

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
JUNE 25, 2020
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on June 25, 2020 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Announcements

Supervisor D'Alessandro thanked everyone for joining in the meeting. He stated this was the first meeting back with the public. They are allowed up to 25 people in attendance.

All East Fishkill buildings are open to the public by appointment right now. He is hopeful that after the Fourth of July they will be open to the public. There is specific signage in all the buildings, surveys and temperature checks for employees daily, specific amounts of people allowed in areas at one time, medical survey or temperature check for anyone coming into the building to be implemented before they can fully open. He thanked all the employees and residents for taking these changes in stride and being patient. All of these procedures and protocols are coming from New York State and Dutchess County. A lot of money is being spent on this and hopefully he has been told that up to 75% of it may be reimbursed as long as they are in compliance with all of the protocols.

Weekly calls with the County Executive have been happening two to three times a week. The County Executive has been able to give guidance on some of the regulations sent by the Governor and Supervisor D'Alessandro thanked him for that.

Tuesday started indoor dining under Phase 3 at 50% capacity. He thanked the staff for assisting businesses with the outdoor dining permits.

The Dutchess County Regional Chamber of Commerce is offering free temporal thermometers for personal care businesses. You can register on their website. The Accessible Hospitality Award of Distinction has been given to Julie's Jungle from the Dutchess County Tourism. He thanked the Julie's Jungle board for all their hard work on this project and congratulated them.

The Hillside Lake Water Quality Improvement Project is being restarted. Site is being cleaned up and erosion and sediment control has been updated. They will be backfilling the artificial wetland stone. Permits and grant money have been extended through December 31, 2020 through the DEC. The Town has asked for the possibility of another extension due to the Covid shutdown. That may possible.

Supervisor D'Alessandro has met with the Chief of Police and Town Board Liaison Franco about current events. He thanked the many people who have shown such a large outpouring of support for the Police Department. Dutchess County Executive Molinaro has stated that New York State is mandating that they coordinate expedited changes in their protocols and directives to make things more cohesive.

There have been several meetings with the judges regarding when court will begin to reopen. The Office of Court Administration has indicated that within the next 6 to 8 weeks they will begin to reconvene and open fully.

There have been many meetings with Highway Superintendent Williams and Town Board Liaison Marinaro discussing many issues regarding paving equipment. He thanked the Engineer for his assistance with the EPA in getting their budgeted funds for road repairs and paving after they're done with their water project. A bond was paid off this year that was for paving so they may have to discuss taking a new one.

Supervisor D'Alessandro has been in contact with the principal from John Jay High School and the Wappingers Superintendent regarding their graduation plans. It will be tomorrow, Friday, June 26 and there were multiple slots for parents and students to choose from. He congratulated all the graduates. They will be honoring the valedictorian and salutatorian at the next Town Board meeting.

There was a zoom conference with the Town Planner and with Dutchess County Planning Department to discuss the Housing Stock Committee that will constitute next month. It was very constructive conversation.

They been working with Fishkill and Wappingers on many issues. Hopefully next month they will be sharing a Human Resources Director with Wappingers.

Interviews were done for this at the beginning of the year. There has been a grant received for it as well. They will interview next month.

There have been several meetings with GlobalFoundries. They are selling to ON Semiconductor. The sale of that will conclude at the end of 2023. They have been expanding for some new manufacturing. The Town has also been working with them regarding water on-site. This has been a long process.

He has been meeting with Recreation and Board Liaison Beephan regarding the possibility of Redwing opening and team sports starting up. They have not received approval from Dutchess County to open Redwing.

The Supervisor and Deputy Supervisor have been discussing ways to improve some Town Hall hours.

He thanked all the employees and professional staff for all their hard work during the Covid challenges. He also thanked Police, fire and EMS for all of their continued services.

Roll the Call: Supervisor D'Alessandro asked Town Clerk Hurray, to call the rolls.

Board Members in attendance:

Peter Thomas Emanuele Anil Nicolas
Cassidy Franco Marinaro Beephan D'Alessandro

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Michelle Robbins, Planner; Ken Williams, Highway Superintendent; Chief Bellino, East Fishkill Police Department. Michael Cunningham, Attorney; Mark Pozniak, Comptroller; and Clerk Hurray were attending via video.

Public Hearing:

1. Open Supplemental Public Hearing to Consider Amending the Town of East Fishkill Industrial Districts and Amending Conservation Residential Development Zoning District
 - a. Motion to open the Supplemental Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Ms. Robbins initial comments could not be heard. She stated comments had been received from Board members and Dutchess County Planning. She did receive someone's final comments and they have not been appropriated into the version presented. An industrial land study was done of industrial areas in town and they have hired a consultant to review that report. They did make some recommendations about potential future zoning. It has been drafted and is being reviewed. There are some areas that were zoned industrial that have had residential areas built around them and there are incompatibility issues about the uses. The reviewed areas with more intense industrial use such as Sprout Creek Court, Package Pavement, Stormville Airport, and the area on Shenandoah Road were looked at closely. A lot of it is residential in the Shenandoah area, but it is zoned industrial. They tried to find ways to make the zoning compatible to the uses that are in the areas. Specific definitions were created such as the definition of junkyard, commercial vehicle storage yard, and contractor yard. A specialty trade yard will be included into the final version of the contractor yard. They will be removing the vehicle storage yard and there will be a better definition of the word junk. They did discover that a lot of the areas zoned industrial are used for much more business zoning and are surrounded by residential uses and business uses. There will be an E3 zone which will be created for mixed uses leaning towards commercial uses. The R2 and B3 that were used in these areas allowed for some commercial uses but they are codifying their uses that have occurred naturally over time. Sprout Creek Court will remain R3 and some of the parcels along that Route 376 corridor will be rezoned E3. The B3 district is a mixed-use district and the biggest change there will be that it will allow for residential uses above commercial uses. There will be specific criteria that needs to be met to be classified that. They are also adding a residential use in the Hamlet Center

District. They have tried to create zoning to allow for revitalization in the center Hamlet area. They're hoping to capitalize on the new Lake Walton Park and Rail Trail area. They are hoping that will bring visitors to the Hopewell Hamlet. Supervisor D'Alessandro stated that this Town Board is pro-business but without having the proper zoning in place it can't happen. This will encourage proper businesses to come in proper locations. Ms. Robbins stated if someone has an active use in a location it will be grandfathered in. Any change of use in the future will have to be consistent with the zoning. Ms. Robbins said they have changed the requirement for sidewalks from 4 feet wide to 5 feet wide. That is an ADA compliance regulation. She discussed what could be seen in a traditional Hamlet Center. They did discuss the possibilities of increasing the height limit to the full three stories. Fishkill Plains B3 district will be proposed to be three stories. The Board wanted the Hamlet to remain at the 35 feet. There was a handout provided to the Board regarding exactly what encompasses a traditional Hamlet Center. She reviewed it with the Board to make sure they were all in agreement with that being included. Board Member Marinaro asked if somebody wanted to build a house that was only two stories in the Hamlet and the house next door was taller than that, would they not be allowed to match the existing height of the house next door. Attorney Wood stated this law only allows for residential above commercial, not two-family homes. That would be something the Board would have to look into at a later date. Board Member Marinaro asked if someone could take one of those older homes and making it into a business on the bottom and residential on the top with the height restriction. Attorney Wood stated it could be allowed under this zoning. Attorney Wood stated they could look at the residential use and make some modifications along Board Member Marinaro's comments to make a separate residential adjustment. Ms. Robbins stated the Special Permit or mixed-use does allow for a higher height so that would allow someone interested in that to get the Special Permit. Board Member Marinaro stated he would rather have things in place now, so people don't have to go through processes and costs for approvals later. Attorney Wood stated the Board could consider a "McMansion's Law" that they could work on and bring back to the Board to prevent an older house being torn down and a huge house that does not fit the neighboring homes into the same area. Supervisor D'Alessandro asked if these comments could be incorporated into the housing study and Attorney Wood said yes. Board Member Beephan asked if people would be allowed to have commercial use on the first and second-floor with residential on the third. Supervisor D'Alessandro stated no, it is commercial on the first floor and residential on second and third.

