

**TOWN OF EAST FISHKILL
PLANNING BOARD SPECIAL MEETING
JANUARY 17, 2023**

John Eickman called the meeting to order.

Members present:

Don Papae, Richard Campbell, John Eickman, Ed Myoshi, and Sarah Bledsoe; Michael Cunningham, Attorney; Scott Bryant, Engineer; Michelle Robbins, Planner; Christian Moore, Engineer, Matt Rickett, Zoning Administrator; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, February 21, 2023, and Tuesday, March 21, 2023.

APPROVAL OF MINUTES:

December 5, 2022

Motion made by Ed Myoshi, seconded by Sarah Bledsoe, to approve the minutes of the December 5, 2023. Voted and carried unanimously.

Mr. Eickman stated there were three Public Hearings for tonight. The Hearing for both the Estates at Phillips Farm and Michael Smilkstein have both been adjourned to the February 21st meeting. If anyone is here to speak on either of those projects, they are free to stay or can come back in February, if they would prefer.

DISCUSSIONS:

DISCUSSION:

#2022-039 – Hudson Valley Logistics Center, 500 South Drive (6356-04-587105)

Applicant is proposing minor modifications to the site plan approved on December 5, 2022. Applicant is seeking confirmation from the Planning Board that the proposed modifications are minor in nature and a formal site plan amendment is not required.

Ryan Kelly and Mike Finan were present.

Mr. Kelly stated they were here on December 5 for their site plan approval. They have moved forward with a potential tenant since then. They have some field changes they would like to make that they have already discussed with the Town consultants. All the proposed changes are compliant with everything that has already been approved. There are three major changes. The first is lowering the building height from 40 feet to 36 feet high. This will minimize the visual impact. The second is something that was discussed with HVEA during the initial approval. They are proposing moving the guard house from the northeast corner to the southwest corner. The other change is moving the office that was in the northwest corner to the northeast corner. They will be keeping the glass storefront in the northwest as well as in the northeast. This will improve the view along Route 52.

Mr. Finan stated the trucks will still come in on the South side. They will come along a southern road to the guardhouse. The guardhouse will be a secure entrance. That tenant will be taking 80% of the building and they will have access to 100% of the northern truck court and approximately 60% of the southern truck court. They will exit the same way. There is the eastern access the trucks can come in and access the entire site. That will be left to be used under emergency conditions only. The original guardhouse will be replaced with a gate that will be locked. The right in, right out access will also be gated. It will not really be needed because they want to secure the truck court area. They do envision the cars using the parking area on the other side. Mr. Campbell asked if the Fire Advisor Board has seen these changes. Mr. Finan said not yet. He stated they could go over with the FAB. All entrances will have Knox boxes. Mr. Campbell stated it is a substantive traffic flow change that they should be aware of. Mr. Finan

stated that on the South side there will be a similar situation where the entrance will be gated off for that tenant as well. The trucks for there will come in the southern court entrance and come back out the same way. Mr. Campbell asked if there were any perimeter changes to the building. Mr. Finan said just the height and sliding the office space to the other side. The building will have the same look on both sides. The footprint of the building has not changed. Mr. Eickman asked if the fronts were going to be symmetrical and Mr. Finan said yes. Mr. Eickman asked if berms and walls were all still in place and Mr. Finan said yes. Mr. Miyoshi asked if there would be any issues with trucks doing two-way traffic in that area. Mr. Finan stated no.

Ms. Robbins asked if this was the plan that would be the final plan, they would like the Planning Board to approve tonight. Mr. Finan said yes. She wanted to verify the plan date. Mr. Finan stated they are just about to make a full submission addressing all of the engineering comments that they have received. It will be done by January 24.

Ms. Bledsoe asked if there were elevations showing the lower height. Mr. Finan stated he has current renderings, but it does not show the two sizes side by side. It is difficult to see the differences, but it is a 4-foot drop in height. Mr. Campbell asked what causes the lower height. Mr. Kelly stated it was to make sure that the sprinklers would work properly.

Mr. Eickman stated they do need to make a referral to the Fire Advisory Board.

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

AMENDED RESOLUTION OF SITE PLAN APPROVAL

NAME OF SITE PLAN: **Hudson Valley Logistics Center**

NAME OF APPLICANT: **CANAM Hudson Valley Logistics Owner, LLC**

LOCATION: **500 South Drive**

GRID NUMBERS: **6356-04-587105 & p/o 6356-04-606028**

Resolution Offered by Planning Board Member **John Eickman**

WHEREAS, the Planning Board granted Final Site Plan Approval for the CANAM Hudson Valley Logistics Center, LLC on December 5, 2022, as shown on plans entitled, “*Site Plan and Subdivision Documents, Hudson Valley Logistics Center,*” prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C., White Plains, N.Y., last revised November 30, 2022, which plan set consists of 26 pages; and

WHEREAS, the applicants submitted a letter requesting minor changes to the approved site plan on December 29, 2022; and

WHEREAS, the applicant appeared before the Planning Board to discuss the proposed changes on January 17, 2023; and

WHEREAS, the Planning Board determined that the proposed minor site plan revisions will not result in substantial changes from the approved site plan and hereby determines that a new public hearing on the minor site plan revisions is not required; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Amended Site Plan Approval, as shown on plans entitled, “*Hudson Valley Logistics Center (Alternate Layout)*” prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C., White Plains, N.Y., dated 1/24/2023 subject to the conditions listed in the December 5, 2022 resolution of site plan and subdivision approval for CANAM Hudson Valley Logistics Center, LLC (see Attachment A); and

BE IT FURTHER RESOLVED, that all subsequent owners and lessees of the Project and the Project Site shall be required to comply with the terms and conditions of this approval resolution.

