

MEMBERS PRESENT

Thomas W. Adams, Alternate
Brian Callahan
Mary Hendricks
Thomas J. Knips, Chairman
Felix Lopez, Alternate
Robert Rahemba

MEMBERS ABSENT

Lex Harvey
Sheila Lahey
David Stenger

OTHERS PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Ronald C. Blass, Jr., Esq., Town Attorney
John A. Morabito, Town Planning Consultant
Ronald Leenig, Councilman
Pam Richardson, Esq., for Scott L. Volkman, Esq., Town Planning Board Attorney
Reg Walters - Maser Consulting for Fishkill II - Site Development Plan
Jennifer L. Van Tuyl, Esq. - Cuddy & Feder for Fishkill II - Site Development Plan
Andrew Featherstone for Fishkill II - Site Development Plan
Jeffrey Freirich - Fishkill II
Daniel Simone - R.P.A. Associates for Waterfront @ Fishkill Phase VI B.1 - Stadium Plaza - Rite Aid
Mel J. Grillo - Kirchhoff Properties for Waterfront @ Fishkill Phase VI B.1 - Stadium Plaza - Rite Aid
Amy Bombardieri - M.A. Day Associates for Lands of Scarpelli Subdivision
James Fitzpatrick - Toll Brothers, Inc. for Regency @ Fishkill - Resubdivision
Pete Galotti - Toll Brothers, Inc. for the Regency @ Fishkill - Resubdivision
James Fitzsimmons - Stantec for Camp Hayden Marks-Sharpe Reservation- Special Use Permit
Dr. Phillip Grealey - John Meyer Consulting for Manor Estates at Fishkill - Site Development Plan
Enrico Scarda - Manor Estates at Fishkill - Site Development Plan

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

JUNE 12, 2008 PLANNING BOARD MEETING MINUTES

Mr. Rahemba made a motion to adopt the June 12, 2008 Planning Board Meeting Minutes as amended. Seconded Mr. Callahan. Motion carried.

OTHER ITEMS DISCUSSED
RHINEBECK SAVINGS BANK

Mr. Andrews stated that the NSYDOT Permit Engineer has said if the sidewalks are terminated in the NYSDOT right-of-way that the NYSDOT will require the bank to redesign the signalization for the intersection, put in a pedestrian crossing signal for the side street, and Route 9D. Mr. Andrews stated that to the best of his recollection, this was not the Board's intent. Mr. Andrews stated that the engineer has made a slight modification to the site plan by turning the sidewalk and terminating it at their internal road, which he does not see an issue with.

OTHER ITEMS DISCUSSED
RHINEBECK SAVINGS BANK
(CONTINUED)

Mr. Andrews stated he would like the Board's input on this, as he does not believe it was the Board intent to have the bank redesign the intersection and put in a pedestrian crossing signal for the side street and Route 9D.

The Board resolved that Mr. Andrews is authorized to instruct the applicant's engineer to modify the plans to show the sidewalk terminating at their internal road and that Mr. Andrews prepare a letter authorizing such.

NEW SUBMITTAL
FISHKILL II - SITE DEVELOPMENT PLAN

Ms. Richardson recused herself from this discussion and left the meeting and Mr. Callahan recused himself from this discussion and left the meeting room.

Mr. Walters stated that the applicant is seeking site development plan approval to construct a 209 unit townhouse development including a club house and all associated site improvements. Mr. Walters stated that the parcels for this proposal are located off of Hudson View Drive near the intersection of Route 9D, in the RMF-5 Zoning District and consist of 34.663 acres.

Mr. Walters stated that they used 12 density units per acre and the bonus density allowed for the affordable units to arrive at the number of units being proposed. Mr. Walters stated that they believe that this is a very good layout, it follows the greenway guidelines and it preserves open space. Mr. Walters stated that the Rombout Water District has capacity for this proposal and the wastewater from this development finds its way to the sewer treatment plant that is currently being upgraded by the Town of Fishkill.

Mr. Walters stated that the site does have some isolated wetlands and some ACOE wetlands that have been designated and they are going to offer mitigation for those that may be impacted which are only at the entrance of this site.

Mr. Walters stated that the access to the site is through Hudson View Drive which is a Town road and there is a paper road named "Reiga Boulevard" but there is already an existing access drive so the intention here is to upgrade the access drive and bring it up to town road standards and to minimize the wetlands impact in this particular area.