Ellen Lee Johnson stated she was asked by the owners of the Stormville Airport to come in and see what the proposed zoning for that area would be. The owners have asked Ms. Johnson her recommendations for the use on that property, as she is an experienced realtor. She suggested a senior complex for 55+ with no children so there would be no school impact. She suggested cluster housing for approximately 65 to 70 acres of the land and recreation area, mini golf course, nature trails, a swimming pool, at approximately 1% of the property for a proposed commercial use for possibly a bank or deli. She would like to see the commercial

area named after the owners of the property, O'Brien Court, and she'd like to see Lee Farm Road. There could be a section for people to have garden areas. The owners are considering doing the flea market September, October, and November but nothing is set yet. Attorney Wood stated the proposal for that area is a Conservation Residential Development which allows for everything that Ms. Johnson stated. It didn't make a specific restriction on the age of 55 and older. It does allow for the cluster housing, the open spaces, and a small commercial use. Ms. Johnson asked what the timetable on this would be. Supervisor D'Alessandro stated it is up for approval at this meeting.

Ms. Robbins stated she did receive recommendations for some language changes and to take some things out and put them into tables for uses and if they are agreeable to the Board, she will make those changes.

Attorney Wood stated that the Board started this process in December 2018. The Board amended the Master Plan to incorporate the study that was done. This is the third time there has been a Public Hearing on these proposals. While there have been changes, they have not been major changes. If the Board adopts this this evening, it will allow the feature to allow farmers to use up to 15 acres of their land for small contractors to park and store their equipment. This will allow for additional income to the farmer and the contractors to have a place to park their equipment locally. Board Member Marinaro asked if there would be a special permit that the farmers would need to get to allow for this use. Attorney Wood said yes. They will need to review the access points for the vehicles and have that property delineated out. Supervisor D'Alessandro stated they have received complaints from people over the years regarding contractors' equipment being parked in residential areas. This will alleviate that as well.

Supervisor D'Alessandro thanked the committee and the Town Planner for all of their hard work on this.

Board Member Marinaro questioned the outside seating for restaurants and the controversial sounds allowed in that section. He stated he would like time limit on the outside noises allowed. Attorney Wood stated that they cannot go against the noise ordinance. He stated that in areas where there could be residential issues the Planning Board can make those determinations during their process. Board Member Marinaro stated he believes this law should outline specific times the noises will be allowed. Board Member Franco stated it should be linked to the noise ordinance. Board Member Beephan stated he believed it should be uniform with the noise ordinance as well. Supervisor D'Alessandro stated his recommendations would be Sunday through Thursday till 9 PM Fridays and Saturdays to 11 PM. The Board was in agreement with this.

Board Member Marinaro had a question regarding balconies for residential and mixed-use properties. He asked if somebody had a flag from the back of their balcony, would that be in conflict. Ms. Robbins stated she believes the intent was

to make sure somebody wasn't trying to dry their laundry there. She will include the specific wording.

Supervisor D'Alessandro asked if there were any more questions or comments from Board members. There were none. He asked if there was anyone else from the public to speak for or against this. There was no one.

- b. Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All vote in favor. Motion carried.

Local Law No. 2 of 2020

Proposed Zoning Text Change

Town of East Fishkill, Dutchess County, NY

A Local Law to enact certain amendments to Chapter 194, Zoning, of the Code of the Town of East Fishkill, to amend the Zoning Map and establish two new districts.

SECTION I. TITLE. This local law shall be known as “A Local Law amending the Town of East Fishkill Industrial Districts and creating the HC and B-3 Districts.”

SECTION II. AUTHORITY. This Local Law is enacted pursuant to the authority of Section 10 of the Municipal Home Rule Law, the New York State Town law, and in accordance with Chapter 194, Article XX, Amendments. To the extent that the provisions of this Local Law are in conflict with the New York State Town law, the Town Board hereby asserts its intention to supersede these provisions pursuant to the Municipal Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

This Local Law is enacted to:

1. Designate adequate land for a range of manufacturing, industrial processing, research and development, professional office, distribution and storage, and other workplace uses consistent with the Comprehensive Plan;
2. Strengthen and revitalize the Town’s Hamlet Centers by encouraging denser, mixed use development and walkability in the Hopewell Junction Hamlet Center and the emerging Fishkill Plains hamlet center on the Route 376 corridor.
3. Strengthen the Town’s economic employment base and provide a range of employment opportunities to meet the needs of current and future residents;
4. Provide quality employment opportunities in the industrial districts and the Town’s hamlet centers for people of all ages and education levels;

5. Provide a suitable environment for various types of industrial uses, and protect them from the encroachment of uses that would impair industrial operations or create future land use conflicts;
6. Ensure that sensitive uses adjacent to industrial areas are protected through appropriate limitations on uses and appropriate design and development standards; and,
7. Ensure high quality site and building design and the provision of employee amenities to provide a desirable working environment and so that the appearance and effects of development is compatible with the character of the area in which it is located.

SECTION IV. REVISIONS TO THE TEXT OF CHAPTER 194.

SUBSECTION 1: AMENDMENTS TO DEFINITIONS (ARTICLE II OF CHAPTER 194)

Definitions

Section § 194-3. Definitions is hereby amended to add the following definitions in alphabetical order:

B-3 MIXED-USE DISTRICT

The B-3 district is intended to permit diversified or mixed uses including commercial, institutional, residential, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large in emerging commercial nodes. Second-story residential apartments are permitted above ground floor commercial uses and new development should facilitate pedestrian connections between residential and nonresidential uses. The district is intended to promote gradual development and redevelopment of the commercial nodes on the Town's state highways and to transition away from the predominantly auto-oriented commercial development pattern found today.

COMMERCIAL VEHICLE STORAGE YARD

"Commercial Vehicle Storage Yard" means any location consisting of a parcel(s) or lot(s) where three or more commercial vehicles and/or self-propelled equipment used for commercial or industrial purposes, shipping, delivery of freight and products, taxis or limousines are stored. All vehicles must be operable and registered with the State Department of Motor Vehicles.

CONTRACTOR'S YARD

Land or structures serving as the base of operations for building trades, contractors, trucking or heavy equipment operators or similar professions. Examples include: irrigation and well-drilling services, plumbing, heating, and electrical contractors, or landscape contractors. Such uses may include: related offices; storage areas for equipment, materials and job-site trailers; and service areas for equipment. This use excludes on-site retail or wholesale sales, or the storage and/or servicing of merchandise, vehicles or equipment unrelated to the contracting business. The processing of raw materials is not permitted in a contractor's yard.

HC (HAMLET CENTER DISTRICT)

A core hamlet zoning district that encompasses properties located generally on either side of Route 376 between the intersection of Route 376 and Route 82 and Route 376 and Fishkill Road and parcels along Route 82 from the Route 376 intersection to Orchard Place as well as parcels on the north side of Route 82 east of Orchard Place and on either side of Railroad Avenue. The purpose of the Hamlet Center District is to foster the development of a well-planned, compact, walkable hamlet center that features a mix of uses including civic, commercial, service, institutional, residential, and recreational uses within close proximity to each other and to ensure that the design of buildings, sites, streets, and public spaces creates a place with a unique and positive local identity that provide opportunities for development to expand the town's economic diversity and vitality.

JUNK.