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 **Richard Campbell**

The votes were as follows:

Board Member Lori Gee	<u>Absent</u>
Board Member Ed Miyoshi	<u>Aye</u>
Board Member Sarah Bledsoe	<u>Aye</u>

Board Member Richard Campbell Aye
Board Member Donald Papae Aye
Chairperson John Eickman Aye

DISCUSSION:

#2022– 043 – Hopewell Market, 846 Route 376 (6358-020925555)

Applicant is proposing minor modifications to the site plan approved December 20, 2022. The applicant is seeking confirmation from the Planning Board that the proposed modifications are minor in nature and a formal site plan amendment is not required.

Amy Bombardieri was present.

Ms. Bombardieri stated this application was approved last month and since then they have found out that the septic system for the existing house was under the area where a few of the parking spaces were proposed. The parking has been reconfigured and all of the septic components are shown on the plan. They were verified by Engineer Bryant and herself on January 9. The only changes are to the parking layout. The lighting was revised to provide a full cutoff light. The photo metrics were rerun. Now the entire parking lot is lit to what she believes is an acceptable level. Wayfinding signs were added to the entrance and exit to show the pattern. They are here for an amended site plan approval.

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

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: Hopewell Market
NAME OF APPLICANT: Charlie’s Real Estate/Maher Fakhouri
LOCATION: 844-846 Route 376
GRID NO: 6358-02-92555

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the Planning Board approved the amended site plan for 844-846 Route 376 on December 20, 2022 as represented on a map entitled "844-846 Route 376 Hopewell Market," prepared by Day & Stokosa Engineering dated September 30, 2021 and last revised November 23, 2022;

WHEREAS, the applicant is proposing to modify the amended site plan approved on 12/20/22 to: 1) include both existing sewage disposal systems (SDS), septic tanks, and the pump chamber for the market; and 2) to reconfigure the proposed parking area to eliminate any pavement over the SDS absorption areas;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the revised amended site plan for 844-846 Route 376 as represented on a map entitled "844-846 Route 376 Hopewell Market," prepared by Day & Stokosa Engineering dated September 30, 2021 and last revised January 9, 2023 with the following conditions:

1. The approval is conditioned on the site meeting all Dutchess County Health Department requirements.
2. The removal of all seating, fencing, and other structures within the NYSDOT right-of-way at the front of the building; and
3. Satisfactory resolution of all comments in the CPL letter dated 12/16/22, and the HVEA letter dated 1/17/23.

Resolution Seconded by Planning Board Member Richard Campbell

The votes were as follows:

Board Member Lori Gee	<u>Absent</u>
Board Member Ed Miyoshi	<u>Aye</u>
Board Member Sarah Bledsoe	<u>Aye</u>
Board Member Richard Campbell	<u>Aye</u>
Board Member Donald Papae	<u>Aye</u>
Chairperson John Eickman	<u>Aye</u>

ADJOURNED PUBLIC HEARINGS:

ADJOURNED PUBLIC HEARING:

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

Applicant is seeking subdivision approval for a proposed 4-lot subdivision on 23.09 acres with one existing building lot currently under construction.

Amy Bombardieri was present.

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

Ms. Bombardieri stated they received a comment letter today. Most of the changes are SWPPP related, and they will address them. They have offered to provide a vegetative buffer around the border of the parcels. They do need to circulate for lead agent. They have a site meeting requested with the Town Highway Superintendent to verify the sight distance and the drainage along the road.

Mr. Eickman stated they also talked about clearcutting and establishing the limits of the clearcutting. Ms. Bombardieri stated they did discuss the vegetative buffer. There is a possible septic system issue so they have to determine how much of a buffer they can get on one area. It would probably be at least 75 to 100 feet along the exterior boundary of the parcels. It is around the back and along both sides of the whole parcel. Mr. Campbell asked if there would be a clearly defined area after they established this septic and Ms. Bombardieri said yes. They may have to clear for septic system installation. If they can get 75 feet, they will. They will determine the width of the buffer as soon as they have the septic set.

Mr. Eickman asked if they needed to advertise and Ms. Bombardieri stated she believed they have advertised, they just need to circulate for lead agent.

Mr. Eickman asked if there were any questions or comments from Board Members or Town Professionals. There were none. He asked if there were any questions or comments from the public.

Rick Martin stated he lives at 198 Devon Farms Road. He stated he was not here in favor or against this. He is just asking if the buffer is a low ground vegetation buffer or the existing tree line. Ms. Bombardieri stated that buffer will be a non-disturbance buffer, as it is now it will remain in perpetuity and will have a deed restriction.

Motion made by Richard Campbell, seconded by Ed Miyoshi, to adjourn this Public Hearing to February 21, 2023. Voted and carried unanimously.

PUBLIC HEARING:

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

Applicant is proposing an 11-lot subdivision on a 13.37-acre parcel in the R-1 Zone. The subdivision is proposed to be phased. Phase 1 includes 7 lots and Phase II is 4 additional lots.

Mr. Eickman stated this is the application he stated earlier was pulled for the evening and is adjourned until February 21, 2023.

PUBLIC HEARING:

#2022-046 – Michael Smilkstein, 26 Clove Branch Road (6458-01-740330)

Applicant is proposing to install a ground mounted solar array on a residential lot. The array is 401 sq. ft.

Mr. Eickman stated this is the other application he stated earlier was pulled for the evening and is adjourned until February 21, 2023.

SKETCH PLANS:

SKETCH PLAN:

#2022-047 – Microgrid Network, 200 North Dr. (6356-04-878256)

Applicant is proposing to build an energy storage (battery) facility for Central Hudson Gas & Electric on the iPark Campus.

Rebecca Bar and Tim Dumbleton were present.

Ms. Bar stated they were here to answer some questions they were asked at the last presentation.

