

**TOWN OF EAST FISHKILL
PLANNING BOARD SPECIAL MEETING
SEPTEMBER 13, 2022**

John Eickman called the meeting to order.

Members present:

Craig Arco, John Eickman, Lori Gee, Ed Myoshi, Richard Campbell, Sarah Bledsoe; Michael Cunningham, Attorney; Scott Bryant, Engineer; Michelle Robbins, Planner; Branden Fitzgerald, Traffic Engineer, Matt Rickett, Zoning Administrator, Christian Moore, Engineer; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, October 11, 2022, and Tuesday, November 10, 2022. There will be a joint Public Hearing with the Town Board on Thursday, September 22, 2022 at 7 PM at the Town Hall.

APPROVAL OF MINUTES:

August 9, 2022

August 22, 2022

Motion made by Richard Campbell, seconded by Ed Miyoshi, to approve the minutes of the August 9. Voted and carried unanimously.

Mr. Eickman stated the August 22nd minutes will be held over until everyone has a chance to review them.

Mr. Eickman stated there were three Public Hearings for tonight. The iPark Building project was originally submitted as a site plan approval. They have actually decided to subdivide the property and so as a result they will carry over that Public Hearing until the next meeting. Their Public

Hearing with this Board will now be on the October 11, 2022 meeting. It will include both the site plan and the subdivision. If anyone is here to speak for or against that, the Board will accept comments tonight, but you are welcome to come to the next meeting. The other two Public Hearings that are going to be held over are the Summit Woods and Montage subdivisions. Both of those projects will be consulting with Town Staff. After those meetings are completed, they will come back before this Board for their Public Hearings. If you were here to speak on either of those projects you are free to stay or you can come back, if you would prefer. The Public Hearing will be reset and advertised and announced as required. At this point it will be for a date uncertain. The Mary Lane subdivision application has been withdrawn by the applicant for this evening, so that will probably come back at some future date.

DECISION:

#2021-018 – Tucker Trails Subdivision, Route 52/Route 216 (6557-04-579147)

Applicant is proposing a six-lot subdivision on 16.1-acre parcel near the intersection of Route 52 and Route 216.

Michael Gillespie was present.

Mr. Gillespie stated this project was before the Board last month. In terms of layout, house placement, septic placement, driveways, with things like that nothing has changed. There was a concern brought up specific to providing access way from the future roundabouts to the trail. The applicant had a meeting with the consultants. There are two wetlands and the pond on the back of this property. It is fairly well encompassed by another piece of property, which is approximately 7 1/2 acres. The idea was rather than have people travel from the roundabout down 216, to get them off the road quicker. The map he presented shows a leg that comes down to the intersection then runs to the back close to the wetland and pond. This affords people getting off of the main thoroughfare. They could install a walking path through that area and make its way to the rail

trail. That property is currently proposed to be dedicated to the Town. It would not be an easement that way. Mr. Gillespie stated he knows the Town is still waiting to hear back from the County. Mr. Fitzgerald stated the County indicated that they would endorse a connection. They do have maintenance responsibility for the trail. That property is owned by MTA Metro-North. They would need to approve the connection also. The County will endorse it and help that process along.

Mr. Eickman asked if there were any other changes to the last time this application was before the Board. Mr. Gillespie stated there was some grading that had begun and some cleanup. He did receive Mr. Moore's letter dated September 12.

Engineer Bryant asked if the survey had been cleaned up. Mr. Moore said yes. He did state the new Lot 7 has something called a "no disturbance easement" and he does have comments on that to be addressed. If the Town does accept Lot 7, it will need to go before the Town Board and go through their process. The rest of his comments are mostly administrative.

Ms. Gee asked if this changed the lot sizes where variances were needed. Mr. Gillespie said no. He stated they cut some lots back, but they are still in accordance with Town Code in terms of minimum lot size. There was also a flag lot which is smaller now due to breaking off this parcel. It still works as he ran all the flag lot calculations for it.

Mr. Eickman asked if there were any other questions or comments from the Board or from Town Professionals.

Mr. Eickman stated there was a negative declaration for this application. The name of this application is the Tucker Trails 7- Lot Subdivision. The Proposed action is the subdivision of a 16.1-acre lot into 6 building lots and one open space lot for a total of 7 new lots. It is in an unlisted SEQRA action. A full EAF, Supplemental Part III Information and Storm Water Pollution Prevention Plan were analyzed. The analysis of the issues identified included:

1. land-use and zoning
2. visual character
3. historic and archaeological resources
4. plants and animals
5. transportation
6. others

The proposed project would not be expected to result in any significant adverse impacts to land-use, zoning, or public policy. Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Lori Gee, seconded by Richard Campbell, to approve this Negative Declaration. Voted and carried unanimously.

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DISCUSSIONS:

#2022– 040 – Mary Lane Subdivision, 10 Mary Lane Subdivision, 10 Mary Ln. (6458-04-793201)

Applicant is proposing to subdivide a 2-acre lot with an existing home into two 1-acre lots. Parcel A will contain the existing home, Parcel B will be a new buildable lot.

Mr. Eickman stated this is the application he stated earlier was pulled for the evening.

#2022– 042 – Janos Holding LLC, 955 Route 376 (6358-02-640566)

Applicant is seeking amended site plan approval for a pre-existing, non-conforming vehicle repair shop and furniture repair store.

The applicant was present.

The applicant stated he is looking for site plan approval for an amended site plan. He stated he purchased the building in June and there was an existing repair shop and cabinetmaker already there.

Ms. Gee asked if there were any changes in use being made. The applicant stated he is not making any changes. These are all existing businesses. He is installing handicap parking spots, and the refuse container. He didn't want to put a chain-link fence along the back, approximately halfway down the property to keep people out of the back area. There is a wetlands back there and he has noticed people have been dumping back there. He wants to prevent them from continuing.