The term "junk" shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

JUNKYARD

"Junkyard" means any establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills. This definition also includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

SUBSECTION 2: AMENDMENTS TO ARTICLE III OF CHAPTER 194

Districts

- i. Chapter 194. Zoning, Part 1. General Provisions, Article III. Districts is hereby amended to add the following districts:
 - Hamlet Center (HC) District
 - B-3 Mixed-Use District
- ii. Chapter 194. Zoning, Part 1. General Provisions, Article III. Districts is hereby amended to remove the following districts:
 - I-1-S District: Light Industrial
- iii. Chapter 194. Zoning, Part 1. General Provisions, Article III. Districts, is hereby amended to add:

§ 194-4.2 District regulations.

The following regulations and the accompanying Schedules of Permitted Use and Schedule of Bulk Regulations state and define the permitted uses of land, buildings and structures and the minimum and maximum dimensional requirements to be met in connection with such uses for the districts established by this chapter.

Add § 194-4.2.1 Hamlet Center District.

§ 194-4.2.1 Hamlet Center District

C. Applicability. This Section applies to all land parcels within the Hamlet Center District as established in Article III and shown on the official Zoning Map. A core hamlet zoning district that encompasses properties located generally on either side of Route 376 between the intersection of Route 376 and Route 82 and Route 376 and Fishkill Road and parcels along Route 82 from the Route 376 intersection to Orchard Place as well as parcels on the north side of Route 82 east of Orchard Place and on either side of Railroad Avenue.

D. Purpose. The purpose of the Hamlet Center District is to foster the development of a well-planned, compact, walkable hamlet center that features a mix of uses including civic, commercial, service, institutional, residential, and recreational uses within close proximity to each other and to ensure that the design of buildings, sites, streets, and public spaces create a place with a unique and

positive local identity that provides opportunities for development to expand the town's economic diversity and vitality. The HC District shall:

- a. Provide a cohesive mix of moderate-intensity residential, office, retail commercial, civic and institutional uses, including a mixture of uses in the same building in easy, safe walking distance of each other.
- b. Exhibit the design features of traditional hamlet centers through the thoughtful placement of buildings and parking with respect to the street, by creating a safe separation between pedestrian and vehicular traffic, and by encouraging tree lined streets, sidewalks, well-designed appropriate and complementary architecture, increased landscaping, street furniture, public spaces, and greater integration of uses.
- c. Provide an activity center that meets the everyday needs of residents and visitors where people can gather, reside, gain access to goods and services, work and conduct business throughout the day.
- d. Enhance the overall character of the hamlet center by creating a clear “sense of place” with harmonious buildings, compatible building design and signage, streetscapes, walkways and plantings;
- e. Promote a pedestrian-friendly environment in the hamlet center by providing new sidewalks, improving pedestrian connections, and encouraging streetscape improvements.
- f. Encourage the growth of the local economy and jobs, including development of flexible space for small and emerging businesses.
- g. Encourage pedestrian connections between the Hopewell Junction Hamlet and the rail trail;
- h. Promote safe and well organized vehicular circulation that minimizes the use and visual impact of cars.
- i. Facilitate more efficient provision and maintenance of public services and infrastructure.

E. Conflicting Provisions. Wherever there appears to be a conflict between this Section and other requirements of the Zoning Code, the requirements specifically set forth in this Section shall prevail. Standards found in other sections of the Zoning Code that do not

conflict with standards in this Section shall apply, unless this section states that they do not. The invalidity of any provision of this Section shall not invalidate any other section or provisions thereof.

F. Nonconforming uses. A legal structure or site plan existing on June 25, 2020 that does not meet the use standards in the Hamlet Center District on or after June 25, 2020 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area and footprint of the structure are not increased by more than 20 percent and until such time as the use is changed. Once the use of the structure or site is changed, the site must meet the use standards of the zoning district.

G. General nonresidential uses. Commercial uses in mixed-use buildings are only permitted on the ground floor and shall be of a nature and character that are compatible with residential uses (hours of operation, noise, parking, etc.) and are intended to offer shopping, eateries, office or professional services.

H. Outdoor dining. Restaurants shall be permitted to operate outdoor cafes on sidewalks and in other outdoor areas provided that the site meets all New York State Building Code requirements and safe pedestrian circulation and building access is provided. Outdoor dining shall not result in any deleterious effect on the public health, safety or welfare, or negative effect on adjoining businesses shall occur.

- a. To reduce the potential for noises impacts to adjacent or nearby properties outdoor dining hours shall be limited to between 8AM and 9PM Sunday through Thursday and 8AM to 11PM Friday and Saturday.
- b. When the associated indoor establishment is not open or the outdoor dining establishment is not in daily use, all furnishings shall be removed daily from public property.
- c. Permission to serve alcoholic beverages at outdoor dining establishments shall be contingent upon the applicant obtaining written approval from the New York State Liquor

Authority to serve such alcoholic beverages at the location of the outdoor dining establishment. Proof of such permission must be provided to the Building Inspector prior to the issuance of any special permit. Additionally, all alcoholic beverages to be served at an outdoor dining establishment shall be prepared in the interior of the establishment.

- d. The restaurant shall not serve food or beverage to a patron at an outdoor dining facility unless that patron is seated at a table.
- e. Outdoor cabarets and outdoor dining establishments in conjunction with a cabaret are specifically prohibited.

I. Residential Uses. Up to five residential dwelling units are permitted on upper floors of buildings with commercial (nonresidential) space on the ground floor level. Existing commercial structures converted to include second-story apartments must also comply with the following:

- a. The minimum floor area of each dwelling unit shall be:
 - i. 500 square feet for a studio apartment
 - ii. 750 square feet for a one-bedroom apartment, and
 - iii. 1,000 square feet for a two-bedroom apartment, and
- b. There shall not be any commercial uses on or above a floor that contains dwelling units.
- c. Existing conversions must provide all required off-street parking for the dwelling units as well as the ground floor commercial space.
- d. Existing conversions may be required to provide exterior property improvements as part of the site plan approval process, subject to site plan, landscaping, and architectural review.
- e. Access to dwelling units above the street level must be provided from an enclosed lobby or corridor and stairwell. A person entering a dwelling unit from the ground floor must not pass through the use located on the first floor of the

building. Unenclosed or partially enclosed exterior stairwells are prohibited.

- f. Balconies for any apartments created shall be constructed to give privacy to those using them as well as to shield those users and their personal effects (e.g., air conditioners, furniture, satellite dishes, banners, etc.) from the street.

G. Building Setbacks, Height, & Lot and Building Coverage.

- (1) Front: The minimum front yard setback shall be ten (10) feet but may be reduced to zero feet, at the discretion of the Planning Board. In no case shall the sidewalk width be less than five feet. If minimum setbacks cannot be achieved the Planning Board has the discretion to modify these requirements.
- (2) Rear: The minimum rear setback is 15 feet except for parcels abutting a residential district which require 20 feet. If minimum setbacks cannot be achieved the Planning Board has the discretion to modify these requirements.
- (3) Side: the minimum side yard setback is 5 feet but may be reduced to zero feet, at the discretion of the Planning Board except where a Business District abuts a Residential District, there shall be a minimum side yard of 20 feet in the Business District abutting the Residential District. If minimum setbacks cannot be achieved the Planning Board has the discretion to modify these requirements.
- (4) Lot Coverage Maximum: 90 percent
- (5) Building Coverage: 75 percent maximum
- (6) Height: maximum of 2.5 stories and 35 feet

H. Site Design and Landscaping.

- (1) Exterior Mechanicals and Refuse Containers.
 - (a) Exterior mechanical equipment, utility buildings, air compressors, transformers, meters or boxes, garbage cans, dumpsters, outdoor storage, loading areas, and similar shall be screened from view from streets and adjacent residential lots.
 - (b) Shared use and storage of garbage dumpsters is encouraged.

- (2) Pedestrian Access and Circulation for the Hamlet Center District:

(a) The development of any lot shall provide a minimum 5 foot wide sidewalk acceptable to the Planning Board along the road frontage of all parcels in the Hamlet Center District. Sidewalk designs shall meet or exceed any sidewalk standards adopted by the Town Highway Department. Sidewalks shall be constructed within the road right of way where possible.

