

**REGULAR VILLAGE BOARD MEETING  
PUBLIC HEARINGS  
VILLAGE OF FISHKILL, 1095 MAIN STREET  
SEPTEMBER 28, 2009**

Mayor opens public hearing for the Community Development Block Grant 2010 Application – proposed project Handicap Accessibility upgrades and ADA Restrooms for Van Wyck Hall (Village Office)

Mayor summarizes proposed project.

Legal notice published in the Poughkeepsie Journal September 20<sup>th</sup>, 2009.

Mayor opens to floor for comments.

No public comments, Mayor closes public hearing for CDBG 2010 and opens public hearing for Bill G1-2009, a proposed local law to Amend Local Law No. 2 of 2008 to Extend the Term of the Moratorium on New Construction and opens it to the floor for comments.

Mayor explains it is proposed to be extended for another 30 days until October 30<sup>th</sup>.

No public comments, Mayor closes public hearing for Bill G1-2009 and opens public hearing for Bill H1-2009, a proposed local law to remove demolition permit procedure from Historic Overlay laws and opens it to the floor for comments.

Jennifer Coccozza, Dutchess County Planning Department summarizes proposed local law, that if an application involves demolition of a building, such application shall be referred to the Village Board of Trustees

No public comments, Mayor closes public hearing for Bill H1-2009 and opens public hearing for Bill Z-2009, a proposed local law to Amend the Standards for Special Permits for Multi-Family Dwellings. and opens it to the floor for comments.

Jennifer Coccozza summarizes changes to local law

Marilyn Coates, 22 Weston Avenue asks how big of a lot that requires.

Jen Coccozza: for any residence, this only for multi family dwelling

Coates: How much land is required for dwelling

Coccozza: It depends on district

Coates: What about the R10

Coccozza: That does not apply to this.

No further public comments, Mayor closes public hearing for Bill Z-2009 and opens public hearing for Bill D1-2009, a proposed local law to Amend the Word Usage and Definitions Contained in the Village Zoning Code and opens it to the floor for comments.

Jen Coccozza: The old proposed definition for multi family dwelling units excluded the apartments above the storefronts.

Jerry Vergilis, 76 Jackson St: So as I understand, the old proposed did not count the apts above the stores as part of the density, and now they are going to be put into the density count

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No public comments, Mayor closes public hearing for Bill D1-2009 and opens public hearing for Bill B1-2009, a proposed local law to Amend the Off Street Parking Requirements in the Village Zoning Code. and opens it to the floor for comments.

Jen Coccozza summarizes changes. Any new residential development for any parcel or group of parcels is not eligible for the fee in lieu of

Jerry Vergilis asks for clarification of sections of the proposed law and discusses section 171-90 of present code regarding parking.

Discussion continues

Mayor advises that this public hearing is for the purpose of the discussion of this proposed local law and the committee will review and consider his comments in the future regarding this issue.

No further public comments, Mayor closes public hearing for Bill B1-2009 and opens public hearing for Bill W-2009, a proposed local law to Amend the Classes of Districts, Schedules of Regulations for Said Districts and the Zoning Map of the Village and opens it to the floor for comments.

Mayor states that the letters of comments regarding this public hearing will be attached to the minutes.

Jen Coccozza summarizes changes to the zoning

Anne Machado, 16 Weston Avenue asks for clarification of the 15 ft set back facing residential is Cary also included in that as residential

Coccozza: Any Village Center Business District property that faces any residential district boundary would have to adhere to

Jerry Vergilis questions the parking

Art Francis, 15 Luyster Avenue measured the property and has a question on the setbacks, apparently now we're talking about 15 ft setbacks along the property line from what is Dot's house and the Fusillo residence the way I read it is 15 ft back

Coccozza: yes it will be 15ft back from, if you're in the Village Center Business District (VCBD), and facing a residential district

If we're doing 15 ft around the perimeter of the property without any zoning on it are we going to have 15ft setbacks all along the property line

Coccozza: Wherever it meets a residential district boundary

Mayor: I think yes except where it meets the 20 ft around Dot's house

Vergilis: I think you're wrong, I think the answer is no. Anything facing Jackson St is not facing a residential district, so if it isn't facing residential district its no setback

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Francis: If Jerry is correct and we do a perimeter does that affect the acreage that is allowed to be developed? Cause that would reduce, by my numbers, 30 units minus 14 would bring it down to like 25 units. Now that we have the setbacks we have the footprint that they can work with, does that vary?

