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Town of East Fishkill
Dutchess County, New York
330 Route 376, Hopewell Junction, NY 12533
New York 12533

**TOWN OF EAST FISHKILL
TOWN BOARD MEETING
FEBRUARY 13, 2025
REGULAR VOTING MEETING @ 6:00 PM**

Call to Order

Pledge of Allegiance

Supervisor's Announcements

Roll Call

Presentation

Economic Development Director – East Fishkill Milestone Awards

Public Hearings

Re-Open Public Hearing Omnibus Zoning Amendments

- a. Close Public Hearing
- b. Adopt Neg Dec and Local Law

Approve Minutes

January 16, 2025
January 30, 2025

Announcement of Additions to the Agenda

Courtesy of the Floor

Solicit ideas for Community Development Block Grant (CDBG)

Receive and File

Wappingers Central School District BOE with Respect to 2025 Capital Improvements Project

Resolutions:

- (1) Authorize Additional Recreation Development Funds for Maintenance Recreation Garage
- (2) Approve 3 Year CSEA Contract
- (3) Award RFQ Results for Professional Services
- (4) Authorize MJ Engineering for Veterans Park Design
- (5) Authorize to Advertise for Proposals for Cleaning Services for Town Buildings
- (6) Authorize 2023 BridgeNY Grant for Funding Warren Farm Road Bridge Culvert Replacement
- (7) Declaring Certain Property to be Surplus and Authorize Auction of Same
- (8) Award Concession Stand Bids for Red Wing Park, Route 376 Hopewell Recreation and Route 52 Complex for 2025
- (9) Authorize the Hiring of Summer Camp Directors
- (10) Authorize Expansion of Community Policing Program
- (11) Acknowledge the Hiring of Seasonal Wingmen
- (12) Authorize Setting a Deadline for the Submission of Ideas for the Community Development Block Grant
- (13) Authorize a Contract with SurveyMonkey Enterprise (Survey Platform)

Additions to the Agenda by Majority Vote

Budget Transfer

Board Member Comments

Adjournment

**Next Town Board Meetings: Workshop Meeting: March 13, 2025
Regular Meeting: March 27, 2025**

A LOCAL LAW FOR OMNIBUS ZONING CODE AMENDMENTS

SECTION ONE: LEGISLATIVE INTENT

The Zoning Chapter is an extremely important part of the Town Code, as all property owners must comply with its provisions. It is important to ensure that the Zoning Chapter remains current and any unclear language is corrected in order to ensure that the Town remains a friendly place for business and a great place to live.

SECTION TWO: AMENDMENTS TO SECTION 194-3: DEFINITIONS

- A. The following terms are already defined in the Town Code. The existing definitions shall be replaced with the following definitions in bold:

SHED

A simple, single-story structure normally considered for utility use in conjunction with an existing residence used for garden and lawn tools or other storage, hobbies, and/or as a workshop. Sheds shall not exceed 350 square feet or 15 feet in height and shall not be placed in front of the front line of the principal residence. Refer to § 194-107 for additional shed requirements.

SWIMMING POOL

Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes but is not limited to, in-ground, above ground and on-ground pools, indoor pools, hot tubs, self-set pools, spas, and wading pools.

YARD, FRONT

The yard lying between the front lot line and the primary access point to the main entrance of the principal building. Each lot shall only have one front yard.

YARD, REAR

A yard extending across the full width of that portion of the lot situated between the rear line of the lot and the rear line of the building.

- B. The following Definitions in bold do not currently exist in Section 194-3, but shall be added to the Town Code:

BREWERY/WINERY/DISTILLERY

An industrial operation involving the brewing and/or distillation and/or bottling for local, regional, or national distribution and packaged sales and which produces on the premises beer, wine, cider, vinous beverages, liquor or edible goods for off and/or on-site consumption in accordance with the New York State Liquor Authority, Department of Health and other applicable agency regulators. Such an establishment could include a public component, such as a tasting room, restaurant, and/or retail establishment.

BREW PUB/WINE BAR/DISTILLERY TASTING ROOM

A bar or restaurant, as defined herein, that includes as an accessory use the brewing of malt beverages, vinous beverages cider, or liquor for consumption on premises. The area used for brewing, including bottling and kegging, shall not exceed 50% of the gross floor area of the commercial space and shall not produce more than 2,000 barrels of beer or 2,500 gallons of other beverages per year.

CLEARING

Any activity that removes the vegetative surface cover.

CUSTOMARY LANDSCAPING

Land maintenance involving tree trimming and pruning, the removal of dead and diseased vegetation, lawn and garden care and the planting of decorative trees, shrubs and plants.

ESTATE COTTAGE

An estate cottage is a detached accessory dwelling unit, but rather than being contained within another accessory structure such as a barn, garage or carriage house, shall be a detached structure separate and apart from the single-family dwelling and/or other accessory structures on the lot. Estate cottages must meet the requirements of § 194-55.8. Estate Cottage.

EXCAVATION

Any act by which earth, sand, gravel, rock, or any other similar material is mechanically cut into, dug, quarried, uncovered, removed, displaced or spread.

GENERAL OFFICE

A site for business or administrative offices who may invite clients from both local and regional areas. Typical uses include business offices; management, travel, telemarketing, corporate, or other organization and association offices.

HOME OFFICE

A space designated in a person's residence for official business purposes. It provides a space for those that are self-employed or work remotely for an employer

INDOOR SELF-STORAGE FACILITIES

Indoor storage units are located inside a building and may only be accessed from within a building which is typically climate controlled and protects the units from weather and humidity. The units are for rent or lease and restricted solely for the temporary storage of goods and wares. The conduct of sales, business, or any activity other than storage within the individual storage units is not permitted.

LAND DISTURBANCE

Clearing, tree cutting, grading, excavation or fill or any combination thereof. Land Disturbance shall include but not be limited to test pits, borings, and well drilling.

OUTDOOR SELF-STORAGE FACILITIES

Establishment that permits customers to store their own materials in private storage space with individual lockable units accessible from the outside driveway or indoor hallways. The units are for rent or lease and restricted solely for the temporary storage of goods and wares. The conduct of sales, business, or any activity other than storage within the individual storage units is not permitted.

PORTABLE ON-DEMAND STORAGE UNITS (PODS)

A temporary structure in the form of a container greater than 10 cubic yards and not more than 8 feet wide, 16 feet long, and 8 feet high which is designed for the storage of personal property, and which is typically rented to the owner and/or occupant of the premises for his or her temporary use and which is typically delivered by truck. Portable On-Demand Storage Units (PODS) are subject to the general use regulations in §194-55.9.

MEDICAL OR DENTAL OFFICE, PRIVATE PRACTICE

The private office of not more than two physicians, dentists, or similar professionals, such as physical, occupational or speech therapist, chiropractor, where persons are examined or treated on an outpatient basis only.

TEMPORARY STRUCTURE(S)

A structure without any foundation or footings that requires a permit from the Building Department and cannot remain for greater than a six-month time period. Temporary structures include portable on-demand storage units (PODS) designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property. Portable On-Demand Storage Units (PODS) are subject to the general use regulations in §194-55.9. Accessory structures, such as sheds and liquid or gas containers, complying with all building codes and land use requirements, are not considered temporary structures or portable on-demand storage units.

TREE,

A woody, perennial, either deciduous or coniferous.

TREE CUTTING

The clearing (see definition above), cutting, uprooting or any other similar activity on any tree or trees, except normal maintenance such as trimming, pruning, bracing and selective removal of dead or diseased trees as determined by the Town Arborist or Town-approved consulting arborist.

