

TOWN BOARD MEETING

JANUARY 02, 2008

Supervisor Pagones opened the Re-organizational Meeting at 9:30am Town Hall, 807 Route 52, Fishkill, New York and led the audience with the “Pledge of Allegiance”.

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Robert LaColla, Ronald Leenig, Heather Malvarosa; Town Attorney – Rebecca Valk; Town Engineer – John Andrews; Pamela Garnot – Supervisor Assistant; James A. Foy – Receiver of Taxes; John Darcy – Assistant Housing Director; Paul Gromkowski – Housing Director; John Morabito – Town Planner; Joel Petrus – Building Inspector; Nancy Lecker – ZBA Secretary; Joanne Shebanie – Legislative Aide; Residents – Pauline Reirdan, Maureen Cotter, Linda Lafayette, Frank Antioco, and Town Clerk – Darlene Bellis

PUBLIC HEARING(s)

Introducing local law amending Chapter 150 – Section 150-99

Supervisor Pagones read (**copy attached to original minutes**) the notice of public hearing introducing a local law amending Chapter 150 adding a new Section 150-99 entitled “Regulations for a interim period of development and use within the Beacon Hills area of the Town of Fishkill”.

Public hearing opened at 9:31am

Rebecca Valk explained what the Changes are from the previous moratorium that allowed for construction if the lot met all bulk and area regulations but this will be removed until this study is completed and there will be no building in that area for another six month period.

Supervisor Pagones asked the audience if anyone would like to speak on this hearing.

Linda Lafayette stated she lived in Beacon Hills for 30 years now, lived in Fishkill her whole life, and asked why this is being done because there has been water problems in a lot of areas, why are they stop building in Beacon Hills? Ms. Lafayette read a newspaper article quoting the supervisor in saying that the development is not responsible for, so why is this being approved?

Pauline Reirdan answered Linda Lafayette stating she lives in Beacon Hills for 29 years, at least 16 years of the 29 years she had to bail out water from her residents, every time they build a house behind her, she gets more water, She has spent 5-6 days bailing out water, we have spent about \$14,000 doing work trying to remedy the problem but they still have the water problems.

Supervisor Pagones stated that this has nothing to do with development that occurs with flooding. Beacon Hills is separate and apart, a unique situation. There have been moratoriums in Beacon Hills before, what there is are drainage problems, water and piping, and zoning issues as it looks while the Town does their master plan. The Town Board has the right and the obligation to have moratoriums from time to time, while the board is able to look at problems that may be occurring.

Linda Lafayette stated she spent thousands of dollars getting board of health approval.

Supervisor Pagonis informed her that she has the right to ask for a waiver and to submit the paper work with the application.

Rebecca Valk stated that the application of waiver is in the Town Clerk's office and with that the applicant would need to submit financial evidence showing what you have spent and how this moratorium would be unreasonable.

Frank Antioco stated that he has the same exact situation as Linda Lafayette and now the moratorium has extended another six month period (180 days). He asked if the board could tell him what the Board has learned so far.

John Andrews, Town Engineer, answered that Beacon Hills is a rather unique situation, it was an old bungalow colony, a lot of the infrastructure was installed, modifications were made over in time, they have been band-aided as solutions, the Board has asked for Camo Pollution and himself to come up with a global solution for water, the drainage is problematic, paths of water down the mountain have changed several times over that period of time, there still are issues, every time a lot gets developed, the town has to make sure it is properly accommodated with what is going on down hill.

Frank Antioco asked how many vacant buildable lots are there in Beacon Hills.

John Morabito, Planning Consultant, stated that the lot sizes themselves pose a problem in themselves. If you look at the lots in Beacon Hills in the context of a single family home development today, they do not meet the right kind of requirement for building. He continued with comparing the bungalow development and the current situation of development in Beacon Hills. The how (an individual developing a lot that does not meet the requirements) in the context of making development such that it does not impact what else is around you.

