

**TOWN OF EAST FISHKILL
PLANNING BOARD SPECIAL MEETING
FEBRUARY 21, 2023**

John Eickman called the meeting to order.

Members present:

Don Papae, Lori Gee, Richard Campbell, John Eickman, Ed Myoshi, and Sarah Bledsoe; 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, March 21, 2023, and Tuesday, April 18, 2023.

APPROVAL OF MINUTES:

**December 20, 2022
January 17, 2023
January 23, 2023**

Motion made by Lori Gee, seconded by Sarah Bledsoe, to approve the minutes of the December 20, 2022. Voted and carried unanimously.

Chairman Eickman stated he has not had a chance to review the minutes from January 17 and January 23 so those will be held over for approval at the next meeting.

John Eickman stated there were several Public Hearings that were scheduled for this meeting. Several of them have been adjourned so he wanted to inform the public before the meeting started. Firas Bridges Subdivision has been adjourned until March. The Estates of Phillips Farm

has been adjourned until March and the Speziale Subdivision has also been adjourned until March.

EXTENSIONS:

EXTENSION:

Donovan Site Plan, 8 Nancy Court (6358-02-561646)

Applicant is requesting a 6-month extension for a site plan approved on 6/2/2009. The applicant previously received extensions on 4/6/10, 6/21/11, 9/6/11, 12/20/11, 3/6/12, 4/1/14, 4/21/15, 4/20/16, 6/6/17, 6/18/18, 6/18/19, 4/1/20, 11/1/20, a 6-month extension on 11/17/20 until 5/31/21 due to Covid 19, and one-year extension on 6/8/21 thru 6/8/22 and a six month on 6/8/22 thru 12/7/22.

Robert Rose and Michael Gillespie were present.

Mr. Rose stated this is regarding an extension for the proposed site plan at 6 Nancy Court. On December 20, 2022, they were before the Board in regard to this, and there were a few items that the Board were concerned about. Some of it was regarding floodplains and some was for zoning. It was discussed that Mr. Gillespie would look into these.

Mr. Miyoshi asked if it was 6 Nancy Court or 8 Nancy Court. Mr. Roberts stated that 8 Nancy Court is existing, and 6 Nancy Court is the proposal. They are both in the same zone.

Mr. Gillespie stated he issued a letter on February 10, 2023. His task was to take a look at the site plan when it got approved and what has been changed and what would be any specific impacts at this particular site with the current zoning. He stated it is not bad. There is a new e-code online that has all of the changes and code modifications that have changed. He went through each one of those particular items. In terms of the zoning modification impact or setback, they did not see anything that would be impact relative to this application as it was approved. They did see that there was a storm water management drainage report prepared as part of the original application. There is now a SWPPP requirement. They do have a basic

SWPPP because their disturbance is under an acre for the site, but the plan will need to be developed further. It is the intent of the applicant at this time to pull their permit for the new building with the extension granted. He does feel that if the Board moves forward with the extension, it would be subject to making sure that that extended report is imported as part of it. This does have a signed Site Plan.

Ms. Robbins stated that this parcel was subject to a zoning change when they did the industrial lands, so she believes it is now zoned B3, which is a light industrial zone. She is not sure if it significantly impacts the uses plan for the site. She does know it means you cannot have a contractor's yard and a few other things that are no longer allowed in the zone. She does believe for the type of building that is being proposed is similar. She just like the applicant to be aware of the zoning change. Mr. Gillespie stated they are aware of it, but it should not impact their use. Mr. Rogers stated it would be manufacturing and Ms. Robbins stated that they need to be sure that that type of manufacturing is included in the light industrial zoning.

Mr. Miyoshi asked if there were finally ready to go forward with building this. Mr. Gillespie said yes. It was under a different owner when it was originally approved. The new owner is ready to move forward with the new building. They are requesting a one-year extension.

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

Ms. Robbins stated that the Town has enacted a fee change. From this point forward they will be charging for extensions. She stated they also have allowed one-year extensions in the past, so they will do two six-month extensions. She wanted the applicant to be aware that next time there will likely be a fee. The first six months will be at no additional charge and the second six months will be subject to the new fee.