Mr. Dumbleton stated there were five items they wanted to discuss. Ms. Bar stated last time they were asked about noise, safety, and the interconnection path. They looked at available information that they have on noise testing data. They were looking specifically at the inverter as that is the loudest piece of equipment on the installation. She had slides that showed the typical example of noise samples that they have seen so far. They reviewed data at 1 meter, 5 meters, and 10 meters, noise levels at 16.4 feet away are less than 10 dB above the background ambient noise levels. Between 30 and 32 feet is equal to the background noise levels. These are examples. They do not have the data for this specific inverter. They are all pretty much similar in nature. This is the same thing they are installing in urban environments and residential areas, and this is the most recent data that they have on the noise levels. Mr. Dumbleton stated these are the same inverters they are using in the city. Technology is changing pretty quickly, and they have not finalized exactly which ones they will be using here. They do expect the sound levels to be quite similar. They have two projects under construction currently in the city. Engineer Bryant asked them if their ambient noise level was based on city noise. Ms. Bar stated no. It is done in test conditions in the facility. This testing facility is in China. Ms. Robbins asked if they have measured the noise levels here and if they were comparing it to the existing noise levels here. Ms. Bar stated they had not taken any measurements on site yet. It is something they plan to do. Mr. Papae stated it is possible that the noise level here could be lower than the base level at the test facility. Mr. Dumbleton said yes but the numbers are not that high to begin with. Ms. Robbins stated when they do a formal application the Town's professionals would ask them to provide noise levels that would be submitted to the Town's noise consultant to review and be sure they are comfortable with it. Mr. Dumbleton stated they are hoping today to be able to declare for lead agency so they will be able to start testing and finalizing the inverter selection.

Ms. Bar stated the second item they are going to discuss is safety. She gave an overview of the NFPA 855 that was mentioned last time to give the Board an understanding of what they are planning to provide. They are also proposing to follow the NYSERTA guidelines for permitting for ESS. They will provide links which were missing from the presentation that she sent. They will be providing all the information about the system, the location, the size, and the fire rating

certifications, all of which are required by NFPA 855 and NYSERTA. They will also include all of the listings, the monitoring system, the EMS location, and all signage. They will provide the essential data starting with the 9540 test results which will determine all the clearances that are required for separation between ESS units. They will also provide the 9540 certificates for the energy storage that is selected. Normally the energy storage enclosures come with smoke and fire detections that are connected to the fire alarm system as well as, in some cases, smoke and heat detection. Fire suppression is proposed to be water-based. This is what they are doing in their installations in the city as well. NFPA 855 allows for either NFPA 13 or 15 systems with a minimum GPM of 0.3 gpm/per square foot. Signage and impact protection plan, depending on vehicle movement around the facility, will be provided. The EMS is being monitored 24/7 by certified and trained personnel to go through all of the alerts the system is generating and contacting the fire department if needed in addition to the fire alarm system that will be installed. Explosion prevention mitigation per NFPA 855 will follow either NFPA 68, which is ventilation to maintain LFL, lower flammability limit, of below 20 or as per NFPA 69, which is requiring deflagration panels that are mechanical and are not relying on any electrical systems. Documentation will be provided as well as maintenance manuals, operation manuals, and service and maintenance logs. They will provide detailed information about how the system is being decommissioned from the manufacturer. There will be an emergency operation plan, safety and shutdown procedures, and how to safely deenergize the system. Energy storage systems remain energized even when they are disconnected from the source. There is required training for personnel to be able to deenergize the system safely. The disconnect means it is going to be in accordance with NFPA 70. Documents will be provided.

Mr. Campbell asked who will take ownership for this if they get approval for it. Mr. Dumbleton stated they are the owner and operator with Central Hudson controlling when they are storing and where they're injecting. They will have a central operation system that will monitor this 24/7. There is a lot of information for 855 but the basic fact is that this is a small battery that is scaled up many, many times. What you do is test the small battery under a bunch of conditions and then you wrap it with a whole bunch of safety mechanisms and monitor it all the time. That way if

anything happens to a cell you will be informed of the problem. The cells are used all over the place. You really want to have way more monitoring than you have anywhere else. That's all of the safety systems that 855 are. They are installing one in the middle of Brooklyn and one in the middle of Queens, and they have a lot of experience with all of the safety systems. The next piece is making sure that everyone in the local area knows how to address them and anything if there is an issue with them. We will actually sit with the fire department and the individual station house that would be the one responding and make sure that they are all comfortable with everything and how it operates. There is a lot of remote monitoring capabilities that can shut down everything remotely. Mr. Campbell asked what would happen if at some point their financial ability makes them unable to decommission this. He asked if they were prepared to post a bond so that the Town is not left with that financial responsibility. Mr. Dumbleton stated iPark is concerned about the same thing, so he assumes if they can make iPark comfortable, the Town will be comfortable as well. In their lease there is a lot of responsibility for cleanup and providing guarantees to them for that. Mr. Campbell stated that they could fail also so there has to be some kind of connectivity so that if the applicant is going to own it, they will own it from beginning to end. He asked what the end of life of it is. Mr. Dumbleton stated it has a 20-year life, but it is still quite valuable at the end of its 20 years. All of the recycling of the valuable metals that are in these are turned in.

Ms. Bar stated they also want to give an overview of the water-based fire suppression system. There are two approaches to that. There is an external and an internal version of the same thing, but they are talking about either NFPA 13 or 15. They can either be provided above the enclosures or in some cases internally. Current installations that they have in the city are external fire suppression systems. Normally this is a dry pipe system that is connected to NFDC, which is located a safe distance from the energy storage facility. Mr. Campbell verified it would be extinguished with water and Mr. Dumbleton said yes. Ms. Bar stated not only is it extinguishing the system, but it is also cooling the system. If there is an issue with energy storage you want to maintain the temperature. Mr. Dumbleton stated they are primarily trying to keep everything cool so it does not spread. Mr. Papae asked what the chemical makeup of the batteries were. Ms.,

Bar stated they were LFP. Mr. Dumbleton stated they are specifically Lithium-ion phosphate.