- C. **The following exist in in Section 194-3 of the Town Code and shall be removed without replacement:**

BUILDING, ACCESSORY

A subordinate building, the use of which is customarily incidental to that of the main building on the same lot.

SECTION THREE: ADD NEW SECTION 194-14.5

The following provision shall be added as Section 194-14.5 to the Town Code:

§ 194-14.5. Land Disturbance

No land disturbance of any kind may be performed on any vacant property without a site plan approval, approved subdivision, building permit for a structure, or clearing and grading permit. Routine property maintenance and customary landscaping is permitted provided no activities exceed those defined under land disturbance. The following actions are exempt from this section:

- 1) Removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property.
- 2) Removal of a tree that endangers adjoining property.
- 3) Removal of a tree that is dead or so substantially diseased that it threatens the health of other trees.

SECTION FOUR: AMENDMENTS TO SECTION § 194-95. PRIVATE SWIMMING POOLS AND TENNIS COURTS.

Section 194-95 (C) shall be amended to include “Pools, pool equipment, and/or tennis courts” in its setback requirements, and shall read as follows:

C. Setback requirements. All swimming pools, pool equipment, and/or tennis courts shall be set back at least 25 feet from side and rear lot lines. Pools, pool equipment, and/or tennis courts shall not be located in any front yard.

SECTION FIVE: AMENDMENTS TO SECTION 194-55.6: SALE OF SYNTHETIC MARIJUANA AND OTHER VAPING AND TOBACCO PRODUCTS NEAR EDUCATIONAL INSTITUTIONS AND HOUSES OF WORSHIP

Section 194-55.6(A) and B shall be amended to read as follows:

- A. No individual, corporation, limited-liability company, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind shall be permitted to sell, offer for sale, possess with intent to sell or manufacture within the Town of East Fishkill any tobacco products, vaping products, synthetic cannabinoids, synthetic cannabinoid analogues, or any products containing one or more synthetic cannabinoids or analogues within 1,500 feet of “Educational Institutions” as defined below or a house of worship.**
- B. For the purpose of this chapter “Vaping” consists of the inhaling and exhaling of vapor produced by an electronic cigarette or similar device and “Synthetic cannabinoid” shall mean any chemical which reacts with cannabinoid receptors and has been permanently or temporarily placed in the federal Schedule of Controlled Substances. For the purpose of this chapter “Schools” shall include any building whose primary use is for the care, development or education of children. For the purposes of this chapter “Educational Institutions” shall be defined as a place where people of different ages gain an education, including preschools, childcare, primary-elementary schools, secondary-high schools, and universities. They provide a large variety of learning environments and learning spaces. This definition would include but is not limited to the following types of establishments:**
- a. Public schools,**
 - b. Public parks and outdoor recreational facilities,**
 - c. Physical education or athletic fields,**
 - d. Private schools and school grounds,**
 - e. Pre-school or nursery,**
 - f. Day-care facility,**
 - g. Tutoring or exam preparatory business,**
 - h. Music schools,**
 - i. Vocational, technical or trade schools,**

- j. College or university, and/or
- k. Dance schools

SECTION SIX: AMENDMENTS TO SECTION 194-63. DAY-CARE FACILITIES.

Section 194-63(E)(2) shall be amended to include B-2 and B-3 districts in the location section and shall read as follows:

(2) Location. Day-care centers shall only be located within the B-1, B-2, B-3, and PRDP Districts fronting on, and with access to, state or county roads or major local roads providing an arterial or collector function as determined by the Planning Board.

SECTION SEVEN: AMENDMENTS TO SECTION § 194-87. ONE-FAMILY-OCCUPANCY APARTMENTS.

Section 194-87 shall be amended to rename one-family occupancy apartments with “Caretaker’s Apartments” and shall be amended to include B-3 districts and read as follows:

A caretaker apartment may constitute a part of the land use in B-1, B1-A, B-2, and B-3 and HC districts, subject to § 194-44 and the following additional requirements:

- A. Such caretaker apartment shall not exceed 50% of the total usable floor area or 1,800 square feet, whichever is the lesser of the improvement contained within the land parcel of the owner-special use applicant.**
- B. Only one such special use permit for an apartment shall be permitted where the same owner-applicant owns contiguous parcels in the B-1, B1-A, B-2, and B-3 and HC districts, whether such ownership resulted from single or multiple conveyances.**
- C. In order to minimize residential use in a B-1, B1-A, B-2, and B-3 and HC districts, it shall be a condition that such an apartment constructed or maintained pursuant to a special use permit be owner-occupied or be occupied by an agent of the owner, and if by an agent, his function, in whole or part, shall be that of a custodial or caretaker nature.**

SECTION EIGHT: AMENDMENTS TO SECTION § 194-91. ACCESSORY RESIDENTIAL UNITS IN RESIDENTIAL DISTRICTS.

Section 194-91(C)(2) shall be amended to read as follows:

(2) The issued permit does not automatically transfer to new owners. Subsequent owners shall apply to the Building Inspector for a permit renewal. The Building Inspector shall issue the permit if the accessory apartment is in compliance with this chapter and the NYS Uniform Fire Prevention and Building Code.

SECTION NINE: AMENDMENTS TO SECTION § 194-107. Accessory Structures.

Section 194-107 shall be amended to read as follows:

§ 194-107. Accessory structures.

A. General. No building permit shall be issued for the construction of any detached accessory structure/building, inclusive of garages, utility sheds, storage sheds, accessory residential structures or any other outbuildings, but not including construction sheds, until such time as the principal building has been substantially completed in all respects, conforming to all applicable provisions of this chapter.

(1) Standards. Residents are permitted no more than three (3) accessory structures inclusive of sheds of any size. No more than two (2) accessory structures meeting the definition of a shed are permitted and no more than one detached garage is permitted.

B. Sheds.

(1) Building permit. No building permit is required for a shed less than 144 square feet in size and 10 feet in height. Any shed greater than 144 feet in size and/or 10 feet in height must obtain a building permit and must meet New York State Building Code. Sheds greater than 225 square feet must meet the applicable setbacks in the district in which the shed is located. A shed shall be no larger than 350 square feet. A building permit must be obtained for all electric service to a shed or accessory structure. See Table Below.

Shed Size	Building Permit Required¹	Setback	Maximum Height
1 sf to 144 sf and up to 10 feet in height	No, unless electric is installed	15 feet	10 feet
1 sf to 144 sf and over 10 feet in height	Yes	15 feet	15 feet
145 sf to 225 sf	Yes	15 feet	15 feet
226 sf to 350 sf	Yes	Must meet setbacks of applicable zoning district	15 feet

¹ A Building Permit must be obtained for electric service to any shed or accessory structure.

- 1) **Deadline for construction.** Sheds must be of completed construction within a six-month period and must meet New York State Uniform Building and Fire Prevention Code requirements with what is considered finished siding and roofing.
- 2) **Any shed containing a garage door must meet the requirements of a detached garage.**
- 3) **Shed Setbacks.** Sheds shall not be erected within 15 feet of a side or rear property line, and shall not be placed in front of the front line of the principal residence (see table above for additional shed setback requirements).

C. Detached garages. One detached garage is allowed by building permit only and shall meet all applicable bulk regulations of the district in which it is located. Detached garages shall not be located in front of the front line of a house. Detached garages must be permanent and not a fabric-covered structure and may in no event exceed 750 square feet or 60% of the square footage of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height. All detached garages must contain a floor comprised of an approved noncombustible material approved by the Town Engineer. In cluster subdivisions, the Planning Board may authorize detached garages to be placed within the rear yard, so long as the garage is set back at least 10 feet from the rear inside property lines.