(b) Landscaping and Street Trees. Wherever possible, landscaping and street trees shall be planted between the street and the sidewalk at regular intervals within the street right-of-way parallel to the street along all streets. Street trees shall have a minimum caliper of 2.5” (measured at a height of 4.5’ from ground level) at the time of planting. Spacing of street trees shall be determined by the species chosen, with the intent that street trees will form a complete canopy upon maturity.

Add § 194-4.2.2 B-3 Mixed Use District

A. Applicability. The regulations contained in this Section apply to all uses, unless otherwise specified, in the B-3 Mixed-Use District, a commercial zoning district that encompasses properties located generally on either side of Route 376 between the Van Wyck Lane and the intersection of Route 376 and Hillside Lake Road (County Route 29).

B. Purpose

- 1) Provide for a mixed-use arterial corridor zone that encourages retention of existing uses while facilitating new commercial and residential development opportunities. Preserve and enhance neighborhood shopping areas by improving walkability and providing the scale of development and range of uses including commercial, retail, entertainment, and personal service establishments that that meet the needs of the surrounding area's residents, workers, and visitors.
- 2) Over time, gradually develop into a mixed use, moderate density residential and commercial area where people enjoy walking, shopping, working and living. The district is intended to promote gradual development and redevelopment of the commercial nodes on the Town's

state highways and to transition away from the predominantly auto-oriented commercial development pattern found today.

C. **Conflicting Provisions.** This Section applies to all land parcels within the B-3 District as established in Article III and shown on the official Zoning Map. Wherever there appears to be a conflict between this Section and other requirements of the Zoning Code, the requirements specifically set forth in this Section shall prevail. Standards found in other sections of the Zoning Code that do not conflict with standards in this Section shall apply, unless this section states that they do not. The invalidity of any provision of this Section shall not invalidate any other section or provisions thereof.

D. **Nonconforming uses.** A legal structure or site plan existing on June 25, 2020 that does not meet the use standards in the Hamlet Center District on or after June 25, 2020 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area and footprint of the structure are not increased by more than 20 percent and until such time as the use is changed. Once the use of the structure or site is changed, the site must meet the use standards of the zoning district.

E. **General nonresidential uses.** In a B-3 District, all uses shall be subject to site plan approval in accordance with Article VII of this chapter and the following special requirements.

1) **Prohibited uses.** The following uses are specifically prohibited from the B-3 District:

a) Contractor's yards and commercial vehicle storage yards;

b) Gas stations;

c) Automotive sales and automotive repair establishments;

d) Car wash;

- e) Outdoor storage
 - f) Adult uses.
- 2) **Commercial uses.** Commercial uses in mixed-use buildings are only permitted on the ground floor and shall be of a nature and character that are compatible with residential uses (hours of operation, noise, parking, etc.) and are intended to offer shopping, eateries, office or professional services.
- a) The Light industrial uses permitted in B-3 zones as shown on the Schedule of Permitted Uses may be permitted on any floor, but should not be mixed with residential uses in the same building.
- 3) **Residential Uses.** Up to five residential dwelling units up to two bedrooms in size are permitted on upper floors of existing buildings with commercial (nonresidential) space on the ground floor level. Existing commercial structures converted to include second-story apartments must also comply with the following:
- a) The minimum floor area of each dwelling unit shall be:
 - i. 500 square feet for a studio apartment
 - ii. 750 square feet for a one-bedroom apartment, and
 - iii. 1,000 square feet for a two-bedroom apartment, and
 - b) There shall not be any commercial uses on or above a floor that contains dwelling units.
 - c) Existing conversions must provide all required off-street parking for the dwelling units as well as the ground floor commercial space.
 - d) Existing conversions may be required to provide exterior property improvements as part of the site plan approval process, subject to site plan, landscaping, and architectural review.
 - e) Access to dwelling units above the street level must be provided from an enclosed lobby or corridor and stairwell. A person entering a dwelling unit from the ground floor must not pass through the use located on

the first floor of the building. Unenclosed or partially enclosed exterior stairwells are prohibited.

- f) Balconies for any apartments created shall be constructed to give privacy to those using them as well as to shield those users and their personal effects (e.g., air conditioners, furniture, satellite dishes, banners, etc.) from the street.
- g) The Light industrial uses permitted in B-3 zones as shown on the Schedule of Permitted Uses may be permitted on any floor, but should not be mixed with residential uses in the same building.

F. Building Setbacks, Height, & Lot and Building Coverage.

- (1) Front: The minimum front yard setback shall be 25 feet but may be reduced at the discretion of the Planning Board
- (2) Rear: The minimum rear setback is 20 feet.
- (3) Side: the minimum side yard setback is 10 feet except where a Business District abuts a Residential District, there shall be a minimum side yard of 20 feet in the Business District abutting the Residential District
- (4) Lot Coverage Maximum: 75 percent
- (5) Building Coverage: 50 percent maximum
- (6) Height: maximum of three (2.5) stories or 35 feet

G. Site Design and Landscaping.

- (1) Exterior Mechanicals and Refuse Containers.
 - (a) Exterior mechanical equipment, utility buildings, air compressors, transformers, meters or boxes, garbage cans, dumpsters, outdoor storage, loading areas, and similar shall be screened from view from streets, and adjacent residential lots.
 - (b) Shared use and storage of garbage dumpsters is encouraged.
- (2) Pedestrian Access and Circulation:
 - (a) The development of any lot shall consider pedestrian access and walkability. Wherever possible, a minimum 5' wide sidewalk and/or an equivalent acceptable to the Planning Board along the road frontage of all parcels in the B-3 district shall be provided. Sidewalk designs shall meet or exceed any sidewalk standards adopted by the Town Highway Department.

Sidewalks shall be constructed within the road right of way where possible.

(b) Landscaping and Street Trees. Wherever possible, landscaping and street trees shall be planted between the street and the sidewalk at regular intervals within the street right-of-way parallel to the street along all streets. Street trees shall have a minimum caliper of 2.5” (measured at a height of 4.5’ from ground level) at the time of planting. Spacing of street trees shall be determined by the species chosen, with the intent that street trees will form a complete canopy upon maturity.

SUBSECTION 3: AMENDMENTS TO ARTICLE X GENERAL USE REGULATIONS

Add § 194-55.2 Contractor’s Yards

Contractor’s Yards are permitted in I-1 and I-3 districts, provided the following standards are met:

- A. Areas set aside for the outdoor storage of construction vehicles and materials associated with the business shall not exceed 50% of the total lot area. No material storage pile shall exceed a height of 10 feet. The Planning Board may require that stored vehicles and materials be located within buildings or garages. The site shall be maintained in an orderly and safe condition at all times.
- B. No storage of any hazardous materials will be permitted. All fuel storage tanks shall have self-containment capabilities in case of spill or leak. The Planning Board may require additional protection as needed to protect the health, safety and welfare of the public.
- C. All maintenance work on equipment shall be performed within a structure or on an impervious surface that is designed to retain any spillage of fluids and cleaned immediately upon completion of work.
- D. Any vehicles stored overnight must be parked in an approved parking space.
- E. Where a Contractor’s Yard abuts a residential district there shall be a minimum of a 50 foot side and rear yard on the side abutting the residential district. Contractor’s Yards shall be fully screened from residential properties by an opaque screen (fence, vegetation, wall, or berm) and shall be of sufficient height to completely screen all vehicles and materials. The Planning Board is expressly authorized to modify any fence or vegetation height restriction set forth in § 194-98. Walls and fences to achieve the required screening.

