

Village of Fishkill  
Planning Board/Architectural Review Board Meeting  
March 05, 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 March 05, 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, Jamie Machado, Mary Pearse, and Stephanie Renino. Also present is the Village Engineer Larry Paggi and the Village Planner, Sarah Brown and Don Van Nostrand, Secretary. Absent: Tom VanTine, Building Inspector.

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 February 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 Gilman Ciocia at 982 Main Street for a sign permit. Will the applicant please come forward and present your application.

Representing Gilman Ciocia is Debra Ann DeBeradinis. Debra presented the proposed sign for the offices at 982 Main Street.

Hans Klingzahn: I will read Tom VanTine's memo. Gilman Ciocia – 982 Main Street – Sign Permit – “This sign application is for the former MS Mortgage space. I have spoken with the sign company rep regarding this application since the sign diagram which indicates the vertical dimensions are a bit misleading. You will note on the right side of this picture it indicates the vertical height to be 19” with the logo appearing to protrude above this. The sign company rep, Joe Cartelli has assured me that the difference in the 15” vertical dimension on the left side of the and the 19” in question includes the total height of the logo therefore this side complies with the maximum vertical height requirement of 24” and appears to comply with all other applicable Sign Code provisions. Please stress that this sign is to take the place of the current temporary sign and that sign should be taken down from the window when this approved sign goes up”.

Theresa Guarino: Does the 19” go to the top of the C or the top of the mountain?

Debra DeBardinis: The 19” goes to the top of the mountain.

Jaime Machado: I suggest that dimension be put on the application.

Hans Klingzahn: Okay, so the total height is 19” and the colors are similar to the rendering.

Debra DeBardinis: Yes, it is a dark green and the colors are specified on the front of the application. It is called Ivy Green I believe.

Bea Lindsay: Did the manager of the property give approval for this sign?

Debra DeBardinis: The property manager, Jason Freedland did sign off on the application.

Cris Phillips: Do you have actual samples of the colors? The colors are usually different than what is on the computer renderings. On the application it says the gold is shimmer translucent. Does that mean that the gold is yellowish and has a different sheen to it?

Debra DeBardinis: No, the color the company generally uses is really gold and not yellow. It is a very conservative looking sign which the company wants.

Hans Klingzahn: Are there any other comments or questions from the Board?

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Theresa Guarino: Yes, the dimensions previously discussed should be corrected on the application.

Note: The applicant changed the horizontal dimension to 19” and the total sign area from 16.66 SF to 15.83 SF and initialed the application.

Board member Jamie Machado requested that the minutes reflect that the height is to the top of the mountain on the sign.

Hans Klingzahn: If there are no further comments or questions at this time I will entertain a motion.

Cris Phillips: I move to approve a sign for Gilman Ciocia with the colors indicated and the corrected dimensions. Motion seconded by Jamie Machado. All in favor? Aye. Opposed? None. Motion carried.

Hans Klingzahn: The next item on the agenda is Excel Urgent Care of Fishkill, 1004 Main Street. Will the applicant please come forward and identify yourself for the record.

Applicant: I am Linda DiLorenzo from Excel Urgent Care and are proposing a new sign on our building. There was a change to the original application which I spoke to Tom VanTine about.

Hans Klingzahn: Tom VanTine’s comments on this application are as follows: “This sign application is for the first of three medical related tenants that are moving into the former Grand Union Store. You will note the total dimensions for the sign area is 27” this should read 27’. I spoke with the sign representative and he will be submitting an amended sign application to you all since the sign as proposed does not comply. The proposed sign is as noted 27’ and there is only 25 linear feet to use”.

Linda DiLorenzo: We have corrected the application and the overall dimension is now is 24.91’ and we are staying within the 25 feet. Also, the height is 23 inches high.

Note: The application was updated to show an overall dimension of 24.91”, the vertical dimension is 23 inches and the horizontal dimension is 156”.

Jaime Machado: Is the Urgent Care dimension the same as the Excel?

Linda DiLorenzo: Yes, the dimensions are the same.

Cris Phillips: You have the colors red, white and black on the application and is it in a white box?

Linda DiLorenzo: Yes, it is in a white box and it will be illuminated. The color of the lettering will be white with a red X. The black you will barely see but I put in on the application.

Hans Klingzahn: If there are no further comments or questions on this sign I will entertain a motion.

Theresa Guarino: I will move to accept the sign for Excel Urgent Care of Fishkill with the changes as noted in the application. Motion seconded by Cris Phillips. All in favor? Aye. Opposed? None. Motion carried.