D. Other detached accessory structures. One additional detached accessory structure meeting New York State Building Code and all applicable bulk regulations of the district in which it is located is allowed by building permit on a residential lot for uses customarily associated with a primary residence such as a pool cabana, playhouse, and workshop. The structure shall not be located in front of the front line of a house and shall not exceed 350 square feet or 15 feet in height. Application may be made to the ZBA to allow for a larger accessory structure, but under no conditions shall the structure exceed 750 square feet or 60% of the footprint of the principal structure, whichever is greater in size and 1.5 stories or 25 feet in height.

SECTION TEN: CREATION OF SECTION § 194-46.11. INDOOR SELF-STORAGE FACILITY SPECIAL PERMIT

The following language in shall be added to the Town Code:

- A. Purpose.** The Town permits Self-Storage Facilities in the B-1 and B-2 Districts by Planning Board Special Permit, subject to the standards and conditions set forth in subsection (B) below.

B. Standards and Conditions:

- (1) Indoor self-Storage facility as defined in § 194-3 is limited to lots within the B-1 and B-2 Districts with frontage on Route 82.**
- (2) No more than one Self-Storage facility building per lot.**
- (3) Outdoor storage, including but not limited to boats, equipment, and motor vehicles, is prohibited.**
- (4) All Self-Storage Facility uses shall comply with the following dimensional requirements:**
 - (a) Minimum Lot Area: The larger of 40,000 square feet or the minimum Lot Area required in the underlying zoning district per Attachment 3 – Schedule of Bulk Regulations.**
 - (b) Minimum Lot Width: 200 feet**
 - (c) Maximum Building Height: 35 feet**
 - (d) Minimum Front Yard: The larger of 30 feet or what is otherwise required in the underlying zoning district per Attachment 3 – Schedule of Bulk Regulations**
 - (e) Minimum Side Yard: The larger of 20 feet or what is otherwise required in the underlying zoning district per Attachment 3 – Schedule of Bulk Regulations**
 - (f) Minimum Rear Yard: The larger of 20 feet or what is otherwise required in the underlying zoning district per Attachment 3 – Schedule of Bulk Regulations**
 - (g) Maximum Building Coverage: The lesser of 40% of the lot area or what is otherwise required in the underlying zoning district per Attachment 3 – Schedule of Bulk Regulations**
 - (h) Landscaping requirements are subject to § 194-109 of the Town of East Fishkill Zoning Code.**
- (5) Split zoned parcels. Where a B-1 zoning district boundary line divides a lot or land fronting on Route 82, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending up to 150 feet into the remaining portions of the property. Where a commercial district is extended into a residential district, a 100-foot setback shall be maintained between any commercial uses on the site and any adjoining residential parcel.**
- (6) Parking. Self-storage facilities must provide a minimum of 1 space for every 3,000 square feet of storage space.**
- (7) All Self-Storage Facilities shall comply with all other requirements of § 194-44, unless specifically modified by this Section.**

SECTION ELEVEN: CREATION OF SECTION § 194-46.12. MIXED-USE REDEVELOPMENT SPECIAL PERMIT (MURSP)

The following language in **bold** shall be added to the Town Code:

A. Purpose. It is the intent of this section to allow the Planning Board the authority to permit a Mixed-Use Redevelopment Special Permit ("MURSP"). The Mixed-Use Redevelopment Special Permit allows for underused parcels along well-established, high-volume transportation corridors that contain structures historically used for non-conforming commercial uses or which contain both a residential use and a commercial use to be redeveloped with small-scale multi-family residential and/or low intensity office uses or a mix of both uses in a manner that is compatible and complementary with the surrounding residential character. The Mixed-Use Redevelopment Special Permit is intended to encourage a desirable mix of compatible, neighborhood-scale land uses and to provide opportunities for property owners to reinvest, redevelop and upgrade their non-conforming, underused properties along highly traveled transportation corridors where the variety of services and the appearance of the sites contribute to the character of adjacent residential neighborhoods.

B. Applicability and general requirements.

- (1) The underlying parcel must be residentially zoned and have at least 150 feet of frontage on Route 82, Route 52, or Route 376.**
- (2) The parcel must have contained a pre-existing non-conforming commercial use for a period of at least 10 years**

C. Permitted and accessory uses.

(1) Permitted uses under the Mixed-Use Redevelopment Special Permit:

- a. Home Office within a single-family residential home with no more than a total of 4 employees.**
- b. General Office limited to 4 employees.**
- c. Professional office limited to 4 employees**
- d. Private Practice medical or dental Office (limited to no more than two medical/dental practitioners and two staff members)**
- e. Up to three apartments or multifamily dwelling units as part of a mixed-use building**
- f. Live-work buildings.**

(2) Accessory Uses.

- a. Private garages, attached or detached
- b. Shed

D. Area and dimensional requirements.

(1) Parcel Size: 1.0 acre minimum

(2) Setbacks:

- a. Any existing non-conforming structures are exempt from setback requirements.
- b. Any new construction and/or change to the footprint of an existing structure must meet the following setbacks:
 - i. Front: 25 feet
 - ii. Rear: 50 feet
 - iii. Side: 25 feet
 - iv. Reduced setback determination. The Planning Board, during its site plan review, may make a finding that certain or all setbacks shall be required to be less than set forth herein. Such finding shall be based upon the consideration of compatibility of adjacent buildings and structures, current setbacks of existing buildings in the area, availability of ingress and egress, including vehicle and pedestrian access, visual access, lighting, drainage and utilities, public safety, whether reduced setbacks would fulfill the intent and purpose of this article, and any other factors the Board finds relevant.

(3) Building Height: 35 feet and 2.5 stories

(4) Maximum Building Coverage: 50%

(5) Maximum Lot Coverage: 50%

(6) Minimum Lot Width: 150 feet

E. Commercial and residential uses may occupy the same building, provided that:

- (1) No floor located directly above a floor used for residential may be used in whole or in part for commercial.
- (2) Where there are nonresidential and residential uses in a common building, the residential uses shall be provided with separate, private entrances.
- (3) Nonresidential uses shall not be permitted as part of a building containing multiple dwellings if they would create excessive odor, noise or other nuisances that would not be consistent with residential uses in the building.

- F. The Planning Board, at its discretion, may waive the requirement for commercial uses and permit residential uses to occupy up to 100 percent of an existing building if it is determined that the site is incompatible with commercial use.**
- G. Design Considerations. Mixed use redevelopment sites must be designed to be compatible with the residential character of the underlying district. Architectural treatments, landscaping, fencing and other design elements may be required to maintain consistency with the surrounding neighborhood character including screening of parking lots.**
- H. Site plan review required. All applications submitted under this special permit shall be required to obtain site plan approval by the Planning Board. No site plan approval shall be issued until a special use permit is obtained. The site plan shall be consistent with the special use permit.**
- I. Health Department. All mixed uses developed under this special permit shall be required to obtain all necessary permits and approvals from the Dutchess County Department of Health.**

SECTION TWELVE: CREATION OF SECTION 194-55.7: OUTDOOR DINING

The following language in shall be added to the Town Code:

- A. Purpose. It is the purpose of this section to establish the circumstances and conditions pursuant to which restaurants or other food service establishments shall be authorized to provide outdoor dining for patron use on the same parcel on which the establishment is located. It is the intention of this section to specifically identify the criteria, standards, and conditions pursuant to which an existing restaurant or other food service establishment may obtain permission for placement of outdoor tables and seating for seasonal patron use.**
- B. Authorization. Authorization for outdoor dining for 16 or fewer patrons may be approved by the Zoning Administrator upon concurrence and review of the proposed seating by the Town's Fire Inspector or similar such official. Requests for outdoor dining greater than 16 seats, with a permanent structure(s), or if deemed to require Planning Board review at the discretion of the Zoning Administrator or their designee will also require site plan approval pursuant to Article VII of the Town's Zoning Code.**
- C. Definitions.**

CHAIR or SEAT

Either a distinct piece of furniture designed to allow one person to sit upon the same or, when seating is provided on a bench or other similar structure, then every 20 inches of seating space shall be considered as the equivalent of one chair or seat for determining seating capacity.

