

**TOWN OF EAST FISHKILL
PLANNING BOARD
MARCH 29, 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; Michelle Robbins, Planner; Brandan Fitzgerald, Traffic Engineer, Pete Setaro, Engineer; Matt Rickett, Zoning Administrator; Staff: Jackie Keenan, Clerk; Julie Beyer, Meeting Secretary.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, April 19, 2022, and May 10, 2022.

APPROVAL OF MINUTES:

February 24, 2022

Motion made by Richard Campbell, seconded by Ed Myoshi, to approve the minutes of the February 24, 2022 meeting. Voted and carried unanimously.

EXTENSIONS:

#2020-020 –Zeller Minor Subdivision, 2703 Route 52 (6656-01-169932)

Applicant is requesting an extension of a final subdivision approval dated January 19, 2021. The Applicant previously received an extension on 7/19/21 which expired January 19, 2022. Applicant is looking for (2) 90-day extensions from January 19, 2022 to July 18, 2022.

Brian Stokosa was present.

Mr. Stokosa stated they are here for an extension. He has been working with the applicant. They have done some updated soil testing on site with the Department of Health. They have made revisions to the plan and located some wells across the street. They also shifted some of the septic tanks towards the west. They are updating the application and it will be submitted this week with the Department of Health. That was one of the major items that this Board was looking for. They have also submitted their permits to the DOT and should be hearing back from them soon. He believes there is a Flood Plain Development submitted to the Town. They have updated their topo datum to show the same elevation datum as the FEMA boundaries. They hope to have Health Department approval in the next month. They are here for an extension to include it to be retroactive from January.

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

Ms. Gee asked the applicant if the application needed an additional extension would he be here prior to it expiring. Mr. Stokosa said yes.

Motion made by John Eickman, seconded by Lori Gee, to approve two 90-day extensions for this application. Voted and carried unanimously.

RESOLUTION EXTENDING FINAL SUBDIVISION APPROVAL

NAME OF SUBDIVISION PLAN: Zeller Minor Subdivision
NAME OF APPLICANT: Don Zeller
LOCATION: 2703 Route 52

GRID NO: 6656-01-169932

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the Zeller Minor Subdivision was granted final approval for an 3-lot subdivision on January 19, 2021; and

WHEREAS, the applicant previously received two 3-month extensions on 7/19/21 which expired on January 19, 2022; and

WHEREAS, the applicant is requesting two 90-day extensions from January 19, 2022 through July 18, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby extends final subdivision approval for the above project as represented on a map entitled "ZELLER SUBDIVISION" prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated November 19, 2020 and last revised December 30, 2020; and

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member Lori Gee

The votes were as follows:

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| Board Member Lori Gee | <u>Aye</u> |
| Board Member Ed Miyoshi | <u>Aye</u> |
| Board Member Sarah Bledsoe | <u>Aye</u> |
| Board Member Craig Arco | <u>Aye</u> |
| Board Member Richard Campbell | <u>Aye</u> |
| Chairperson John Eickman | <u>Aye</u> |

At the request of the applicant for iPark the agenda will reflect that the Public Hearing was opened prior to the Adjourned Public Hearing. There were technical difficulties with the computers. They were also waiting for the applicant to join his team.

PUBLIC HEARING:

#2021 – 019 – Hopewell EZ Storage Expansion, 896 Route 82 (6457-02-510638)

Applicant proposes to construct two new self-storage buildings 8,700 sf and 7,500 sf in size. The buildings are proposed to be located behind the existing masonry building on the site.

Michael Gillespie was present.

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

Motion made by Sarah Bledsoe, seconded by Richard Campbell, to declare lead agency. Voted and carried unanimously.

Mr. Gillespie stated this has been before the Planning Board once before so they should be familiar with the site. What is proposed as part of this application is the construction of two additional self-storage buildings. They are in the middle of the site. It is a 8700 square foot building and a 7500 square foot building. It will complement the existing self-storage. In the back there are also a few commercial contractors' uses and bulk storage behind that. The last time they were before the Board they discussed traffic circulation and fire service access. The site allows for 75% impervious surface. They are very close to that. They took out all of the islands to calculate the area and the Town Engineer reviewed it and they did meet that requirement. They have been in front of the Architectural Advisory Board and received their approval. They will be matching the same colors as the existing buildings. They are still working on the drainage. They have received a letter from the Department of Planning. They had to concerns. The first was to any impacts near the Metro North site. The back side of the property borders property owned by Metro North. They're not proposing anything there. The Department of Planning also asked for an Illumination Plan. The