- F. Outdoor areas designated for construction vehicle or material storage shall be screened by an opaque screen (fence, vegetation, wall, or berm) along the entire perimeter of the outdoor storage area(s) and shall be of sufficient height to completely screen all vehicles and materials. The Planning Board is expressly authorized to modify any fence or vegetation height restriction set forth in § 194-98. Walls and fences to achieve the required screening.
- G. Prohibited activities. Garbage or waste transfer stations; mining; rock/stone/concrete crushing; the storage, processing or handling of contaminated materials, waste materials as defined in 6 NYCRR Part 360, or hazardous materials as defined in 6 NYCRR Part 371; the storage of buses, trucks or vehicles not used as part of an approved contractor office business. In addition, the storage, processing or handling of petroleum products shall be prohibited except for heating fuel for use on site.
- H. In accordance with Chapter 194, Zoning, the Zoning Board of Appeals may grant relief from the requirements found in § 194-55.2.

Add § 194-55.3 Commercial Vehicle Storage Yard

- A. The storage of commercial vehicles as a principal use is allowed in the I-1 and I-3 districts and is subject to the following requirements of this chapter:
- 1) Areas set aside for Commercial Vehicle Storage shall not exceed 70% of the total lot area.
 - 2) Commercial vehicle storage areas must be designed to allow for safe access and maneuverability on site including access for emergency service vehicles.
 - 3) Where a Commercial Vehicle Storage Area abuts a residential district there shall be a minimum of a 50 foot side and rear yard on the side abutting the residential district.
 - 4) All commercial vehicles must be operable and registered with the State Department of Motor Vehicles.
 - 5) The Planning Board may require that stored vehicles be located within buildings or garages. Any vehicles stored overnight must be parked in an approved parking space.
 - 6) Outdoor areas designated for commercial vehicle storage shall be screened by an opaque screen (fence, vegetation, wall, or berm) along the entire perimeter of the outdoor storage area(s) and shall be of sufficient height to completely screen all vehicles. The Planning Board is expressly authorized to modify any fence or vegetation height restriction based on the needs of the site including those

requirements set forth in §194-98 Walls and fences in order to achieve the required screening.

Add § 194-67.4. Contractor’s and Commercial Vehicle Storage Yards on Agricultural Parcels.

A. Purpose: To permit contractor’s businesses and commercial vehicle storage yards on agricultural parcels by special permit in a way that ensures that the use is compatible with the surrounding area and protects the public health, safety and welfare of the community.

B. Standards and Requirements:

a. Contractor’s Yards and Commercial Vehicle Storage Yards are permitted on agricultural parcels with an agricultural exemption and greater than 15 acres in size.

b. No more than 5 percent of any agricultural parcel may be used as a Contractor’s Yard or Commercial Vehicle Storage Yard.

c. Contractor’s Yards and Commercial Vehicle Storage Yards located on agricultural land in a residential zone must be located at least 150 feet from any residential parcel and fully screened from any public right of way or residential/commercial use.

d. Adequate access shall be provided to all areas of the facility for emergency vehicles.

e. The outside storage of materials shall conform to the following:

i. Materials and equipment shall be located within a designated area shown on a site plan.

ii. The outside storage area shall be screened from public view by either a six foot high fence that is opaque or solid or a natural barrier composed of native species or a combination thereof. The Planning Board may require alternative or additional screening or landscaping as necessary.

1. An existing vegetative buffer of a least 10 feet in width may be substituted for the fence or natural barrier at the discretion of the Planning Board.

iii. The outside storage area shall have the following setbacks:

<u>Zone</u>	<u>Front Yard</u>	<u>All other</u>
-------------	-------------------	------------------

		<u>yards</u>
<u>Residential Zones</u>	<u>150 ft</u>	<u>150 ft</u>
<u>Business Zones</u>	<u>50 ft</u>	<u>30 ft</u>
<u>Industrial Zones</u>	<u>25 ft</u>	<u>15ft</u>

- iv. No storage of any hazardous materials will be permitted.
 - v. All fuel storage tanks shall have self-containment capabilities in case of spill or leak. The Planning Board may require additional protection as needed to protect the health, safety and welfare of the public.
 - f. All maintenance work on equipment shall be performed within a structure or on an impervious surface that is designed to retain any spillage of fluids and cleaned immediately upon completion of work.
 - g. The processing of materials shall not be permitted.
 - h. Transport of materials in and out of the site shall be conducted between 6:00AM and 8:00PM, Monday thru Saturday except under emergency circumstances.
 - i. The site shall be maintained in an orderly and safe condition at all times.
- C. Procedures: The applicant shall follow the procedures set forth in Article VII. Site Plan Approval of the East Fishkill Zoning Code, in addition to the following:
- a. The applicant shall submit the following information:
 - i. A narrative describing the operation of the facility and a list of the typical types of materials and equipment to be stored on site and the location of areas to be used for outside storage.
 - ii. Name and contact information for the on-site responsible party.

SECTION V: AMENDMENTS TO THE EAST FISHKILL ZONING MAP

Amend the East Fishkill Zoning Map to:

- Add new Hamlet Center (HC) District and B-3 Mixed-Use District
- Rezone the following properties located in the Hopewell Hamlet to HC

- 132800-6457-01-336801-0000
- 132800-6457-01-339766-0000
- 132800-6457-01-346770-0000
- 132800-6457-01-350773-0000
- 132800-6457-01-352775-0000
- 132800-6457-01-355775-0000
- 132800-6457-01-358780-0000
- 132800-6457-01-365790-0000
- 132800-6457-01-369795-0000
- 132800-6457-01-375795-0000
- 132800-6457-01-346751-0000
- 132800-6457-01-362734-0000
- 32800-6457-01-399784-0000
- 132800-6457-01-416762-0000
- 132800-6457-01-447844-0000
- 132800-6457-01-495820-0000
- 132800-6457-01-437774-0000
- 132800-6457-01-470744-0000
- 132800-6457-02-510779-0000
- 132800-6457-01-318766-0000
- 132800-6457-01-326756-0000
- 132800-6457-01-276729-0000
- 132800-6457-01-287774-0000
- 132800-6457-01-267699-0000
- 132800-6457-01-315746-0000
- 132800-6457-01-301646-0000
- 132800-6457-01-320688-0000
- 132800-6457-01-331679-0000
- 132800-6457-01-335671-0000
- 132800-6457-01-344662-0000
- 132800-6457-01-349656-0000
- 132800-6457-01-354649-0000

- 132800-6457-01-356648-0000
- 132800-6457-01-359642-0000
- 132800-6457-01-344633-0000
- 132800-6457-01-334620-0000
- 132800-6457-01-357618-0000
- 132800-6457-01-371631-0000
- 132800-6457-01-382642-0000
- 132800-6457-01-390651-0000
- 132800-6457-01-401657-0000
- 132800-6457-01-408664-0000
- 132800-6457-01-414669-0000
- 132800-6457-02-502562-0000
- 132800-6457-02-502562-0000
- 132800-6457-01-442693-0000
- 132800-6457-01-454700-0000
- 132800-6457-01-372658-0000
- 132800-6457-01-374662-0000
- 132800-6457-01-379667-0000
- 132800-6457-01-383672-0000
- 132800-6457-01-391680-0000
- 132800-6457-01-397684-0000
- 132800-6457-01-401696-0000
- 132800-6457-01-415707-0000
- 132800-6457-01-438735-0000
- 132800-6457-01-426725-0000
- 132800-6457-01-401734-0000
- 132800-6457-01-385722-0000
- 132800-6457-01-332698-0000
- 132800-6457-01-335693-0000
- 132800-6457-01-339690-0000
- 132800-6457-01-343684-0000
- 132800-6457-01-348680-0000

- 132800-6457-01-355671-0000
- 132800-6457-01-358668-0000
- 132800-6457-01-362665-0000
- 132800-6457-01-365660-0000