Frank Antioco stated the how is the same way everyone else has done. If you look at the houses on Garden Place, no one has the 20,000 sq.ft. lot requirement. House after house after house was built. He asked why the Town is using the Zoning Board of Appeals to do on-sight inspections on my property the day before the law was passed. They looked at the site, stated it makes sense as to what I wanted to do.

Maureen Cotter stated she felt that there were way too many variances that have been issued in that area.

Rebecca Valk commented that the moratorium is a legal stop gap measurement that the Town Board may use when a problem is identified. That is what this board is doing in this situation.

Supervisor Pagonis stated that John Morabito, Planning Consultant, will be looking at this in a global way as he puts the finishing touches on a comprehensive plan that the Board will hold a public hearing on.

Motion made by Councilwoman Malvarosa **to close the public hearing.**
Seconded by Councilman Ferguson
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0
Public hearing closed at 9:48am

Supervisor Pagones read (**copy attached to original minutes**) the resolution adopting the local law amending Chapter 150 to add a new Section 150-99 entitled "Regulation for a interim period of development and use within the Beacon Hills area of the Town of Fishkill and made the **Motion to adopt Local Law #2 of 2008 amending Chapter 150 as read above.**

Seconded by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilman Leenig	abstained
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

none

ANNOUNCEMENTS

2008 Town of Fishkill Designations

Supervisor Pagones read (**copy attached to original minutes**) the 2008 Designations for the Town of Fishkill.

Motion made by Councilman Ferguson **to approve the 2008 Town of Fishkill Designations as read.** **Seconded** by Councilwoman Malvarosa
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

MOTION(s) TO APPROVE/ADOPT

Re-adoption of the Town of Fishkill Procurement Policy

James A. Foy, Purchaser, stated that the procurement policy is the same policy that has been in place since last year.

Motion made by Councilwoman Malvarosa **to re-adopt the Town of Fishkill Procurement Policy.** **Seconded** by Councilman Ferguson
Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)
Motion Carried unanimously 5-0

Resolution authorizing David Hagstrom to enter into a Consent Judgment
Supervisor Pagones read (**copy attached to original minutes**) the resolution authorizing David Hagstrom, Esq. to enter into a Consent Judgment reducing the tax assessment for 60 LBC, LLC from \$4,189,600 to \$3,748,500 on the assessment roll, from \$4,189,500 to \$3,582,250 on the 2006 assessment roll and from \$10,000,000 to \$8,5000,000 on the 2007 assessment roll.

Motion made by Councilman Ferguson **to authorize David Hagstrom, Esq. to enter into a Consent Judgment as read above. Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

MOTION(s) TO ACCEPT RESIGNATION

none

MOTION(s) TO APPOINT

none

BUDGET TRANSFERS

none

NEW and OLD BUSINESS

Supervisor Pagones stated she would like to welcome our new councilman to the board

Councilman LaColla
Happy New Year

Councilwoman Malvarosa
Happy New Year

Councilman Ferguson
Happy New Year

Councilman Leenig
Happy New Year

Peddling and soliciting law

Rebecca Valk presented the Short Environmental Assessment Form to the Supervisor.

Supervisor Pagones read (**copy attached to original minutes**) the negative declaration notice of determination of non-significance for the local law #1 of 2008 creating Chapter 112 “Peddling and Soliciting” and made a **Motion to adopt the negative declaration as read. Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) the resolution adopting local law #1 of 2008 creating Chapter 112 “Peddling and Soliciting” and made a **Motion to adopt the local law #1 of 2008 creating Chapter 112 “Peddling and Soliciting”** Seconded by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

ADJOURNMENT

Motion made by Councilman Ferguson **to adjourn the meeting.**

Seconded by Councilman Leenig

Pagones (aye), Ferguson (aye), LaColla (aye), Leenig (aye), Malvarosa (aye)

Motion Carried unanimously 5-0

Meeting adjourned at 10:06am

Respectfully submitted,

Darlene Bellis,
Town Clerk