

**MEMBERS PRESENT**

Lex Harvey  
Mary Hendricks  
Thomas J. Knips, Chairman  
Sheila Lahey, Vice Chair  
Felix Lopez  
Robert Rahemba  
David Stenger

**MEMBERS ABSENT**

Thomas Adams, Alternate  
Brian Callahan

**OTHERS PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
John A. Morabito, AICP, Town Planning Consultant  
Rebecca A. Valk, Esq., Town Attorney  
Scott L. Volkman, Esq., Town Planning Board Attorney  
Mark A. Day, P.E. for Walloon Trust and Blue Hill Bay, LLC - Resubdivision  
Dawn Kalisky - Lanc & Tully for Views at Rocky Glen - Site Development Plan  
Richard G. Barger, P.E. for Dutchess Land Development, LLC - Subdivision  
Reinaldo Garcia, Project Sponsor - Dutchess Land Development, LLC - Subdivision  
John Klarl, Esq. for Dutchess Land Development, LLC - Subdivision)  
Daniel Simone, P.E. for Waterfront at Fishkill - Overlook Pointe

The meeting was called to order by Mr. Knips, Chairman at 7:00 p.m. Mr. Knips appointed Mr. Lopez to fill in for Mr. Callahan this evening.

**MARCH 12, 2009 PLANNING BOARD MEETING MINUTES**

Mr. Stenger made a motion to adopt the March 12, 2009 Planning Board Meeting Minutes as amended. Seconded by Mrs. Lahey. Motion carried.

Ms. Valk asked Mr. Andrews to stay for the Attorney-Client Meeting.

Mr. Stenger made a motion to go into executive session at 7:05 p.m. Seconded by Mrs. Hendricks. Motion carried.

Mrs. Lahey made a motion to reopen the meeting at 7:47 p.m. Seconded by Mrs. Hendricks. Motion carried.

**ZBA REFERRAL**

**APPLICATION NO. : 07-007 - FRANK ANTIOCO**

Mr. Andrews stated per the new law this does require a Land Use Development Permit. Mr. Andrews stated that there is not a Land Use Development Permit application pending before the Planning Board, therefore there is no avenue for this Board to assume Lead Agency.

**ZBA REFERRAL**  
**APPLICATION NO.: 07-007 - FRANK ANTIOCO**  
**(CONTINUED)**

Mr. Andrews stated that this Board may either defer back to the Zoning Board of Appeals or ask that the Zoning Board of Appeals take no action until a Land Use Development is submitted to Planning Board.

Mr. Rahemba made a motion that the Board recommend that the ZBA hold their action on this application until a Land Use Development Permit is submitted to the Planning Board. Seconded by Mrs. Hendricks. Motion carried.

**NEW SUBMITTAL**  
**WALLOON TRUST AND BLUE HILL BAY, LLC - RESUBDIVISION (LOT LINE REALIGNMENT)**

Mr. Day stated that the applicants are seeking approval to alter the existing lot line between the Walloon Trust parcel and the Blue Hill Bay, LLC parcel in order to align the lot line with Clove Creek. Mr. Day stated that the Blue Hill Bay, LLC parcel consists of 42 ± acres and shall decrease in size to 39.27 acres and the Walloon Trust parcel consists of 28.95 acres and shall increase in size to 31.68 acres. Mr. Day stated that the parcels for this proposal are located at 111 Route 9, in the GB (General Business), R-40 and R-4A Zoning Districts.

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 to accept the application and refer it to the Town Engineer, Town Planning Consultant, Town Building Inspector and the Town Planning Board Attorney for their review and comment. Seconded by Mrs. Lahey. Motion carried.

**REVIEW**  
**THE VIEWS AT ROCKY GLEN - SITE DEVELOPMENT PLAN**

Ms. Kalisky stated that new advances in LED lighting have come about and LED lighting is a new green technology and that the applicant asking is to modify the approved lighting plan to utilize this new LED lighting.

Mr. Andrews reviewed his memorandum to the Board dated April 16, 2009; a copy of this memorandum is attached to the original minutes.

Mr. Stenger asked the percentage of fixtures being eliminated. Ms. Kalisky stated approximately 1/3 percentage is of the original fixtures are being eliminated with the use of the LED lighting.

Mr. Andrews suggested that a short resolution be prepared authorizing the LED lighting and that the Chairman be authorized to sign it when it is ready due to the fact it is a site lighting issue.