Ms. Bledsoe stated she is assuming even though they are monitoring the system 24 hours a day, that not everything can be treated or managed remotely. She asked how long it would take someone to get on-site if it was not a fire department response, but a different emergency that needed to be handled. Mr. Dumbleton stated he lives approximately 25 minutes away. In the city he stated they have people that have to be on staff 24 hours a day seven days a week to respond who was always responsible. They will have that schedule for the site as well. Ms. Bar stated the fire department in New York is requiring two hours response from the operator. Ms. Bledsoe asked if that was around the clock and Mr. Dumbleton said yes. Ms. Bar stated the monitoring system also has the capability to shut down the facility remotely. You can shut down either a specific enclosure or the entire facility remotely. Mr. Campbell asked if that would work even if it was under duress or on fire. Ms. Bar said yes, you can disconnect the power to the unit. Ms. Bledsoe asked what kind of training goes to fire department personnel. Mr. Dumbleton stated they are all being tested down in the city for specific certified responder. They all have to have passed. He stated these are not complicated fires. They require water. The adjacent chip fab is way more complicated in its response than this. The control systems are the most specific sort of response. Ms. Bar stated there are specific hazards associated with energy storage that the fire department needs to be made aware of and they would be providing training manuals and on-site training as well. Even when you are disconnecting the power the system is still energized and it has hazards that people need to be aware of. Ventilation and explosion mitigation is provided but firefighters who are not familiar with energy storage need to be aware of the fact that they need to keep a safe distance and never open the door. This is something that is being responded to from a safe distance. They will have to go on-site and provide training as well as manuals to the people who will be responding to this type of situation.

Ms. Bar stated the Board had questions about the advantages and disadvantages of underground interconnection versus aboveground interconnection. They have submitted a letter from their interconnection consultant engineer to get an understanding as to why they are going with an

overhead option as well as the disadvantages of underground. Ms. Robbins asked how tall the poles would be. Ms. Bar stated they would be 85 feet high, and it would have multiple lines attached to it. The lines themselves would be between 65 and 80 feet high. Mr. Campbell asked where the lines would be going and how many there would be. Mr. Dumbleton stated they are proposing three lines from the substation portion of their facility to the actual substation. Power is coming over at 115 KV and getting transformed down to 38.5 KV or 34.5 KV and then it goes into their facility at that voltage to the different batteries. It is traveling from the substation to their facility at relatively high voltage. There are not that many lines, and they are not quite as big but they are high voltage which is why they have to be high off of the ground.

Mr. Campbell asked what the purpose of this facility was. Mr. Dumbleton stated the existing electrical grid is very inefficient. There are peaks when people are using a lot of power and times when people are using almost none. The system currently operates that when you're using the power, it has to be produced at that exact moment. It ends up that there are some power plants that are not used. There are some power plants that are used 7% of the time. They still have to pay the same amount for those power plants to sit there idle. The most efficient way is to have power produced and consumed evenly and to have it be evenly produced all the time. Then the consumption would be used through batteries where people could pull from. Climate change is affecting having people switch to solar and wind which makes both consumption and production intermittent. Batteries let you match those two things. It makes the infrastructure more efficient through storage. Energy storage makes you able to move the electrons not at peak time. It also allows them to produce more intermittently.

Mr. Miyoshi stated his impression from the last meeting was that this is not going to be supplying anything to these sites. It is more for the Central Hudson area at large. Mr. Dumbleton stated this substation services the chip fab on-site. Quality of the power all over is affected by the quality of the flow. This facility also serves as a buffer for the area. Anyone connected to the substation will have much better quality and reliability of their power. This substation is part of a ring and all of those substations get supported the same way. This will provide resistance against

the sags and peaks, as well as outages. It can be used every single day to flatten the demand and allow renewable energy to penetrate this area. Mr. Papae asked if it was partially to help iPark and then have the capacity to help Central Hudson demand in the local vicinity or if it goes wherever Central Hudson deems, once it gets fed in. Ms. Bar stated it goes wherever it goes. Mr. Dumbleton stated it lets them feed more people because it is more efficient than when they are at max peak use. Mr. Campbell asked if the power to the substation went out, would it still have the capacity for a certain time frame and Mr. Dumbleton said yes. Mr. Dumbleton stated this will help with power jumps that don't affect most lights, but do affect more sensitive equipment. He stated that the State does have a mandate to build a lot of these throughout the State. Their stated goals are 6 GW statewide by 2030, 12 GW by 2040 and 17 GW by 2050. It is also shown that these reduce the cost by making the existing wires that are already paid for more efficient. Mr. Eickman asked where the State is today regarding the 6 GW. Mr. Dumbleton stated he does not know statewide but in the City they are sub 1%.