Motion made by Richard Campbell, seconded by Lori Gee, to extend this approval

for two six-month extensions, the first being with no fee and the second will be charged the newly approved fee. Voted and carried unanimously.

2021-018 Tucker Trails Subdivision, Route 52 (6557-04-579147)

Applicant is requesting 2 three-month extensions (6-month extension) for a subdivision plan that was approved on September 13, 2022.

Michael Gillespie was present.

Mr. Gillespie stated Tucker Trails has been before this Board before. It is on the corner of Route 216 and Route 52. The wells were just drilled, and the water has been tested. They do have an Indiana Bat issue. There are two access points, one from Route 52 and two from Route 216. There are trees at those locations, so they are looking to remove the trees so they have access to the site. They are asking for an extension, and they are also asking for the ability to remove the trees before bat season starts.

Mr. Eickman asked if they were ready to start developing the site. Mr. Gillespie stated they need to file their map and they just got the wells approved. They need to take care of the Health Department legalities before they can file. They can't build houses until the map is filed, but they are close. If somebody wants to build this summer the trees are blocking the entrance points and they would be unable to take the trees down because of the bat issue. The site itself is more secondary growth with very small trees and reeds. The front has large trees that are along the edge. The canopy will all remain, except where the driveways actually come out to the roadway.

Mr. Eickman stated they have had a lot of issues lately with people clearcutting and then development gets delayed. He asked Mr. Gillespie what his plan was. Mr. Gillespie stated the plan is to remove the trees at the entrance locations only. They will not be clearcutting. They will keep as many trees along the front as they can. There are really no trees on the sites to remove. It's more of an overgrown meadow with some small saplings. They are just asking to remove the

trees to allow the entrances to be installed. Mr. Campbell asked if there was any way to delineate on the plan map what trees would be removed. Mr. Gillespie stated yes, and he can also flag them in the field so they could be seen.

Ms. Gee stated their original approval was done on September 22, 2022, and it is good for a year. At this point they do not need an extension. Mr. Eickman verify that the request actually is only for the removal of trees and no extension at this point. Mr. Gillespie agreed.

Ms. Bledsoe asked when they expect to file a map. Engineer Bryant stated they need health Department approval before they can do that. Mr. Gillespie stated they do have a health Department letter that has everything relative to sewage and the sewage system disposal systems all wrapped up. They were waiting on the test wells, which were just drilled. The quality and quantity tests have been done so now it is just a matter of having the Department of Health review that and get back to them. Realistically it will probably be 2 to 3 months.

Ms. Robbins asked if they had the limit of disturbance lines marked. Mr. Gillespie said yes. Ms. Robbins asked Engineer Bryant if they wanted to go out and check the limits of disturbance before the applicant is allowed to clear. Engineer Bryant stated CPL can do that. Mr. Moore stated they could get something that shows what the applicant intends to take down prior to approval. Ms. Gee asked if they are changing the limits of disturbance from the original proposal and Mr. Gillespie said no. Mr. Gillespie stated this is not something that he wants to do but due to the bat issue, it is something they have to request.

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

Motion made by Richard Campbell, seconded by Lori Gee, to approve the tree removal as described by Mr. Gillespie subject to review and approval by the Planner and CPL. Voted and carried unanimously.

#2019-019 Hopewell Senior Living, Joe's Mother's Road and Route 82 (6357-04-924400)

Applicant is requesting a one-year extension of site plan approval thru March 9, 2024. Applicant was previously granted a one-year extension at the Feb 24, 2022, Planning Board meeting which extended the site plan approval thru March 9, 2023. The Project is a Senior Independent Living Apartment complex with 84 units.

Eric Schlobohm was present.

Mr. Schlobohm stated this project was originally approved on March 9, 2021. They did receive a one-year extension on February 24, 2022. They have been working with the town engineering to get the sewer where the Town wants it. They are asking for a one-year extension.

Ms. Gee asked if there were any changes on the plans. Mr. Schlobohm said yes. They are working with town engineering on some sewer changes. There have been some changes to some of the fence type for the DEC. Ms. Gee asked if that was for delineating the wetland area and Mr. Schlobohm said yes.