OUTDOOR DINING

A temporary use of an adjacent, outside area by a restaurant for eating and drinking activities that occur within the establishment.

D. Permit Requirements

- (1) No person shall operate an outdoor dining area unless a permit has been obtained from the Town of East Fishkill.**
- (2) Applicants shall apply for permit approval in accordance with the provisions of this chapter. All such applications shall be reviewed by the Zoning Administrator and/or their designee and shall be referred to the Fire Inspector, who shall provide the Zoning Administrator with written reports of their opinions and recommendations regarding the application.**
- (3) Any outdoor dining areas with greater than 16 seats or a permanent structure(s) must also obtain site plan approval pursuant to Article VII of the Town's Zoning Code. In addition, the Zoning Administrator or their designee, may at their discretion, refer any application to the Town Planning Board for site plan approval regardless of the number of proposed seats or structures.**
- (4) All Outdoor dining permits issued pursuant to this chapter shall be valid during the period of April 1st to November 15th of each year, and all equipment used for seasonal outdoor dining shall be removed by November 20th of each year unless the outdoor dining area has obtained site plan approval.**
- (5) Applicants shall meet all general ordinance requirements and all other laws, rules, regulations and codes applicable to the proposed activity.**
- (6) Notwithstanding the provisions of this Code, granting of this temporary outdoor dining permit does not provide any vested right in outdoor dining. Any permanent or year-round outdoor dining shall be subject to site plan review as required pursuant to the Zoning Code Chapter 194.**

E. Application Requirements.

The Zoning Administrator or their designee, upon review of an outdoor dining application and approval of the Town's Fire Inspector or similar such official, is hereby authorized, at their discretion, to approve outdoor dining for sixteen (16) or fewer patrons on the same lot as the restaurant or other food service establishment subject to the following conditions:

(1) Submission of Outdoor Dining Application Forms. All outdoor dining permits required by this chapter shall be applied for and all application forms obtained from the Town website under Building Department forms or from the Building Department during normal business hours. Applications for such permits must be accompanied by any necessary permit fees and/or escrows in the amounts established by the Town Board and/or engineering department.

(a) The application for such outdoor dining shall be signed by the owner of the property and the owner of the restaurant or other food service establishment and shall contain a scaled drawing of the location and placement of the proposed outdoor dining, service area(s), pedestrian routing, outdoor lighting, ingress and egress, landscaping, barriers for protection and any weather protection such as a tent which may be proposed. Specifically, an applicant proposing to establish an outdoor dining area shall submit the following to the Building Department:

- i. Outdoor Dining Plan.** A scaled drawing/plan showing the layout of the proposed dining area(s), which shall include, but not be limited to, a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; landscaping; an illustration, rendering and/or photograph of all proposed furniture, umbrellas, signage, safety barriers and other furniture proposed. To ensure visual compatibility with the location of the outdoor dining area, the Zoning Administrator and/or his designee, at their discretion, may require modifications to any of the above.
- ii. Safety and architectural barrier details.** Details of any proposed barriers that are required to meet safety requirements as determined by the Building Inspector/Town Engineer as well as details of any architectural barriers, such as planters, landscaping and/or decorative fencing. All proposed barriers must be designed to enclose the dining area and limit the ability of litter to blow off the premises.
- iii. Six feet of unobstructed sidewalk** should be provided with the exact width being determined by the Building Inspector as he or she deems it to be appropriate to promote pedestrian or vehicular safety or the visual harmony of the neighborhood, however, in no event shall the unobstructed sidewalk be less than six feet.
- iv. The Building Inspector shall require each applicant to submit a litter control plan** which shall include, but not be limited to, a description of the number and location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. Failure to abide by an established litter control plan shall constitute a violation of the permit approval of which it was made a condition and shall subject the applicant to a fine for each violation.

- v. The seating contained in an outdoor dining area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an outdoor dining area shall be counted as part of the existing seating capacity of the restaurant. In no event shall the seating contained in an outdoor dining area which utilizes public right-of-way areas result in increased overall seating with respect to the parcel or use.
- (b) All food and beverages served by the restaurant or other food service establishments shall be sold and dispensed from the interior of the establishment, and a certificate from the Dutchess County Department of Health which authorizes outdoor dining shall be submitted to the Town's Zoning Administrator prior to issuance of any certificate of occupancy or certificate of compliance as hereinafter provided. In the event the establishment is licensed to serve alcoholic beverages, the establishment shall be required to obtain all applicable approvals from the New York State Liquor Authority and/or the New York State Alcoholic Beverage Control Board (SLA and ABC), and proof of such approvals shall also be submitted to the Town's Zoning Administrator prior to issuance of any certificate of occupancy or certificate of compliance.

(2) Tents. Permits issued pursuant to this chapter may also grant permission to utilize tents or other temporary structures in connection with outdoor dining. Permittees may modify existing tents or erect new temporary tents or other structures, such as planters, tables, and umbrellas, and include heating or cooling equipment. In such instances, the submission of an outdoor dining/tent permit application will include information sufficient for the Town to evaluate:

- i. The ability of structures to withstand the elements of weather, which may now include snow accumulations.
- ii. The ability for exits to remain open at all times or be covered in a manner meeting all building and fire codes.
- iii. The installation of lighted exit signs and the illumination of exit paths.
- iv. All heating and/or cooling equipment needs to be listed for the use of heating tents and is installed in accordance with all New York State Uniform Fire and Building Codes.
- v. Propane tanks shall be separated from the tent and exits, and should be placed in a location that protects them from damage or tampering.
- vi. Carbon monoxide alarms shall be installed in all locations when using fuel-fired equipment. The provisions of this chapter shall supersede any other provisions of the Code of the Town of East Fishkill with respect to the utilization of tents in connection with restaurant uses.

F. General Requirements

- (1) The annual fee for each year for the operation of an outdoor eating area and/or sidewalk cafe shall be set by resolution by the Town Board.
- (2) The Zoning Administrator is expressly prohibited from authorizing any outdoor music or sound amplification in connection with any approval for outdoor dining under this section.
- (3) Upon review and approval by the Zoning Administrator and the Town Fire Inspector as stated above, the Town's Code Enforcement Officials shall be then authorized to issue a building permit for such outdoor dining, and upon verification of construction compliance with the conditions of approval, a certificate of occupancy and/or certificate of compliance shall be issued to authorize such outdoor dining.
- (4) All outdoor eating areas and sidewalk cafe areas must be properly maintained at all times, including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and high wind; further, at no time shall chairs, tables or other items be stacked in the area.
- (5) The applicant shall provide evidence of insurance for the establishment which includes the outdoor dining.
- (6) The failure to cure a violation of any permit condition or requirement of this section within five days of the issuance of a notice to cure shall subject the permittee to a fine; provided, however, that if the violation is one which may imminently endanger the public health, safety or welfare, five days' notice to cure shall not be required.
- (7) In determining the criteria and conditions required for the issuance of each permit, the Zoning Administrator may consult with Town departments and staff, including but not limited to the Highway Department, Fire Inspector, Building Inspector, Town Engineer and Town Planner, as well as county, state and federal agencies.
- (8) The holders of permits for outside seating are subject to and responsible for compliance with all local, county, state and federal codes, laws, rules, regulations, and executive orders and guidance, including but not limited to those of the Governor, the New York State Liquor Authority, Dutchess County, and the New York State Department of State.
- (9) Any proposed outdoor dining which does not comply with the requirements of this section shall be subject to the review and approval of the Planning Board, as applicable.