- Rezone the following parcels on Route 376 to B-3

- 132800-6358-01-494628-0000
- 132800-6358-02-527696-0000
- 132800-6358-02-535612-0000
- 132800-6358-02-533640-0000
- 132800-6358-02-561646-0000
- 132800-6358-02-562615-0000
- 132800-6358-02-610667-0000
- 132800-6358-02-649585-0000
- 132800-6358-02-674591-0000
- 132800-6358-02-640566-0000
- 132800-6358-02-612547-0000
- 132800-6358-02-562525-0000
- 132800-6358-02-558546-0000
- 132800-6358-02-570572-0000
- 132800-6358-02-525587-0000
- 132800-6358-02-692561-0000
- 132800-6358-02-695531-0000
- 132800-6358-02-670618-0000
- 132800-6358-02-710616-0000
- 132800-6358-02-743609-0000
- 132800-6358-02-793593-0000
- 132800-6358-02-820579-0000
- 132800-6358-02-833583-0000
- 132800-6358-02-840581-0000
- 132800-6358-02-847579-0000
- 132800-6358-02-854576-0000

- 132800-6358-02-864564-0000
- 132800-6358-02-885558-0000
- 132800-6358-02-911567-0000
- 132800-6358-02-925555-0000
- 132800-6358-02-987580-0000
- 132800-6358-02-964517-0000
- 132800-6358-02-977521-0000
- 132800-6358-02-939516-0000
- 132800-6358-02-919525-0000
- 132800-6358-02-885532-0000
- 132800-6358-02-858546-0000
- 132800-6358-02-846543-0000
- 132800-6358-02-823538-0000
- 132800-6358-02-812557-0000
- 132800-6358-02-796546-0000
- 132800-6358-02-768532-0000
- 132800-6358-02-761568-0000
- 132800-6358-02-745565-0000

- Rezone eight parcels zoned I-2 to B-3:

- 132800-6558-01-029784-0000
- 132800-6558-01-015763-0000
- 132800-6558-01-039761-0000
- 132800-6558-01-051775-0000
- 132800-6558-01-072771-0000
- 132800-6558-01-098780-0000
- 132800-6558-01-085739-0000
- 132800-6558-01-033735-0000

- Rezone the following I-1/I-1S parcels to CRD

- 132800-6657-01-424528-0000

- Rezone the following seven (7) I-1 parcels to R-1
 - 132800-6555-00-135985-0000
 - 132800-6556-00-169006-0000
 - 132800-6556-00-260038-0000
 - 132800-6556-00-306029-0000
 - 132800-6555-00-300993-0000
 - 132800-6555-00-290980-0000
 - 132800-6555-00-331929-0000

- Rezone fourteen (14) vacant or residential I-1 parcels to R-1
 - 132800-6456-03-238128-0000
 - 132800-6456-03-220170-0000
 - 132800-6456-03-220170-0000
 - 132800-6456-03-210190-0000
 - 132800-6456-03-199230-0000
 - 132800-6456-03-190263-0000
 - 132800-6456-03-153302-0000
 - 132800-6456-03-488053-0000
 - 132800-6456-04-505035-0000
 - 132800-6456-04-518034-0000
 - 132800-6455-00-497985-0000
 - 132800-6455-00-661900-0000
 - 132800-6455-00-703942-0000
 - 132800-6455-00-525940-0000

**SECTION VI: CHANGES TO SCHEDULE OF PERMITTED USES TABLE
(CHAPTER 194 ATTACHMENT 2)**

(see attached excel file)

SECTION VII: SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other

portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VIII: CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION IX: EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

Adopted at a Regular Meeting
Held on June 25, 2020

- c. Motion to adopt the Law as amended: Board Member Cassidy.
Seconded: Board Member Beephan. All voted in favor. Motion carried.

2. Open Public Hearing to consider Residential Uses in Hamlet Zones.

- a. Motion to open the Public Hearing: Board Member Cassidy.
Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated that it took so long to work on the first law that it had morphed into more issues. They started to look into other areas of Town that this could work for. He received a lot of feedback from people in Fishkill Plains stating they need some revitalization in that area for places that have vacancies. They asked the Town for some assistance. They are working on looking into running water to the Fishkill Plains area and they are looking into the feasibility of running sewer as well. They want to have the zoning in place and ready to go. This proposed law came about as an addition to the first one they discussed tonight.

Ms. Robbins comments were unable to be heard. Supervisor D'Alessandro stated that in Fishkill Plains they can have the same things they have in the Hamlet. They could have commercial downstairs and residential housing upstairs. That will ultimately help property owners as a second source of income and that will create people upstairs to help frequent the businesses downstairs.

Board Member Marinaro asked for a definition as to what encompassed Fishkill

Plains. Ms. Robbins stated it is delineated on one of the maps that were given to the Board members. Board Member Marinaro asked if this would not be in effect until water and septic was brought into the area. Attorney Wood stated this would be in effect but not usable until those requirements are met.

Supervisor D'Alessandro stated they will be meeting with the school district to discuss the benefits they would get from going on to the town sewer. That would also lower the cost of other businesses to get into the sewer district.

Board Member Beephan stated they had the delineation between the rail trail and taken into consideration the future development that was going in there. Ms. Robbins stated what is proposed in there will work for future development.

Supervisor D'Alessandro asked if there were any other comments or questions from Board Members. There were none. Attorney Wood suggested that all comments from the prior public hearing be incorporated into the record. Supervisor D'Alessandro asked if there was anyone from the public to speak for or against the proposed law. There was no one.

- b. Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Local Law No. 3 of 2020

Town of East Fishkill, Dutchess County, NY

A Local Law to enact certain amendments to Chapter 194, Zoning, of the Code of the Town of East Fishkill, to amend the Conservation Residential Development (CRD) zoning district.

SECTION I. TITLE. This local law shall be known as “A Local Law amending the Conservation Residential Development (CRD) zoning district.” Enacting Certain Zoning Amendments to Chapter 194, Part 2. Article VI Conservation Residential Development.

SECTION II. AUTHORITY. This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 194, Article XX, Amendments. To the extent that the provisions of this Local Law are in conflict with the New York State Town law, the Town Board hereby asserts its intention to supersede the provisions pursuant to the Municipal Home Rule Law.

SECTION III. PURPOSE AND FINDINGS. The objective of this law is to allow for the creative use of large tracts of land to promote the establishment of a more desirable living environment than would be possible through conventional subdivision standards. It is further the purpose of this law to provide for a broad range of housing types and

encourage orderly and well-planned development of a scale and location that will be in keeping with the land use character of the surrounding uses.

SECTION IV. REVISIONS TO CHAPTER 194. Chapter 194, Zoning, of the Code of the Town of East Fishkill is hereby amended as follows:

Part 2. Regulatory Provisions

Article VI. Conservation Residential Development

§ 194-19. Intent and purposes.

It is the intent and purpose of this section to create a zoning district which would permit the establishment of Conservation Residential Developments (CRD's) on one or more designated sites and in proper locations, so as to:

A. Variety of housing types. Provide the opportunity for the creation of a wider variety of housing types in the Town, ranging from single-family detached to single-family attached units (townhouses) to multifamily dwellings, and designed to serve the present and future owner and rental housing needs of those persons working and living in the Town of East Fishkill, including both elderly and young households, families of moderate income and small families.

B. Creative use of large tracts. Encourage the creative use of centrally located large tracts within the Town and in excess of 150 contiguous acres so as to promote the establishment of a more desirable living environment than would be possible through their subdivision in accordance with the conventional standards established elsewhere in this article.

C. Flexibility of design and development. Permit flexibility of design and development in such a way as to promote superior land planning design, greater economy, efficiency and convenience in the arrangement of land uses and their supporting infrastructure, preserve open space and protect floodplains and other natural features.

D. Service and utilities. Encourage orderly and well-planned development of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services and facilities, active and passive recreation facilities, a stormwater control and retention system, etc., so as to achieve developments which are environmentally, physically, visually and economically superior.

E. Traffic circulation. Encourage orderly development of sites with substantial frontage on state and county highways to provide safe, efficient access and traffic circulation.

