

**MEMBERS PRESENT**

Brian Callahan  
Lex Harvey  
Thomas J. Knips, Chairman  
Mary Hendricks  
Robert Rahemba  
David Stenger

**MEMBERS ABSENT**

Thomas W. Adams, Alternate  
Sheila Lahey, Vice Chair  
Felix Lopez, Alternate

**OTHERS PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
Ronald C. Blass, Jr., Esq., Town Attorney  
John A. Morabito, AICP, Town Planning Consultant  
Michael Gillespie, P.E. for Lands of Hold and Pine View Construction - Subdivisions  
Sam Gershwin, President for The Crest at Fishkill Amended Site Development Plan  
Dominic Cordisco, Esq. for The Crest at Fishkill Amended Site Development Plan  
Richard G. Barger, P.E. for Lands of Moritz, Schetter, Roszkowski - Resubdivision  
Jeffrey Freirich for Fishkill II - Site Development Plan  
Jennifer L. VanTuyl, Esq. for Fishkill II - Site Development Plan  
Peter Helseth - Maser Consulting for Fishkill II - Site Development Plan  
Arthur F. Brod, Jr. - Planners East, Inc. for Magnolia Townhouses - Rezone  
Kurt Kuehner for Magnolia Townhouses Rezone

The meeting was called to order by Thomas J. Knips, Chairman at 7 p.m.

**AUGUST 14, 2008 PLANNING BOARD MEETING MINUTES**

Mr. Stenger made a motion to adopt the August 14, 2008 Planning Board Meeting Minutes as amended. Seconded by Mr. Callahan. Motion carried.

**REQUEST FOR EXTENSION**  
**LANDS OF HOLD - SUBDIVISION**

Mr. Gillespie stated that they are working out the easements with the attorneys and that is the reason for their request for a ninety (90) day extension.

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

**NEW SUBMITTAL**  
**THE CREST AT FISHKILL - AMENDED SITE DEVELOPMENT PLAN**

Mr. Cordisco stated that they are applying to amend the approved site plan of 2005, which was for 106 residential units and that approval was extended to the maximum time limit, back in May the last six (6) month extension was adopted by this Board and it will expire in November 2008.

**NEW SUBMITTAL**  
**THE CREST AT FISHKILL - AMENDED SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Cordisco stated that they are now proposing to reduce the number of buildings and the number of dwelling units.

Mr. Modafferi stated that they received a rezoning from the Town Board and both resubdivision and site plan approval for this project from the Planning Board. Mr. Modafferi stated that this project is located on the north side of Route 52 west of the Town Hall.

Mr. Modafferi stated that the original site plan approval was for 106 dwelling units which of each had two (2) bedrooms = 212 bedrooms. Mr. Modafferi stated that parcel 2 is for future development as a retail piece. Mr. Modafferi stated that they are now proposing 93 units but they are maintaining the bedroom count. Mr. Modafferi stated that the units in the center that had rear-entry garages and in the alley way all maintain their previous design. Mr. Modafferi stated that essentially this is a reduction of 13 dwelling units and a reduction in impervious coverage of about 3% overall. Mr. Modafferi stated that they made some minor adjustments to the utilities and are saving a significant amount of trees and reducing the amount of disturbance to the overall site.

Mr. Cordisco stated that the basis for this design is based on current market conditions. Mr. Indike stated that previously all of the units were two (2) bedrooms and they contained a space identified as a loft, which is now proposed as a third bedroom. Mr. Indike stated that the exterior of the units do not change from those that were approved by this Board originally.

Mr. Knips asked Mr. Indike to review the architecture that was previously approved since there are now new members serving on the Board. Mr. Indike reviewed the architectural renderings and stated that nothing has changed on the outside of the buildings under this new proposal. Mr. Modafferi stated that all of the end units have two (2) car garages and where they could; they incorporated side-loading garages. Mr. Modafferi stated that in the previous approval, there were several waivers granted by this Board and all of them have been maintained in this current proposal. Mr. Modafferi stated that they do not intend to change the stormwater plan.