Mr. Eickman stated the biggest difference between the underground and overhead appears to be the cost. Mr. Dumbleton stated if this was a lower voltage it would be easier to put underground, but because it is 150 KV is more expensive. They have to dig deeper. It is more expensive but also if something happens to it below ground it is more difficult to fix it. There are a lot of tree roots that they would be damaging. There are some higher tree branches and trees as well that they will have to remove, but they do believe that is better overall. This is the easiest thing to build and the cheapest thing to build and it's actually the most reliable thing to build. Ms. Bar stated the numbers from reliability are coming from requirements that are established by Central Hudson. They looked at the time it will take to repair any issues looking at above ground versus underground. Any repairs required would take a longer timeline for underground repair as opposed to overground repair. Underground would not allow them to comply with the 96% reliability that Central Hudson is requiring. Mr. Dumbleton stated there are also a lot of testing wells in the area and this path runs directly through approximately 30 of them. Ms. Bar stated it would also cause increased road closures for underground versus overhead options. Engineer Bryant asked if they go overhead in the city. Ms. Bar stated in some locations they do. It depends

on the specific network area. In the Bronx wires are overhead and in Brooklyn they are underground. Ms. Robbins asked how they ensure that wind does not take them down. Mr. Dumbleton stated they are metal stanchions which are more reliable. The reliability for this will be the same as it is at the substation. Ms. Robbins stated there is a section of Town Code that promotes underground lines. It prefers power and communication lines be installed underground. There is some consideration for hardship based on the reviewing authority. Mr. Campbell stated the one mentioned was regarding the test wells. Those are something that are monitored on a fairly regular basis and really can't be messed with. The applicant would have to circumnavigate all of that.

Mr. Eickman asked how power is supplied from that substation to the buildings that are there. He asked if it was done underground or aboveground. Mr. Dumbleton stated they transform down to 13,000 volts and then they have eight or 10 feeders that come out and go through the campus underground. On the campus they break it down to 480. That is what they want to use. The applicant wants to use 34,500 so they bring it in at 115 and then transform it.

Engineer Bryant asked if there was something specific to this substation versus other substations in town that made it their first choice. Mr. Dumbleton stated they like that they could get a piece of land that is very close to a substation. They like that is in an industrial area not in the middle of a residential area and also that power quality is an issue here. Engineer Bryant asked if they had looked at any other substations throughout the town or region. Mr. Dumbleton stated Central Hudson asked developers like them to look for places to put these. Engineer Bryant stated there is a substation in East corporate Park near the Amazon facility. It is not visible from the road. He asked if they looked at that. Mr. Dumbleton said they had looked at all areas. He has a map of every single substation in the entire state. They try to find locations where there is rentable release of the land adjacent to a substation because that is the perfect area. If they can find space on that site, they might build another one over there. He stated the permitting for this is not easy.

Mr. Dumbleton stated they did two renderings showing the view from the south with and without

the lines. They are still working with iPark regarding parking that is being displaced by this applicant leasing the area. They are hoping that the Planning Board will name themselves lead agency so that they can start that part of the process. They have supplied NYSERTA resources and laws. They also have links to NFPA 855 regarding energy storage code.

Ms. Robbins stated this application would require a special permit from the Town Board. It would be the Economic Redevelopment Special Permit. They have not yet submitted a formal application. She stated typically the formal application is what would trigger the start of the SEQRA process. She stated it would have to be referred to the Town Board for the special permit. She does not believe there would be any harm in declaring their intent to be lead agency unless the Town Board would want to be. Attorney Cunningham stated he believes the Planning Board will be the lead agency so they could circulate their intent. Mr. Campbell asked if this property would be subdivided off and purchased or just leased. Mr. Dumbleton stated it would be leased. Mr. Campbell asked if it would go back on the assessment roles. Attorney Cunningham stated it may be a PILOT. They are still looking into that. He stated that because this application will require environmental review the Town Board defers to the Planning Board as the Lead Agency.

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

Ms. Robbins asked if the applicant has done an EAF. Ms. Bar stated they submitted a draft. Attorney Cunningham stated the board did ask a lot of questions that will need to be addressed. The applicant will need to come back before the Planning Board, and they can find out when the applicant could be scheduled for the Town Board.

SKETCH PLAN:

#2022- 048 – Getaway, 17 Monte Cristo Trail (6454-00-370849)

Applicant is proposing to build a large-scale recreational development with 49 vacation cabin rentals on an 86.30 acre residentially (R-2) zoned parcel. The proposed use would require site plan and special permit approval from the Planning Board.

Philip Rosengweig, Caed Cunningham, Matt Liponis, and Tom Candlehan were present.

Mr. Rosengweig stated they are approximately 6 to 7 years old. They have opened 26 sites around the United States and anticipate three more in the next two to three months. They purchase land, usually 80 to 100 acres, and place cabins, which are technically RVs, spread out on the property. The cabins are separated because their mission is to give people a place to get away. They try to do the least amount of clearcutting as possible. They try to reuse roads when they are available. There is no Wi-Fi and no TV. The goal is to get away, read, enjoy campfire, or hike. They do usually install a nature trail and they try to be someplace near established hiking. They are very careful about where they place the campfire pits. They have approximately 1000 cabins and they have never had a fire. They also maintain a building for cleaning services and there is one permit residence so someone is always on site 24 hours a day. They have a fairly large restriction on noise. There is no allowed amplified music. The goal is to allow people a quiet place to get away. A typical stay is two or three nights, and they have an absolute max of seven nights. They do not want these to become residential in any way. You cannot bring a tent or RV and there are no restaurants or f&b facilities on site. People will typically bring their own food in or use the local restaurants in the area. The applicant does like to advertise that, and they do quite a bit of outreach to the local business community, particularly restaurants and local markets. There are several of these located in the Catskills. Ms. Robbins asked if they were year-round, and Mr. Rosengweig said yes. Mr. Eickman asked if they had water and wastewater and Mr. Rosengweig said they had water, electric, and wastewater. He stated sometimes they need to build from scratch, or in some cases, they have taken over old campgrounds that have these established. Mr. Campbell asked if they would be hooked up to any Town services. Engineer Bryant said no. Mr. Candlehan stated that there is a current septic facility on site. They are planning to test it to see if it can be reused. He believes there is also the leach field on-site. They are also proposing an additional septic field in case the demand is more than what the existing field can handle. Mr. Campbell asked if they