F. Master Plan. Promote a development pattern in harmony with the objectives of the Town's Master Plan and require preparation of Master Development Plan that addresses the intent of the CRD district.

G. Preservation. Maximize the preservation of slopes over 15%, wetlands, flood-prone areas, historic structures or areas, unique, natural or geographic formations, rare vegetation or habitats of endangered wildlife, lakes, ponds, significant recreational areas or resources, trails, bikeways, pedestrian routes and significant scenic routes, particularly ridge lines, water bodies and mountains.

H. Adequate review. Provide adequate review and supervision of development by requiring both conceptual and specific plan approvals for properties rezoned by legislative action to the CRD zone.

§ 194-20. Eligibility.

This article creates a CRD Zone and sets forth standards under which properties shall be considered eligible for legislative consideration for possible rezoning into the CRD Zone. In order to be eligible for such legislative consideration for rezoning, lands must meet the following criteria:

A. The lands proposed for rezoning may consist of one or more parcels, at least one of which must consist of 150 or more contiguous acres. At least one of the parcels constituting the lands proposed for rezoning must possess at least 100 feet of frontage on a state or county highway. The lands proposed for rezoning must also meet the other criteria and qualifications set forth in this article.

B. While only lands considered eligible under these criteria may be considered for placement within the CRD Zone, there shall be no presumption that lands so considered eligible will ever be formally rezoned into the CRD Zone. The decision to rezone, or to decline to rezone, any particular properties into the CRD Zone, is a purely legislative determination entirely within the legislative discretion of the Town Board. The Town Board shall have the right to reject any petition for CRD rezoning at any stage of the proceedings. The Town Board shall also have the authority to rezone lands into the CRD Zone as a direct action, in the absence of a petition.

§ 194-21. Uses within CRD Zone.

A. Permitted uses. Permitted uses within a CRD shall be as follows:

(1) Residential uses. Detached, semidetached or attached one-family dwellings, two-family dwellings, and multifamily dwellings. Multifamily dwellings shall not constitute more than 20% of the total number of housing units in a Conservation Residential Development.

(2) Nonresidential uses. Active and passive park and recreational areas, open space and activities, including swimming pools, tennis courts, ball fields, playgrounds, walkways, bikeways, nature trails and similar structures and facilities.

B. Accessory uses. Accessory uses in the CRD Zone shall be the same as those permitted in the R-1 Zone.

C. Special uses. The following special uses are permitted within the CRD Zone, provided they are designed, planned and developed for the primary purpose of service to the residents of the CRD.

- (1) Public uses. Schools, public buildings, places of worship, membership clubs and nursery schools.
- (2) Commercial uses. Retail shops, personal service shops, professional offices and grocery stores, provided that the total land area devoted to commercial uses does not exceed 5% of the gross land area within the CRD and such uses are clearly accessory to the residential uses.

SECTION V. SEVERABILITY. If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS. Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE. This Law shall become effective upon filing with the New York State Secretary of State.

Adopted at a Regular Meeting
Held on June 25, 2020

- c. Motion to adopt the Law and the Negative Declaration as amended: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Approve Minutes:

May 28, 2020

Motion to approve the minutes for the May 28th, 2020 meeting: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there was one addition to the agenda to. It is to authorize the hiring of seasonal employees for various summer activities in the Park.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or town items. There was no one. He thanked County Legislator Steve Caswell for joining the meeting.

Receive and File:

Supervisor D'Alessandro stated they have received the following item:

This was a demolition letter regarding a structure at 16 Fishkill Hook Road and the owner is asking that it be adjourned again due to Covid 19 issues. Supervisor D'Alessandro suggested a 90-day extension which would take this to the September voting meeting.

Motion to approve an extension to September 24, 2020 for 16 Fishkill Hook Rd.: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

The Town received a letter of resignation from Michael O'Brien from the Planning Board. Supervisor D'Alessandro stated they do accept his letter of resignation and thanked him for his many years of service. He will continue to be the Economic Development Director. Next month will be a resolution to formalize that position.

Resolutions:

- 1. Authorize letter to both Senators Schumer and Gillibrand in Support of Direct Funding for Local Governments in the Next Federal Stimulus Package**

**RESOLUTION
(RESOLUTION TO AUTHORIZE A LETTER TO SENATORS
SCHUMER AND GILLIBRAND IN SUPPORT OF DIRECT FUNDING
FOR LOCAL GOVERNMENTS IN THE NEXT FEDERAL STIMULUS
PACKAGE)**

WHEREAS, the Town Board is requesting via a letter to Senators Schumer and Gillibrand to support direct funding for local governments in the next federal stimulus package; and

WHEREAS, the Town of East Fishkill serves 30,000. We provide services like highway maintenance and snow removal, water and sewer infrastructure, police protection, parks and recreation, animal control, and contract for fire and ambulance services. We do all of this in an efficient and cost-effective manner; and

WHEREAS, The COVID-19 crisis is putting these services in peril. Estimates state that \$2 billion in sales tax revenue is lost, and even then, towns receive sales tax from the county only if a sharing agreement is in place; counties are not mandated to share sales tax with towns. We have lost revenue in the form of justice court fines, permits fees and mortgage recording tax. New York state faces its own challenges, and as part of the recently adopted state budget, our governor has the ability to scale back funding for local governments, which will be necessary if the federal government does not help; and

WHEREAS, New York local governments account for 14 percent of jobs statewide. Lack of funding means layoffs and scaling back services; and

WHEREAS, as elected officials, our goals remain the same – doing what is best for the people we represent. All of our constituents will be better served with direct funding for local governments

2. Authorize Engineer to Close Out the HVEMC Contract for the Cannon Well Field Project

RESOLUTION
(APPROVING A CHANGE ORDER FOR CANNON WELL CONNECTION PROJECT)

WHEREAS, the Town Board previously has awarded contracts for the construction of the Cannon Well Connection; and

WHEREAS, the Town Engineer has recommended a change order be approved; and

WHEREAS, the Town Engineer's memo is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby approve the change order recommended by the Town Engineer in the letter attached hereto.

3. Authorize Recreation Development Funds to be used for Recreation Security Cameras and for the Parks and Garages

RESOLUTION
(FUNDING FOR SEVERAL PROJECTS FROM REC DEVELOPMENT BUDGET)

WHEREAS, the Town Board is desirous of constructing three improvements at Town Parks:

Maintenance Garage at Lime Kiln	\$120,000
Rehabilitation at Garage at Hopewell Rec	\$ 33,500
Security Cameras 5 locations	\$ 31,000

WHEREAS, the proposals have been referred to the Recreation Advisory Board; and

WHEREAS, the Town Board is ready to proceed; and

NOW, THEREFORE, BE IT RESOLVED, the sum of \$185,000 be and hereby is appropriated from the Recreation Development Fund for these projects; and

BE IT FURTHER RESOLVED, that the Comptroller shall transfer said funds to the appropriate Recreation Budget Account.

4. Declare Certain Property Surplus

RESOLUTION
**(DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZE THE AUCTION OF SAME)**

WHEREAS, the various departments has provided the Town Board with a list of vehicles and equipment which is deemed to be of no further use to the Town and thus, should be considered surplus; and

WHEREAS, the attached items are being requested to be declared surplus material and sold and or disposed of; and

WHEREAS, the Town Board has reviewed said list and concurs; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the vehicles specified hereby are declared to be surplus and are to be disposed of by participating in an auction process held by Absolute Auctions & Realty without cost to the Town.

**5. Authorize Fireworks for July 3, 2020 at the McGrath Field Rain Date
July 5, 2020**

RESOLUTION
(AUTHORIZING TOWN FIREWORKS)

WHEREAS, the New York State Legislature provides that the local legislative body can approve fireworks displays, and

WHEREAS, the East Fishkill Town sponsors a July 3rd fireworks display at the McGrath Field (rain date July 5th); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the use of a fireworks display for this event and requests that the fireworks vendor issue a certificate of insurance to the Town of East Fishkill naming them as additionally insured.