Mr. Stenger stated that basically the applicant is eliminating the number of buildings by two (2) but the number of bedrooms is being maintained. Mr. Modafferi stated that it correct. Mr. Modafferi stated that originally, this was zoned GB and RMF-3 and then an issue arose due to coverage and working with the Board it was decided that it would be better to rezone to RMF-5 with the understanding that we would maintain the density under the RMF-3 Zoning District. Mr. Modafferi stated that we are still maintaining RMF-3 Zoning District density unit count and reducing the impervious coverage by 3% and we are still within the zoning of RMF-5 Zoning District.

Mr. Andrews asked if the number of affordable units remains at two. Mr. Modafferi stated yes; they have maintained the total of two (2) affordable units.

**NEW SUBMITTAL**  
**THE CREST AT FISHKILL - AMENDED SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

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

Mr. Stenger made a motion that the Board accept the application for an amended site development plan approval and refer it to the Town Engineer, Town Planning Consultant, Town Planning Board Attorney, Town Building Inspector, Town Housing Director, Town Environmental Advisory Board, Dutchess County Department of Planning & Development, NYS Department of Transportation and the Glenham Fire District for their review and comment. Seconded by Mr. Harvey. Motion carried.

Mr. Blass stated that the Crest @ Fishkill - Site Development Plan was approved quite some time ago and has had its maximum of six (6) extensions. Mr. Cordisco stated that the site plans were signed and they satisfied all the conditions. Mr. Andrews stated that they do have signed site plans.

Mr. Blass stated that this is an amendment of the prior approved site plan and nothing more and should be treated as that to keep intact the limitation of further extensions. Mr. Blass stated that he confesses he is unprepared and stated to treat this as an application to amend the prior approval. Mr. Andrews stated there is no language as to the approval of an amended site plan in the Town Code, the approval of amended site plans have been treated the same as site plan approvals.

Mr. Knips stated that the action by this Board is to accept this application and that it is an amendment to the already approved site plan. Mr. Blass stated there are certain things he is not recalling but if the Board accepts this an amendment then we are in a position to move this forward.

Mr. Cordisco stated that he agrees that this application is for an amendment and acknowledges that the Town Code does not differentiate between an amended approval and an approval.

Mr. Blass stated that he does not have an opinion yet on the November 10, 2008 expiration but will review this.

Mr. Stenger made a motion to schedule a public hearing for September 25, 2008 at 7:30 p.m. or as soon thereafter as possible. Seconded by Mr. Harvey. Motion carried.

Mr. Cordisco asked for permission to meet with the consultants. So moved by Mr. Stenger. Seconded by Mr. Harvey. Motion carried.

**NEW SUBMITTAL**  
**LANDS OF MORITZ, SCHETTER & ROSZKOWSKI - RESUBDIVISION**

Mr. Barger stated that the applicants are seeking approval to alter the existing lot lines between four (4) lots identified as Lot Nos. 4, 5, 6, 7 and 8 on Filed Map No. 1980 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.

**FINAL**

**NEW SUBMITTAL**  
**LANDS OF MORITZ, SCHETTER & ROSZKOWSKI - RESUBDIVISION**  
**(CONTINUED)**

Mr. Barger stated that the purpose of this resubdivision is to eliminate encroachments that presently exist. Mr. Barger stated that 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-20 Zoning District.

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

Mr. Stenger made a motion that the Board accept the application and refer it to the Town Engineer, Town Planning Consultant, Town Planning Board Attorney, Town Building Inspector and Town Highway Superintendent for their review and comments. Seconded by Mrs. Hendricks. Motion carried.

Mr. Stenger made a motion to schedule a public hearing for September 25, 2008 at 7:30 p.m. or as soon thereafter as possible. Seconded by Mr. Callahan. Motion carried.