Mr. Eickman asked if they had gotten through all of the issues as far as threatened and endangered species. Mr. Schlobohm said they did receive an e-mail today from the DEC regarding two alternatives and reserving certain areas of land for planning sterile habitat that they have accepted as a net benefit. They do believe they are very close with the DEC at this point.

Mr. Campbell asked if there were DOT issues in regard to crosswalks. Mr. Schlobohm stated there was to be a land dedication along the frontage for a sidewalk. Those documents and maps are drawn up and are waiting for the DOT to sign off on.

Mr. Miyoshi asked if all of the entrances and exits out will be worked out and Mr. Schlobohm said yes. Mr. Campbell asked about a crosswalk. Ms. Robbins stated there was a discussion regarding that, but it is in DOT's hands as to whether or not they will allow it. She stated the applicant has also made some modifications to the roof line. It was a mansard roof and now it is

a peaked roof. Mr. Schlobohm asked if there were any outstanding comments in regard to that. Ms. Robbins stated that she applicant should submit the architectural information so this Board can share them with the ARC for their review of the change.

Mr. Eickman asked if they needed to refer the applicant to the ARC. Ms. Robbins stated this Board could look over the plans and see if they think there is enough changes to send them back to the ARC. Ms. Robbins stated they could grant a one-year extension and just ask to have the plans to review. At that point they can decide whether or not it needs to be referred.

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

Motion made by Lori Gee, seconded by Richard Campbell, to grant two six-month extensions with the understanding that the second six-month extension will require a fee to be paid by the applicant. This will be subject to the submission and review of the revised architectural drawings to determine if the changes to the roof line or any other changes require further study by the ARC. Voted and carried unanimously.

DISCUSSIONS:

DISCUSSION:

#2022- 040 – 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.

Joseph Walden was present.

Mr. Walden stated the applicants are proposing a two-lot subdivision on Mary Lane. He just received a letter with questions and comments today.

Ms. Robbins stated the submission was put in several months ago. It is an older subdivision.

There is an existing house on 2 acres. It was unclear, in the olden days, if their property extended into the middle of Mary Lane. The question was whether or not the road had ever been dedicated to the Town or if it was still under ownership of the property owner. If it is owned by the property owner,, the Town said then there was actually 2 acres and they could subdivide it. If it was dedicated to the Town, the landowner has less than 2 acres and cannot do a subdivision. Ms. Robbins went to the attorney, and they reviewed it, and they asked the surveyor to do some additional work. Mr. Walden stated it was never dedicated. Ms. Robbins stated they may just want to get a statement from the surveyor to verify that. If that is the case, then they can subdivide the 2 acres into two lots and then they will offer up a strip of land to the Town to keep the right-of-way. Ms. Gee stated that both lots would be less than an acre, but it would be to the Town's benefit because it gives the road dedication. Mr. Moore stated that the surveyor will need to put notes on the plan as to how many square feet will be dedicated and he will have to produce descriptions that will need to be reviewed. Mr. Walden stated the surveyor told him he could do that after preliminary approval.

Mr. Campbell asked if this was a cul-de-sac. Ms. Robbins said no. Mr. Walden stated it is a dead-end street, but it is in the middle of the street. He stated he believes four of the lots go to the center of the road and a few of the lots do not. Ms. Robbins stated a lot of the lots are smaller because they predated the zoning, so it is not out of character with the neighborhood.

Mr. Walden stated there was a comment about the environmental assessment. He stated it was done but he only received it at four o'clock this afternoon. He stated the Board of Health said that they can't submit until after the applicant gets their preliminary Town approval. He stated the Town had a question regarding the septic. Mr. Moore stated they wanted to make sure that the existing septic is not too close to the line. Mr. Walden stated Hopewell Septic said they will identify it and get the parameters. Mr. Moore stated the Department of Health would want to know that information as well. He stated they also need to calculate the proposed limit of disturbance. If it exceeds an acre it will need to be covered under the general permits. Mr. Walden stated the undeveloped parcel is 1 acre so the disturbance area will be less than 1 acre.

He will put it on the revised plan. Mr. Moore stated they would be over an acre if they need to configure the septic system for the existing lot. If it is less than an acre it will not be an issue.