had any idea the capacity of the system that is there now and Mr. Candlehan said not yet. They are currently investigating. Matt Liponis stated this was a lodge and full restaurant. Mr. Miyoshi asked if this was the old Monte Rosa site and Ms. Robbins said yes. Mr. Campbell asked if they knew how many bathrooms were there before. Mr. Candlehan stated they were unsure how many existing bathrooms there were, but they are anticipating having to install an additional leach field. The existing building will be for the year-round person and that will utilize the existing septic. Mr. Campbell asked how they control people arbitrarily coming on-site. Mr. Rosengweig stated they only allow a single car per sites and no guests are allowed. The cabins are very small. There is a two-bed version but that only works well for small children. There is someone that will be there 24 hours a day that does traverse the site. Mr. Campbell asked if there was a gate or a check in process. Mr. Rosengweig stated the cabins have a code that are changed daily that the guest gets a half an hour before the reservation starts. Reservations are only made through the websites. Mr. Campbell asked where the corporate office was based out of. Mr. Rosengweig said technically in New York. He does live in Connecticut but it is a virtual company.

Mr. Eickman asked if these facilities are all in New York. Mr. Rosengweig stated typically they located within a few hours of large cities. There have two in the Catskills, one in Connecticut, one north of Boston, one in New Hampshire, a few in Atlanta, and a few out of Washington. In New York there are a few more. There is also one near LA and one near Houston. Mr. Eickman asked if they were similar in size and services. Mr. Rosengweig stated they are pretty consistent. There are few that are connected to town water and sewage because they already were established that way. They tend to be Boy Scout camps or Girl Scout camps that are taken over, but many are on their own septic fields.

Mr. Campbell asked what kind of mitigation the town has for extended stays. Ms. Robbins stated this would require a special permit so they could add a condition on the special permit as part of its use. Mr. Campbell stated this is something that Getaway has been willing to entertain with other projects throughout the State. The applicant reached out to the Building Department to determine if this is allowable under the Large-Scale Recreational Development. Once that happens, they will

incorporate into their application all their materials together with the EAF with their submittal. This was just to give the Board a general overview of the project. The next time they will have the full environmental assessment including steep slopes and wetlands. Then they will ask the Planning Board to declare their intent to act as Lead Agency. Mr. Campbell asked what the average vacancy rate was. Mr. Rosengweig stated it varies upon the seasons. Single stays in the middle of the week tend to be less than on weekends. Mr. Campbell asked if they anticipate ever being at hundred percent capacity. Mr. Rosengweig stated on some three-day weekends they tend to get very booked.

Mr. Moore asked how many bedrooms in total they would have across the 49 units. Mr. Rosengweig stated they do 20% two bedroom and 80% one-bedroom. There are also two accessible cabins. Mr. Moore asked if they had consulted with the Dutchess County Department of Health as far as what the requirements for septic and water will be. Mr. Candlehan stated they are in the process of doing that. Mr. Liponis stated they have to go through the process to the County for campground permitting as well. Ms. Robbins stated that the roads need accommodate the emergency vehicles. Mr. Rosengweig stated they understand that. There is a combination of two-way roads as well. They prefer to keep the roads gravel. It tends to slow traffic down some. Mr. Moore stated whatever surface they choose has to be accessible for emergency vehicles.

Mr. Eickman asked where the units are manufactured. Mr. Rosengweig stated the majority of them are made in a factory in Adams Massachusetts. There is another small company they have tried from Cincinnati.

Mr. Liponis stated they would be turning in some revised materials as well as the full environmental assessment form. They will have list of the involved and interested agencies, all of which they will submit in time for the next meeting.

Mr. Cunningham stated they have found a lot of wetlands on the site and a large buffer. He understands that the ordinance states there is really no development allowed in certain areas. Given

that this is a very low impact kind of development that they are proposing, they do have some areas that will go into the buffer, some cabins and some ground roads proposed in the buffer. He asked if there was any type of leniency or waiver for that. Ms. Robbins stated she believes these are federal wetlands and some local wetlands. It looks like some of them are connected and they will have no idea if DEC will take jurisdiction over them. She does not know the hydrology of the area and if there are any larger wetlands nearby. That area will probably have Indiana bat issues as well. Forest and wetlands are their main habitats. It is best if the applicant stays out of the wetlands as buffers. Mr. Candlehan stated a lot of the development follows the existing roads and they are already within those buffers. The thought is to follow those existing pathways to cut down as few trees as possible. Ms. Robbins asked if the wetlands have been delineated yet and Mr. Candlehan said yes. Ms. Robbins asked if they have received a report stating if they were just local or connected and Mr. Candlehan stated the wetlands were a little bit isolated. The site drains to the Northeast area where there is a wetland approximately a mile away. Ms. Robbins stated that the buffer is determined by the size of the wetland. She suggested they have a meeting to review these together. Ms. Robbins also asked if they had a variance needed for the setback. Mr. Candlehan stated yes, that area is pretty open and there are not a lot of trees back there. The adjacent property is the State Park and it is also a 100+ foot sheer face. There really are no neighbors they will be disturbing up there.

SKETCH PLAN:

#2022-049 – Paradise Preserve Subdivision, 12 Deverly Lane. (6756-00-241319)

Applicant is proposing a 6-lot subdivision on 93.3 acres in the R-3 Zone.

Sarka Leff and Sepp Boeshl were present.