Mr. Eickman asked if the new use was furniture refinishing business. The applicant said yes. They have been there for years, but the previous owner never got approvals.

Ms. Robbins stated this was an existing use and the site plan had not been updated to reflect the furniture repair shop that had moved in. Originally the site plan showed all automotive repair. The previous owner had been renting space in the back, without approvals, for commercial vehicles. The original site plan had a notation for no disturbance as there was a paved area with a kettle pond beyond it. The map showed potentially in the future location for some sort of storage. That was never approved. She stated the current owner is proposing to fence off the back portion which is a little beyond where the original fence was shown on the map. The applicant said yes approximately 10 additional feet further back. Ms. Robbins stated renting out commercial vehicle spots is not allowed. The applicant stated he is just trying to get approval for two spots for two flatbeds that are ancillary to his automobile repair business.

Mr. Eickman stated he believes the application mentioned encroaching on some set back lines. The applicant stated he believes that was for the refuse container. He wanted to put the fence for the dumpsters along the fence line on one of the sides. That would keep the middle of the property open for traffic turning or fire trucks. Mr. Eickman asked if that would require a referral to the ZBA. Attorney Cunningham stated he did not believe that was going to require ZBA approval.

Ms. Robbins stated they are trying to codify something that is already there. Mr. Eickman asked if that was an action that could be taken at this meeting. Attorney Cunningham stated that would be fine.

Mr. Eickman asked if there were any questions or comments from Board members or Town Professionals. There were none.

Motion made by Richard Campbell, seconded by Lori Gee, to approve the site plan as presented and the change of use as requested. Voted and carried unanimously.

#2022– 041 – Tucker/Wirth LLR, 157 & 145 Binnewater (6456-01-075577, 6456-01-058594)

Applicants are applying for a LLR to transfer 4.0 acres from a 10.15 acre parcel owned by Tucker to a 8.38 acre parcel owned by Wirth.

Matthew Wirth was present.

The applicant stated they are here for a lot line adjustment approval for 4 acres to be taken from 157 Binnewater Road and add it to 145 Binnewater. He is the owner of 145 Binnewater.

Mr. Eickman asked why this was being done. Mr. Wirth stated it is for recreational use. Mr. Eickman stated when he reviewed a satellite view of the lot it looks like the southern area had some interesting things in it. Mr. Wirth stated he has pallets of bluestone for a patio, a couple of pallets of cobblestones for the front of the house’s flowerbeds, and stored pallets for firewood use.

Mr. Eickman asked if there were any questions from the Board. There were none. He asked if there were any from the Town Professionals. Mr. Moore stated they did have a comment letter. The map should be listed as a proposed lot line realignment, not as the survey. They need to provide in the EAF for review, the frontline of both of those parcels follow what the map refers to as the centerline of a 50-foot-wide right-of-way. He would like to determine if the Town owns that right-of-way. Mr. Moore stated the same concern applies to the Mary Lane application. He stated even

if that strip is not owned by the applicants it should not make a difference as to whether or not they have an area to perform the subdivision. There is an existing DEC wetlands there. He stated that is normally shown even in sketch form because it bisects the front of the southerly parcel from the back to the rear. They also have a question regarding the material piles in the back Mr. Wirth just explained.

Ms. Robbins stated typically with a lot line realignment of this size they would normally do a Public Hearing. Currently there is legislation before the Town Board to allow for a lot line realignment up to 5 acres without a Public Hearing. She believes they should set a Public Hearing, but if the legislation passes prior to the Public Hearing date then it will not need to be held. Ms. Gee asked if there was a minimum lot size for that. Ms. Robbins stated it is for any exchange of 5 acres or less area. Attorney Cunningham stated the Board could set the Hearing for the October meeting. If it becomes a moot point just the Public Hearing portion would be canceled. They will know a week from Thursday whether or not it will be passed.

Motion made by Richard Campbell, seconded by Lori Gee, to schedule a Public Hearing for this application for the October 11, 2022 meeting. Voted and carried unanimously.

Ms. Gee asked if he would have to pay for advertising for October. Ms. Robbins said yes because that is exactly 20 days out. Mr. Miyoshi suggested pushing it till November.

Motion made by Richard Campbell, seconded by Sarah Bledsoe, to amend the original motion to schedule a Public Hearing for this application for the November 10, 2022 meeting. Voted and carried unanimously.

Mr. Eickman stated the applicant will be put on the agenda for the October meeting just in case the Public Hearing portion is canceled. Mr. Wirth asked if all of these stipulations need to be worked out prior to the October meeting. Mr. Eickman stated yes. Ms. Robbins stated if the surveyor could at least show the wetlands that is currently shown on the DEC New York State Environmental Mapper onto this map it would suffice. Mr. Wirth asked what in the EAF was. Mr. Moore stated it is an environmental form and the applicant could use the short form for it.

PUBLIC HEARINGS:

PUBLIC HEARING:

2022-030 – Thom Subdivision, 87 Stormville Road (6557-02-628790)

Applicant has submitted an application for a 3-lot subdivision on 6.79-acre parcel in a R-1 Zone.

Michael Gillespie was present.

Motion made by Richard Campbell, seconded by Lori Gee, to open this Public Hearing. Voted and carried unanimously.

Mr. Gillespie stated this application was before the Planning Board last month. It is approximately a 7 1/2-acre parcel located at the intersection of Stormville Road and Buykenhulle Road. The proposal includes a three-lot subdivision. The lots are coming off of Stormville Road. The third one has a long driveway as it is a flag lot. There are some steep slopes on the parcel and some floodplains on the backside. It has been detailed on the map. There is an older barn on the property in the front, so they had to go before the Zoning Board for a setback variance, which they got. If the barn ever needed maintenance, it is within 1 foot of the property line so they have included an easement on the pole portion of the flag lot that allows for someone to come over the property line to work on the barn if necessary.