SECTION THIRTEEN: CREATION OF SECTION 194-55.8: ESTATE COTTAGE

The following language shall be added to the Town Code:

- 1) One estate cottage meeting the following requirements may be permitted per lot in the R1, R2, and R3 zoning districts as follows:

- (a) No more than one estate cottage per lot may be permitted nor shall the total number of dwelling units on any lot exceed two.
- (b) As a use permitted by right on a conforming residential lot of at least ten (10) acres in size with direct access to a state highway, county road, or Town street or highway, where all structures are conforming structures.
- (c) No permit shall be granted for estate cottage without certification by the Dutchess County Department of Behavioral and Community Health of the adequacy of the septic system no more than one year prior to the application for the estate cottage. The estate cottage and the primary residence with which it is associated shall comply with all applicable New York State codes.
- (d) An estate cottage shall have a maximum of two bedrooms and a minimum of one off-street parking space.
- (e) The owner of the lot upon which the cottage dwelling is located shall occupy one of the dwelling units on the premises as his or her principal residence.
- (f) The gross floor area of the cottage must be a minimum of 600 square feet and shall not exceed 50 percent of the gross floor area of the principal structure or 1,500 square feet whichever is less.
- (g) The height of the cottage dwelling must not exceed 1.5 stories or 25 feet.
- (h) Exterior appearance. The exterior appearance should be consistent and compatible with that of the principal dwelling unit.
- (i) There shall be no renting of rooms in either the cottage or in the principal dwelling.
- (j) Sale or subdivision. Neither a cottage nor the premises upon which such cottage is located shall be sold, converted into cooperative or condominium ownership, or subdivided unless such action is accomplished in the full compliance with the codes and ordinances of the Town of East Fishkill, Dutchess County, and the laws of the State of New York
- (k) The cottage shall meet the standards of the New York State Uniform Fire Prevention and Building Code for habitable space.
- (l) If an estate cottage is created on a lot which is accessed by a private right-of-way or easement, for which there is a written maintenance agreement, certificate of occupancy for the estate cottage shall not be issued unless the maintenance agreement is amended to require the owner of the dwelling with the estate cottage to pay an increased proportionate share of the cost of maintaining said right-of-way or easement to reflect the existence of the additional dwelling unit.
- (m) No variances from the use regulations listed above shall be granted.

SECTION FOURTEEN: CREATION OF SECTION 194-55.9: PORTABLE ON-DEMAND STORAGE UNITS (PODS)

The following language shall be added to the Town Code:

- A. Any portable on-demand storage units greater than 10 cubic yards are subject to these regulations.**
- B. Shipping containers and conex boxes are not considered Portable On-Demand Storage Units (PODS) and are prohibited in all residential districts.**
- B. Portable on-demand storage units greater than eight feet in height, eight feet in width, or 16 feet in length (37.92 cubic yards) are strictly prohibited.**
- C. Permit required; application; fee. Before placing a portable on-demand storage unit a property owner or tenant must submit an application and fee and obtain a permit from the Town. An insurance certificate providing liability insurance in the amount of \$100,000, provided by the third party supplying the portable on-demand storage unit must accompany the application. There is a fee of \$25 for a six-month permit. Applications may be obtained from the Building Department.**
- D. Duration. Portable on-demand storage units are temporary structures. Permits will be granted for a period of six months. At the expiration of the six-month period, applicants may seek to extend their permit for an additional 90 days by seeking an extension for cause from the Town. In no event shall the applicant receive more than two consecutive extensions totaling more than 180 days. Extension of a permit will cost \$25 for each 90 days granted. No one shall be given any more than one permit in any twelve-month period.**
- E. Location. Portable on-demand storage units are prohibited from being placed in streets or in the front yards of a property. Portable on-demand storage units must meet the setbacks of the underlying district and must be kept in the driveway of the property at the furthest accessible point from the street. All portable on-demand storage unit locations must be paved off-street surfaces. The applicant must obtain pre-approval of the location by the Building Department in the following situations:
 - (1) If the property does not have a driveway;**
 - (2) If the location of the unit in the driveway does not meet setbacks;**
 - (3) If the location of the unit in the driveway is in the front yard of the property; or**
 - (4) The property is a corner lot.****
- F. Number of units. Only one portable on-demand storage unit may be placed at any residential property at a given time.**
- G. Dumpster. No permit is required for open containers commonly known as “dumpsters” used for the removal of construction debris or other refuse at a residential site not exceeding 60 days. A permit or site plan approval is required for dumpsters on any commercial or industrial site or for longer than 60 days on a residential site.**

SECTION FIFTEEN: CREATION OF SECTION 194-55.10: ELECTRIC VEHICLE CHARGING STATIONS

The following language shall be added to the Town Code:

A. Applicability (see Table below).

- (1) Electric vehicle charging station(s) (EVCS) with a Level 1 or Level 2 charging level shall be permitted in all zoning districts as an accessory use to a single-family dwelling, two-family dwelling, or multifamily dwelling to serve the occupants of the dwelling(s).**
- (2) EVCS with a Level 2, Level 3 or greater charging level shall be permitted as an accessory use to any nonresidential use in all zoning districts subject to site plan review and the design criteria of Subsection B herein.**

	Level 1	Level 2	Level 3
Type of Current	AC	AC	DC
Voltage	120V	240V	480V
Connector Type	J1772	J1772	CCS1
Average Charge Time (from empty)*	11-20 hours	3-8 hours	30-60 minutes
Average Miles Per Hour Charged*	5	12-80	75-1200
Use	Slow	Fast	Faster

** Average charge time and mile per hour charged is dependent on the individual car's acceptance rate and the power output of the charging station.*

B. The Planning Board and/or Zoning Administrator shall use its discretion to determine if EVCS's are required for any site plan or multifamily residential use. The amount of electric vehicle charging stations to be required for multifamily residential and non-residential uses shall be at the discretion of the Planning Board and/or Zoning Administrator.

C. Design criteria. The following criteria shall be applied to the location and design of all EVCS associated with any nonresidential use and multifamily dwellings with 10 or more dwelling units:

- (1) Parking.** EVCS shall be located in an existing or proposed parking space developed in accordance with the provisions of § 194-18 (Attachments 4 & 5)
- (2) Location.** EVCS shall not be located in the most convenient or prime parking spaces that would encourage use by non-electric vehicles.
- (3) Equipment shelters.** Above-ground electric vehicle charging equipment shall be contained in a Milbank enclosure or equivalent equipment shelter.
- (4) Cord management.** EVCS shall be provided with a cord management system that keeps cords and connectors off the ground when not in use. Cords shall be retractable or the EVCS shall include a place to hang the cord and connector sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (5) Design and screening.** Facilities should be able to be readily identified by electric vehicle users, but be compatible with the character and use(s) of the site. The Town may require screening of electric vehicle charging equipment with fences, walls and/or evergreen vegetation.
- (6) Equipment protection.** Adequate EVCS protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards if the EVCS is set back a minimum of 24 inches from the face of the curb.
- (7) Pavement markings prohibited.** No pavement markings or colored pavement shall be permitted other than what is required for standard and accessible parking spaces, and a generic electric vehicle symbol a maximum of four-square feet in size.
- (8) Number.** Unless the Planning Board or Zoning Administrator determines otherwise, no more than 10% of the total number of parking spaces that are required to serve the use(s) on the site may be electric vehicle parking spaces.
- (9) Signs.**
 - (a)** In addition to any signs required by law EVCS also may include one sign, a maximum of one square foot in size. Said sign shall: 1) not require a sign permit, and shall not be included in the total number of permitted signs for the lot or use to which the charging station is accessory; 2). shall be incorporated into or affixed to the charging

station; 3) shall not be a separate stand-alone sign; and 4) shall not be illuminated, either internally, externally from underneath, above or behind, or with strip lighting or strings of light bulbs.