Ms. Leff stated this is located at Deverly Lane and Grape Hollow Road. The Appalachian Trail runs north of the property. They are proposing a six-lot subdivision on a 93.3-acre lot. This is in the New York City watershed. The property is on the Town of East Fishkill and Town of Beekman line, but this application is all in the Town of East Fishkill. There is a 19-acre landlocked parcel

adjacent to it as well as the portion in Beekman. There are New York State DEC wetlands on the property and they are in the 100 year floodplain that takes up 20.5 acres. There are steep slopes over 33% that equals 31 acres. This is in the R3 residential zone. In 1986 and prior, this was quoted by the assessor's office as cottages and bungalows. They were one-family seasonal residences with a multipurpose structure on the property. In 1979 some of the property was developed to include two-family dwellings, tennis courts and some other houses. The pond was used for swimming. Ms. Leff has heard that it was used as a Girl Scout camp, but cannot find any records verifying that. Theoretically this property could be subdivided into 16 lots, but they are only proposing six. They are pretty confident they can comply with the zoning compliance tables. They're looking for the on-site wastewater treatment system to be approved from the Dutchess County Department of Health and the New York City DEP. They need approval for the private wells, the house sites, the access and driveways, and storm management. There may be other agencies involved as well. The first thing they did was to look for suitable areas for septic systems. There are slopes over 15%, which is the limiting slope for septic systems and the absorption areas. Based on that is where they determined the lots to be. The septic system on one lot was approved in December 2021. There is an open submission for Lot 6 with a capacity over 440 gallons. The applicant did field testing in August and September. They did deep tests and percolation tests that were witnessed by DEP and Department of Health. After they found those six suitable locations for septic, they developed the lots. There are some natural access points along Grape Hollow Road. Lot 1 will be a three-bedroom house, Lot 2 will be a four-bedroom, Lot 3 will be a two-bedroom, Lot 4 will be four-bedroom, Lot 5 will be a four-bedroom house and an accessory building with the option of the bedroom with a 550 gallons septic, Lot 6 will be 440 gallons. The wetlands have been delineated along Lot 4 boundary, but it still needs to be surveyed.

Mr. Campbell asked if there were any structures on any of the lot currently. Ms. Leff said yes. Mr. Campbell asked if there were existing septic with those existing structures. Ms. Leff stated they remain to be uncovered. They are not exactly sure what is there. Mr. Campbell asked if their intention was to use some of what is there, and Ms. Leff said no. The buildings that are there are not in good shape and are not occupied. Engineer Bryant asked if they would all be removed. Ms.

Leff said she is unsure. Mr. Campbell asked if they were going to perc test each site and demolish everything existing on each site. Ms. Leff said the perc testing and deep tests were done already on all six lots. She stated it was done to see if septic systems were feasible. Between the steep slopes and rock outcrops they were limited in trying to define areas that would support what they needed. Engineer Bryant stated the Department of Health approval is good for five years. He is not sure how long the test is good for. Ms. Robbins asked if the intention is to have one single family home on each lot. Ms. Leff said yes and an accessory structure. Mr. Campbell asked if they would be seeking any approval for future development on the remainder of 68 acres. Ms. Leff stated she could not speak to that. Ms. Robbins stated it would require them to come back before this Board. Mr. Miyoshi asked why the 19 acre landlocked area was not included into this or given any access into this. Ms. Leff stated it is owned by the same party, but there are steep slope issues. Mr. Campbell asked why it was not being made part of the submission. Ms. Leff stated she could not speak to that. She was only hired to see if this parcel was feasible.

Mr. Eickman stated he believes storm water management will be an issue they will need to deal with due to the steep slopes and wetlands.

Attorney Cunningham stated that at this point it seems like the applicant is going to speak to some other outside agencies and then continue with their due diligence. Then they will see if they want to make a formal application. Ms. Leff asked if the wetland area needed to be delineated in the whole area or just in the area of disturbance. Ms. Robbins stated anywhere that they are disturbing or removing trees will have to be delineated.

Mr. Eickman complimented the applicant on her presentation. It was very easy to follow. Next up is for them to have discussions with other agencies and determine if they want to continue going forward with a formal application.

SKETCH PLAN:

2022-050 – Stack-N-Store, 1088, 1090, 1096, 1094 Route 82 (6458-04-702115, 720105, 714134,

701142)

Applicant is proposing an indoor, climate-controlled 82,500 sq ft self-storage facility in the B-1 Zone.

Kevin Solli and Shane Reynolds were present.

Mr. Solli stated this parcel is on Route 82 south of the intersection of Clove Branch Road. It is the assemblage of four parcels that are currently undeveloped. This is just north of A.C.E. Veterinarian. It is in the B-1 zone. They are proposing a self-storage facility. It is a fully contained, climate-controlled storage facility. They would be proposing a three-story 82,500 square foot facility. They would be constructing 28 parking spaces on the property and land banking an additional 58 spaces to comply with the parking requirements. Stack-N-Store is a new brand on the market. There is one open in Patterson New York, one in Rotterdam, Milton, and several locations in Connecticut. They are also looking towards Massachusetts. They looked to see if this is something that the Board would be supportive of. They will need relief from two components of the zoning regulations. They're looking for a three-story facility and there are only two stories permitted in the current zone. They are also looking to propose a floor area ratio of .44 and .35 is what is permitted. The architecture of this is designed to create a very residential feel. They do want to be sensitive to the context of their surrounds. There are no overhead doors around the perimeter. There is no outdoor storage proposed. They do believe that their architecture helps to minimize the look of the third story. They're looking for feedback before they move forward.

Mr. Campbell asked what the maximum height would be. Mr. Solli stated it would be less than 40 feet high. It is roughly 12 feet floor to floor.

Mr. Eickman asked if this was a standard color scheme for this applicant and Mr. Solli said yes. Mr. Campbell stated he just saw the one in Patterson and it is pretty attractive. It is built more like a residential or complex structure like a drive up mall. Mr. Solli stated they believe the property works and that this would be a great addition to the area. It is the opportunity to consolidate four existing parcels. Mr. Campbell asked if they had any of these facilities built to two stories. Mr.