Mr. Eickman asked if there were any questions or comments from Board members or from the Town Professionals. Mr. Moore stated that the access easement needed to be labeled. The description needs to be forwarded to the Planning Board attorney. There are some minor administrative comments regarding the SWPPP.

Mr. Eickman asked if there were any questions or comments from the public. There were none.

**Motion made by Lori Gee, seconded by Craig Arco, to close this Public Hearing.
Voted and carried unanimously.**

Mr. Eickman stated there was a Negative Declaration. The name of the action is Indigo/Thom 3-lot Subdivision. This is for a subdivision of a 6.79-acre lot into 3 building lots including one flag lot. This is an unlisted SEQRA action. A Short EAF, Supplemental Part Information, and Storm Water Pollution Prevention Plan were analyzed in making this negative declaration. The analysis of the issues identified included:

1. land-use and zoning
2. visual character
3. historic and archaeological resources
4. plants and animals
5. transportation
6. others

The proposed action would not be expected to result in any significant adverse impacts. Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to approve this Negative Declaration. Voted and carried unanimously.

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PUBLIC HEARING:

2022-037 – Firas Bridges Subdivision, Eder Road (6656-00-819763)

Applicant is seeking subdivision approval for a proposed 4-lot subdivision with one existing building lot currently under construction.

Amy Bombardieri was present.

Motion made by Richard Campbell, seconded by Ed Miyoshi, to open this Public Hearing. Voted and carried unanimously.

Ms. Bombardieri stated there are stone walls along the front that will be moved and that will increase the sight distance. She showed on their map where the temporary grading easement would be.

Ms. Gee asked the length of the long driveway to ensure that it has enough pull-offs. Ms. Bombardieri stated it is 1,120 feet long. Ms. Gee stated it will need two pull-offs because code is one every 500 ft . She stated they should be spaced evenly a third of the way up the driveway. Ms. Bombardieri thought the prior conversations had determined that one was fine because it's only approximately 1000 feet long plus the turnaround at the top that's already there. She will check into it.

Mr. Eickman asked if there were any other questions or comments. Mr. Moore stated the applicant is proposing to work within the Town right-of-way so it will be subject to the appropriate Highway work permit. The Town Highway Superintendent is going to need to sign off on those. It may also require securing a Performance Bond. He stated they would like to see a copy of the approved plans and an approval letter from Dutchess County Department of Health. The driveway for Lot 1 is shown with a ditch or swale along the side. They want to make sure that is not going to impact the approved system for the house that is under construction. They will need descriptions for the proposed easements and some spot grades. The grading shown and the profile for Lot 1 are not consistent with one another. They need to be synchronized. Based upon the grading plans and some of the driveway grades appear to approach 20%. They need to review their model for this. A bigger concern is the culvert for Lot 1 driveway around station 5+40. It is near where the first a lot is. It looks like it's going to be accepting runoff from approximately 3 1/4 acres and 380 feet of driveway. It will be followed to point it through a covert and discharged into a property that is 30 feet away. They are concerned about concentrating that point discharge. They do show a level spreader, but it is only 10 feet wide. Right now, that area appears to be close to 400 feet and there is a natural funnel when you look at the topography. And they will be amplifying that. They need

to make sure there is no adverse impacts to the property adjoining to the north. There are some additional minor comments as well.

Mr. Eickman asked if there were any questions or comments from the public. There were none.

Richard Martin stated he owns lot 37 at Squire Farms Road which is behind this proposal. He would like to know the impact on Devon Farms Road, particularly regarding flooding as there are major water issues up there on that hill. He is also concerned about turning driveways on either Devon Farms or Squire Farms into flag lot's. He wanted to know how far they can clear-cut, and how far the building envelope is from those properties. He stated at a previous meeting they used the word buffer, and his concern is if they clear cut right up to his lot he becomes a flag lot. He did not spend a million dollars to be in that situation. Ms. Bombardieri stated that house is very far from the property line, and she does not imagine them getting any closer to it. She stated it is 450 feet from Mr. Martin's property line. She stated with an 1100-foot proposed driveway she does not see them going any further in and not due to the cost. She stated the access is from Eder Road. Engineer Bryant and Mr. Campbell asked if it was higher. Ms. Bombardieri stated she believes it drains towards Eder. She stated from the back of the house it goes up. Mr. Moore stated the house is on the Devon Farms side. The direction of flow will be to the northwest. Ms. Bombardieri stated with this type of plan they get the approval for the septic system and that is the only thing set in stone for its location. A homeowner coming in can place the house wherever they want. There are specific yard setbacks that cannot be constructed within. Mr. Moore stated right now they are at less than 5 acres in total disturbance. If they do disturb more than that they will have to come back before the Board and get a Storm Water Pollution Prevention Plan with full quality and quantity controls. Engineer Bryant believes that is motivation to avoid any larger disturbance. They would require that the disturbance is delineated on the plan and they will be held to that.

Jean and Al Deleo stated they are the property right before you head down Eder Road, Lot 3. She asked if once the property is subdivided is the applicant building the houses and then selling them

or are they going to be selling vacant lots. She is also concerned about clear cutting as they do like the trees and the privacy factor. She stated the house is fairly set back and they do get runoff from Eder Road. There is a storm drain there but there is also a lot of water that collects there. Her assumption is that it will go down into Lot 3. Mr. Deleo stated there is a lot of run off down Eder Road when it rains heavily. He does not feel there is enough drainage there now. He stated that Devon Farms used to be all trees and when it was built out everything was taken down and now all you see is houses. He stated there is a lot of rock in the area and he is concerned about blasting and the wells being dug. There is an ongoing draught now and he asked if this was going to affect his well.

