

MEMBERS PRESENT

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

MEMBERS ABSENT

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
Ted A. Petrillo, Principal for Westage Medical Buildings - Amended Site Development Plan
Spruille Braden, Westage Companies
James Stanford - Land Use Development Permit - 10 Joy Place
Ronald Leenig, Town of Fishkill Councilman

The meeting was called to order by Mr. Knips, Chairman at 7:00 p.m.

APRIL 23, 2009 PLANNING BOARD MEETING MINUTES

Mrs. Hendricks made a motion to adopt the April 23, 2009 Planning Board Meeting Minutes as amended. Seconded by Mr. Rahemba. Motion carried.

**REQUEST FOR READOPTION OF RESOLUTION OF PRELIMINARY AND FINAL APPROVAL
WESTAGE MEDICAL BUILDINGS - AMENDED SITE DEVELOPMENT PLAN**

Mr. Petrillo gave a summary of the project including the anticipation of a construction permit in the near future. Mr. Andrews stated that he takes no exception to the request for a Readoption of the Resolution of Preliminary and Final Approval. Mr. Andrews stated that the Town Board issued a positive referral for the Readoption of the Resolution of Preliminary and Final Approval.

Mr. Morabito reviewed his memorandum to the Board dated May 14, 2009; a copy of this memorandum is attached to the original minutes.

Mrs. Hendricks made a motion that a Readoption of the Resolution of Preliminary and Final Approval be prepared and signed by the Chairman when it is ready. Seconded by Mr. Lopez. Motion carried.

DISCUSSION

10 JOY PLACE - BEACON HILLS ZONING DISTRICT

Mr. Andrews reviewed his memorandum to the Board dated May 14, 2009; a copy of this memorandum is attached to the original minutes.

FINAL

DISCUSSION
10 JOY PLACE - BEACON HILLS ZONING DISTRICT
(CONTINUED)

Mr. Andrews stated that this action requires a Land Use Development permit. Mr. Andrews showed the Board a series of photographs of the property. Mr. Andrews recommended that the Board waive the requirements as set forth in the Code, waive the public hearing, and issue a Land Use Development Permit to allow the project to move forward subject to the following conditions: 1) Payment of all fees and charges and 2) the filing of a completed Land Use Development Permit application. Mr. Knips clarified that the Board was merely waiving some of the requirements for the permit and not waiving the necessity for the Land Use Development Permit entirely.

Ms. Valk stated that the Board was not waiving requirements so much as it would be making the Land Use Development Permit process easier for the applicant. Ms. Valk stated that the applicant requires a completed Land Use Development Permit application and a site Development plan, but does not require an Environmental Assessment form or other forms that do not apply to the project based on the small scope of work.

Mr. Andrews stated that the Board will issue a Land Use Development permit to allow the conversion subject to filing a complete application and payment of all related fees, and that the Board is waiving the requirements of the Town Code based on the materials already provided to the Planning Board.

Mr. Rahemba stated that perhaps in future similar applications, the law should be modified to allow a number of "if/then situations" which may allow for such waivers for other similar projects that come before the Planning Board. Mr. Andrews stated he agreed that the law could be rewritten in the future to allow smaller applications such as this to be handled differently so that it would not be necessary to bring these projects before the Planning Board.

Mrs. Hendricks made a motion that the Board waive the requirements of the Town Code for the Land Use Development Permit based on the materials already provided to the Planning Board including the requirement for a public hearing. Seconded by Mr. Lopez. Motion carried.

Mrs. Hendricks made a motion that the Board issue a Land Use Development permit to allow the conversion subject to the applicant filing a completed application and paying all related fees. Seconded by Mr. Lopez. Motion carried,

REVIEW
WALLOON TRUST AND BLUE HILL BAY, LLC - RESUBDIVISION (LOT LINE REALIGNMENT)

Mr. Andrews stated that since neither the Applicant nor his representative is present, in the interest of saving the Board's time he will briefly review the memoranda and then table this issue for the next Planning Board meeting.

FINAL

REVIEW
WALLOON TRUST AND BLUE HILL BAY, LLC - RESUBDIVISION (LOT LINE REALIGNMENT)
(CONTINUED)

Mr. Andrews reviewed his memorandum to the Board dated May 8, 2009; a copy of this memorandum is attached to the original minutes.

Mr. Morabito reviewed his memorandum to the Board dated May 14, 2009; a copy of this memorandum is attached to the original minutes.

The Board authorized the distribution of Mr. Andrews and Mr. Morabito's memoranda to the applicant and his representative.

Mr. Lopez made a motion to close the meeting at 7:30 p.m. Seconded by Ms. Hendricks. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to original minutes