6. Set the Hearing for an Unsafe Building at 1 Hosner Mountain Road for July 23, 2020

RESOLUTION
(AUTHORIZING HEARING ON AN UNSAFE STRUCTURE)

WHEREAS, the Town Board is vested with the power to declare certain structures unsafe in accordance with law; and

WHEREAS, the Town Engineer has recommended that the Town Board consider condemnation action on an unsafe structure at 1 Hosner Mountain Road; and

WHEREAS, it is now the recommendation of the Town Supervisor that the Board authorize a hearing regarding unsafe structure proceedings; and

BE IT FURTHER RESOLVED, the Town Board will conduct a hearing regarding the above named structure on July 23, 2020

7. Authorize Establishment of Escrow Fund

RESOLUTION
(AUTHORIZING ESTABLISHMENT OF ESCROW FUND)

WHEREAS, Global Foundries owns a major Industrial Site in the Town; and

WHEREAS, over the course of a year they need to apply for many permits and other items that requires them to pay fees to the Town; and

WHEREAS, to make these transactions more convenient they have requested to deposit \$25,000 in an Escrow Account with the Town from which these fees will be paid; and

WHEREAS, when the fund is depleted to \$10,000 they will replenish the fund; and

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor and Town Comptroller to establish the General Fund Escrow Account in accordance herewith.

Motion to accept resolutions 1 - 7 as presented: Board Member Beephan.
Seconded: Board Member Marinaro. All voted in favor. Motion carried.

8. Authorize the hiring of seasonal employees for various summer activities

RESOLUTION

(AUTHORIZING HIRING OF SEASONAL EMPLOYEES FOR VARIOUS SUMMER ACTIVITIES IN THE PARK)

WHEREAS, the Town of East Fishkill conducts summertime programs for the residents of the Town; and

WHEREAS, during the summer, the Town Recreation Department hires temporary part-time workers to assist in the various programs; and

WHEREAS, the Director of Recreation has submitted to the Town Board a listing of the names of the employees for this summer program and the amounts of their salaries to be paid; and

WHEREAS, it is the desire of the Town Board to authorize these employees for the summertime period to assist with various summer activities in the park for youths. All employees, as all operations, will be in line with current COVID-19 regulations; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Comptroller be and hereby is authorized to place on the Town payroll temporary summer employees as set forth in the annexed memo from the Director of Recreation; and

BE IT FURTHER RESOLVED, that said employment shall only be during the summertime employment for the amounts listed in the memo and that upon completion of their task, they shall be removed from the payroll, unless further ordered by the Town Board.

Motion to authorize hiring of seasonal employees for various summer activities: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Budget Transfer:

Supervisor D'Alessandro stated there were budget transfers at this time. The Town Comptroller sent out copies for the Board's review. It is to transfer funds from the snow removal line to the machinery line for \$22,000. Board Member Marinaro stated that paving has been a large discussion for the past few years. There was a necessary piece of equipment for the Highway to do the appropriate job. It was approximately \$37,000. They have started using it and it is improving their work quality. Supervisor D'Alessandro stated they had money left in that budget line, but not enough. They did discuss whether to lease this and make payments or to transfer funds to purchase it. They decided to transfer funds and that saves paying out interest.

Town of East Fishkill
 2020 Budget Transfer
 6/25/2020

	<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>YTD</u>	<u>Proposed Budget Transfer</u>	<u>Modified Budget</u>
<u>Highway Fund</u>						
1 Increase Appropriation	DA 5130.2	Machinery - Equipment & Capital	95,000	81,835	22,000	117,000
Decrease Appropriation	DA 5142.4	Snow Removal - Contractual Exp	325,000	28,966	(22,000)	303,000
<i>Reason: To purchase a roller</i>						

**** note: negative numbers represent credit entries which increase Estimated Revenues and decrease Appropriations.

Motion to accept the budget transfer as presented: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Comments from Town Board Members:

Highway Superintendent Williams thanked everyone for realizing there is a problem with equipment in the Highway Department. He thanked them for all their assistance and for working with them. Board Member Marinaro will be presenting the Highway report. Board Member Marinaro stated he stops in it see the Highway Department occasionally and this week they were rehabbing a small truck and making into a dump truck. Highway Superintendent Williams said he has great employees and they are all trying to do the best they can with what they have.

Police Chief Bellino thanked everyone for their support the last few days. In the last month they have had 2422 calls for service, 102 offence reports, and 27 arrests. Last year they attended a three-day seminar on the use of force. The

beginning of this year they began implementing the latest training. It is Defensive Tactics and the Principles of Control. It is hands-on training designed to meet the requirements for today. They have scheduled a second day of training for next week that will be a review for the officers. Additional de-escalation training for police is being researched as well. The Chief has been reviewing all the proposed laws so they will be compliance when they go into effect. He thanked the residents and business owners for all their support.

Board Member Beephan stated Friday, July 3 will be the Fourth of July fireworks. There will be a concert starting at 7 PM with fireworks at 9:15. The rain date will be Sunday the 5th. They are encouraging people to stay in their cars and view them from various parking lots. The fields will be marked for social distancing. They are hoping to reopen Redwing in the middle of July. Unfortunately, they will have to limit the amount people able to use the park once it is open. Fishing is postponed until Redwing reopens. For people who purchased tickets to Tina, refunds will be processed as it appears Broadway will be shut down for the remainder of the year. There will be an alternative to summer camp to include a tie-dye day, a rocking relays, nature is calling, and a variety of activities camp directors and counselors will put together. They are looking to offer this free of charge and will likely be limited to a certain number of children and young adults. You will have to register online, and more information will be released in the coming weeks. Brettview Park is currently closed due to construction, but they are hoping it will reopen next week. The roller rink is closed for repairs but should reopen soon. Basketball courts are now open as well as playgrounds. Social distancing and mask wearing is being encouraged.

Board Member Marinaro stated he has been asked by some community members what the Highway Department is doing as far as paving and repairs. The following roads have been done or will be done in near future: Old Sylvan Road, Ellen Road, and Flagler Rd., Broadway, Leetown Road, as well as patchwork on Cross Road, and in Hillside Lake area. They have worked on replacing some height on Hosner Mountain Road and Leetown Road. There will be additional work on Country Club Road for collapsed pipe. They have re-started work on Hillside Lake and have assisted the police Department with masonry work. They have assisted Central Hudson and cleaned out some catch basins. They have done work in Lomala, Brescia Blvd, General Blvd, Hosner Mt. Road, and will be doing acre installation on Cherry Lane. Board Member Marinaro stated he was there when the new equipment was delivered, and the guys were very happy with it.

Board Member Franco stated the Chief of police and entire Police Department continue to do such a great job. They make everyone proud. He has been going door to door and has been getting compliments from many town members. He thanked the Highway Department and Superintendent Williams for the quick response to calls. He thanked Supervisor D'Alessandro for all of his hard work since the start of the pandemic. He thanked everyone as we all navigate this craziness.

Board Member Cassidy thanked everyone for all of their work. This has been a tough time and everyone has pulled together.

Supervisor D'Alessandro stated that the senior center staff has been continuing to work. They make phone calls several times a week to check in with the homebound seniors. The senior center will be doing Christmas in July for the seniors. They're going to try to do a zoom meeting so they can all get together. He thanked Sue Gardner and staff for this. He stated there has been an issue with one of the wells at Four Corners and they need to suspend water use for irrigation immediately until further notice. A robo call was placed to the residents. If anyone has comments or questions, please call the water department or the Town Supervisor's office for assistance. They do not want to run the well dry. They do not want to have to bring in tankers with water.

Supervisor D'Alessandro stated the next meeting is July 23.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 8:43 PM: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings:

Regular Meeting:

July 23, 2020

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
– July 7, 2020