Jerry Castaldo stated he lives on 556 Eder Road. He is immediately adjacent to the property in question. He stated his concerns regarding the clearcutting of the property. He stated when he purchased his property 20 years ago there were deed restrictions. He had to get a variance to put vinyl siding on his house. One of the big deed restrictions was no subdivisions. He asked if there were deed restrictions on this parcel or is this an appeal against those deed restrictions. He stated the property is already clear up to the property line. He is considering putting in more trees because he will have a view of a house right outside his bedroom window. He asked if the subdivision was a done deal. Mr. Eickman stated it is not already approved. That is the purpose of the Public Hearing. Mr. Castaldo stated he moved off of Long Island to avoid this. He stated he has 5 acres and if you were to subdivide his property there could be 88 people on his land. He is concerned about having a problem with the water as well.

Tony Sarwin stated there is a drainage issue in the area. His property has a DEC requirement that he maintain a portion of his land free of anything so that water can drain. Along his driveway he has three 36-inch culverts he had to put in to route that water to the drains. Mr. Castaldo also has drains under his driveway. In the past when there has been a lot of water that area has filled up. This land is right along the edge of the roadway and now they are talking about driveways and houses very close to that edge of property area, His concern is where the draining water will go when it goes down the hill. He stated there seems to be more excessive storms now and that causes

a lot of water to go flowing down there. He is concerned about wash out.

Mr. Martin stated he has had to put in multiple drains in his backyard. He now has five levels of drains going down his backyard. They cannot handle the runoff in the spring. He does have concerns about how this will be handled. He is only 451 feet away and it is really not that far.

Ms. Bombardieri stated there are no deed restrictions. There are zoning requirements and there are minimum lot sizes. This is a large parcel, and she does not see anywhere else the septic system could go so there is no way it would be subdivided further if they cannot get a septic system approved. Ms. Gee stated the question was regarding existing deed restrictions. Ms. Bombardieri stated that Devon Farms is the subdivision that has deed restrictions. She stated she would have to double check this parcel. Mr. Eickman stated these people are on Eder Road and they are saying their properties have deed restrictions.

Ms. Bombardieri stated in regard to drainage on Eder Road, they have level spreaders and riprap swales coming down the road. It will cross under the road in a covert so the runoff from this site will be diverted to a covert to the other side of Eder Road. It will be going into an existing storm water management system.

Mr. Eickman asked if the owner was going to be building houses or selling lots. Ms. Bombardieri stated she could not answer that question. She stated in regard to clearcutting it normally happens because of the bats. If there is a project coming online, the lot has to be cleared in the winter up until March 15. She does not see why they would clear-cut these, but she cannot speak for the owner. Mr. Campbell asked if there was an evaluation in place for the existing storm water management that is there and if it would accept what they are putting into it. Engineer Bryant stated they have not looked into it but now that it has been brought up at the Public Hearing, they will look into it. Mr. Moore stated if they are under the 5 acres, the DEC would not require them to do a full SWPPP with permanent quality and quantity controls, however, the Planning Board may direct the applicant to do a more detailed drainage study to evaluate the effects on the adjacent

properties for the Town's storm collection system. Mr. Campbell stated that there is public speaking here today that there are existing issues and that it is not being managed properly right now. By adding additional into what's existing there could be potential for greater issues.

Mr. Eickman asked if there was going to be blasting. Ms. Bombardieri stated she did not know, but there are Town requirements if there is blasting. Mr. Miyoshi stated that is a very rocky area. Mr. Campbell stated there is a lot to be done to see how the well water is approved and how this may or may not affect their wells. Ms. Bombardieri stated that the Department of Health requires that the wells are into bedrock so that they are into an aquifer. They have to be a minimum flow rate of 5 gallons a minute. The typical usage of water for a four-bedroom home on the high-end is 110 gallons a day, so she does not see these four wells impacting the existing wells. These are fairly large parcels. This will probably be pretty deep wells.

Mr. Eickman stated that a DEC requirement regarding accepting intake of water was mentioned, so the applicant should look into that as part of their stormwater review. Ms. Bombardieri said she believes that is a limitation of impervious surfaces on that particular property, but she will look into it. As these lots are large, she believes there should be a fair amount of green space on each of them.

Mr. Martin asked what the drainage situation would be for the one house they are proposing to be built on the Devon Farms side of the mountain particularly when they are cutting and building. Mr. Eickman stated they would ask Ms. Bombardieri to include that in analysis.

Ms. Robbins stated there is a threatened and endangered species report done for the subdivision and it explicitly states that "the proposed project will require approximately .24 acres of tree clearing of the upland forest area. The disturbance activities will not result in adverse effects to the species since the trees to be removed are young and less than 3 inches dbh with no characteristics." So according to this report only 2.4 acres total of the site is intended to be cleared so it can certainly be made a condition of the resolution. Engineer Bryant stated the .24 is not

enough room for a driveway. Ms. Robbins stated she is unsure why that is in the report as it is in reference to the upland forest area. Engineer Bryant asked if they were differentiating the upland forest area from all other areas. Mr. Moore stated .24 acres gets you into about 200 feet of the property. Ms. Bombardieri stated she will need to look into that. Ms. Robbins stated it did mention disturbance of 3.4 for the bare rock and trees. They are basing their SEQRA report on this information in regard to the impact to the threatened and endangered species. This is something that needs to be clarified. Ms. Bombardieri stated they are proposing four acres of disturbance with this layout, so there must be some differentiation between the upland trees and the rest. Ms. Robbins stated they are saying there is bare ground rock which is 3.75 acres and of the forest area, the upland forest area will only have .24 acres of disturbance. They are saying the rest of it is ground rock to be disturbed. Ms. Bombardieri stated she would get that clarified. She stated in regard to the construction portion of the runoff, they will have to have an erosion settlement control plan in place, which is enforceable by the Town.

