town Building Department.

REVIEW
SPLASHDOWN BEACH - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated the Planning Board is willing to grant Mr. Turk the same protections, as everyone else and it comes with the responsibility that if he believes the levels are beyond his control then a special permit will have to be obtained from the Town Board. Mr. Andrews stated if there is a complaint and if the complaint is determined to be true then there will be consequences.

Mr. Knips stated the Chair will entertain a motion that the Board amend the Resolution by removing the condition from the Resolution respective to amplified voice or music equipment and that a letter to file be prepared and signed. So moved by Mr. Stenger. Seconded by Mr. Callahan. Motion carried.

REVIEW
VAN WYCK AT MERRITT PARK - SITE DEVELOPMENT PLAN

Mr. Maucieri stated they are before this evening to obtain approval for two (2) new models at Van Wyck at Merritt Park. Mr. Maucieri stated they are utilizing the same exteriors that were previously approved by this Board for Van Wyck at Merritt Park.

Mr. Knips asked if the building footprints have changed. Mr. Maucieri stated one model is two (2) feet wider so they will take that into consideration. Mr. Andrews stated there are no setback issues as they basically have rectangles they that were approved and that they have to fit the buildings into. Mr. Knips asked if there are any grading issues. Mr. Andrews stated no.

Mr. Andrews stated the original models and facades were part of the original resolution. Mr. Andrews suggested an amendment to the resolution that includes these two (2) new models and that it be prepared and signed by the Chairman when ready. So moved by Mr. LaColla. Seconded by Mr. Stenger. Motion carried.

REVIEW
VAN WYCK MEWS - SITE DEVELOPMENT PLAN

Mr. Rang stated the Resolution of Approval before the Board this evening is for Final Approval. Mr. Volkman stated that on the Resolution of Preliminary Approval for the Subdivision the language is being worked on with Toll Bros.' counsel and he would like the Board to consider authorizing both him and Mr. Colsey to prepare a Resolution of Preliminary and Final Approval to be reviewed at the September 12, 2006 Planning Board meeting.

Mr. Stenger made a motion that a draft Resolution of Preliminary and Final Approval for the Subdivision be prepared for review at the September 28, 2006 Planning Board meeting. Seconded by Mr. LaColla. Motion carried.

Mr. Colsey reviewed the Resolution of Final Approval - Site Development Plan.

FINAL

REVIEW
VAN WYCK MEWS - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated that the Board talked about condition number 5 previously but never really determined whether the letter written by Mr. Rang to the ACOE was adequate to satisfy this condition. Mr. Andrews stated if the letter is adequate to Mr. Volkman we can make condition 5 into a "Whereas." Mr. Andrews stated the ACOE made a suggestion and Toll Brothers did what they suggested by the ACOE is not responding. Mr. Volkman stated lets leave this as a condition for now and he will review it and make a quick decision on it.

Mr. Andrews suggested if Mr. Volkman is satisfied condition number 5 will become a "Whereas" and if Mr. Volkman is not satisfied it will remain a condition. Mr. Rang and the Board agreed with Mr. Andrews' suggestion.

Mr. Knips asked that any changes pertaining to condition number 4 be brought back before the Board. Mr. Rang stated he will certainly do that.

Mr. LaColla 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 when it is ready. Seconded by Mr. Stenger. Motion carried.

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN AND SUBDIVISION

Mr. Knips asked how the grading of the site is going. Mr. Rang stated they have started some of the grading.

Mr. Colsey reviewed the Resolution of Final Approval - Site Development Plan.

Mr. Knips suggested that the affordable component and the contribution to the housing fund be memorialized in a condition. Mr. Rang agreed to this amendment to the resolution.

Mr. LaColla asked if the Board discussed pedestrian access at the back of the project to the Vassar Medical Center previously. Mr. Andrews stated he will look into this as he does recall this being discussed but somehow it did not make its way into the resolution. Mr. Rang stated they have no problem with sidewalks on their property but have no control over the property that is not owned by Toll Brothers.

Mrs. Birney stated she thinks the proposed sign is lovely but is not sure that it meets the Town Code and doesn't believe the Board can approve the sign if it doesn't meet the code. Mr. Andrews stated the Board used to say in their resolutions that they accepted the sign but that it must conform to the Town Code when it is installed or the applicant has to come back before the Board. The Board agreed with Mr. Andrews' suggestion to amend the signage condition.

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN AND SUBDIVISION
(CONTINUED)

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

Mr. Andrews reviewed the Resolution of Final Approval - Subdivision.

Mr. Andrews suggested that condition number 3 be stricken. Mr. Andrews stated that condition number 7 be stricken. Mr. Rang agreed with Mr. Andrews.

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

OTHER ITEMS DISCUSSED

Mr. Knips stated the Board received a Town of Fishkill Local Law Transmittal and asked if the Board had any comments. There was no response from the Board. Mr. Knips stated if any members of the Board have any comments on this local law referral that they contact Darlene Bellis, Town Clerk.

Mr. LaColla made a motion to close the meeting at 9:26 p.m. Seconded by Mr. Stenger. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes