

**WORKSHOP VILLAGE BOARD MEETING**  
**1095 MAIN STREET**  
**July 6, 2011**

Mayor opens public hearing for Bill D-2011 a proposed local law to amend the renewal provisions of the cabaret license laws in the Village of Fishkill

Present: Mayor Miccio, Deputy Mayor Phillips, Trustees LaDue, Delgado and Ferrara, Village Clerk Angela Arasim

Mayor reads summary of bill

No public comments or discussion

Mayor closes public hearing and opens workshop session

Mayor reads abstracts as follows:

Capital Projects North Village Pump Station \$4896.30

Sewer \$159,600.28

Water \$63,603.71

General \$52,042.33

General \$349

Mayor entertains motion to approve abstracts as read, So Move, Trustee Ferrara, Seconded, Trustee LaDue, discussion, none, all in favor, Aye.

Mayor entertains motion to accept minutes of the June 20<sup>th</sup> meeting, So Move Deputy Mayor Phillips, Seconded, Trustee LaDue, discussion, none, all in favor, Aye

Mayor reads resolution authorizing commencement of proceedings relating to abandonment of 10 Academy Street, Fishkill premises and entertains motion to accept as read, So Move Deputy Mayor Phillips, Seconded, Trustee Delgado, discussion, Building Inspector to post notice at premises, Aye.

Mayor entertains motion to adopt Bill D-2011 as presented at public hearing, So Move Trustee LaDue, Seconded, Trustee Delgado, discussion, none, all in favor, Aye.

Commissioner Scofield presents Police report for the month on June.

New police officer Roland Reick is introduced to Board.

Discussion regarding Jackson Crossing demolition application; Robert Levine-Levine & Levine PC is present to discuss application.

Mayor entertains motion to approved demolition application for 64 Jackson (addition), 1007 Main St. 70 Jackson, and garage on Cary Avenue, pending signing of contract and the satisfaction of the Code Enforcement Officer that all the requirements have been met, So Move Trustee LaDue, Seconded, Deputy Mayor Phillips, discussion, all in Favor, Aye.

Discussion regarding trees at the Jackson Crossing properties:

Mayor addresses Hans Klingzahn, Chairman of Village Planning Board

Mayor: Hans, right now there is no ordinance on trees. So there is nothing to stop them from cutting down all the trees on the site. Dave agreed because we don't want to see that, that's the worst thing that could happen. It would be clear cut and all the houses down and just a bare corner. So he's agreed and we have a resolution that kind of weighs it out that he would leave, he would only take the minimum amount of trees down required to take the houses down. Most of the trees are not significant but there are a couple out front that are pretty good trees that I would like to leave up as long as possible. The issue is though, we can't bind him to keep those trees as he goes through your process. So, you gotta not look at those trees and have one of your Board members say "oh I'd like those two trees up there" because that doesn't fit with anything that's gonna go there right smack in the middle of whatever they have to do. So he's gonna

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leave them up as long as possible but any tree on the site, he said he agreed that if they can save it during site plan they would certainly do that but they don't want to be bound, they don't want your planning board to turn around and say these trees can't go now cause that's what we're seeing today. Any issues

Hans Klingzhan: I think the only one we were looking at was the big maple out front

Mayor: Unfortunately it doesn't look like they'll be able to save that at least by some of your sketch designs that you had in the past.

Dave Stenger, Jackson Crossing: There's about 300 trees there. What I would need to do for the demo purposes as long as any of those big trees didn't hit another tree looks like about 32 trees that I need to take down. Taking down well less than 1/3 that Greg mentioned in his resolution I don't have a problem leaving the rest of them cause I understand you wanna kind of blanket the rest of the side street from Main Street. My biggest concern is those two trees in the front, can I take them down with the demo permit, just those two trees that's part of the 32

Mayor: When he comes into the Planning Board with the site plan and lays it down with all of these buildings out front and one of your Board members says hey you can't do that because it's that big old tree that's gotta stay.

Hans: I understand what you're saying my answer would be to tell my board at the time there that at one time he had every right to take every tree down

Mayor: What about if we add to the demolition permit those two trees but don't take them down. Put them in the permit but don't take them down then they're permitted to come down when and if you have the need to do it. That would be before site plan.

Tom Vantine, Building Inspector: Can we do a permit that would basically say that those two trees in question will not be removed until after the site plan approval. So once the site plan is approved they can remove the trees.

Stenger: I'm concerned about SEQR issue, that its going to be an issue at the public.

Klingzhan: That would be part of the SEQR process and part of the SEQR process it would already be determined those trees would have been removed but the applicant decided to leave them there for aesthetic purposes until a later date so then as far as SEQR is concerned, ok those trees should have gone but they stayed, so its like a stay of execution basically. It has to be documented

Mayor reads resolution (also attached)

WHEREAS, Jackson Crossing, LLC. (hereinafter "the applicant"), has applied to the Village for a demolition permit to remove several dilapidated structures from their real estate holdings as set forth in their application dated June 1, 2011; and WHEREAS, the Village Building Inspector has examined these buildings and found them to be structurally unsound and determined they present a safety hazard to the Village; and

WHEREAS, there is presently no ordinance or local law that prohibits the removal of trees from the subject property; and

WHEREAS, the applicant is willing to remove only those trees which are necessary to gain access to the structures themselves (for demolition purposes); and WHEREAS, the Village has requested the applicant leave as many trees standing as possible, until the applicant is ready for a site plan approval for development of the property; and

WHEREAS, the Village is willing to consider the subject premises site to be "grand fathered", with respect to any subsequent Village local law which may prohibit removal of trees.

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NOW THEREFORE be it resolved as follows:

1. In consideration of the applicant leaving at least two thirds (2/3rds) of the existing trees on the premises until the applicant has an approved site plan from the Village Planning Board, it is agreed that the site of this application predates and is "grandfathered" with respect to any subsequent Village Code provisions which prohibit the removal of trees.

Mayor: That covers the trees, all of them. Do you think we need to add this into their contract so somebody doesn't come in and clear cut. So if you sell the property somebody doesn't come in and clear cut it.

Stenger: One more part of the 32 trees we talked about there's three in the right of way one in the County and two in the State, I've given Tom permits on the from the State and the County to take these trees down, one very close to the power lines. That's part of those 32 trees I'm talking about.

Mayor entertains motion on resolution as read, So Move Trustee LaDue, Seconded, Trustee Delgado, discussion,

Mayor: My goal is to not have the neighbors look totally down to Main Street and watch the O'Donnell building getting torn down at the same time, there's gonna be a lot of stuff going on at that corner.

Deputy Mayor Phillips: Do we have to amend this to include that sidebar that's going in on the other letter?

Mayor: I don't think so

Greg Supple: I'd just add another paragraph to it verbally.

Paragraph #2 to resolution: In consideration of the foregoing tree preservation the applicant is authorized to remove the three trees in the right of way which the applicant already has permission from the DOT and the State

No further discussion, all in favor, Aye. Motion carried

Deputy Mayor Phillips moves to adjourn, Seconded, Trustee LaDue, Discussion, none, all in favor, Aye. Meeting adjourned at 8:37 pm

Submitted by

Angela Arasim, RMC, CMC  
Village Clerk