Ms. Gee asked Ms. Robbins if there were a lot of steep slopes. Mr. Moore stated they shaded the areas of indicated slopes in excess of 33%. Mr. Moore asked if they could provide a net density calculation. Ms. Bombardieri said yes.

Motion made by Richard Campbell, seconded by Sarah Bledsoe, to adjourn this Public Hearing to the October 11. Voted and carried unanimously.

Mr. Eickman stated any public that was here is more than welcome to return for the October 11 meeting. If they are unable to make that meeting, they can submit any questions or concerns in writing to the Board Clerk and she will ensure that the Board gets it to review.

PUBLIC HEARING:

2022-13A – iPark Building A, 200 North Road (6456-03-958962)

Applicant is seeking Site Plan approval for a 250,000 sq. ft. furniture distribution warehouse.

Motion made by Richard Campbell, seconded by Ed Miyoshi, to reschedule this Public Hearing to October 11, 2022 in order to consider the site plan approval and the subdivision at the same time. Voted and carried unanimously.

Mr. Eickman stated he would accept any comments from the public if there was anyone here at the meeting. He stated he did believe it was better to have everything done at the next meeting. There was no one from the public.

PUBLIC HEARING:

Summit Woods, 3162 Route 52 (6656-00-045715)

Applicant is requesting subdivision approval for a proposed cluster subdivision with 175 residential lots on a 325.22-acre parcel.

Amy Bombardieri and Andy Gilchrist were present.

Motion made by Richard Campbell, seconded by Lori Gee, to reopen this Public Hearing. Voted and carried unanimously.

Mr. Eickman stated the applicant and their professionals will be meeting with the Town Professionals. There are several items they will be working through so this Public Hearing will be kept open to a date uncertain. He stated they would accept any comments tonight as well as at the next Public Hearing. He asked if there was anyone present to speak on behalf of the applicant.

Ms. Bombardieri stated the last time they were here she addressed the technical comments and resubmitted. She has met with the Town to go over some of those items before she resubmitted. She does not recall any additional new comments and there were no new comments from the public that have not been heard before or addressed in the SEQRA and EIS process.

Mr. Eickman stated he believes there are still a number of outstanding questions with regard to the plans themselves. Ms. Bombardieri stated there are technical things outstanding. She does not have

all the information to be able to answer those questions yet. They are working with the Town in regard to the sewer and water connection, so she does not yet have technical information on the actual sewer pump stations. That will affect the Phasing Plan and how the Town is going to connect the property lines to Summit Woods. The understanding is that the Town will provide up to the property line and the applicant will provide from their property line until both meet, which will also affect the Phasing Plan.

Mr. Gilchrist did concur that many of the outstanding issues are technical in nature. This is a Public Hearing that has been continued. One approach to consider is that there has been public comments received. If the Board could consider closing the Public Hearing but continue to work with the technical consultants for both Summit and Montage and work through that. If necessary, the Summit Wood applicant would consider extending any applicable time frames. As all of the outstanding issues are technical and should be addressed between the technical staffs for the Town and the applicant, they hope the Board would consider closing the Public Hearing while allowing the consultants to work on the technical issues.

Attorney Cunningham stated that one hold up is that some members of the public are not here tonight because they believe that the Public Hearing was going to remain open. The concern would be that not all comments would be received. Mr. Eickman apologized that Mr. Gilchrist was not present at the beginning of the meeting when the announcement was made that the Public Hearing would be held over to a date uncertain to allow both sets of consultants to meet. At that point many people left. He really feels the Board would like to have a more complete set of plans and answers to the technical questions before they close the Public Hearing.

There were a few letters received. The first is regarding both the Summit Woods and Montage developments. It was a letter opposing both based on the project developers not updating and maintaining the notice signs on Route 52. The letter was submitted by Jeffrey Devine of 14 Old Route 52, Stormville, NY. A second letter written by Thomas Brady from 350 Seaman Road in Stormville posed concerns regarding the severe slope of this project against the back side of his

property. His second concern is regarding excessive runoff occurring from ground clearing and the slope on two sides of the lot. He believes it will cause dangerous flooding to the road as well as the property and homes located below it. He stated he has witnessed the damage caused by the first home placed in the subdivision. Mr. Devine was also concerned about the signage, the size and scope of the project being too large, stale environmental studies, the traffic plan from 2021, the surrounding wetlands and flood plains, the only benefit of these projects being the additional tax revenue to the Town, and the influx of homeowners from downstate as the cost of the homes are not feasible for locals. He also stated there would be tax increases for the school taxes due to an increase in students. A third letter was received the Superintendent of Schools of the Wappinger's Central School District. This letter expressed concerns regarding the development of nearly 300 single-family homes that will directly impact enrollments in the Gayhead Elementary School. He stated there is the potential for unfavorable increasing class size and space capacity concerns. He stated that if these developments come to fruition, that in the best interest of the families in the Gayhead attendance zones, there should be discussion between the district of the developers to determine the willingness of the developers to provide a financial commitment to the district to address the necessary infrastructure changes at Gayhead Elementary School so that is is not to be absorbed by the district taxpayers.

Mr. Eickman asked if there were any questions or comments from the public.

