

MEMBERS PRESENT

Thomas Adams, Alternate
Brian Callahan
Sheila Lahey, Vice Chair
Robert Rahemba
David Stenger

MEMBERS ABSENT

Lex Harvey
Mary Hendricks
Thomas J. Knips, Chairman
Felix Lopez, Alternate

OTHERS PRESENT

John V. Andrews, Jr., P.E., Town Engineer
John A. Morabito, AICP, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Stephen Burns for Dutchess Land Development, LLC - Subdivision
Reinaldo Garcia for Dutchess Land Development, LLC - Subdivision
Jon Bodendorf, P.E. for the Lands of Iraj & Diane Assefi - Subdivision
Stephen Burns for Dutchess Land Development, LLC - Subdivision

The meeting was called to order by Mrs. Lahey, Vice Chair at 7:03 p.m. Mrs. Lahey appointed Mr. Mr. Adams to fill in for Mrs. Hendricks this evening.

Mrs. Lahey stated that the Attorney-Client Meeting has been deferred from the agenda this evening. Mrs. Lahey stated that at the request of the Applicant, item No. 3 and 4 under "Reviews" have been deferred this evening.

JANUARY 8, 2009 PLANNING BOARD MEETING MINUTES

Mr. Stenger made a motion to adopt the January 8, 2009 Planning Board Meeting Minutes as amended. Seconded by Mr. Rahemba. Motion carried.

REQUEST FOR EXTENSION
PINE VIEW CONSTRUCTION, LLC - SUBDIVISION

Mr. Andrews stated that there is a letter from Ms. Bombardieri requesting a ninety (90) extension and that this is the first ninety (90) day extension request for this project.

Mr. Andrews stated that the final details are being worked on and that Ms. Bombardieri of M. Gillespie & Associates is now representing the applicant as Mr. Vitolo is no longer with M. Gillespie & Associates. Mr. Andrews recommended that the Board grant the ninety (90) day extension as requested in Ms. Bombardieri's letter dated January 7, 2009.

Mr. Stenger made a motion that the Board grant a (90) day extension of the Resolution of Final Approval and that Ms. Davis be authorized to prepare the letter and sign it. Seconded by Mr. Callahan. Motion carried.

NEW SUBMITTAL
DUTCHESS LAND DEVELOPMENT, LLC - SUBDIVISION

Mr. Burns stated that the Applicant is seeking approval to subdivide and develop parcels of land on Smithtown Road near the Cedar Hill Road/Smithtown Road intersection consisting of approximately 15.65 ± acres of land, 12.49 ± acres of which are located in the Town of Fishkill in the R-40 Zoning District and 3.1642 acres are located in the Town of Wappinger in the R-80 Zoning District. Mr. Burns stated that the Planning Board previously adopted a Resolution of Preliminary Approval for this project on January 14, 2007 and that approval expired on December 14, 2007. Mr. Burns stated that at the January 8, 2009 Planning Board meeting the Applicant requested a readoption of the Resolution of Preliminary Approval and that the Planning Board denied the Applicant's request as the applicant failed to request the allowed two (2) ninety (90) day extensions and did not appear before the Board to report the status of the project. Mr. Burns stated that the Planning Board advised the Applicant to submit a new Subdivision Application for approval. Mr. Burns stated that this proposal is identical to the proposal that received a Resolution of Preliminary Approval on January 14, 2007. Mr. Burns stated that the proposal is to subdivide the 12.49 ± acres located in the Town of Fishkill into 11 lots ranging in size from .91 acres to .98 acres. Mr. Burns stated that the parcel located in the Town of Wappinger will not be subdivided.

Mrs. Lahey asked if a completed application, EAF, application fees and escrow deposit have been received. Mrs. Davis stated yes and that there is a sufficient balance in their escrow account to cover the consultants' charges for reviewing this proposal.

Mr. Andrews stated the applicant has been able to move forward with the Dutchess County Department of Health.

Mr. Stenger made a motion that the Board accept the application and refer it to the Town Engineer, Town Building Inspector Town Highway Superintendent, Town Planning Board Attorney, Town Planning Consultant, Town of Wappinger Planning Board and the Rombout Fire District for their review and comment. Seconded by Mr. Callahan. Motion carried.

REVIEW
LANDS OF IRAJ & DIANE ASSEFI - SUBDIVISION

Mr. Morabito reviewed his memorandum to the Board dated February 26, 2009; a copy of this memorandum is attached to the original minutes. Mr. Andrews reviewed his memorandum to the Board dated February 17, 2009; a copy of this memorandum is attached to the original minutes.

Mr. Andrews reviewed the Resolution of Final Approval.

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 when it is ready. Seconded by Mr. Rahemba. Motion carried.

FINAL

REVIEW
LORI JOSEPH BUILDERS - SUBDIVISION

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

Mr. Povall stated that the DC Department of Health is ready to grant approval and they are awaiting the out of district tenant agreement for the water and are working on the easements with the Town Attorney's office.

Mr. Andrews stated that the Board granted Preliminary Approval in April of 2008 and that the applicant has kept the approval active. Mr. Andrews stated that the new lot being created has a long thin portion and that at the preliminary public hearing, two (2) homeowners were concerned about what would be put there, a note has been placed on the plat indicating that it will remain as a buffer in that area.

Mr. Andrews stated that the conditions set at preliminary approval have been satisfied and recommended the Board authorize the preparation of a Resolution of Final Approval for review at the next Planning Board meeting scheduled for March 12, 2009.

Mr. Morabito reviewed his memorandum to the Board dated February 26, 2009.

Mr. Andrews stated that the Board will need to discuss whether a final public hearing should be held for this proposal and he doesn't see the need for a final public hearing but it is up to the Board.

Mr. Stenger stated that since a note has been placed on the plat addressing the two (2) homeowners' concerns from the preliminary public hearing he would agree that a final public hearing for this proposal is not necessary.

Mr. Stenger made a motion that the Board waive the final public hearing. Seconded by Mr. Rahemba. Motion carried.

Mr. Stenger made a motion that the Board prepare a Resolution of Final Approval for review at the March 12, 2009 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

Mr. Rahemba made a motion to close the meeting at 7:25 p.m. Seconded by Mr. Callahan. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to original minutes

FINAL