

Village of Fishkill  
Planning Board/Architectural Review Board Meeting  
April 02, 2009 - 7:30 p.m.

Chairman Hans Klingzahn: Good evening ladies and gentleman my name is Hans Klingzahn I am the chairman of the Village of Fishkill Planning Board and I will call the Planning Board meeting of April 02, 2009 to order. Will the secretary please take a roll call to establish a quorum?

Those present: Hans Klingzahn, Cris Phillips, Theresa Guarino, Bea Lindsay, and Stephanie Renino. Mary Pearse excused herself from the first part of the meeting. Also present is the Village Engineer Larry Paggi and John Lange from FP Clark, Tom VanTine, Building Inspector and Don Van Nostrand, Secretary. Absent: Jamie Machado.

Hans Klingzahn: Okay, we have established that we have a quorum. I will entertain a motion to accept the minutes of the meeting held on March 05, 2009.

Bea Lindsay: So moved. Motion seconded by Cris Phillips. I have a motion and a second to approve the minutes of the meeting held February 05, 2009. All in favor? Aye. Opposed? None. Motion carried.

Hans Klingzahn: The first item on the agenda this evening is Mary Pearse of 25 Broad Street for a Certificate of Appropriateness.

Mary Pearse: I live at 25 Broad Street and what we are looking to do is to change out a portion of the chain link fence and put up a brick wall. I have a picture of what it looks like now. There is a stockade fence which is approximately six feet high and then we have the four feet chain link fence which runs along Robinson Street and then goes back toward the house. We also have two brick columns at the entrance right now. We are looking at raising the columns up and replace the existing four foot gate with a cedar gate. We would like to replace the four foot fencing with a five foot brick wall which would be 14 inches thick.

Larry Paggi raised a question on whether a wall was considered a structure and thus requiring it to meet set back requirements. After a lengthy discussion on the Village code for fences and structures the applicant was asked to bring a copy of their survey to the next Planning Board meeting.

Hans Klingzahn: Okay, once we get the survey then the Board can make a determination on the set backs.

Hans Klingzahn: Next on the agenda tonight is Vanikiotis Reality Group, Route 9 for a Site Plan Application.

Applicant: I am Jennifer VanTuyl from Cuddy and Feder for the applicant and with me tonight is Anthony Marino from my office is here as well. Peter Vanikiotis, the applicant, is here and Tom DePuy from DePuy Engineering. As you know we have submitted an updated response to the last round of comments from the last meeting. The first thing we would like to cover tonight is the design of the diner. We have gone back to the drawing board a little bit on the design of the diner. I know the Village is always concerned with keeping the design coherent and cohesive with the design that is within the Village. We have done historical research on diners through out the state of New York. This diner that we are proposing was designed by the last remaining classic diner companies, Derapley which is down in New Rochelle. It was one of the original diner manufactures and the only one left in business.

Jennifer VanTuyl presented the new elevations of the redesigned diner and explained the changes made from the original design which was presented to the Board at the last meeting. She also discussed the signage plan and presented the new drawings for the signs which were presented to the Zoning Board the previous week. She pointed out that the word Diner was eliminated on the sign and the name Century was moved down and made smaller. The Zoning Board of Appeals also set the public hearing for March 26<sup>th</sup>. Jennifer said it would probably make more sense to set up the Planning Board Public Hearing on May 7<sup>th</sup> since the application would have to be sent to the County for their review.

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Bea Lindsay: Jennifer would you please review the six additional signs that the applicant is requesting?

Jennifer VanTuyl: The Village of Fishkill allows 100 square feet of signage in this signage district on building like ours. We are proposing 109 square feet as it turns out. We were requesting 110 square feet but when the Century Diner got reduced it went down to 109 square feet. The code also makes it one sign. What we are proposing is to spread out the amount of signage we have over the entire building. The front will have three signs, the logos will be two signs and then we have two bands of thin neon that go all around the building. The neon is 5/16th inches in diameter and that counts as two additional signs for a total of seven signs. So, we are asking for a variance of six additional signs.

A discussion followed on the brightness of the neon lighting.

Jennifer VanTuyl: We have submitted the lot line realignment plan that we spoke of at the last meeting. The two lots will be equivalent in size.

Tom Depuy covered the updated site plan showing where the storm water is collected and brought up that the Zoning Board requested that landscaping be shown around the pylon sign. Also, he pointed out the location of the water supply to the site and the location of the sewer lines.

Larry Paggi: I think they have done a great job in addressing our comments with their last submittal. There is a checklist of items they need to be completed before the plan is signed. Obviously, to demonstrate the approval from the DOT when they get that and a couple of other items on the storm water need to be addressed. Greg Supple, the Village attorney will need to review the easements for content and proper execution as well as the storm water agreements. One thing I would like to bring to the Board's attention for further discussion is the fence around the storm water pond. Technically, it should be fenced for safety and the Board should determine what is appropriate there.

Jennifer VanTuyl said she would address the easements with Greg Supple prior to the public hearing.

Hans Klingzahn: Planning, do you have anything that you would like to cover?

John Lange: I believe that our memo to the Board (on file) covers everything and I do not think there is anything that merits an individual discussion unless there is something you have a question on.

Hans Klingzahn: Are there any questions or comments on the new design of the diner?

There was a discussion on the pylon sign, landscaping around the storm water pond and parking spaces on the back side of the diner.

Hans Klingzahn: Okay, when would you be ready to hold a public hearing?

Jennifer VanTuyl: We think it makes more sense to have the public hearing at the first meeting in May rather than on April 16<sup>th</sup> if that is okay with you. This will give us more time to get the comments back from the County.

Hans Klingzahn: Okay, I will entertain a motion to set a public hearing for the Vanikiotis Reality Group for the May 7<sup>th</sup> meeting.

Cris Phillips: So moved. Motion seconded by Theresa Guarino. All in favor? Aye. Opposed? None. Motion carried.

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Jennifer VanTuyl: Thank you. We will make sure we have the answers for all of your questions at the public hearing.

Hans Klingzahn: That is all the agenda items we have tonight, are there any items that any of the Board members would like to bring up at this time? If not I have a memorandum from Anthony Ruggiero, Chairman of the Zoning Board of Appeals dated April 1, 2009 referencing Vanikiotis application for variance. "Pursuant to Village Code section 171-152, enclosed herewith is a copy of the application for variances and the Notice of Hearing, scheduled for April 23, 2009. This section authorizes the planning Board to submit an advisory opinion on the variances if it wishes". I think Jennifer VanTuyl went over all the variances the applicant was looking for and my personal opinion is that the Zoning Board of Appeals should handle it. We have never given an opinion in the past unless there was something extremely extraordinary. I do not see anything extremely extraordinary on this project.

It was agreed that the Board had no opinion on this project and the Zoning Board would be notified of this.

Hans Klingzahn: If there are no further items to discuss I will entertain a motion to adjourn.

Bea Lindsay: So moved. Motion seconded by Cris Phillips. All in favor, Aye. Opposed? Motion carried.

Respectfully Submitted,  
Donald Van Nostrand  
Planning Board Secretary