(b) The following information shall be posted on all EVCS: voltage and amperage levels; hours of operation if time limits or tow-away provisions are to be enforced; usage fees; safety information; and contact information for reporting when the equipment is not operating properly or other problems.

(c) No audio message or audible electronic devices such as loudspeakers and similar instruments shall be permitted.

(d) A small screen/keypad shall be permitted on the EVCS for payment purposes only. With the exception of the foregoing, no visual electronic devices shall be permitted, including but not limited to video screens, television screens, plasma screens, holographic displays, or any other screen that displays moving images.

(e) No other signs on the EVCS or for the electric vehicle parking space shall be permitted, including but not limited to electronic message display signs, off-premises signs, or any other type of advertising, other than as may be required by law.

- (10) **Lighting.** EVCS shall not be internally illuminated, nor shall any external illumination be attached to the EVCS.
- (11) **Accessibility.** EVCS shall be sited so as not to reduce or impede the accessible features of the site, including but not limited to accessible parking spaces, access aisles and routes, as required by the NYS Uniform Code. Accessible EVCS shall comply with the requirements of the NYS Uniform Code.
- (12) **Maintenance.** Electric vehicle charging stations shall be properly maintained in all respects, including the functioning of the charging equipment. Charging stations no longer in use shall be removed immediately.

SECTION SIXTEEN: AMENDMENTS TO SECTION 194-98 OF THE TOWN CODE

Section 194-98(A) and (B) shall be amended to read as follows:

- A. **Retaining walls.** The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall. Retaining walls four feet in height or less do not require a permit. Retaining walls greater than four feet in height require engineered drawings approved by the Building Department/Engineer and a fence/wall permit from the Building Department. A retaining wall may be greater than six feet in height if the requirements of this Section are complied with. However,

no fence may be added to a retaining wall to make the fence and retaining wall greater than six feet in height when combined. See table below.

- B. **Fences and walls (not retaining).** On any residential property, the finished side of the fence shall face the adjoining property, and all exposed stands and braces shall face the interior property. All fences or walls exceeding four feet must be decorative. Chain-link fences shall not exceed four feet in height in any yard of a residential district. Fences and walls four feet in height or less may be erected in any yard and do not require a permit. Fences and walls greater than four feet in height and less than or equal to six feet in height may be erected behind the front line of a house or within 10 feet of the front line of a house with a fence/wall permit from the Building Department. Fences and walls exceeding four feet in height and located more than 10 feet in front of the front line of a house and all fences and walls exceeding six feet in height require a variance from the Zoning Board of Appeals (ZBA) and a wall/fence permit from the Building Department except for properties in an industrial district which shall be permitted to have fences 12 feet in height. See table below:

[TABLE TO REMAIN AS IS]

SECTION SEVENTEEN: AMENDMENTS TO ATTACHMENT 2 SCHEDULE OF PERMITTED USES

Replace §194 Attachment 2 with revised Schedule of Permitted Uses annexed hereto.

SECTION EIGHTEEN: AMENDMENTS TO ATTACHMENT 3 SCHEDULE OF BULK REGULATIONS

Replace §194 Attachment 3 Schedule of Bulk Regulations annexed hereto.

SECTION NINETEEN: SEVERABILITY

If any part of this Local Law is deemed unenforceable by any court of competent jurisdiction, then the remaining parts shall stay in effect.

SECTION TWENTY: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION - xxx/2025

(ADDITIONAL FUNDING FOR PROJECT FROM REC DEVELOPMENT BUDGET)

WHEREAS, the Town Board previously authorized construction of a Maintenance Garage at Hopewell Rec; and

WHEREAS, the original amount of \$33,500 was appropriated for the new maintenance garage at Hopewell Rec in 2020; and

WHEREAS, the building is near completion and there is a need for additional improvements to complete the project; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby appropriate from the Rec Development Fund the sum of \$10,000.00 for said improvements.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION – xxx/2025

**(APPROVING A PROPOSED 3 YEAR AGREEMENT WITH CSEA 1/1/2025 –
12/31/2027)**

WHEREAS, the CSEA represents non-management, non-police officer employees of the Town, and

WHEREAS, the Town Supervisor has provided the Board with the results of the negotiations between the CSEA Union and Town Officials in the annexed Memorandum of Agreement, and

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to execute a new 3-year Collective Bargaining Agreement for 2025-2027 in accordance with the Memorandum of Agreement; and

AND, FURTHERMORE, BE IT RESOLVED, the Supervisor is authorized to adjust the raises for non-union employees according to the attached schedule.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION XXX/2025

**TOWN OF EAST FISHKILL
REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES AWARD**

WHEREAS, the Town circulated a publicly available RFQ titled “**Request for Qualifications for Professional Services**”, due to the Town Clerks Office October 28, 2024; and

WHEREAS, the RFP is seeking services Architectural, Surveying, Planning, Environmental, Engineering, Hydrogeology, and Construction Services; and

WHEREAS, the Town received twenty five (25) responses to the RFQ; and

WHEREAS, the Town performed an extensive evaluation and scoring of the responses received, followed by rankings and recommendations for each Service;and

WHEREAS, this action meets the criteria of a Type II SEQR classification as defined in NYS Law 6 NYCRR Section 617.5 and requires no further action; and

NOW, THEREFORE, IT IS RESOLVED, that the firms identified on the attached Schedule A be identified as firms qualified for future projects and/or services that the Town of East Fishkill may seek assistance with; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, that firms listed on Schedule A would respond to future requests with a specific scope of services and fee proposals as directed by the Town of East Fishkill; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, the Town of East Fishkill is not limited or restricted to the firms listed on Schedule A and could proceed with a publicly advertised solicitation, if so needed; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, that the Town Board hereby declares and authorizes Town Supervisor, Nicholas D’Alessandro, be provided with the authority to notify and authorize agreements with the firms provided on Schedule A.