Cocozza: No. It doesn't reduce the amount of area, because you are basing it on, you have so many acres and the 14 dwelling units an acre is based on that number. That's where you have to put in that 15 ft setback from here, etc.

Mayor: A lot of these issues that you have here are Planning Board issues, not Village Board issues.

Francis: In the larger scheme of things my property could eventually be affected by the overall changes that the Village Board wants to make.

Francis: Since the last meeting is there any other buffer zones that the overall planning guidelines say to use between business and residential besides multi family units

Cocozza: Its not just the multi family, its if you had any VCBD against any residential district they have to, it doesn't just affect multi family it would affect anything.

Pat Rowan, 15 Luyster: My concern is the R10, that I don't want that changed, that I would like to be able to have like a mother daughter. We are now permitted to have a mother/daughter but you are going to change it so we are not permitted. We can put a daycare center but I can't live with my son when I retire if I would like. I don't think its fair that Mr. Stenger make a lot of money and have a lot of multi families and I can't. My other concern is, do we really need more storefronts on that road, I don't think we do.

Tom Vantine, Building Inspector clarifies definition of Mother/daughter and accessory apt.

Candace Coates, 22 Weston Avenue: I am strongly opposed to seeing townhouses come up. Can't the R10's stay R10's?

Marilyn Coates, 22 Weston Avenue: My main concern is changing the R10 zoning period. I think the R10 zoning should stay where it is

Mayor: Your R10 isn't changing.

Coates: But it will be affected.

Jaime Machado, 16 Weston Avenue: "Just wanted to clarify the situation on Weston Avenue. I do approve of you expanding the business district up Rt 52 where it is, the problem with that is that we're looking at it as a side road but it's a route that drives right thru the main Village center. Because of its massive amount of traffic its going to be hard for people to support local businesses along the route because of accessibility, speed of traffic, its not like Cold Spring where it's a dead end street. The other think I don't like is the block that corner of the medical building to Dot's lot. The last time that we met we had R50's and apparently that was taken out. Well there's R10's turning into R50's allowing 14 units per acre apparently the 50 foot setback was not in line with anyone's, was not appreciated somehow that they took that R50 away and made it a Village City Business District" Just to make sure that everyone knows what VCBD is it's a Village Center, we're talking about lights, we're talking about 3-story structures being place on Weston Avenue. Again, I'm for development of the Village,

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however, we also have to respect the parts of the Village being, we don't have too many avenues or streets that are Village bound, neighborhood bound, and that we have on Weston, you're taking that all away. By turning that corner along Weston Avenue and out Cary Avenue you're saying we could have storefronts there, we already have problems with streets going up and down that road on Weston to avoid traffic. Now we're asking people to shop on that street too, I though Weston was resident...

Mayor: Let me stop you there, it was one of the things that we talked about earlier the 150 feet in off of Main Street is the only place you can have commercial. So the reason they changed that R50, is because as Jerry had pointed out if we left it the way it was originally was you could have had something there like a McDonalds under special use. So they changed it to the VDBD in order to protect Weston and Cary and Jackson from having commercial, except from 150 ft back from Main Street.

Cris Phillips: and it must face Main Street nothing would ever face Cary.

More discussion on 150 ft from Main Street

Mayor: You got to always keep in mind that these are minimum standards, the Planning Board can always enforce stricter standards

Machdo: Its 2 fold to have such a density in that block, and to have all the parking in the middle, how do you propose to get in and out?

Mayor: Again, that's the planning process that's going to address that. And that's why I say you don't know how many units..I guess its easier for us to look at it because we're all in different parts of the Village, but we're looking at it as the Village. You're concentrating on the changes on one piece of property but its actually a good change for a lot the properties and it would eliminate what we have, as Jen said earlier, the Ames and the old Grand Union plaza, where all you see is that big parking lot instead of having the building up front and the parking in the back.

Anne Machado: Now can I seek clarification on that, now if there's going to be, if I remember correctly, if they are going to make alterations to, if those developers who own those properties are going to make any alterations they would need to then re-structure their property to the..

Mayor: No, not unless they wanted to just completely just redevelop it. Her point was if they decided, like we want to take the whole thing down and start over again then they would have to come up front

More discussion.

Mayor: Again, you're talking about details that are not before us, we're just trying to get the zoning consistent. We don't know what they are going to bring to us. Until the developer sees what comes out of the plan they can't design anything. We can't talk specifics about the corner of Jackson and Main until they bring us something that they present to the Planning Board.