Deb Jackson lives on Route 216 and this will indirectly impact her. She stated she has problems getting out of her driveway as it is. An additional 300 houses will certainly make it even more difficult. She stated she does have concerns about the school districts and the updated letter regarding enrollment from 2005. There are busing issues to begin with. She does not believe the traffic circle is going to be a good idea. There are six lots proposed at developed on the opposite side of the road from this development so that will interfere with those driveways as well. She stated her family is involved with the fire department and she hears from them that there is a constant need for more volunteers to meet the current calls. Developments of this magnitude will push them over that limit of what the fire service can offer. The same applies to EMS. Even the

paid service in town has problems responding to emergencies in this area. The increase in traffic will increase problems going all the way to Hopewell. There are problems maintaining the roads that are currently in Hopewell. She asked who takes over the maintenance of these roads once the developers leave. She stated she heard there would be a donation of a crosswalk from this development to the rail trail. She stated she did not believe painted lines would help but to donate those funds to the fire department. She stated light pollution will be a concern as there are 29 proposed streetlights. With the push for all new homes to be electric based this will put a huge impact on the grid. There are issues with water at Four Corners and this is going to compound it. She said there is joking that this area will become a little Westchester but this area does not have the infrastructure to support things like Westchester does. There is no busing system. There is no walking on most of the streets for safety issues.

Jim Kelly stated he resides at 44 Old Route 52. He agrees with Mr. Devine's letter and concerns. He does have a well that he prefers to stay on and does expect that this will cause a drop in the water table. Route 52 becomes a service road when I 84 has problems. That would be a large concern and he does not feel a roundabout will solve anything. He has all the same concerns as the previous speaker and letters and would like that on the record.

Daniel Cannella lives on the hill in Stormville. Getting out of his driveway is a problem. He lives on the hill on the curve which is dangerous enough. Adding all of these additional cars is going to make it impossible to get out of his driveway. He does feel there will be an issue with the water tables. He believes adding this many people and houses to this area will be a downgrade.

Domenica Miller stated she is on Southern Drive and concerned about where the entrance and exits for Summit Woods would be.

Yvonne Caliguri lives right across the street from both of these developments. She agrees with the other concerns, but a lot of their numbers for traffic showed zero effect. She doesn't understand how 300 houses can have zero effect. She stated she has one entrance to get in and out of her house

which is directly at the traffic circle. There is also a farm bi-way which she would like to maintain as she has used it when unable to get out of her regular driveway due to accidents or fires and such. Someone had taken her email to get back with her regarding her driveway concerns, but they never have. From what she can see where her driveway is proposed to be moved it is still involved in the triangular part of the traffic circle. She feels she will be backing up traffic at that location trying to turn left into her driveway. She preferred to be 40 or 50 feet further down the property. They also want to move an electric pole and she does not want to be driving under those lines. She would rather they be buried. She also feels it would take away from her home. She also suggested moving the traffic circle further east and south. Where it is now will put all of the car headlights coming straight into her home. Right now there are no headlights coming into her home. They would be going right into the bedroom, which is not good for the potential of this to be a B&B or for her personally. She also suggested the possibility of adding a further removed turnoff for tractor-trailers out of the traffic circle area as she understands that's going to be the main thoroughfare for them now. She also wants to make sure they will be moving her fence and everything else at the entrance to her property currently.

Matt Wanner lives on 141 Route 216. He echoed the inadequate signage. He also agrees with the school's concerns. The density of lighting at the traffic circles seems a bit much. There are existing traffic conditions on Route 216. He stated he has never had any concerns about his well, but he does have a sump pit in his basement that has never had less than 3 feet of water in it. It has gone dry this summer, so he is now concerned about the general water levels. He asked if he was in the area for the well monitoring and if so, where would he e-mail. Mr. Eickman told him to send it to the Planning Board.

Mr. Eickman asked if there were any additional questions or comments. There were none. He asked that Ms. Bombardieri come forward to address some of these concerns.

Ms. Bombardieri stated for the record Ms. Caligiri's comments are geared more towards Montage and not towards Summit Woods. She stated the rest of the technical or scientific questions and

concerns have been addressed in the EIS and FEIS as well as the Findings Statement. In regard to the school situation, enrollment is decreasing overall. She does understand there may be some redistricting required. The impact is not going to happen immediately. It will be a phased project so the impact to increasing school children will be gradual. Ms. Bombardieri showed Ms. Miller the access points on the map. Mr. Fitzgerald explained how one access is going to be a full access and the other driveway will be a restricted access with only right turns in and out. There is also a proposal to put a left turning lane on Route 52 at the access points. There is also a proposal to put a left turn lane to allow access into one of the side roads. Ms. Bombardieri said she thought it was for Primrose. Mr. Miyoshi stated that turning lane had better be able to stack a few cars because tractor-trailers coming down hill are not going to be able to stop quickly. Signage alone is not going to prevent people from turning. Mr. Fitzgerald stated it will be developed like a splitter island so it will push traffic into the right direction only. No one will not be able to make a left turn in or out. This is all still reviewable by New York State DOT. They are asking for evaluation to ensure that the length of those lanes are adequate for the anticipated traffic. Mr. Fitzgerald stated they are called modern roundabouts, not traffic circles. Traffic circles denote a larger circle with faster speeds. The modern roundabouts are smaller in diameter. They have aprons to accommodate larger vehicles and they are meant to reduce and control speeds through them. Mr. Kelly stated this is just going to compound existing traffic problems in the area. He does not believe a traffic circle or roundabout is the answer.

Mr. Gilchrist stated with all of the comments that have been brought out he believes that the next step would be to allow the technical staff to meet as many of these questions were about traffic, storm water runoff, and impact to groundwater levels in wells. All of these issues were addressed in the EIS. When the applicant's engineer meets with the Town Professionals and get all the information so that the technical issues can be addressed and then complete the Public Hearing.