**BY ORDER OF THE TOWN BOARD
PETER CASSIDY, TOWN CLERK**

**FEBRUARY 13, 2025
EAST FISHKILL, NY**

SCHEDULE A

PROFESSIONAL SERVICES AND QUALIFIED FIRMS			
Architecture Full Design Service	Barton & Loguidice, Colliers, CPL, LaBella, Lothrop, MJ, Passero, P&D, Saratoga, Tinkelman, WSP	Structural Engineering	Barton & Loguidice, Colliers, CPL, MJ, Passero, WSP
Architecture Landscape Design	Barton & Loguidice, Colliers, CPL, LaBella, MJ, Passero, P&D, Saratoga, WSP	Water Resource Engineering	Badey & Watson, Barton & Loguidice, Colliers, CPL, HVEA, JMT, LaBella, MJ, Passero, P&D, WSP
Architecture Interior Design	Barton & Loguidice, Colliers, CPL, Edge &CO, Lothrop, MJ, P&D, Tinkelman, WSP	Geotechnical Engineering	Barton & Loguidice, Colliers, HVEA, JMT, LaBella, Passero, WSP
Architecture Space Analysis/Design	Barton & Loguidice, Colliers, Edge &CO, Lothrop, MJ, P&D, Saratoga, Tinkelman, WSP	Traffic Engineering	Barton & Loguidice, Colliers, CPL, Creighton Manning, HVEA, MJ, WSP
Surveying	Badey & Watson, Colliers, Control Point, Creighton Manning, GdB Geospatial, LaBella, MJ	General Civil Engineering	Badey & Watson, Barton & Loguidice, Colliers, CPL, HVEA, JMT, LaBella, MJ, Rennia, Passero, P&D, T&B, WSP
Planning	AKFR, Badey & Watson, Barton & Loguidice, Colliers, CPL, Creighton Manning, JMTm Meridian, MJ, NPV, Passero, P&D, Saratoga, Tinkelman, WSP	Mechanical Engineering	Barton & Loguidice, Colliers, CPL, LaBella, MJ, WSP
Grant Writing	AKFR, Barton & Loguidice,, Creighton Manning, JMT, Meridian, MJ, NPV, Saratoga, T&B, WSP	Electrical Engineering	Barton & Loguidice, Colliers, CPL, JMT, LaBella, MJ, WSP
GIS/GPS Services	AKFR, Badey & Watson, Barton & Loguidice, Colliers, Control Point, CPL, Creighton Manning, GdB Geospatial, HVEA, JMT, LaBella, MJ, NPV, P&D, Saratoga, WSP	Hydrogeologist	Barton & Loguidice, Colliers, JMT, LaBella, WSP
Environmental Scientist Services	AKFR, Barton & Loguidice, Colliers, HVEA, JMT, LaBella, NPV, Passero, WSP	Construction Administration	Colliers, CPL, Creighton Manning, HVEA, JMT, LaBella, MJ, Passero, P&D, T&B, WSP
Environmental Engineering	Barton & Loguidice, Colliers, CPL, MJ, Passero, P&D, T&B, WSP	Construction Inspection	Colliers, CPL, Creighton Manning, HVEA, JMT, LaBella, MJ, Passero, P&D, WSP

RESOLUTION - /2025

(AUTHORIZE AWARD OF MJ ENGINEERING FOR VETERANS PARK DESIGN)

WHEREAS, the Town has previously engaged professional services for the preliminary planning and conceptual design of the Veterans Park Area that includes memorials, exhibits, a building, as well as, site access for vehicles and pedestrians; and

WHEREAS, the Town has previously requested and received acceptable qualifications of professional services from MJ Engineering and Architecture; and

WHEREAS, the Town has received a proposal of consulting services for the design of the Veterans Park from MJ Engineering & Architecture in the amount of \$93,700.00; and

WHEREAS, the Town Staff has reviewed the proposal of services and confirms that the scope of services will provide the design of the memorial area, exhibits, site layout, and utilities for the first phase of the project; and

NOW THEREFORE, IT IS RESOLVED, that the Town Board hereby declares and authorizes Town Supervisor, Nicholas D'Alessandro, be provided the authority to negotiate and authorize a contract with MJ Engineering and Architecture for design of the Veterans Park for an amount not to exceed \$93,700.00.

**BY ORDER OF THE TOWN BOARD
PETER CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**



Town of East Fishkill

Sewer and Water Department

330 Route 376, Hopewell Junction, New York 12533
Telephone 845-223-5114

Engineer's Memo

Subject: Design of Veteran Park
From: George Cronk, P.E.
Date: February 6, 2025

Throughout 2024, the Town worked with the Veteran's Park Committee and Saratoga Associates to develop a Veteran's Park concept that includes an outdoor plaza area for ceremony's and parades, multiple display features that focus on various conflict events and our military branches, a building to include an enclosed open gathering area, as well as pedestrian and vehicular access for an area located adjacent to Rt 376 opposite Town Hall.

Shortly after the completion of the Conceptual Plan, on behalf of the Town, I have had the opportunity to meet with the Veteran Park Committee to review the progress of the project. During our meeting, we discussed cost of construction, priorities of the various project elements, project phasing, and a general expectation of a project schedule. We also discussed ways the Town could fund the project as well as strategies to minimize costs.

To that, we have solicited and received a design service proposal from MJ Engineering and Architecture (MJ). MJ provides services for Site Engineering, Landscape Architecture, Electrical and Mechanical Engineering, and Building Architects. Through a series of negotiations with MJ we have developed a scope of services that will best benefit the Town. The consulting services will include a property survey, utility design of all phases of the project, adequate site parking, site layout, site grading, site lighting, and the design of the various display features as well as the overall plaza area to be used for ceremony and parade events.

To help limit project costs and maximize Town funds, the Town will provide planning support for SEQR, assistance with fund raising options, continued Engineering and Architecture oversight, and performing some tasks such as NYSDEC approvals and the development of a SWPPP. As a way to further provide cost saving measures, we are also evaluating a pre-fab (modular) event space building.

RESOLUTION-XXX/2025

**(AUTHORIZING ADVERTISEMENT FOR A REQUEST FOR PROPOSALS
FOR CLEANING SERVICES)**

WHEREAS, the Recreation Director has submitted to the Town Clerk a list of various buildings and Departments that are to be cleaned on a regular basis; and

WHEREAS, it is necessary for a request to be put out to advertise for said services; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and hereby is authorized to advertise for receipt of Request for Proposals for the Cleaning Services.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

WARREN FARM ROAD BRIDGE REPLACEMENT
RESOLUTION NUMBER: _____

Authorizing the implementation and funding of the costs of 100% of the costs of a transportation project, which may be eligible for federal-aid and/or state-aid, or reimbursement from Bridge NY funds.

WHEREAS, a project for the Warren Road/Wiccopee Creek Bridge Replacement (BIN 2268710), Town of East Fishkill, Dutchess County, P.I.N. 8763.54 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the Town of East Fishkill will design, let and construct the Project: and

WHEREAS, the Town of East Fishkill desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of East Fishkill to pay 100% of the cost of the preliminary design and ROW Incidental work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds; and it is further

RESOLVED, that the sum of \$630,000 is hereby appropriated and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that the Town Board hereby agrees that the Town of East Fishkill shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to the Town of East Fishkill; and it is further

RESOLVED, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town of East Fishkill shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Engineer thereof; and it is further

RESOLVED, that the Town of East Fishkill hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the East Fishkill Town Supervisor be and is hereby authorized to execute on behalf of the Town of East Fishkill all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of East Fishkill 's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore

that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL
PETER J. CASSIDY, TOWN CLERK

DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY

DRAFT



Town of East Fishkill

Dutchess County, New York

330 Rt. 376, Hopewell Junction, New York 12533

Scott Bryant, P.E.
Town Engineer

Town Engineer's Memo

Subject: Warren Farm Bridge Replacement

Attn: Supervisor
Town Board Members

Date: February 4, 2025

The Town has been awarded funding through the 2023 BRIDGE NY Program to replace the Warren Farm Road Bridge. As part of the Master Federal-Aid Project agreement the attached resolution is required. This will allow the Town to advance to the preliminary design and ROW incidental work portion of the project.