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Peter Berg, 92 Jackson Street: I don't live in the Village but I live on Jackson. Regarding that VCBD. My problem is if you're talking about businesses that's the way it should be, Main Street should be business. Anything that is passed that, that's already R10 should stay residential. Now its up to you to leave it residential or change it. Now its not going to impact you or anybody, all its going to do is impact the builder, he bought the piece of property knowing that it was R10, its not problem that he wants to get it changed. It's not going to be a business district, where the property lines change from the business, the R10 which is residential should stay residential. It's really up to you to leave it that way, correct?

Mayor: We have the opportunity to change it, yes.

Berg: So my question is, why would you want to change residential to business, which its really not business, it would be family housing. If you want to rezone the Village for business, but you take a residential property which is not going to be a business and you make it a multi family housing. It just so happens that its just that corner that's going to be changed to R50 all of Main Street going down is not going to change.

Mayor: It's not R50, its all going to be VCBD, correct? The R50 is gone, that's what the change is

Berg: Right now it's Weston, those people in that development, if you change the rule when they come out of there where are they going to go? If you don't change zoning we won't have an issue.

Mrs. Lahey, 15 Weston Avenue: What are units; how do you define a unit

Jen Coccozza: it's a living unit. A house would be a dwelling unit, an apartment would be a dwelling unit, a condominium.

Lahey: So you could put 14 of them on one property no matter how many bedrooms

Coccozza: right

Discussion of parking per bedroom and parking schedule

Lahey: any requirement for guest parking

Tom Vantine: that would be a Planning Board issue.

Jerry Vergilis: The VCBD, our present code has in it a limited bus. Section a local center small bus. section a local center central business, the concept, I guess, is to eliminate all of those and replace all of those with the VCBD. I looked at the number of parcels, there will be 117 parcels in this Village to change to VCBD. Each and every one of those will be permitted to have multi family units on it. That's not true today in our present zone, the limited business, the local center central business does not permit that. So we are permitting 117 parcels go to multi family dwelling in the future. For example if the Grand Union shopping center wishes to change its entire structure so we may be able to put the buildings out front with the parking in the rear, but if they choose not to do that, if they choose instead to have a mix of commercial and apartments, we are permitting that and we don't permit that now. Is that really what we want? Clearly, the VCBD proposal as it stands right now, impacts Weston and Cary more then it impacts any other. I don't see in any other zones on the maps that I've looked at that they immediately abut or that theres a change of an R10 to accommodate the VCBD. That's our problem, for those of us that live on Weston and Cary.

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Vergilis: We really didn't know what was happening, I specifically inquired what is happening and no one told me we're gonna change R10. As a matter of fact the notice I received which prompted me to come here didn't tell me about the zoning change across the street.

Vergilis: I think we all feel strongly that we want to keep the R10 because of the neighborhood the character of the neighborhood. I want to also look at the usage in the R10, we've eliminated the accessory apartment in the R10 and I don't think that any of us want that. There's an inconsistency in my mind too that if I live on one side of Weston I can't have an apartment in my house, but if I live on the other side of Weston I can have 14 apartments. I don't see the consistency. And to put a daycare center in the middle of that block I think people that surround that may be offended by that, they may find that more intrusive.

Vergilis: I somewhat disagree with the notion that our Planning Board is going to be our savior. I think that the Planning Board must work within the parameters of the schedule of uses that you guys are approving tonight.

Richard Walker, 27 Weston Avenue questions where the setback of the property line starts

Discussion on setbacks continues

Don Calabrese, 19 Weston Avenue questions the reason to change the accessory apartment

Cris Phillips: A lot of what we discussed in committee about mother/daughter and we felt that was wonderful you want to have your family live with you, and myself as a resident of the R10. I don't want someone renting out part of their house as an apartment and that would mean more and more traffic more and more cars. I don't know who's going to be living in that house, I know every car that goes up and down my street now. We just feel very strongly about that.

