

**Village of Fishkill
Planning Board/Architectural Review Board Meeting
May 20 2010 - 7:00 p.m.**

Chairman Hans Klingzahn: Good evening ladies and gentleman my name is Hans Klingzahn I am chairman of the Village of Fishkill Planning Board and I will call the Planning Board meeting of May 20, 2010 to order at this time. Will the secretary please take a roll call to establish a quorum?

Those present: Hans Klingzahn, Cris Phillips, Bea Lindsay, Stephanie Renino, and Anthony Brozier. Absent: Jamie Machado and Theresa Cuchelo. Also present is Deputy Mayor Peter Phillips, Liaison to the Planning Board, Sarah Brown, Village Planner, and Don Van Nostrand, Secretary. Chairman Klingzahn also introduced consulting engineer John Andrews who would be reviewing the 43 Broad Street project. Theresa Cuchelo joined the board at 7:08 pm.

Hans Klingzahn: Okay, we have established a quorum and I will entertain a motion to accept the minutes for the meeting held on April 15, 2010.

Cris Phillips: I move to approve. Motion seconded by Bea Lindsay. Hans Klingzahn: I have a motion and a second to approve the minutes for April 15, 2010. All in favor? Aye. Opposed? None. Motion carried.

Hans Klingzahn: The first item on the agenda tonight is Tequila's Blue Agave. I understand that the applicants are not here so they will be removed from the agenda. Next on the agenda is Fabrizio's Deli located at 1004 Main Street.

Representing Fabrizio's Deli is the business owner Tony Fabrizio and presented the proposed sign to the board.

Hans Klingzahn read Tom VanTine's memo (on file) stating the sign application appears to be in compliance with the zoning regulations.

Bea Lindsay makes a motion to approve the signage for Fabrizio's Deli located at 1004 Main Street as per specs on file. Motion seconded by Cris Phillips. Hans Klingzahn: I have a motion and a second on the floor. All those in favor? Aye. Opposed? None. Motion carried.

Hans Klingzahn: Next item on the agenda is Tomato Café located at 1123 Main Street for a seasonal license for an outdoor café.

Representing Tomato Café is the business owner Vincent Troy.

Hans Klingzahn read Tom VanTine's memo (on file).

Sarah Brown covered the comments in her letter to the Board (on file). Sarah noted that a certificate of insurance had to be filed with the Village Building Inspector and additional information was required on the site plan application.

The Board requested the applicant to update the site plan application as specified by the Village Planner and the application would be reviewed at a future meeting. The Board discussed the need for a public hearing and it was agreed by the board it was not necessary.

Hans Klingzahn: Next on the agenda is Larry Paggi, 43 Broad Street for a special use permit.

Larry Paggi presented to the Board the site plan with the proposal to use the downstairs as a business office and the second floor as residential as it was used by the previous owners.

John Andrews, consulting engineer covered his letter (on file) to the Planning Board and pointed out that from the survey submitted for the project indicates that the garage for the property immediately adjacent to the west encroaches on this property. He noted that the encroachment be noted on the plan and be excluded from any approvals issued on this project. John also covered the parking spaces for the site, the Village standards for

Page 2

driveways and the proposed one-way traffic pattern with entry from Bedford Avenue and exit on Broad Street and recommend that adequate signage be provided in accordance with the proper New York State MUTCD.

Sarah Brown, Village Planner covered her letter (on file) to the Planning Board. In the R-7.5 Zoning District, a home occupation is an allowable Special Use. Section 171-63.1 of the Code of the Village of Fishkill requires that certain criteria be met to obtain a Special Permit or waiver of the criteria be granted by the Planning Board. Based upon review, the following criteria would have to be waived by the Planning Board:

- a. No more than two nonresident employees, interns or assistants shall be permitted.
- b. A home occupation shall not occupy more than 25 % of the gross habitable area of the house.

Bea Lindsay makes a motion that the Board remove the criteria as stated in the letter dated May 20, 2010 from Frederick P Clark Associates – Item 1 a. and b. (on file) Motion seconded by Cris Phillips. Hans Klingzahn: I have a motion and a second on the floor. All in favor? Aye. Opposed? None. Motion carried.

A discussion followed on the one way and no entrance signage and Larry Paggi agreed to work on the signage and come back before the board with a rendering for their review.

Hans Klingzahn: If there are no other items to discuss I will entertain a motion to close the meeting.

Peter Phillips updated the Board on the new appointments to the Zoning Board and the re-appointments to the Planning and Zoning Boards.

Bea Lindsay moved to close the meeting. Theresa Cuchelo seconded the motion. All in favor? Aye. Motion carried.

The applicant for Tequila Blue Agave arrived late to the meeting and Chairman Klingzahn asked for a vote to re-open the meeting.

Cris Phillips makes a motion to re-open the meeting. Theresa Cuchelo seconded the motion. All in favor? Aye. Opposed? None. Motion carried.

Luis Rivera, Chef and owner of the Tequila Blue Agave restaurant is the applicant and apologized to the Board for being late to the meeting and presented the proposed sign.

Cris Phillips moves to approve the sign for Tequila Blue Agave at 37 Elm Street. Motion seconded by Bea Lindsay. Hans Klingzahn: I have a motion and a second on the floor. All those in favor? Aye. Opposed? None. Motion carried.

Bea Lindsay makes a motion to close the meeting Theresa Cuchelo seconded the motion. All in favor? Aye. Opposed? None. Motion carried.

Submitted by:
Donald Van Nostrand
Planning Board Secretary