Mr. Walters stated that the Traffic Study has been submitted and the report shows that there is no significant impact on traffic due to this proposed development.

Mr. Walters stated that the landscaping consists of street trees and shrubs throughout the development and each individual townhouse will have its own landscaping.

NEW SUBMITTAL
FISHKILL II - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Walters stated that a club house and pool will be provided and the proposal is that the storm water will run to two (2) wet ponds that will discharge into existing wetlands.

Mr. Walters stated that the assessment of the impact on schools has been submitted and there is no significant impact found as a result of this proposed development.

Mr. Knips asked Mr. Walters to review the calculations for the as of right proposal. Mr. Walters stated that initially this was developed with 50' separations between buildings as an as of right plan. Mr. Walters stated that we arrived at 46 buildings with four (4) dwelling units = 194 units. Mr. Walters stated that we developed the current layout to make it more pleasing and started off with a density ratio of 12 density per acre and the number works out to 415 density units that are allowable on the parcels with the factors of the affordable units and bonuses that number inflates to 480 units and you back that number into the dwelling units.

Mr. Walters stated that the intention at this stage is to promote this as a larger size dwelling unit, in order to accommodate the larger buildings we do require certain waivers for the separation of units. Mr. Knips stated that the Board will need to review the criteria in the Town Code, as the Board will need to be convinced that the guidelines in the Town Code are being adhered to.

Mr. Knips stated that in the RMF-5 Zoning District, the Town Code appears to have a limitation of the number of units allowed on the linear access so this will need to be reviewed, as it cannot be waived by the Planning Board.

Mr. Andrews stated that the only item that may be missing is the step in between the original drawing and this new drawing to see how it fits on the site. Mr. Andrews stated that there are basically four (4) or five (5) criteria in the Town Code that have to be reviewed in terms of the waivers and the waivers are not a foregoing conclusion.

Mr. Knips asked where the emergency access road is proposed. Mr. Andrews stated that it will run from Castle Point Road to Hudson View Drive to Route 9D.

Mrs. Hendricks asked if there will be any play areas on site. Mr. Freirich stated they are not shown but they will work with the Board on this.

Mr. Rahemba asked if there will be garages. Mr. Walters stated some will have double garages and some will have single garages with some rear garages.

Mr. Freirich stated that the architecture is very preliminary at this point. Mr. Andrews stated that this Board will need to see the architecture. Mr. Knips stated that before the end of this process the Board will need to see the full details on the architecture.

Mrs. Hendricks asked if it is figured in that the retention ponds will be holding water. Mr. Featherstone stated yes.

NEW SUBMITTAL
FISHKILL II - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated the groundwater is a significant issue here; there is a gravel pocket here that exists if they get down into the water table.

Mrs. Hendricks asked about the landscaping plan. Mr. Featherstone stated the landscaping plan is preliminary at this time but will be more fully developed throughout the process.

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

Mr. Rahemba made a motion to accept the application and to refer it to the Town Engineer, Town Planning Consulting, Town Planning Board Attorney, Town Building Inspector, Town Environmental Advisory Board, Chelsea Fire District, Dutchess County Department of Planning & Development and the New York State Department of Transportation for the review and comment. Seconded by Mrs. Hendricks. Mr. Callahan abstained. Motion carried.

Mrs. Van Tuyl asked the Board to give authorization to her as well as the applicant and his engineer to speak with the Town's consultants in the interim to discuss the technical items of this proposal. Mr. Knips asked Mr. Andrews if that was a problem. Mr. Andrews stated it doesn't matter to him either way.

Mrs. Hendricks made a motion authorizing the applicant and/or his representatives to meet with the Town's consultants to discuss this proposal. Seconded by Mr. Rahemba. Mr. Callahan abstained. Motion carried.

PUBLIC HEARING
LANDS OF SCARPELLI - SUBDIVISION

The public hearing was called to order by the Board at 7:36 p.m. Mr. Knips read aloud the Notice of Public Hearing.

Ms. Bombardieri stated that the applicant is seeking final approval to subdivide a parcel totaling 2.65 acres into two (2) lots. Ms. Bombardier stated that Lot 1 will consist of 0.91 acres and Lot 2 will consist of 1.74 acres. Ms. Bombardieri stated that the parcel for this proposal is located at 129 Route 82, in the R-20 and R-40 Zoning Districts.

Mr. Knips asked if there was anyone with questions, comments or concerns regarding this proposal.