applicant is providing no freestanding lights but there will be building mounted lights. Those lights will complement what is already there. They will be LED, dark sky compliant. They have prepared an illumination diagram and will get it submitted to the Building Department Clerk so she can get it submitted to the Department of Planning. He stated that all the self-storage buildings are served by the main entrance by the office. There is a dark area shown on the map which is an access way to the commercial buildings in the back. The balance of the area is being fenced in. The only traffic impact would be at the entrance. Access to the contractors' area will be forced around the new buildings and not through that dark area shown on the map. Traffic will then be circled around the commercial area then back out. It will be a little longer route of travel. It was important to ensure they were not pushing more traffic out onto that intersection. He knows there is talk about replacing that bridge and he is unsure as to what impact that will have to that entire corridor. Mr. Eickman asked what kind of impact that would have on this site. Mr. Gillespie stated it will just impact how people get to the site.

Mr. Eickman asked if the applicant has provided SEQRA documentation to the County. Mr. Gillespie stated they have provided some paperwork. Ms. Robbins stated they have completed a short form EAF and the Planning Board has circulated for intent for lead agency. Tonight, they will need to declare lead agency. She asked about the slats on the chain-link fence of the facility. Mr. Gillespie stated their fenced in area is what borders the Williams Lumber property. He stated he believed slats were requested but not required at one time. The rail trail is really not close to his property. Mr. Nessler, the owner, stated there are a number of pine trees that are providing screening in that area. Ms. Robbins stated that the Board may like to do a site visit from the rail

trail to see what is visible. Mr. Gillespie stated if there is more screening required, they will do it.

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

Mr. Eickman asked if there were any questions or comments from Board members or Professionals. Mr. Miyoshi asked if the traffic pattern change would still clear the area for fire truck access. Mr. Gillespie stated they did run a template and this area is considerably more open than the rest of the site. There should be no problem with any access. Mr. Miyoshi asked about how close they were to one of the Williams Lumber buildings and if a fire there would cause an issue with the new units. Mr. Gillespie stated they would probably put a truck in there as there is at least a 60-foot space between them.

Motion made by Richard Campbell, seconded by Sarah Bledsoe, to adjourn this Public Hearing Tuesday, April 19, 2022 meeting. Voted and carried unanimously.

ADJOURNED PUBLIC HEARING:

#2021 – 013C – iPark Building C, 200 North Road (6456-03-073123)

Applicant is seeking for Site Plan approval to add a 153,000 sf of movie sets/backlots with a proposed 20,000 sf studio building.

Troy Wojciekofsky and Joe Cotto were present.

Motion made by Richard Campbell, seconded by Sarah Bledsoe, to re-open this Public Hearing. Voted and carried unanimously.

Mr. Wojciekofsky provided an update, although they were having technical difficulties with

getting computers to work. He stated they did not resubmit a new packet, but they will be doing that this week. He was here to answer questions from the last meeting regarding the backlot studio set up and the building façades. They were able to confirm that the perimeter of the rectangular lots, the three backlots, would be the limit of any structural supports. This will not conflict with any parking on the backlots. Structures are within the outer perimeter of those three rectangular areas. There were questions as to whether or not there would be curbs or other means to prevent cars from going into the building façades. They are proposing simple wheel stops to keep the cars from accidentally hitting the buildings. That parking will be perpendicular to the back lot studio. They did have a call with members of the Board and the consultants a few weeks ago. They discussed parking. On the last submission they proposed 100 parking spaces adjacent to Building 745. There were questions as to what the access would be to get to the lot. The back lot studio parcel itself will be fenced in and gated. They will provide a graphic showing the route around the building to get to the perimeter drives and exit the facility. They did a lot of technical clean up. They cleaned up the grading. There was a question as to whether there would be retaining walls. There will be a few smaller ones by the entrance. They have added a security booth at the main entrance. They have added more details for the perimeter fencing. It will be a 6-foot-high black vinyl coated fence with slats.

Joe Cotto supplied some photos to the Board. They have been working very closely with groups in Yonkers and it looks like they may be working with the Hallmark Network. The group that does the back lot façades is actually owned by the company that is going to do this. They do very accurate streetscapes. He does believe this will be a great economic engine. There is a push for

these studios as there is such a demand for this content. They are doing 3 to 4 other studios in other places, but he encouraged the Board to help them move quickly because these tenants are picking places for their filming, and they would love East Fishkill to these one of these places. There will be one indoor studio and then these backlots for outdoors. There is nothing else in the near metro area that will have this set up. This will be a totally secure area. They do believe it will be a benefit to local businesses as well.