**REVIEW**  
**FISHKILL II - SITE DEVELOPMENT PLAN**

Ms. Van Tuyl stated that this is the first time this is being reviewed by the Board. Ms. Van Tuyl stated that Mr. Indike would be describing the architecture. Mr. Lange and Mr. Helseth will be reviewing the engineering details and site plan details, as Mr. Walters is no longer employed with Maser. Ms. Van Tuyl stated that they have received copies of the comments from the Town Consultants as well as DCDOH, Town Environmental Board and from Mr. Zarin attorney for Hudson View. Ms. Van Tuyl stated that they would like the opportunity to review comments and to address and answer them comprehensively at a future Planning Board meeting.

Mr. Stenger asked if they would review the site plan. Mr. Lange of Maser Consulting reviewed the site plan. Mr. Lange stated that this is a town home development and that there are existing multi-family developments around this property. Mr. Lange stated that they have two (2) points of access, which are Hudson View Drive and Half Moon Road, it is currently designed for primary access off of Hudson View Drive but either way there are multiple points of access for emergency services. Mr. Lange stated that this is a proposal for 209 units = 480 bedroom units = density units of 13.9 that includes the base density plus 19 affordable units and nine (9) bonus units that is where the 209 unit total comes from. Mr. Lange stated that the wetland areas on the site have been identified. Mr. Lange stated that there are some waivers they are seeking but he will describe them at a future meeting after they have an opportunity to satisfy the comments they have received this evening. Mr. Indike stated that there are a series of units with garages in the rear and from the front. Mr. Indike stated that he goal is to alleviate some of the garage door architecture that seems to be created with these types of developments. Mr. Indike reviewed the different types of units and reviewed the architectural renderings and elevations for this project.

**REVIEW**  
**FISHKILL II - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Knips asked if in the future a plan showing the project with the waivers that are being requested and a plan showing the project without waivers being requested would be discussed with the Board. Ms. Van Tuyl stated yes and the reason they are not reviewing the plans now is that they have received the comments from the Town Consultants this evening and would like an opportunity to review them and then to address them comprehensively in the future at a Planning Board meeting.

Mr. Stenger asked how many units have rear garages. Mr. Lange stated that there are 30 roughly with rear garages and 70 roughly with front garages.

Mr. Lange stated that they have real nice court yards that are basically being made into a center piece so that the open space can be enjoyed by the residents.

Mr. Andrews reviewed his memorandum to the Board dated August 28, 2008; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed his memorandum to the Board dated August 28, 2008; a copy of this memorandum is attached to the original minutes.

Ms. Van Tuyl stated that we hear all the comments and that we met with our neighbor this afternoon and he is present in the room and we will continue to discuss the access issue. Ms. Van Tuyl stated that they have no objection to the Board hiring a Traffic Consultant.

Mr. Andrews stated it is a little premature to start the SEQRA process and that the Board needs additional details and information. Mr. Andrews stated that the Board did authorize the consultants to meet with the applicants and/or his representatives.

Mr. Knips stated that the next step by the applicant is to address the comments. Mr. Andrews stated that the Board does need to hire a traffic consultant, which he would suggest the Board discuss with Mr. Morabito later in the meeting so he can obtain proposals. Ms. Van Tuyl stated that she agreed with Mr. Andrews.

**REVIEW**  
**PINE VIEW CONSTRUCTION, LLC - SITE DEVELOPMENT PLAN**

Mr. Andrews reviewed his memorandum to the Board dated August 28, 2008; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated that right now Pine View Road is improved to a certain point and Mr. Scofield; Town Highway Superintendent plows it back into the driveway and goes back down the road. Mr. Andrews stated that all the run-off goes wherever it wants to go.

**FINAL**

**REVIEW**  
**PINE VIEW CONSTRUCTION, LLC - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Andrews stated that Mr. Scofield and he met with the developer and that the applicant proposes to collect all the water at the top of the hill and get it out to the stream so we shortened the drainage run and gave Mr. Scofield a "T" turnaround and it provides adequate access to these lots. Mr. Andrews stated that the only item we can't do is address the concern with the ditch in the back as it is not an easement the Town owns and Mr. Scofield sees the drainage designed for this proposal as a win for the town. Mr. Andrews stated that the drainage is being cut by about 70% and it is picking up most of the water that runs by the resident's house that spoke up at the public hearing and is picking up all the water from the new development.