Mr. McDonald of 9 Carson Terrance asked the impact on his septic or sewer. Ms. Bombardieri stated that there is only one house proposed and they that have received the DCDOH approval on the septic and the well. Ms. Bombardieri stated that the impact is minimal as it is only one house. Ms. Bombardieri stated the septic is above the house on the flat point.

FINAL

PUBLIC HEARING
LANDS OF SCARPELLI - SUBDIVISION
(CONTINUED)

Ms. Waldron asked if her well would be affected. Ms. Bombardieri stated her well is from another aquifer.

Mr. Andrews stated that the well and septic for these houses are required to be approved by the Dutchess County Department of Health and it is not this Board's responsibility or authority. Mr. Andrews stated that we have letters in the file from the DCDOH approving the well and septic.

Mr. McDonald asked how construction would occur. Ms. Bombardieri stated that the proposed driveway will be the first thing constructed and then they would start work on the house, they will clear the area for the septic system and it will be lawn when it is done. Ms. Bombardieri stated that a tree line will be maintained along the property line.

Ms. Bombardieri stated that there is at least 100' feet from where the house is proposed. Mr. Scarpelli stated that he will keep the trees around the property line and it will not be completely cleared. Ms. Bombardieri stated that they showing 100' rear yard setback and 50' is required by the Town Code. Mr. Andrews stated that once construction starts they have the ability to sell the lot or the house and that the Town cannot guarantee what the new owners will do. Mr. Andrews stated that he doesn't believe that Mr. McDonald will be able to see much of the new house maybe the top of it.

Mr. Andrews stated that this latest plan is what the Board opted for, as it required less disturbance to the site.

Mr. McDonald stated that the people that rent the current house have created an ATV type track. Mr. Knips advised Mr. McDonald to notify the Town Building Department on Monday to report this and if it becomes a nuisance to contact the Town Police Department. Mr. Scarpelli stated he will take of this.

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 7:50 p.m. Seconded by Mr. Rahemba. Motion carried.

Mr. Callahan made a motion that a Resolution of Final Approval be draft for review at the July 10, 2008 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

PUBLIC HEARING
REGENCY @ FISHKILL - RESUBDIVISON OF FILED MAP NO. 9304D

The public hearing was called to order by the Board at 7:50 p.m. Mr. Knips read aloud the Notice of Public Hearing.

FINAL

PUBLIC HEARING
REGENCY @ FISHKILL - RESUBDIVISON OF FILED MAP NO. 9304D
(CONTINUED)

Mr. Fitzpatrick stated that the applicant is seeking approval to resubdivide Parcel 1 of Filed Map No. 9304D totaling 22.61 acres into four (4) parcels to facilitate the sale of dwelling units as per § 150-61A(8) of the Town of Fishkill Town Code. Mr. Fitzpatrick stated that Parcel 1A will consist of 13.54 acres, Parcel 1B will consist of 5.10 acres and Parcel 1C will consist of 3.43 acres and Parcel 1D will consist of .54 acres. Mr. Fitzpatrick stated that the parcel for this proposal is located on Westage Business Center Drive in the PB (Planned Business) and SCHD (Senior Citizen Housing District) 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. Rahemba made a motion to close the public hearing at 7:52 p.m. Seconded by Mrs. Hendricks. Motion carried.

REVIEW
WATERFRONT @ FISHKILL - PHASE VI B.1 A - STADIUM PLAZA - RITE AID
SITE DEVELOPMENT PLAN

Mr. Knips stated that he is recusing himself from this discussion, appointed Mr. Rahemba, Acting Chair and left the meeting room.

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

Mrs. Hendricks made a motion to waive the final public hearing. Seconded by Mr. Callahan. Mr. Knips abstained. Motion carried.

Ms. Richardson requested that condition number 10 be included as being a condition that must be satisfactorily resolved prior to the Planning Board Chairman signing the final site plan. Mr. Simone consented to the modifications to the Resolution.

Mr. Callahan 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. Adams. Mr. Knips abstained. Motion carried.

REVIEW
REGENCY @ FISHKILL - RESUBDIVISON OF FILED MAP NO. 9304D

Mr. Andrews reviewed the Negative Declaration.

FINAL

REVIEW
REGENCY @ FISHKILL - RESUBDIVISION OF FILED MAP NO. 9304D
(CONTINUED)

Mr. Knips asked if this resubdivision allows for multiple homeowners associations. Mr. Fitzsimmons stated that this allows one homeowners association to govern more than one condominium complex.