Mr. Arco stated the last time they were here they talked about the façade and catwalks being open. He asked about fire protection requirements and if they had done any research on that. Mr. Cotto stated there are no enclosed spaces so there will be no sprinklers required. They have worked with GlobalFoundries' fire department, who has said they are very comfortable as this is all outdoors. There is one 20,000 square foot studio building which will be fully sprinklered and fire compliant. There will be no pyrotechnics or any chase scenes on site. If they have a back lot it saves them having to go on location to shoot scenes. Mr. Arco asked how long the structures were up for. Mr. Cotto stated it depends on the show. Some of the shows are a year or two. Common scenes will be left up for much longer. Mr. Arco asked if the façades are torn down and rebuilt who will be the approving authority for the demolition and rebuilding permits. He asked if the Building Department would be looking at structures and signing off on them. Mr. Campbell asked if the applicant would have to reapply for permits each time. Mr. Cotto stated the group that is the set design is called Hudson Scenic and they do all the designs for Broadway and local shows. There will be some still piles that stay and then façades that go up and down daily or weekly as needed. Mr. Cotto stated it is like a couple of metal posts with a solid backing and then the façades that get

attached. They are 2 to 3 feet deep. Ms. Robbins stated as long as the footprint stays the same as what has been approved it should be okay. Mr. Arco asked who polices it to make sure that everything is secured as they are very tall and if not connected properly, could cause a lot of damage or injury. Usually the Building Department would police that. Mr. Cotto stated he will inquire how this is handled on Broadway. The sets are also movable and change regularly.

Mr. Arco asked if there was a set in Yonkers. Mr. Cotto stated they are building Lionsgate Studios. There will be no back lot there as it is an enclosed set. This will be the closest outside studio close to New York City. They believe this set will get a lot of activity due to that fact. Mr. Reagan stated there is an outside set in Brooklyn called Silver Cup.

Mr. Eickman asked if there was anyone from the public to speak for or against this project. There was no one.

Attorney Cunningham stated they could consider closing the Public Hearing as there have not been any comments made at any of them to date. The Board can move forward with a review and the applicant can submit whatever they need to get to the staff. Then the Board can make additional comments if necessary. Mr. Eickman stated he believed things left on the plans were primarily technical and many of them were explained tonight.

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

DISCUSSIONS:

DISCUSSION:

2021 – 013A - iPark Building A, 200 North Road (6456-03-958962)

Applicant is seeking for Site Plan approval to add a 250,000 sf warehouse.

Troy Wojciekofsky and Joe Cotto were present.

Mr. Cotto stated they have been working to try to attract other warehouse or manufacturing tenants. They are working with a national tenant that is interested in the 250,000 square foot warehouse on Lot A. They wanted to give the Board a little bit of a preview and at the next meeting they hope to have the representative from that company present. This is not an automated warehouse, and they will be having approximately 350 jobs at the site. They are a well-known company with a great reputation. They do feel this will be a great addition to East Fishkill and its tax base. They are due to submit on Thursday. They would rather wait until the next meeting to introduce the tenant, as the representative could not be present tonight.

Mr. Wojciekofsky said they submitted a 250,000 square foot building several months ago. This will be very close to that. Based on the tenant's requirements, there will be some differences, such as all the loading docks will be on one side. It will reduce the earthwork. It will be a 253,000 square foot footprint.

Mr. Fitzgerald stated that their traffic consultant needs to make sure that he does the updates to

accommodate for the larger building. He also stated it is going to be a different ITE code than what is outlined, it will need to be addressed.

DISCUSSION:

2022 – 029 - Estates at Phillips Farm, 1196 Route 82 (6458-04-740330)

Applicant has submitted for a 11-lot subdivision for an existing 13.37-acre parcel.

Brian Stokosa was present.

Motion made by Richard Campbell, seconded by Ed Miyoshi, to circulate for intent to declare intent for lead agency. Voted and carried unanimously.