Hans Klingzahn: While we have you here, what is Urgent Care?

Linda DiLorenzo: Urgent care is a walk in facility like Medicus. We will be opening sometime in April. We will be open Monday through Fridays, 9AM to 7PM and Saturday 9AM to 4PM. and will have a full time physician there.

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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 and with me tonight is Peter Vanikiotis, the applicant, Ted Wursted from Creighton Manning Engineering and Tom DePuy from DePuy Engineering. With the Board's permission we would like to present a brief summary of our application and where we are. I think everyone knows we are planning on building a diner on the lot immediately south of Cracker Barrel. The Vanikiotis family operates the Daily Planet Diner in LaGrange, the Palace Diner in Poughkeepsie and Barnabys in New Paltz. Tom DePuy will present a description of the diner, the signage and then we will go through the questions.

Tom DePuy: The diner is going to have an art deco, retro look. We have samples of the materials we are going to use and they are not computer generated pictures. The entrance will have glass blocks and it will be called the Century Diner and we have signage on the front of the building. This is a little different from our original signage which was going to be wall mounted across the top. This gives the building a much better look. The north elevation will be mostly metal and south side will be mostly glass. As for the signage we will have the sign on the front of the building and free standing side which we showed on our original application.

Jennifer VanTuyl: I believe on the original application the signage said Fishkill Diner.

Hans Klingzahn: The building is not very historical looking.

Jennifer VanTuyl: Well, it is not in the historical center of the Village. Right?

Hans Klingzahn: Yes, granted it is on Route 9 but it does not fit in with the tone of Ransley Square architecture or Cracker Barrel.

Jennifer VanTuyl: I do not think That Cracker Barrel and Ransley Square are the same design and then there is the Mobil Station just below it and several different hotels. I think this is classic in the sense of classic diner style.

Jennifer VanTuyl and Tom DePuy showed the Board and aerial photograph of the new proposed site with all the adjoining parcels.

Hans Klingzahn: Have the lot lines been established? The property was divided and lot lines were moved for the drug store and things were moved back and forth. Nothing was ever finalized. Has the site been established, deeded and set up with the county? If we do not have an established site we can not talk a site plan.

Jennifer VanTuyl: The proposal here has not changed since the time when there was a previous application for this site. That was to divide the property equally. The initial site plan had different size lots. The proposal is that both lots be exactly the same size. I think you are correct that the actual lot alignment plan has not been filed in the clerk's office. I think it was reviewed by this Board but never filed because that was going to be part of the site plan for the other site. There is no change proposed from what was reviewed at that time. The two lots are suppose to be equal in size. Is that correct Tom?

Tom DePuy: Yes, that is correct. One lot is 1.5 and the other 1.49. There is just a little differential there.

Larry Paggi: So, part of this application is requires sub division approval.

Tom Dupuy: I think we were granted sub division approval back when this project was proposed. We made Mylars but never submitted them for signatures or anything.

Hans Klingzahn: Well, that is just it. When the drug store withdrew its application all approvals went with it.

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Tom DePuy: I do not think they ever got signed off. BL Company was doing the site plan and was representing Rite Aid on the project.

Larry Paggi: The application would have expired so the sub division would have to be re approved. You can probably use the same Mylar with a revision date on it.

Jennifer VanTuyl: The sub division should not have a name on it and only have Vanikiotis as the owner on it. I think we have to go back and check what the papers said. I agree, if it was approved it has lapsed by now.

Hans Klingzahn: So, each lot is what size now?

Tom DePuy: Each lot is 1.549 acres each.

Larry Paggi: In the next revision we will need the sub division in the package.

Hans Klingzahn: The entire property is split equally then.

Jennifer VanTuyl and Tom DePuy confirmed this.

Larry Paggi: Please make sure all of the easements are included in the revision.

Tom DePuy presented to the Board the storm water plan for the site in detail.

Hans Klingzahn: I would like to point out that the road behind the site would have to be completed between Schuyler and Merritt Boulevards. The road would have to be totally done with drainage, elevation, everything.

Jennifer VanTuyl: We agree, the road will have to be completed.

Further discussion was held on the overall site plan on lot coverage, parking and green space.

Jennifer VanTuyl: We have applied to the Zoning Board for a variance on lot coverage and are scheduled to meet with the Board on March 26<sup>th</sup>. We are hoping that the Board will find it appropriate to schedule a public hearing after that on April 23<sup>rd</sup>. We believe the lot coverage we are requesting is consistent with coverage of other buildings in the area and in the neighborhood as shown on the aerial photograph.

