

**MEMBERS PRESENT**

Thomas W. Adams, Alternate  
Brian Callahan  
Lex Harvey  
Mary Hendricks  
Thomas J. Knips, Chairman  
Felix Lopez, Alternate  
David Stenger

**MEMBERS ABSENT**

Sheila Lahey, Vice Chair  
Robert Rahemba

**OTHERS PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
John A. Morabito, AICP, Town Planning Consultant  
Daniel P. Simone - RPA Associates for Waterfront @ Fishkill Phase V Overlook Pointe  
Dominic Cordisco, Esq. for The Crest at Fishkill Amended Site Development Plan  
Richard G. Barger, P.E. for the Lands of Moritz, Schetter & Roszkowski - Resubdivision  
William Agresta for The Scenic Hudson Land Trust aka Long Dock Beacon - Resubdivision  
Marjorie Groten for The Scenic Hudson Land Trust aka Long Dock Beacon - Resubdivision

The meeting was called to order by Thomas J. Knips, Chairman at 7 p.m. Mr. Knips appointed Mr. Adams and Mr. Lopez to fill in for absent members this evening.

**OCTOBER 9, 2008 PLANNING BOARD MEETING MINUTES**

Mr. Stenger made a motion to adopt the October 9, 2008 Planning Board Meeting Minutes as amended. Seconded by Mrs. Hendricks. Motion carried.

Mr. Knips stated that item number 1 under "reviews," Waterfront @ Fishkill - Phase VI B.1 A - Stadium Plaza - Rite Aid has been withdrawn.

**REQUEST FOR EXTENSION**  
**LORI JOSEPH BUILDERS - SUBDIVISION**

Mr. Andrews stated that the applicant is requesting a ninety (90) day extension and that they are working with the Dutchess County Department Of Health. Mr. Andrews recommended that the Board grant the ninety (90) day extension as requested by the application.

Mr. Callahan made a motion that the Board grant a ninety (90) day extension of the Resolution of Preliminary Approval. Seconded by Mrs. Hendricks. Motion carried.

**NEW SUBMITTAL**  
**WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES**  
**AMENDED SUBDIVISION**

Mr. Knips stated that he is recusing himself from this application as well as the application for Amended Site Development Plan approval, appointed Mr. Stenger, Acting Chair and left the meeting room.

**FINAL**

**NEW SUBMITTAL**  
**WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES**  
**AMENDED SUBDIVISION**  
**(CONTINUED)**

Mr. Simone stated that they are approaching completion of the project for the endorsement by the Chairman of the final plat, however the project has undergone minor revisions due to Dutchess County Department of Health (DCDOH) required modifications. Mr. Simone stated that is why he is before the Board this evening, for an amended approval of both the subdivision and site development plan. Mr. Simone stated that there were some waivers granted by the Board and the modifications that occurred eliminated some buildings, that buildings were shifted and buildings were renumbered, therefore the variances that were portrayed in the resolution do not match up to the modified plans presented before the Board this evening. Mr. Simone stated that DCDOH asked for minimum setbacks to buildings.

Mr. Simone stated that they were directed by Town staff and counsel to submit new applications for amended approvals of both the subdivision and site development plan.

Mr. Andrews stated that the sewage treatment plant is under construction and before we started both the Town and Mr. Simone received the DCDOH's concurrence on the modified building setbacks. Mr. Andrews stated that DCDOH is comfortable with the current plans.

Mr. Andrew stated that the modifications are small but because of the modifications for the DCDOH, that Mr. Volkman instructed the applicant to submit both a new subdivision and site development plan applications for amended approvals.

Mr. Stenger stated that these modifications are due to the DCDOH requirements. Mr. Andrews stated yes.

Mr. Andrews stated that other than the elimination of the one building, none of the waivers that were granted by the Board change.

Mr. Callahan made a motion to accept the application for Amended Subdivision Approval and refer it to the Town Engineer, Town Planning Consultant, Town Planning Board Attorney, Town Building Inspector, Town Environmental Advisory Board, Dutchess County Department of Planning & Development and the Chelsea Fire District for their review and comment. Seconded by Mr. Harvey. Mr. Knips abstained. Motion carried.