Mr. Stokosa stated this is a 13-acre parcel on Route 82 across from the farm. It will be 11 lots. This will be established by a 500-foot Town road that will be terminating in a cul-de-sac. It will be 10 lots branching off of the Town road and one lot accessing Route 82. These will have individual septic systems on site. They have done Board of Health deep test pits. This project is located in the West Hopewell Water District. The intention is to eventually extend the water main into the site and then branch off with individual services. They do understand they are proceeding at their own risk with approvals. They are hoping water will work its way onto the site once the Town works with the EPA on the mitigation of that area. The applicant is submitting an initial presentation tonight to get some initial feedback from the Board. They are over the 5 acre of disturbance threshold. They are into a full SWPPP. Drainage will be mitigated via rain gardens and road drainage will be mitigated with cul-de-sac infiltrators. A full set of Erosion Control Plans will be provided as well as approvals for the Health Department. They will be working with DOT

for the permit for a subdivision entrance. They will be approximately 2500 square foot houses. The road will be dedicated to the Town when it is complete. It is a strip of property that was formerly farmed. Now it is an existing meadow with trees and brush. They did do the environmental analysis. There are 13 lots that are allowed and they are only asking for 11. The reason one of the lots is separated out with access on to Route 82 is that the applicant felt that once this subdivision is approved, they could start work on that separate lot while working on the road infrastructure for the other lots. It also eliminates the need to create a flag lot. They will need to work with the other agencies as well as provide the Board supplemental information. They are looking at the site for Indiana Bat and Blandings turtles and getting that report as well.

Ms. Robbins stated that on the EAF it said that there was a remediation site on the property. She asked Mr. Stokosa if he knew what it was for. He stated he has reached out to DEC but has not heard back from them. Mr. Miyoshi asked if it was close to the Ryan Drive Super Site. Mr. Stokosa stated it is in the zone and is part of that district. He is not sure that was the trigger. Ms. Robbins stated they might be waiting until they get the lead agency circulation to notify the applicant.

Mr. Campbell asked if this is where they had started to clear some of the land on Route 82. Mr. Stokosa said no. That is further down. In the section currently being cleared there are four parcels. He does believe they will be submitting for individual homes through there. Those lots have individual Board of Health approval and permission to tie into the district. This particular parcel was considered one parcel and is only granted one tap. That is part of why they understand they are proceeding on their own risk.

Mr. Eickman asked what their expectations of getting that approval is. Mr. Stokosa stated he has had positive feedback from the Town. The applicant did want to move forward with the application. They do understand that there are agencies they have to deal with and that will take some time. The applicant is willing to take that risk.

Ms. Gee stated several of the lots have very odd lines. She asked why they were not square up. Mr. Stokosa stated they can change that. Some of it had to do with having one tap in. The initial approach was to keep everything off of Route 82. It can be squared up.

Mr. Eickman asked if there were any other questions or comments from Board members or professionals.

Mr. Fitzgerald asked if they would need a Highway Work Permit. He also asked if they would need the drainage connection. Mr. Stokosa stated there is no drainage out there. They did do soil testing. There is no presence of water 12 feet down. There was just gravel. There are no DOT catch basins from Clove Branch to Creamery. Mr. Fitzgerald asked if drainage would be held on-site. Mr. Stokosa stated they will treat at the home site first and as it works its way down, they will get into subsurface. Mr. Fitzgerald encouraged Mr. Stokosa to get conceptual approval from the DOT especially since they will have the roadway and a separate driveway. He stated there is no horizontal data but the vertical on the profile does not match to the Town Code. Mr. Stokosa stated there was an error that will be updated. Mr. Fitzgerald stated there is plenty of sight distance. But

they need to keep the cleared site triangle.

Mr. Setaro stated that his office has a conflict with this project as they are currently working for the applicant on another project. The Town has retained Rennia Engineering for the application.

Ms. Robbins stated they have supplied a memo. Mr. Eickman asked if there were any issues from that letter that needed to be addressed. Ms. Robbins said no. One of the bulk regulation tables have a typo on it. Once the typos are corrected the lots will make the measurements.

Mr. Eickman asked if they could go forward with a Public Hearing at this point. Ms. Robbins stated they need the information back from the habitat studies and they need the remediation information on the site. Mr. Stokosa stated the applicant is willing to take the risk of moving forward. They have reached out to DEC, and they have not heard back yet. They are hoping to have that report tomorrow. He does believe the circulation process will trigger a response on the remediation.

Ms. Robbins stated as they just declared their intent to be lead agency the circulation will not be over before the next meeting. They will still be receiving SEQRA information so it will be very unlikely that they will be able to close the Public Hearing at the April 19 meeting.