Mr. Eickman asked that the applicant review the issue regarding the schools. Mr. Gilchrist said he would look at that.

Motion made by Richard Campbell, seconded by Ed Miyoshi, to adjourn this Public Hearing to a date uncertain. Voted and carried unanimously.

PUBLIC HEARING:

Montage Subdivision, Route 52 (6556-00-802836)

Applicant is requesting subdivision approval for a proposed cluster subdivision with 122 residential lots on a 385.5-acre parcel.

Richard O'Rourke, Tom Troy, and Mark Cannuli were present.

Motion made by Richard Campbell, seconded by Lori Gee, to reopen this Public Hearing. Voted and carried unanimously.

Mr. Eickman stated he believes a lot of the comments and concerns will be the same for this application has for Summit Woods.

Mr. O'Rourke stated this was their third Public Hearing and has been preceded by a full environmental review through Environmental Impact Statements and a positive Findings Statement that was ultimately adopted. He stated that in regard to the modern roundabout, it is not their design. It is DOT and is out of their control. The school district is a legitimate concern. Pattern for Progress did a very detailed study in terms of demographics and impacts on school districts including Dutchess County, Westchester, and Putnam. One of the irrefutable facts based upon what their experts are saying is that there will continue to be a dramatic reduction in the number of school enrollment and there will be a corresponding dramatic increase in terms of the age of the population in Dutchess County. This is a phased project. They will look into it and make copies of that study as he feels it will be very illuminating. Comments regarding wildlife, tree removal, and water issues were addressed through the environmental review process. There was a comment regarding the information being stale. He respectfully reminded everyone that the New York State Court of Appeals has reached this issue in the case of Riverkeeper versus the Town of South East where the specific issue of aging data and environmental impact statements and review were

addressed. They found it is a necessary consequence of the elongated period of time that all of the applications go through. Mr. Miyoshi stated he did understand that but 2005 data does not take into account all of the people who moved into the area and the last 3 to 4 years to get out of the city with Covid issues. When he moved here there were only 5000 people and now the town is approaching 30. It is a whole different area here. Mr. O'Rourke stated he believes the traffic data was updated over time. Mr Cannuli will discuss the water table questions. Mr. O'Rourke wanted to address the most recent CPL comment letter from June 22, 2022. All of those comments are technical and engineering in nature. He believes those questions have been responded to. They are trying to isolate anything outstanding and address it to the satisfaction of the Board. He also respectfully requests that the Public Hearing be closed. A lot of the comments are repetitious and this is the third session, with many of the speakers speaking before.

Mr. Cannuli stated they have been here a few nights in the past. The well is the Third public hearing on the preliminary and final subdivision for Montage at East Fishkill. He stated that the Summit Woods and the Montage projects do relate to one another in terms of some of the shared infrastructure, circulation connections and some issues they work together to come up with solutions on. Both projects are designed to be developed independently. There are phasing plans that are a little bit more detailed than what they had initially submitted. It will show not only the roads that need to go in initially but the storm water facilities, emergency connections that connect the projects and vice versa. It will also show where the wells tie into the town water system and the force main goes off-site to regional pumping stations and connect to Four Corners. You want the record to be clear that these are two projects that are adjacent to one another, however they need to be designed so they can develop independently of one another. There are shared relationships that they acknowledged in the developers agreements that they have established as to how they will work together and how they can get infrastructure through Montage and emergency access through Summit Woods. He stated in regard to not replying to Ms. Caliguri's comments, he is working with the DOT and there is a modern roundabout being looked at and discussed with DOT. There have been comments from the Town too regarding crosswalks, sidewalks, some lighting, and potentially some warning lighting. He acknowledged that he does

owe Ms. Caligari of plan but he is not sure what the plan is as of right now. There is a plan that shows the four legs being tied together in a roundabout that would cause some impacts to the existing driveways on the northwest corner. He will work with property owners and commit to it as a condition of approval, moving things like the fence and moving the driveway to a location agreeable to the property owner. Some of those things they have no control over, but they can work together with DOT to address those concerns. Sometimes it can take five to ten years to get DOT approval with different issues. This project has all the land they need, has no easements that need to be obtained, and no substantial grading problems. They do need to add their drainage from the modern roundabout to the SWPPP for this project. These are all technical items that have been submitted to DOT and have been posted on their website. They have accommodated Mr. Fitzgerald's letters as they been received. He told Ms. Caliguri he would highlight some things on the website that address her concerns. DOT is concerned about an unsafe condition with a driveway so that is being reviewed as well. He will also copy the Town Engineer as well. Regarding the current state of the environmental reviews that were done, they had done extensive testing with the analysis continuing over time. Regarding the water system, he has spoken to Mr. Cusack, who is the Town's water consultant, regarding the testing the applicant did. It was done in 2005 or 2006. The wells that were developed are still on sites. They are high producing wells producing between 150 to 250 gallons per minute. They have been told that that type of production does not change with the depth of the well regarding how many people are moving into town. It has to do with the impact on that water system. He does not know if there is an additional pumping test required. They have committed to updating any quality issues that need to be addressed under the new standards. They do not believe there is any quality analysis issue with what they have presented. They do need to speak off-line to see if Mr. Cusack needs to continue to work with them on this project or if there are any conflicts of interest to be dealt with. They were told during the original testing that these wells have no impact on the adjacent wetlands. During the 72-hour testing they did not impact the adjacent wells either. He stated they will need to commit to a redundancy for the wells that would be a condition of approval. Mr. O'Rourke asked what the daily requirements to the subdivisions in terms of water would be compared to the yield of these wells. Mr. Cannuli said these wells are designed to produce point of order and provide fire flow. They