Mr. Rahemba made a motion that the Board adopt the Negative Declaration. Seconded by Mr. Callahan. Motion carried.

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

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

Mrs. Hendricks made a motion that the Board adopt the Resolution of Preliminary and Final Approval as amending during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Rahemba. Motion carried.

REVIEW
CAMP HAYDEN-MARKS, FRESH AIR FUND - SHARPE RESERVATION
AMENDED SPECIAL USE PERMIT

Mr. Andrews reviewed his comment memo to the Board dated June 26, 2008; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated he just wants the DCDOH approval clarified for the record.

Mr. Rahemba made a motion to prepare a Resolution of Preliminary and Final Approval for review at the July 10, 2008 Planning Board meeting. Seconded by Mrs. Hendricks. Motion carried.

REVIEW
MANOR ESTATES - SITE DEVELOPMENT PLAN

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

Mr. Day stated that one of the items that they will require a waiver for is from 12% grade to 10% grade. Mr. Day stated that there will be separate entrance for the apartments connected by an emergency access road. Mr. Day stated that the site will be served by Village water and sewer and that they have a letter of intent from the Village of Fishkill.

Mr. Day stated that they show sidewalks, a pool, recreation area and a common area on the plans. Mr. Day stated that this plan requires a lot less variances than what they were requesting before.

FINAL

REVIEW
MANOR ESTATES - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Day stated that they eliminated a lot of the retaining walls that were originally going to be needed.

Mr. Day stated that there will be two (2) places to park inside the building as well as one in the driveway. Mr. Day stated that he is before the Board this evening to receive comments from the Board and the Town consultants.

Mr. Day stated that they are proposing 96 townhouses and 104 apartments. Mr. Adams asked what kind of impact there will be on the Village System. Mr. Day stated that the Village has indicated that they have the capacity. Mrs. Hendricks asked what the School District is and the number of children to be generated as a result of this proposal. Mr. Day stated that the projected number of children is 71 and it is in the Wappingers School District.

Mrs. Hendricks asked if there were specific play areas for children. Mr. Day stated no, but they are anticipating having walking trails. Mr. Rahemba asked how many detention ponds are being proposed and if the drainage will be on site. Mr. Day stated that two (2) detention ponds are proposed and the drainage will remain on site.

Mr. Marino asked the height of the buildings. Mr. Day stated that they are less than 35' and they are two (2) story and three (3) story buildings. Mr. Marino stated the Fire District does not like cul-de-sacs too much and access to the three (3) story buildings will be necessary, but he will get a letter to Mr. Day in the near future on this. Mr. Day stated that he could grade a road in behind the three (3) story buildings. Mr. Marino asked if it could be connected to Wheaton Avenue. Mr. Day stated it is impossible for it to be connected to Wheaton Avenue.

Mr. Andrews stated that Mr. Day's design is somewhat limited unless and until we have a discussion on the road grade issue and the issue of waivers needs to be discussed as some of these buildings don't exist without the waivers and some are substantial waivers.

Mr. Andrews stated that the waivers they are seeking go beyond what this Board has issued for waivers in the past. Mr. Andrews stated that Mr. Day has made a good effort but this hinders on the decision of waivers by the Board.

Mr. Andrews stated that the road grade waiver from the engineering standpoint is relatively minor; the issue really becomes a fire department issue pertaining to a 12% grade. Mr. Andrews stated that each of the cul-de-sacs are almost dead-flat level. Mr. Andrews stated that he is not in favor of 10% to 12% but there is no compelling reason not to grant a waiver of 12% grade but this needs to be answered before we move forward.

Mr. Knips stated that he has heard that the road grade waiver is lessening the impact to the site so that seems to be a benefit.

REVIEW
MANOR ESTATES - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips stated that in terms of the other waivers he is only hearing that is justifies the numbers of buildings on the site so he doesn't feel that meets the criteria of the Town Code. Mr. Knips stated that the most recent project he can remember this Board granting waivers on was Polo Fields as there were benefits seen by the waivers.

Mr. Andrews stated that one of the items this Board requires is that the applicant put together a plan that does not require any waivers and we have not seen such a plan yet. Mr. Andrews stated that in terms of the road grade he has no preference whether the Board grants a waiver to the road grade or not. Mr. Andrews stated that the one issue he has is that parallel parking is being proposed on the steepest part of the road and he is not sure that this is a good idea and will need to be further reviewed. Mr. Andrews stated that realistically the waivers deal more with the apartments than the townhouses.