Ms. Robbins stated they should declare intent to be lead agency.

MOTION made by Ed Miyoshi, seconded by Sarah Bledsoe, to declare intent to be lead agency. Voted and carried unanimously.

2023– 051 – Rising Sky Housing, Donovan Drive (6455-00-288434)

Applicant is proposing a 9000 sf building on 2.047 acres to have a contractor yard and building to be used by contractors for storage and equipment.

Joseph Berger was present.

Mr. Berger stated this is a project on 2.047 acres. They are proposing a contractors' yard on Donovan Drive. They are proposing a 9000 square foot steel building for use for contractors. It will be serviced by a septic system and individual well. It will have five bays. They will have approximately 1.8 acres of disturbance. They will restore a lot of it by lawn. A good portion of the disturbance is for the septic system and storm water. The site is relatively flat, most is 0 to 10%. There is 10 to 15% on a very small portion and 2.8% is over 33%. It is a mixture of clay loom soil five or six feet down and below that is more of a gravel.

Mr. Campbell asked if this would be a single tenant use and Mr. Berger said it would be multiple tenants. The owner will be there with multiple tenants. Mr. Eickman asked if this was just for storage of equipment. Mr. Berger said yes. The owner will have an office there. The others will just be for storage of equipment. There will be no material stored on-site.

Mr. Miyoshi asked what the hours of operation would be. Mr. Berger stated they will try to stay within the Town hours. They don't want to be too restrictive because of the tenants. It is an urban area they are in, so he does not see working hours affecting the neighbors. They will put the hours on the map area. Mr. Miyoshi asked if vehicles were going to be parked on-site overnight outside. Mr. Berger stated that any vehicles parked outside would be completely in the back. The

vehicles will also be parked inside. Parking along the front would be for daytime use.

Mr. Campbell asked the height of the building. Mr. Berger stated it would be between 22 and 30 feet tall. Mr. Campbell stated they are next to a daycare. He asked what kind of screening was proposed. Mr. Berger stated they have a retaining wall with screening and a fence around the entire site. There is already an existing chain-link fence on the other side. Mr. Eickman asked how tall it would be. Mr. Berger stated it would be a 6-foot-high fence on top of whatever they were building which would probably be a foot high retaining wall. He stated the daycare property is down a little lower so from their point of view it will probably be about 10 feet. Ms. Gee asked if the fence ends at the building. Mr. Berger said they are proposing the fence go to the back of the daycare building. Mr. Eickman stated that most of the machines and noise will be intruding on their space. Ms. Gee stated if plantings makes more sense for screening and curious eyes, and a fence it could be discussed as well.

Ms. Robbins stated that a contractors' yard has generally use regulations that are affiliated with it in the I1 zone, which is this district. It does give the Planning Board some discretion for screening and fencing. They can choose whether they want a fence, a vegetation wall, or a berm or a combination thereof. In this industrial zone, the Planning Board is also allowed to authorize higher fencing than is normally allowed. She asked the applicant if they were paving the back area and he said yes. She also asked if there would be a truck wash area and Mr. Berger said yes. Ms. Robbins stated that would require a well water separator that must be enclosed or on an impervious surface. The Planning Board can make that determination. Ms. Robbins asked if there was a storage tank for the oil and if so, it would require bollards as well. Ms. Robbins stated that all vehicles need to be in specific designated spots unless they were inside the building. The Planning Board has the discretion to determine whether or not they want the vehicles indoors or in designated spots or some combination of that. Mr. Berger stated that would be up to the owner and the tenant. He stated the hope is that they will have enough vehicle room inside, but outside spaces would be provided just in case. They can provide additional screening should the Board want it.

Mr. Eickman asked for the maximum number of vehicles outside that they could accommodate. Mr. Berger stated there are eight bays so at least 16 vehicles inside and then there is outside storage as well. There is one large space outside as well as the bays. Mr. Campbell asked if they had determine exactly how many vehicles could be stored inside and outside. Mr. Berger stated they could do two staggered inside for 16 and outside could be two smaller or one larger as it is a big space. Mr. Eickman stated it looks like there are a number of spaces marked. Mr. Berger stated 16 out there will be dedicated to the tenants. This is not open to customers so there is no customer parking. The front parking will be for employees to come in and leave their cars to take the contract vehicles.