Motion made by Richard Campbell, seconded by Craig ARCO, to schedule this application for a Public Hearing on April 19, 2022. Voted and carried unanimously.

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

Applicant has submitted for a 3-lot subdivision on 6.79 acres in a R-1 Zone.

Michael Gillespie was present.

Motion made by Richard Campbell, seconded by Lori Gee, to circulate for intent to declare intent for lead agency. Voted and carried unanimously.

Mr. Gillespie stated there is a four-lot subdivision in an R1 Zone next to it. This is 7 acres with a proposed three lot subdivision. This will all be family owned. There will be a flag lot and all of the information to verify it meets that requirement has been supplied. There will be two additional homes going in the front. There is a large frame barn that sits in the front. In order to configure out the 50-foot width of road frontage they had to configure the lots the way they are proposed. They plan on keeping the barn which is close to the road, and it provides an aesthetic they want to keep. They will probably need to go to the ZBA for a variance for this as it is a structure in the front yard. There are some steep slopes on the property, and they have run their numbers for that. They will have well and septic. The parcel that will be retaining the barn has a horseshoe driveway. He would like to have the Highway Superintendent come out and look at it. He does understand the idea is to eliminate entrances off of there due to traffic. They have tried to pull their access points as far away as possible from the intersection. They would like to maintain some of those other entrances if they can. Mr. Campbell verified that there would then be two access points into that one particular lot. Mr. Gillespie said yes. Mr. Miyoshi had asked what happens when this is no longer property owned by three separate family members. He asked if a note or something would be on the plans in regard to the easement or use of the driveway. Mr. Gillespie stated they could

provide for a note on the map or possibly a cross easement.

Ms. Gee asked if the barn could be part of the flag lot. Mr. Gillespie stated that they need the 50 foot of road frontage so he is unsure how it would work out. Ms. Robbins stated they are going to require a variance no matter what lot it is on because it will be a on the front yard of either parcel. She stated most of the arguments they deal with on a daily basis are due to shared driveways so if there is a better way to design it, that would be the recommended way.

Mr. Eickman asked if there were any other questions or comments.

Attorney Cunningham stated before coming back to this board this application should be referred to the ZBA and even before that, the applicant should schedule a meeting with the professional staff to go over various layouts.

MOTION made by Lori Gee, seconded by Richard Campbell, to refer this application to the ZBA. Voted and carried unanimously.

2022 – 031 – KBL Route 52 LLC., 2345 Route 52 (6456-01-397687)

Applicant is looking for Minor Site Plan Amendment for a new vestibule.

Kevin Lund was present.

Mr. Lund stated he owns the building at 2345 Route 52. He is proposing a new entrance to accommodate the tenant and he is also going to replace the original canvas canopy that was over

the door with somewhat of a matching roof to go along with the architecture of the new proposed entrance.

Ms. Robbins stated that this application has not gone before the ARC yet. They are scheduled to go April 7. There is a resolution drafted with appearance to the ARC as a condition.

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

MOTION made by Lori Gee, seconded by Richard Campbell, to refer this application to the ARC. Voted and carried unanimously.

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: KBL Route 52 LLC
NAME OF APPLICANT: Kevin Lund
LOCATION: 2345 Route 52
GRID NO: 6456-01-397687

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant is applying for a minor site plan amendment to add a 80 sf vestibule to the facade of the existing building for a new tenant; and

WHEREAS, the vestibule is proposed to create a more formal entrance to one of the building suites; and

WHEREAS, the vestibule addition would not affect any existing parking areas or result in an increase in the building capacity; and

WHEREAS, the proposed vestibule addition requires ARC review; and

WHEREAS, the proposed project is a Type II action under SEQR and no further SEQR review is required; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the amended site plan for KBL Route 52 LLC as represented on a map entitled "Map of Survey

for KBL Route 52 LLC 2345 Route 52,” prepared by John J. Post Jr. and dated January 5, 2022 with the following conditions:

1. Satisfactory review by the Architectural Review Council

Resolution Seconded by Planning Board Member Lori Gee

The votes were as follows:

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| Board Member Lori Gee | <u>Aye</u> |
| Board Member Ed Miyoshi | <u>Aye</u> |
| Board Member Sarah Bledsoe | <u>Aye</u> |
| Board Member Craig Arco | <u>Aye</u> |
| Board Member Richard Campbell | <u>Aye</u> |
| Chairperson John Eickman | <u>Aye</u> |

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

ADJOURNMENT

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board