RESOLUTION

(DECLARING CERTAIN PROPERTY TO BE SURPLUS)

WHEREAS, the Town has certain property that is requested to be declared surplus; and

WHEREAS, said property consists of two 2017 Ford Taurus vehicles, 1FAHP2MK8HG145902 and 1FAHP2MK4HG119877; and

WHEREAS, a town pole barn has been removed and the Town will get paid for the scrap metal that is disposed; and

WHEREAS, the Town Board concurs; and

NOW, THEREFORE, BE IT RESOLVED, that said property is hereby declared surplus and is to be disposed of properly without any cost to the Town; and

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION – XXX/2025

(GRANTING CONCESSION FACILITY USE PRIVILEGES)

WHEREAS, on various recreational sites owned and operated by the Town, there are concession facilities; and

WHEREAS, the Town Board has reviewed request for proposals for various vendors to utilize the concession facilities on these sites to serve the users of the facilities over the summer months; and

WHEREAS, the Town Board has reviewed the references, the menus and other issues pertaining to the vendors; and

WHEREAS, it is the desire of the Town Board to authorize the use of the concessions;

NOW, BE IT RESOLVED, that the Rt. 376 Hopewell Recreation Concession Facility may be utilized from April 1, 2025 through November 1, 2025 by Amani's Kitchen upon payment to the Town of the sum of **\$1,100.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, THEREFORE, BE IT RESOLVED, that the Rt. 52 Complex Concession Facility may be utilized from April 1, 2025 through November 1, 2025 by East Fishkill Soccer Club upon payment to the Town of the sum of **\$1,800.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, BE IT FURTHER RESOLVED, that the Red Wing Park Concession Facility may be utilized from April 1, 2025 through November 1, 2025 by Amani's Kitchen upon payment to the Town of the sum of **\$550.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

BE IT FURTHER RESOLVED, that all of the vendors shall sign a letter agreement as prepared by the Town Attorney and provide to the Town Attorney for approval, Certificates of Insurance prior to entering upon the use of the concession facilities. Renovations and/or improvements proposed in said bids shall be agreed upon after inspection from the Recreation/Highway Department.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION-XXX

(AUTHORIZING HIRING OF CAMP PERSONNEL)

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

WHEREAS, the Recreation Director has submitted a letter to the Town Board with the names of the Assistant Camp Directors, Camp Health Officer, and the seasonal salaries attached hereto; and

WHEREAS, the Recreation Director recommends that the Town Board rehires Nicholas Howe, Connor Wade, and Kathleen Intravaia as Assistant Camp Directors; and

WHEREAS, the Recreation Director recommends that the Town Board rehires Lissette Torres Perez as Camp Health Officer; and

WHEREAS, it is the desire of the Town Board to authorize the hiring of Assistant Directors, and a Camp Health Officer for the 2025 summer season; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby appoints Nicholas Howe, Connor Wade, and Kathleen Intravaia as Assistant Camp Directors at the seasonal salary of \$21.00/per hr; Lissette Torres Perez as Camp Health Officer at the seasonal salary of \$24.00/per hr.; and

BE IT FURTHER RESOLVED, that employment shall be for the period of time from which they are hired until the conclusion of their summertime program; and

BE IT FURTHER RESOLVED, that upon completion of their task they shall be removed from the payroll unless further ordered by the Town Board.

**BY ORDER OF THE TOWN BOARD
PETER CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**



Town of East Fishkill
Recreation Department
4 Anne Avenue
Hopewell Jct., NY 12533
845-226-8395



January 24, 2025

To East Fishkill Town Board,

To assist in preparing with the Children's Summer Camp, I am recommending the hiring of Nicholas Howe, Connor Wade, Kathleen Intravaia, as our Summer Camp Assistant Directors, and Lissette Torres Perez, Health Director, who are all returning from the 2024 Season.

Assistant Director Salaries - \$ 21.00 per hr.

Health Director - \$ 24.00 per hr.

I hope this can be done at the next Town Board Meeting. They all have years of experience working with this program and last year they did an outstanding job in their respective positions.

The Town Board's approval will help speed up appointment of staff and the scheduling of activities, events and trips.

Thank you for your time and consideration.

Best Regards,

Christine

Christine Selback
Recreation Director

RESOLUTION-/2025

(APPROVE A NEW COMMUNITY POLICING PROGRAM)

WHEREAS, the Town Police Chief is seeking approval for a new 'Safe Me Sticker Program'; and

WHEREAS, this program is intended to assist families caring for someone with special needs; and

WHEREAS, the Police Chief has submitted the attached documents to be recognized as part of the East Fishkill Police Department Community Policies; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board has reviewed the attached policy and authorizes the adoption thereof.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION- 2025

(ACKNOWLEDGE THE HIRING OF SEASONAL WINGMEN)

WHEREAS, the Highway Department needs Seasonal Wingmen; and

WHEREAS, it is determined that the Seasonal Wingmen positions are limited and seasonal; and

WHEREAS, the Highway Superintendent has already hired Seasonal Wingmen; and

WHEREAS, the Highway Superintendent is hiring Carol Lee, Kevin Secor & Brandon Vananden as additional Wingmen; and

WHEREAS, all applicants have been interviewed and recommended to the Town Board by the Highway Superintendent for the Highway Wingmen positions; and

WHEREAS, Carol Lee (Step 5) will be paid at \$20 per hour, Kevin Secor (Step 1) and Brandon Vananden (Step 1) will be paid at \$18.00 per hour in accordance with the 2024-2025 wingmen pay scale; and

WHEREAS, that it may be necessary for the Highway Superintendent to hire additional Seasonal Wingmen and will notify the Town Board of such hiring; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Comptroller be and hereby is authorized to place them on Town payroll as Seasonal Wingmen; and

BE IT FURTHER RESOLVED, that said Highway Wingmen shall be seasonal employment and that upon completion of their task, they shall be removed from the payroll, unless further ordered by the Town Board.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**



Town of East Fishkill - Highway Department
2484 Route 52
Hopewell Junction, New York 12533
Phone: 845-221-2681 Fax: 8454-226-6229

Kenneth Williams
Highway Superintendent

TO: East Fishkill Town Board
FROM: Kenneth Williams, Highway Superintendent
DATE: February 3, 2025

I, Kenneth Williams, respectfully request the East Fishkill Town Board recognize the re-hire of Carol Lee as a seasonal wing person, as well as the hiring of Kevin Secor and Brandon VanAnden as seasonal wing persons for the 2024-2025 winter season at the East Fishkill Highway Department.

Thank you.

Kenneth Williams
East Fishkill Highway Superintendent

RESOLUTION-XXX/2025

(AUTHORIZING APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT)

WHEREAS, the Town is requesting authorization to apply for the Community Development Block Grant (CDBG) for needs such as infrastructure, economic development, public facilities, housing rehabilitation & public services; and

WHEREAS, the Town Board would like to solicit ideas for East Fishkill's submission for said Community Development Block Grant (CDBG) for ways to improve our community; and

WHEREAS, anyone who wishes to submit suggestions regarding the Community Development Block Grant should do so by February 28, 2025; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Supervisor and all other Officials of the Town to take all steps necessary to effectuate the submission of an application to the Community Development Block Grant upon receiving & reviewing comments; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, at the close of the input period on February 28th, the Supervisor will select the project to be submitted for the Block Grant application. The Board herein empowers the Supervisor to make this selection on their behalf.

**BY ORDER OF THE TOWN BOARD
PETER J. CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**

RESOLUTION-XXX

(AUTHORIZING CONTRACT WITH SURVEY MONKEY)

WHEREAS, the town has a desire to improve methods to communicate on town issues and solicit feedback from our residents on various topics throughout the year to help guide the Board on policy decisions and priorities; and

WHEREAS, the town has reviewed three survey platforms and determined Survey Monkey provides the best solution and the greatest value; and

WHEREAS, it is the desire of the Town Board to authorize the use of a survey platform; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Town Supervisor, Nicholas D'Alessandro, be provided the authority to authorize a contract with Survey Monkey in an amount of \$3,300.

**BY ORDER OF THE TOWN BOARD
PETER CASSIDY, TOWN CLERK**

**DATED: FEBRUARY 13, 2025
EAST FISHKILL, NY**