Mr. Campbell asked what is on the other side of that address. Mr. Berger stated it is empty woods. Ms. Robbins stated there is a current proposal for a contractors' yard in that location too.

Ms. Robbins asked how much material would have to be moved off of the site for construction. Mr. Berger stated approximately 320 cubic yards. Ms. Robbins stated if they go over 375 cubic yards they will need a special permit. They would have to apply for that as part of the site plan approval.

Engineer Bryant asked if they intend to do fuel storage on site. Mr. Berger said yes. Engineer Bryant asked if it would be on an impervious surface and all the of it drain through a water separator and be covered and Mr. Berger said yes.

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

MOTION made by Lori Gee, seconded by Sarah Bledsoe, to refer the application to the ARC. Voted and carried unanimously.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to declare intent to be lead agency. Voted and carried unanimously.

#2023- 052 – Kevin Keegan, 17 Sunny Lane (6657-01-132645)

Applicant is proposing to install a ground mounted solar array on a residential lot. The Array is 427 sf.

Alex Martin was present.

Mr. Martin stated they are proposing in 8.9 kW ground mounted solar array. They have applied for and received a 50-foot sideline setback variance. The array will be located northwest on the property and will have 20 solar panels in the array. The location itself is naturally well screened from the abutting properties. They do have letters of support as well. The north side boundary line is significantly screened from the abutting neighbor. After discussions with the Zoning Board, they were trying to be close to the northern boundary line because of the way the trees are situated. That makes it the least visible area in the yard. Mr. Eickman verified that they did receive a variance from the ZBA and Mr. Martin said yes. He asked if they had any kind of elevations for the Board to see. Mr. Miyoshi asked if he had something that showed how close to the house it was. Mr. Martin said yes. He passed around his copy and a survey. Ms. Gee stated it does not show any of the adjoining houses labeled to see how close it is. Mr. Martin stated the footprint of the array will be 427 square feet and 9 1/2 feet tall. Ms. Robbins asked if they are adding existing panels to an existing array. Mr. Martin said no, they are not touching the existing array. These are not going right next to the existing array as there is a line of trees in the way. This will be slightly southwest of there.

Mr. Miyoshi stated it looks like the new array will be sitting on top of the septic field. Mr. Martin stated one of the posts will start to encroach on it but not a significant amount. It will not be detrimental to the field at all. Engineer Bryant asked if they have exposed the Leach fields yet. Mr. Martin stated they used the Department of Health records from the initial proposal of the subdivision as well as having a surveyor corroborate where it was located on the yard. Engineer Bryant asked how far down these posts get sunk and Mr. Martin said less than 60 inches. Mr. Moore stated tile fields are only usually 24 inches into the ground.

Ms. Bledsoe asked how big this was in comparison to what's already there. Mr. Martin did not have those numbers with him.

Ms. Gee asked why they needed a second array. Mr. Martin stated the existing array is older and there has been an increase in demand on the site. There is slow degradation of the panels as well. Ms. Gee asked if the two together would still be sized at a normal array at approximately 110% of the consumption and Mr. Martin said yes. Ms. Gee asked how old the first array was and Mr. Martin said it was installed in 2011. Mr. Campbell asked what the rent lifespan of the existing panels would be. Mr. Martin stated it is normally 20 to 25 years.

Ms. Robbins stated this could be considered a Type II Action under SEQRA.

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

MOTION made by Richard Campbell, seconded by Ed Myoshi, to schedule this application for a Public Hearing on March 21, 2023. Voted and carried unanimously.

Ms. Robbins asked if they were proposing any screening and Mr. Martin said no.

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. (Adjourned until March)

ADJOURNED 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 I includes 7 lots and Phase II 4 additional lots.
(Adjourned until March)

ADJOURNED PUBLIC HEARING:

#2022 – 046 – Michael Smilkstein, 26 Clove Branch Rd. (6458-01-433529)

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

Veronica Smilkstein and Brian Flynn were present.