No further comments, Mayor closes public hearing and opens regular Board meeting

Pledge of Allegiance

**MAYOR**

Abstracts read as follows:

Capital Projects Wood Place \$3780.47

Sewer \$7737.61

Water \$171746.21

General \$65609.60

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

Mayor reads resolution for the submission of the Community Development Block Grant 2010 application and entertains motion to accept resolution as read, So Move, Deputy Mayor Phillips, Seconded, Trustee Delgado, discussion, none, all in favor, Roll Call Vote: Trustee Ferrara, Aye, Deputy Mayor Phillips, Aye, Mayor Miccio, Aye, Trustee Delgado, Aye, Trustee LaDue, Aye. Motion carried

Mayor entertains motion to approve minutes of the August 17, 2009 meeting, So move Deputy Mayor Phillips, Seconded, Trustee Delgado, discussion, none, all in favor, Aye. Motion carried.

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Mayor entertains motion to approve minutes of the September 8, 2009 meeting, So move Deputy Mayor Phillips, Seconded, Trustee Delgado, discussion, none, all in favor, Trustee Ferrara Abstained, Aye. Motion carried.

Mayor entertains motion to approve minutes of the September 9, 2009 meeting, So move Deputy Mayor Phillips, Seconded, Trustee Delgado, discussion, none, all in favor, Trustee Ferrara Abstained, Aye. Motion carried.

Mayor entertains motion to adopt Bill W-2009, So Move, Deputy Mayor Phillips, Seconded by none, TABLED.

Mayor entertains motion to adopt Bill Z-2009, So Move, Trustee Ferrara, Seconded, Deputy Mayor Phillips, Discussion, none, all in favor, Aye.

Mayor entertains motion to adopt Bill B1-2009, So Move, Trustee Ferrara, Seconded, Deputy Mayor Phillips, Discussion, none, all in favor, Aye.

Mayor entertains motion to adopt Bill D1-2009, So Move, Trustee LaDue, Seconded, Deputy Mayor Phillips, Discussion, none, all in favor, Aye.

Mayor entertains motion to adopt Bill H1-2009, So Move, Deputy Mayor Phillips, Seconded, Trustee LaDue, Discussion, none, all in favor, Aye.

Mayor entertains motion to adopt Bill G1-2009, So Move, Trustee Delgado, Seconded, Trustee Ferrara, Discussion, none, all in favor, Aye.

Mayor entertains motion to agree to a request of a water customer to set up a monthly payment plan, So move, Deputy Mayor Phillips, Seconded, Trustee Ferrara, discussion, none, all in favor, Aye

**ATTORNEY**

Discussion on pump station by Burger King. Appraisal to be done

Mayor entertains motion to designate the Village Board as Lead agency for the SEQRA process for the cell tower property, So Move, Trustee LaDue, Seconded, Deputy Mayor Phillips, discussion, none, all in favor, Aye.

**REPORTS**

BLDG INSPECTOR REPORT: Tom Vantine reads summary report, on file.

FIRE: Submitted to Board, on file.

Andrew Garger was elected to fill the vacant Lieutenant position  
Roger Lown approved for active membership

Deputy Mayor Phillips moves to accept new members as submitted, Seconded, Trustee Ferrara, discussion, none, all in favor, Aye

JUSTICE: Submitted to Board, Mayor reads summary, on file

POLICE: Commissioner Scofield reads report, on file

WATER/SEWER: Submitted to Board, on file

PROJECT COORDINATOR: Rad Wilson gives report.

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Deputy Mayor Phillips moves to accept the donation of soccer nets with the understanding that they are considered safe for use, Seconded, Trustee Delgado, discussion, none, all in favor, Aye. Village Attorney to draw up a formal document for signing

VILLAGE ENGINEER: Larry Paggi, gives report

Deputy Mayor Phillips moves to authorize the mayor to sign the cooperating MS4 letter of intent, Seconded, Trustee LaDue, discussion, none, all in favor, Aye

Mayor reads resolution for the Water Quality Improvement Program for Communities in the NYS Watershed and Mayor entertains motion to accept as read, So move, Trustee Ferrara, Seconded, Trustee Delgado, discussion, none, roll call vote, Mayor, Aye, Deputy Mayor Phillips, Aye, Trustee LaDue, Aye, Trustee Ferrara, Aye, Trustee Delgado, motion carried.

Ambulance Report: Trustee LaDue reads monthly report, on file.

No comments from the public.

Trustee Ferrara moves to discontinue the Village newsletter seconded, Trustee Delgado, discussion, none, all in favor, Aye.

Mayor entertains motion to adjourn, So move Trustee Ferrara, Seconded, Trustee Delgado, discussion, none, all in favor, Aye. Meeting ends at 9:50 pm

Submitted by:

Angela Arasim, RMC, CMC  
Village Clerk