Theresa Guarino: In the area behind the diner there are actually eleven parking spaces instead of nine spaces as indicated on the drawing so you actually gain space.

Tom DePuy: Thank you. We will go back and take a look at that.

Jamie Machado voiced a concern on the size of the proposed building and there was a discussion on lot coverage in this zoning district. Jennifer VanTuyl pointed out that the Village Zoning Board of Appeals had granted many variances in all of the lots in this district.

Bea Lindsay raised a question on the elevation of the empty lot next to the proposed site and wanted to know whether the site would be leveled.

Peter Vanikiotis: The lot will be definitely be cleaned up and whatever needs to be done will be taken care of.

Tom DePuy: We will show the proposed grading on the adjoining parcel with top soil, hay and seeding. We will put a note on the plan that it will maintained and mowed.

There was a discussion on tractor trailers coming in and parking on the site.

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Tom DePuy: The design of the site will not make it very inviting for tractor trailers to enter the site.

Peter Vankiotis: Obviously, we can not avoid something like that but our business will not attract tractor trailers.

Jennifer VanTuyl: We will look at what limitation we can put on signs.

Hans Klingzahn: Well, as long as we are on traffic why don't we discuss the traffic study? We had requested that we wanted our own traffic study which was completed by Frederick Clark. It is quite an extensive study and we requested numerous letters to the State of New York and we have not received a response. So, as far as we are concerned the State of New York did not say yes and did not say no. They have just not responded to our several requests. In dealing with our attorney, he basically said that New York State has complete and total say of egress and ingress of any state highway. They will review both traffic studies to make their decision. We are not very happy with these people so basically that is where we stand. In reviewing both your study and our study they both complimented each other. There were a few discrepancies back and forth between the two studies and of course there would be.

Sarah Brown read the summary letter (on file) of the traffic study prepared by FP Clark Associates.

Jennifer VanTuyl: I do agree that the jurisdiction over the highway is the State of New York. The applicant does not agree with the conclusion of the Village's report and we have a traffic consultant who could address that at more length but we could debate this forever. I think the only point that we want to mention here tonight is that the study Creighton Manning did actually analyze what was going on in the curb side lane. That is the lane closes to the curb on the east side of Route 9 and found that 77% and 86% respectfully of the traffic on that lane between Schuyler and Merritt was actually slowing down to make a right hand turn on Merritt. So, we do not agree that the right hand turn will slow down traffic in a high moving lane. I just want the record to reflect that we do not agree that it is a safety concern at all.

Hans Klingzahn: I would like to put the traffic study to bed. Like you say, we could argue this for the next thirty years and we would never agree. Larry, would you go over the engineering report.

Larry Paggi: I will be working with Tom DePuy on the storm water report. I have asked Tom to review the 100 year storm report. We will have to work out the percolation regulations on the site and modify it if necessary. Another area which will need to be worked on is fencing around the retention pond for safety reasons. Everything else will be housekeeping items.

Hans Klingzahn: Okay, before you come back to this Board you will need to go to the Zoning Board to get whatever approvals there are.

Jennifer VanTuyl: I would like to go ahead and have a public hearing on the site plan.

A discussion was held again on lot coverage and Tom DePuy said he would go back and recalculate the coverage based on the two extra parking spaces that was identified.

Hans Klingzahn: Jennifer will you have everything ready for the meeting on April 2<sup>nd</sup>?

Jennifer VanTuyl: Yes, we should have everything done by then,

Hans Klingzahn: If you have everything done that we discussed tonight at that meeting then we should be able to set the public hearing up for the following meeting which will be April 16<sup>th</sup>.

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Jennifer VanTuyl: Okay, that sounds fine. Thank you for your attention tonight. We will try to get everything done for the plan by April 2<sup>nd</sup>.

Hans Klingzahn: Just to bring everybody up to date on the Via Nove project, I understand they are waiting for approval from the Dutchess County Health Department. I will have Cris update the Board on the Comprehensive plan.

Cris Phillips: We had a public hearing for the Comprehensive Plan and we had three people attend the hearing. We gave the audience a week to get their comments which we received and reviewed. The committee approved the plan and now the plan goes to the Village Board for their review and approval. We are now working on zoning. If there are any areas that come to mind in the zoning laws that you feel should be looked at please let me know.

The Board had an extensive conversation on lot coverage.

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