Mr. Andrews suggested that Mr. Gillespie start preparing the easements and possibly obtain the Department of Health approval.

Mr. Stenger made a motion to prepare a Resolution of Final Approval for review at the September 25, 2008 Planning Board meeting. Seconded by Mr. Harvey.

**REVIEW**  
**MAGNOLIA TOWNHOUSES - REZONING**

Mr. Knips reviewed Mr. Hanig's letter to the Board dated August 1, 2008. Mr. Brod stated that they were surprised at the Town Board's feeling that they needed a letter from the Planning Board recommending the rescheduling of a public hearing and that it has been hung up because they did not receive a letter from the Planning Board. Mr. Brod stated that they clearly did explain to the Planning Board and it is clearly reflected in the detailed Planning Board minutes dated June 12, 2008 taken by Ms. Davis. Mr. Brod stated it was communicated to us by the Deputy Supervisor that the Town Board would not reschedule the public hearing until there was follow up communication from the Planning Board to the Town Board. Mr. Brod stated that they would appreciate a letter to the Town Board simply stating they did appear before this Board and that they did acknowledge that they are subject to the entire site development plan process.

Mr. Stenger stated that the Town Board is trying to make it clear to everyone involved that this must go through the site plan approval process.

Mr. Knips stated his only concern at this point is typically this Board ends up with a room full of people at a public hearing questioning the rezoning and in this instance he is thinking since this a very localized parcel, it would be appropriate to recommend to the Town Board to follow the Planning Board's procedure to notify the abutting owners about this public hearing. Mr. Knips suggested that the Board acknowledge that the scheduling of a public hearing for rezoning is solely at the purview of the Town Board.

**FINAL**

**REVIEW**  
**MAGNOLIA TOWNHOUSES - REZONING**  
**(CONTINUED)**

Mr. Stenger made a motion that a letter be prepared to the Town Board indicating that the Planning Board recognizes that the scheduling of a public hearing for a rezoning is solely at the purview of the Town Board and recommending that the Town Board reschedule the public hearing. Seconded by Mr. Rahemba. Motion carried.

**OTHER ITEMS DISCUSSED**  
**TRAFFIC CONSULTANT FOR FISHKILL II - SITE DEVELOPMENT PLAN**

Mr. Morabito stated that he would obtain estimates for a traffic consultant for Fishkill II if that is what the Board desires. Mr. Andrews stated that the problem we run into is that a lot of the prior traffic consultants the Town has used in the past currently have or have had projects before this Town. Mr. Andrews stated that we used Steve Maffia of Parish & Weiner so Mr. Morabito may possibly be able to obtain a proposal from him. Mr. Andrews stated that possibly we can talk to Mr. Canning who did the Gap traffic consulting.

Mr. Rahemba made a motion authorizing Mr. Morabito and Mr. Andrews to obtain proposals for a traffic consultant for the Fishkill II - Site Development Plan proposal.

**TOWN BOARD REFERRAL**  
**PROPOSED LOCAL LAW INCREASING THE NUMBER OF**  
**ZONING BOARD OF APPEALS AND PLANNING BOARD ALTERNATES TO THREE (3)**

Mr. Knips stated that we used have the alternates sit in the public seating area and now the alternates are sitting at the table at the request of the Supervisor. Mr. Knips stated he is concerned that the applicant and or the public may be confused. Mr. Blass stated that in concept alternates are supposed to attend the meetings and whether they sit at the dais or not goes along with the principals of the Board.

The Board resolved that they had no opposition to the proposal local law.

Mr. Stenger made a motion to close the meeting at 8:50 p.m. Seconded by Mr. Rahemba. Motion carried. Seconded by Mr. Harvey. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments

**FINAL**