**NEW SUBMITTAL**  
**WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES**  
**AMENDED SITE DEVELOPMENT PLAN**

Mr. Simone stated this application is being made for the same reason as the subdivision application. Mr. Andrews stated that is correct.

**FINAL**

**NEW SUBMITTAL**  
**WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES**  
**AMENDED SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Callahan made a motion to accept the application for Amended Site Development Plan Approval and refer it to the Town Engineer, Town Planning Consultant, Town Planning Board Attorney, Town Building Inspector, Town Environmental Advisory Board, Dutchess County Department of Planning & Development and the Chelsea Fire District for their review and comment. Seconded by Mr. Harvey. Mr. Knips abstained. Motion carried.

Mr. Knips stated that the Chair would entertain a motion to change the order of the agenda. So moved by Mr. Stenger. Motion carried.

**REVIEW**  
**THE CREST AT FISHKILL - AMENDED SITE DEVELOPMENT PLAN**

Mr. Andrews stated most of the Whereas paragraphs in the resolution are pretty standard. Mr. Andrews stated that the issue that comes about is the issue of recreation fees downstream drainage fees due the Town of Fishkill. Mr. Andrews stated that these fees are covered prior to the conditions listed in the resolution. Mr. Andrews stated that this is a situation where the recreation fees and downstream drainage fees were miscalculated at the time of the last approval and because of the reapproval; the Town is now in a position to collect the accurate fees. Mr. Andrews reviewed the Resolution of Preliminary and Final Reapproval - Amended Site Development Plan.

Mr. Knips stated that he does have one question. Mr. Knips asked if the Board reviewed the current site plan with for compliance with RMF-3 and RMF-5 zoning regulations as to the number of linear buildings. Mr. Andrews stated that he knows that this question did come up in the past. Mr. Cordisco stated that the Board did previously granted a number of waivers as part of the original approval and that we are not asking for any additional waivers. Mr. Andrews stated that he does not find any place in the record where this it specifically addressed. Mr. Modafferi stated there is a zoning compliance table on the plans.

Mr. Harvey made a motion to waive the final public hearing. Seconded by Mr. Callahan. Motion carried.

Mrs. Hendricks made a motion that the Board adopt the Resolution of Preliminary and Final Reapproval - Amended 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. Callahan. Motion carried.

**OTHER ITEMS DISCUSSED**  
**2009 PLANNING BOARD MEETING SCHEDULE**

Mr. Andrews stated both he, Mr. Morabito and Ms. Davis are noticing that the volume of work has been decreasing from meeting to meeting. Mr. Andrews stated that both he and Mr. Morabito recommend that the Board reduce to one (1) meeting a month in 2009.

**FINAL**

**OTHER ITEMS DISCUSSED**  
**2009 PLANNING BOARD MEETING SCHEDULE**  
**(CONTINUED)**

Mr. Andrews stated that both he and Mr. Morabito recommend the second Thursday of each month but it is at the purview of the Board. Mr. Andrews stated that the bigger projects and volume of work associated with the bigger projects would benefit with one meeting a month and therefore everyone benefits.

Mr. Callahan made a motion that the Board meet on the second Thursday of each month starting in 2009. Seconded by Mrs. Hendricks. Motion carried.

**ZBA REFERRAL**  
**APPLICATION NO. 08-010 - 12 CONTINENTAL DRIVE - R-20 ZONING DISTRICT**

The Planning Board resolved that the request for a variance is a matter of local concern and that they have no opposition to the variance being granted by the ZBA.

**PUBLIC HEARING**  
**LANDS OF MORITZ, SCHETTER & ROSZKOWSKI - RESUBDIVISION**

The public hearing was called to order by the Board at 7:30 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Barger stated that the applicant is seeking Preliminary Approval to alter the existing lot lines between four (4) lots to create three (3) lots; Parcel 1 will increase in size from 0.49 acres to 0.67 acres, Parcel 2 will remain at 0.45 acres, Parcel 3 will increase in size from 0.25 acres to 0.32 acres. Mr. Barger stated that the purpose of this resubdivision is to eliminate encroachments that presently exist. The parcels for this proposal are located at 42 Pine View Road, 4 Grandview Road, 34 Pine View Road and 6 Grandview Road, in the R-40 Zoning District.