Solli said no. It is climate controlled with elevators inside so they need to meet minimum thresholds from a square foot standpoint for usable area to make the projects financially feasible. They have one up to five stories but never under three. Mr. Campbell asked if the one in Patterson was three stories. Mr. Reynolds stated yes, the one in Patterson is very close to what would be done here. He stated the third floor is basically hidden into the Maynard's of the roof. From a distance it appears to be a two-story building.

Mr. Eickman asked for a review of the parking. Mr. Solli stated from an operations standpoint, parking for these facilities is very minimal. There is an office as a small component. There are gates on both sides so that only customers can go in. They are proposing 14 spaces in the front of the facility and 14 in the rear of the facility. In reality, he believes they only need 10 to 12 spaces total to function. The zoning does allow for land banking so they would be taking advantage of that. If they need to comply with the warehousing parking, it is one space for 1000 sq. ft. They would be able to build them in the future if needed but they will probably never need nearly that amount. If land banking, they are minimizing the impervious surface and minimizing the disruption and clearing that would be associated with construction.

Mr. Eickman asked Ms. Robbins if this was close to what they looked at from a prior application. Ms. Robbins stated the prior application did not have this many spots. Mr. Solli is confident that what is shown is more than they need to have for actual use.

Ms. Bledsoe asked what the back of the building would look like. Mr. Solli did have an elevation for that area. It looks similar to the front, but with less windows. There is some topography and terrain on these parcels that act as a buffer so they would be able to maintain a lot of the woods to screen it from the rear and the north. There is a small business owner parcel adjacent.

Mr. Miyoshi asked why parcel number 1092 was not being combined with the others. Mr. Solli stated he did not know why.

Mr. Eickman asked if this was going to have a well and septic and Mr. Solli said yes. This type of application does not have a large septic or water generation.

Mr. Eickman asked what the hours of operation for the office would have. Mr. Reynolds stated it would be standard hours with two staff minimum. In some cases customers can still have access to the building after office hours with a security code. They do have 24/7 security monitoring.

Ms. Robbins stated that they would be requesting two variances. One is for height and the other is for floor area. This is not the same as lot coverage. The way you determine the floor area ratio is to divide the total area of the building by the total area of the lot. Floor area ratio is supposed to control the bulk of the building because it is proposed at three stories, it is slightly larger and bulkier than what would typically be allowed. Mr. Solli stated it is nine hundredths over the floor area ratio. Attorney Cunningham stated it is over 30% variance. Mr. Solli stated they are allowed 75% lot coverage and they are only proposing 32% so they are consolidating their development impact from a footprint standpoint. From the building coverage ratio, they are allowed 35 and they are proposing 15. They are far under the horizontal limits. Ms. Robbins stated they do not typically hear about floor ratio here, but it is very common in city locations. Mr. Campbell asked if anyone else in the area has a height variance. Ms. Robbins stated the height is measured to the joist. Engineer Bryant does not believe anyone else has relief from the height measurement. Ms. Bledsoe stated most of the buildings in that area are very tiny and more like houses. Even the church is low and wide. This will be big and stand out significantly going down Route 82. Engineer Bryant stated the lot is elevated as well.

Mr. Miyoshi asked if they have been to the Fire Advisory Board yet. Mr. Solli said no. He does understand there will be several steps besides meeting with this Board. Ms. Robbins stated they just changed the zoning in the Hamlet to allow three stories by special permit for mixed-use. Ms. Bledsoe stated she believes developing the lot is a great idea but this project is going to be massive in scale compared to everything on Route 82. She asked if there was an option to make it smaller.

Mr. Moore asked what the proposed lot coverage was. Mr. Solli stated he believes it is 32%. That is taking into account the parking around the building and not the future land banked parking. Mr. Solli stated they could work with staff to see if self-storage is different than the normal storage and warehousing uses.

Mr. Campbell asked if they would consider a two-story building or if the whole project would be scrapped if it is not three stories. He is not sure the fire department can handle a three-story facility. Mr. Solli stated they would have to take a close look at it and run through their financial model to see if it would still be viable. Mr. Eickman suggested they present a streetscape from how it would look next to the adjacent properties. Ms. Bledsoe stated she would also like to see the view from the surrounding houses. Mr. Solli stated they can provide those visuals.

Ms. Robbins asked what the setback from Route 82 was. Mr. Solli stated it is 40 feet from the front yard and they are actually 91 feet from the building.

Attorney Cunningham stated procedurally they would need to get the variances from the Zoning Board of Appeals. This Board has control over the architectural features. Mr. Solli stated he believes he needs to get a referral from this Board to the ZBA. Mr. Campbell stated they should also get referred to the Fire Advisory Board.

Ms. Robbins asked if the Board wanted to refer them or wait until a formal application came in. Attorney Cunningham stated that the applicant will probably want to review the feedback they receive from this Board. They can go directly to the ZBA, they could go to the Building Department and get a denial letter, and then they would get sent directly to the Zoning Board. That would at least tell them whether or not they could get the three stories which may determine whether they want to move forward. Mr. Solli hopes that the conversations regarding reducing impervious surface with the land banking could be beneficial. Attorney Cunningham stated that a few other self-storage applications been approved, so the applicant would have to explain why this one is different and needs relief from the height regulations when the others did not. Community

character is one of the five main factors with the ZBA, so if this building is significantly larger than all the small surrounding buildings they need to see the impact on the community character. Mr. Eickman stated a street scape could be very helpful to everyone. He stated he feels the design they have come up with is excellent and overall the Board seems agreeable. Mr. Solli stated they will review the feedback and take it from there.

Mr. Eickman asked if there was any further business to be brought before the Board. There was not.

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