have two high producing wells and they are taking that same water system and redundancy and tying that back into the Town system. Mr. Cusack believes there will be no issue with tying those together with the water capacity as long as they meet quality. They could potentially be helping the system at Four Corners with this system. They did address the issue with the schools and the Environmental Impact Statement. He did not know about this new letter until tonight. They would like to get a copy of the letter and set up a meeting to understand the concerns. It sounds like it might be more of a school district issue. The reason they have requested that the Public Hearing portion be closed is not only because this is the third evening they are here, but they have been addressing the comment letters and the technical items and public comments as they come up. He does not believe they have heard anything new that hasn't already been addressed. The remaining comments to be addressed relate to technical items on the plan and the technical details for their force main system. They have a preliminary that has been reviewed and they are working with the Department of Health and the State. There are some issues that have to be referred to the town before they can go to the next design step. That approval process could take longer than the time they need with this Board, and it could be a condition of an eventual approval. They could provide a detailed narrative in terms of its design and review process and timeline if it is required. They thought it would be an 18-month process and they are only six months in at this point. In regard to the signage there are small signs that you get from the Town Hall. They had very small writing on the signs and it was hard to read, so the day after the meeting he had a printing company produce bigger signs that were done the following Wednesday. This is a very large and easy-to-read sign. Mr. Miyoshi stated the signs are much easier to read than they were a year ago.

Mr. Eickman asked if there were any questions or comments from the public. He stated if anyone had any comments, they were more than welcome to come forward. If there were comments that were similar to what has already been addressed, they have already been received.

Robert Flynn stated he lives on Kim Lane. He asked if any of these projects could come to fruition without a vote. Mr. Eickman stated that they are the authority that will evaluate all of the environmental issues associated with the project and determine if it is something that can be

approved. Mr. Flynn stated he believes this is a horrible idea. East Fishkill is turning into too much like Westchester and that is not a good thing.

Mr. Eickman stated that now Ms. Caliguri has a communication line with Mr. Cannuli. She stated that she was unaware of any lighting plan and lighting will directly affect her. Mr. Fitzgerald stated it would relate to the roundabouts and the DOT requirements for having a certain lighting level at the roundabouts. This lighting would be contained to the area of the roundabouts. It will be street lighting.

Mr. Eickman stated he understands the applicant's wish to close the Public Hearing but there was an announcement at the beginning of the meeting that this would be extended and adjourned to a date uncertain. Some people did leave at that point. Unfortunately, it will need to be adjourned and kept open. He believes there are some things that need to be looked into and some of the studies may need to be evaluated further.

Mr. O'Rourke wanted to make sure they know all of the issues that are still open when making their replies. They are aware of the school concerns. The roundabout is ultimately not their decision. They are willing to convey whatever property is necessary to make it come to fruition. Mr. Fitzgerald stated even if they could offer the public some background as to the meeting with the DOT it may be helpful. There are existing safety and capacity issues at Route 216 and Route 52 today without these developments. DOT is looking to correct those. That was part of the conversation regarding a traffic signal. It is a process of evaluation that the DOT is undertaking. Mr. O'Rourke stated their obligation is not to remedy existing conditions as a matter of law. It is to remedy whatever impacts this application has. The project that is being undertaken is also taking into account existing conditions. Mr. Cannuli stated that in May 2021 they continued their concept application process. They submitted both a signalized intersection plan and a roundabout to the DOT. The roundabout was their choice. They are discussing a sidewalk system to tie into the rail system further up the road. Ms. Bledsoe stated that many of these conversations have been disjointed for a very long time. She believes at the next Public Hearing they should have a

comprehensive overview of how they got to where they are today in terms of impacts. She thinks it needs to be done for both Summit Woods and Montage. That may be able to assist with eliminating some of the repeat questions. Mr. Cannuli stated in September, they reintroduced themselves. They came back in October with a very detailed presentation. They also did a summary presentation as to when this project started and how they got to where they are now. Ms. Bledsoe stated she did not want a total, just the impacts. Mr. Cannuli stated they have to be able to rely on the SEQRA process and the Findings Statement. And then they move on to the development and design of the subdivision and the technical issues. Some issues carry over and there is a very detailed report done that they could give a summary of. They can include a narrative of the meeting or a Zoom meeting with Dr. Bonk from the school district. Traffic is the other big issue that they keep hearing about. Anything else new would be with permitting like water quality testing. Ms. Bledsoe asked that it be presented in layman's terms so that the nonprofessionals can understand how it impacts them.

Mr. Kelly stated that anything done in regard to school studies that was done pre-Covid is probably not valid. A lot of people from the city have relocated to here because of Covid issues in city schools. Mr. Eickman stated he believes the Superintendent of Schools would have the necessary data that would be post Covid. Mr. Arco stated at the last meeting they were told by the applicant that the district did have capacity. This is an enormous school district that straddles multiple towns. There are two elementary schools in East Fishkill. At this point we're saturating one school that is already overburdened. According to Dr. Bonk's letter it is not necessarily the district but the specific elementary school that this development is going to feed into that needs to be looked at. It will impact the Fishkill plains side if there has to be a redistricting of the elementary school lines. It is costly to the district, which passes the costs to the taxpayers. It was a disaster. Mr. Arco suggested that the applicant speak directly to Dr. Bonk as he addressed the issue for that specific elementary school and not the entire district.

Mr. Eickman asked if there were any other questions or comments. There were none.

Motion made by Richard Campbell, seconded by Lori Gee, to adjourn this Public Hearing to a date uncertain. Voted and carried unanimously.

Mr. Eickman asked if there was any other business to be brought before the Board. There were none.

ADJOURNMENT

MOTION made by Ed Miyoshi, seconded by Craig Arco, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board