Mr. Knips stated that if these were town roads we would be looking for snow easements. Mr. Knips asked if it is a workable idea that you will have a place to put the snow. Mr. Day stated that they would anticipate putting the snow at the end of the parking areas and other places at the end of the site and that he can give the Board a plan on this if necessary.

Mr. Andrews stated that they also have cul-de-sacs with islands in the middle and they don't work well. Mr. Andrews stated that in the past, Hudson View Apartments came back requesting that they be able to remove the islands in the middle of the circles.

Mr. Knips stated that if the 12% grades keep the site consistent he is in favor of it. The Board agreed with Mr. Knips. Mr. Andrews stated that he understands that the Board is advising the applicant to work with the 12% and to keep it consistent throughout the site. The Board agreed with Mr. Andrews.

Mr. Day stated that he will work with the Fire District regarding the access behind the three (3) story buildings. Mr. Andrews stated that Mr. Day has the 12% grade option on the table so we need Mr. Day and his client to work through the Town Code criteria and demonstrate how they are met in order for the Board to consider the waivers.

Mr. Morabito stated that Mr. Day's cover letter is confusing regarding the amount of waivers being requested.

Mr. Andrews showed the Board the current plan and explained that he highlighted the areas that require waivers.

Mr. Andrews stated that he tried to give the Board an idea of where the waivers are on the current plan. Mr. Andrews stated that the waivers requested for the townhouses are really minimal. Mr. Andrews stated that the real substantial waivers occur in the apartment developments proposed.

FINAL

REVIEW
MANOR ESTATES - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Knips stated that the applicant has received a copy of both Mr. Andrews' and Mr. Morabito's memorandums to the Board dated June 26, 2008 this evening; copies of these memorandums are attached to the original minutes. Mr. Day acknowledged the receipt of both Mr. Andrews' and Mr. Morabito's memorandums to the Board dated June 26, 2008.

Mr. Andrews stated that the town will need to wrestle with the access road issue. Mr. Day stated that some of the apartment buildings if broken up may be able to give us better access.

Mr. Andrews stated that he believes the applicant is leaving with a little more direction. Ms. Van Tuyl stated yes.

Mr. Andrews stated that he believes a meeting between Mr. Day, Mr. Grealey, DCDPW and NYSDOT needs to take place regarding the traffic because this is really difficult area of traffic.

Dr. Grealey of John Meyer Consulting stated that he contacted the county and submitted the traffic numbers and made certain recommendations. Dr. Grealey stated that one of the problems on Jackson Street is that there are no turn lanes and they are proposing turn lanes. Dr. Grealey stated that he forwarded the report to DCDPW to review and asked for a meeting but they want to digest the report first.

Mr. Knips stated that when you look at the traffic flow how much heads south and north. Dr. Grealey stated about 2/3 south, 1/3 to the north roughly more traffic seems to go on Baxtertown Road heading to Route 9D at least close to 50% is heading to Jackson Street based on existing traffic patterns. Mr. Andrews stated that the main intersection in the Village is the intersection, which has been, studied a number of times. Mr. Knips asked if the NYSDOT has proposed closing some of the side roads. Mr. Andrews stated that he is not sure where they are headed with this now. Mr. Andrews stated that the Village is rethinking this. Mr. Morabito stated that one of the problems with Jackson Street is the speeds at which people travel. Mr. Andrews stated that the horizontal and vertical alignment of this is not ideal so it's not a simply matter.

Mr. Rahemba made a motion authorizing Mr. Andrews to meet with the applicant and his representatives. Seconded by Mrs. Hendricks. Motion carried.

Ms. Van Tuyl stated that she appreciates receiving the comments this evening and the discussion that took place this evening is very helpful. Ms. Van Tuyl stated that they will go back and look at the Town Code criteria for the waivers.

Mr. Andrews stated that you have an apartment complex mixed with a townhouse but this speaks to some of the design considerations so he is not sure if a subdivision will be required and he defers to the applicant as well as Mr. Blass on this.

Mr. Morabito suggested that the Town Code be looked at regarding the wetlands and open space.

FINAL

Mr. Rahemba made a motion to close the meeting at 9:00 p.m. Seconded by Mrs. Hendricks. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to original minutes