Mr. Knips asked if there was anyone with questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. Andrews reviewed his memorandum to the Board dated October 23, 2008; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed his memorandum to the Board dated October 23, 2008; a copy of this memorandum is attached to the original minutes.

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

Mr. Callahan made a motion to close the public hearing at 7:36 p.m. Seconded by Mr. Lopez. Motion carried.

**FINAL**

**PUBLIC HEARING**  
**LANDS OF MORITZ, SCHETTER & ROSZKOWSKI - RESUBDIVISION**  
**(CONTINUED)**

Mr. Andrews recommended that a draft Negative Declaration and draft Resolution of Preliminary and Final Approval be prepared for review at the November 13, 2008 Planning Board meeting.

Mr. Callahan made a motion that a draft Negative Declaration and draft Resolution of Preliminary and Final Approval be prepared for review at the November 13, 2008 Planning Board meeting. Seconded by Mr. Lopez. Motion carried.

**PUBLIC HEARING**  
**THE SCENIC HUDSON LAND TRUST, INC. (A.K.A. LONG DOCK BEACON - RESUBDIVISION**

The public hearing was called to order by the Board at 7:40 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Agresta stated that the Applicant is seeking approval to consolidate three (3) parcels, located mainly in the City of Beacon with portion of each lot located in the Town of Fishkill underwater in the Hudson River, into two (2) lots. Mr. Agresta stated that the submerged lands in the Town of Fishkill total 64.6 acres. Mr. Agresta stated that the property owner, The Scenic Hudson Land Trust, Inc., intends to create two (2) lots to allow for the subsequent transfer of one (1) lot to Long Dock Beacon Associates, LLC, a private development firm that will own and operate the planned waterfront revitalization project known as Long Dock Beacon, that is currently before the City of Beacon Planning Board, the Lead Agency for the environmental review of the project. Mr. Agresta stated that the proposed consolidated Lot 1 will form the development lease parcel and the proposed consolidated Lot 2 will form the Scenic Hudson park parcel. Mr. Agresta stated that a Special Use Permit Approval is also required from the Town of Fishkill Town Board in accordance with the newly created Hudson River District.

Mr. Knips asked if there was anyone with questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mr. Andrews reviewed his memorandum to the Board dated October 23, 2008; a copy of this memorandum is attached to the original minutes.

Mr. Knips stated we are just adjusting lot lines for submerged lands in the Town of Fishkill. Mr. Andrews stated that is correct.

Mr. Agresta stated that the City of Beacon Planning Board determined the FEIS complete on September 9, 2008 and they are cleaning up the document. Mr. Agresta stated that it has not been filed or circulated yet and obviously the City of Beacon Planning Board has not issued findings yet. Mr. Agresta stated that they do believe this will completed soon. Mr. Agresta stated that as far as adjourning or closing the public hearing, it is at the Board's purview.

**FINAL**

**PUBLIC HEARING**  
**THE SCENIC HUDSON LAND TRUST, INC. (A.K.A. LONG DOCK BEACON - RESUBDIVISION**  
**(CONTINUED)**

Mr. Agresta stated they are willing to extend the timeframe for approving this project if the Board decides to close the public hearing rather than to adjourn the public hearing.

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

Mr. Andrews recommended that the Planning Board close the public hearing and that with the consent of the applicant to extend the 62-day time period. Mr. Agresta agreed to extend the timeframe.

Mr. Stenger made a motion to close the public hearing at 7:50 p.m. Seconded by Mr. Callahan. Motion carried. Motion carried.

Mr. Andrews recommended that the Board authorize Mr. Morabito and him to start to put together draft findings as well as a draft Resolution of Preliminary and Final approval.

Mr. Stenger made a motion to authorize Mr. Andrews and Mr. Morabito to prepare a draft findings and a draft Resolution of Preliminary and Approval. Seconded by Mr. Lopez. Motion carried.

Mr. Stenger made a motion to close the meeting at 7:55 p.m. Seconded by Mrs. Hendricks. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments to original minutes