**FINAL**

**REVIEW**  
**THE VIEWS AT ROCKY GLEN - SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. Knips asked if the lighting near the adjacent property would be pointed away. Mr. Andrews and Ms. Kalisky stated yes. Mr. Andrews stated that the LED lighting attains their cut off by the direction the fixture is actually pointed.

Mrs. Hendricks asked if the company that manufactured the lighting furnished any information that indicated there are no negative impacts on beneficial nocturnal creatures such as bats and moths. Ms. Kalisky and Mr. Andrews stated no. Mr. Andrews stated that the literature he was provided did not address that at all. Mr. Andrews stated that it appears that the LED lighting is more sufficiently channeled.

Mr. Stenger made a motion that a resolution authorizing the approval of the proposed LED Lighting be prepared and signed by the Chairman when it is ready. Seconded by Mrs. Lahey. Motion carried.

**REVIEW**  
**DUTCHESS LAND DEVELOPMENT, LLC - SUBDIVISION**

Mr. Knips stated that the Board received comments from Mr. Petrus, Town Building Inspector on April 6, 2009. Mr. Andrews stated that Mr. Petrus' comments address an existing violation on the site. Mr. Volkman stated that it is the town's custom that violations be cleared up before the Board can take action on any application. Mr. Volkman stated that this Board should proceed with the review but suggests not processing the application any further until the violation is taken care remedied.

Mr. Klarl, Esq. stated that he recalls a pool violation some months ago. Mr. Andrews stated that the Building Department must be contacted in order to remedy these violations. Mr. Klarl stated that Mr. Garcia, the applicant is present this evening and will address these violation within a week. Mr. Garcia agreed with Mr. Klarl.

Mr. Andrews reviewed his memorandum to the Board dated April 23, 2009; a copy of this memorandum is attached to the original minutes.

Mr. Barger stated that they are currently addressing two (2) comments with the DCDOH at this time.

Mr. Morabito reviewed his memorandum to the Board dated April 23, 2009; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed Mr. Gray's memorandum to the Board dated March 13, 2009. Mr. Gray is the engineer for the Town of Wappingers; a copy of this memorandum is attached to the original minutes.

**FINAL**

**REVIEW**  
**DUTCHESS LAND DEVELOPMENT, LLC - SUBDIVISION**  
**(CONTINUED)**

Mr. Klarl stated that Mr. Barger has been in touch with the Town of Wappinger and they will be making a formal application to them for subdivision approval.

Mr. Andrews stated that the original application was referred to the Town of Wappinger and that the comments received on the original application were less substantive from this one. Mr. Andrews stated that there are now new engineers and attorneys to the Town of Wappinger at this point and they may be the reason for the new comments received.

Mr. Volkman stated that typically, a subdivision in two towns does require an approval from each town and this does need to be done and will require that the Town of Wappinger sign the final plat along with the Town of Fishkill.

**REVIEW**  
**WATERFRONT AT FISHKILL PHASE V - OVERLOOK POINTE**  
**AMENDED SITE DEVELOPMENT PLAN**

Mr. Knips stated that he was abstaining from this item as well as Waterfront at Fishkill Phase V - Overlook Pointe - Amended Subdivision, appointed Mrs. Lahey, Acting Chair and left the meeting.

Mr. Andrews reviewed the Resolution of Preliminary and Final Approval - Amended Site Development Plan.

Mr. Stenger made a motion that the Board adopt the Resolution of Preliminary and Final Reapproval - Amended Site Development Plan - Waterfront at Fishkill Phase V - Overlook Pointe Townhouses as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

**REVIEW**  
**WATERFRONT AT FISHKILL PHASE V - OVERLOOK POINTE - AMENDED SUBDIVISION**

Mr. Andrews reviewed the Resolution of Preliminary and Final Reapproval - Amended Subdivision.

Mr. Andrews stated reviewed condition number 15 with the Board. Mr. Andrews stated that the market is changed and there may be effort on the Project Sponsor to slightly modify a portion of this to a condominium project in the future.

Mrs. Hendricks made a motion that the Board adopt the Resolution of Preliminary and Final Reapproval - Amended Subdivision - Waterfront at Fishkill Phase V - Overlook Pointe Townhouses as amended during the course of discussion this evening and that the Chairman sign it. Seconded by Mr. Rahemba. Mr. Knips abstained. Motion carried.

**FINAL**

Mr. Stenger made a motion to close the meeting at 8:30 p.m. Seconded by Mr. Harvey. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments to original minutes