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

Mr. Flynn stated this is for a small residential ground mounted solar array. It will have just one 7KW inverter and the DC KW size of the system will be 8.7. It is approximately 20 panels by facial LG panels. The inverter is SMA. There is a minimally invasive 175 underground AC trench to the house. There will be both an A/C disconnect at the array as well as at the house. They use an underground locator prior to doing any on-site work to make sure they are not near the well or the septic. They will stick to their work area very strictly as it is a tight area. Since they were last before the Board, they did have the engineers add some screening to the plan in case the Board feels it is necessary. They did send out letters to the abutting parcels and did not get any responses. The applicant tried multiple times to knock on his neighbor to the rear's door to notify them at least three times yesterday. They have not answered the door, nor have they written in. After two Public Hearings the applicant is assuming they have no issues. The applicant is happy to install the screening if the Board feels it is still necessary. Mr. Flynn supplied some photos from the site evaluation. Mr. Eickman asked if they were considering not including the screening. Mr. Flynn stated the customer would like to avoid it, if possible, but will go with the Board's ruling. The property line is completely screened. There is a lot of evergreen foliage as well. He had pictures of all four sides of the property which he put up. There is a 264-foot setback from the road. They did required two sideline variances from the Zoning Board of Appeals. There is significant screening on all sides. Ms. Robbins asked if there was any

requirement for screening when they were granted the variance and Mr. Flynn said no. They put it on the plan in case the neighbor felt it was necessary, but they have not replied to any requests for Public Hearing notices. Mr. Flynn did walk around on the site and it appears that it is screened year round.

Ms. Gee stated on some commercial plans they have agreed to approve something with the ability to install something within the first year if something comes up. Ms. Robbins stated they could possibly make it a condition if possible. Mr. Campbell stated in six months the house could be sold and the new owners could have a problem. Ms. Gee stated a future homeowner will see the array before they buy the house. Mr. Campbell stated he prefers to have screening entered now so it does become an issue in the future. Mr. Eickman asked if they have a picture from the neighbor's property and Mr. Flynn said no. Mr. Campbell asked if you were standing at the array would you see the neighbor's house. Mr. Flynn showed the two photos towards the neighbor's house and stated he could not see the house at all.

Ms. Bledsoe asked if the shed was staying where it is, and Mr. Flynn said yes. Mrs. Smilkstein stated she cannot see the neighbor's house even now. She said there is a lot of green screening all around the house.

Mr. Eickman asked if there were any members of the public to speak for or against this application. There were none.

Mr. Paratore stated he believes there are sufficient trees already on the property so the applicant should not have to add more. Mr. Eickman stated he liked the suggestion from Ms. Gee about doing a look back. Ms. Robbins stated they have not done anything like this on a residential property, only on commercial properties. She also said after they get the permits to construct it there is no recourse to make them install something after the fact. Engineer Bryant suggested they could post a bond for a time period. Mr. Campbell suggested a \$3000 or \$4000 bond. Mr. Flynn stated that if they had to do a bond they would just put the trees in now as that seemed like

a lot for a relatively small array. He stated these trees are not part of the contract so that would be their profit margin. They have been working on this plan for over a year, and they haven't mentioned anything about trees until the last meeting. At that point it was just a discussion if the neighbor felt it was necessary. Mr. Paratore did not see the need for putting in additional screening. If they were putting the solar array on a roof, it would not be screened. Ms. Robbins stated it does look like the homes are relatively far away as the aerial photo shows.

Ms. Bledsoe asked if there would be glare off of the array and Mr. Flynn stated these are designed to not have a glare. With the screening that is there the glare will not leave the property.

Mr. Eickman stated based on Ms. Robbins statement about the screening he is satisfied that no additional screening is required. Ms. Gee stated she is inclined to say a bond is not necessary, but she would like the ability for a look back. There is no way to know if the neighbors are not home or have not had a chance to respond. Mr. Flynn stated the applicant said there were cars in the driveway when he did knock on their door. He has tried at least four or five different times. Ms. Robbins stated that once they have all the permits, if the neighbor complained they really have no recourse. Mr. Eickman stated that based on what the applicant is saying, the fact that they have received multiples letters from the Town, and that there have been two Public Hearings and they have not arrived to voice any objections, he is comfortable with this. He does not feel it is necessary to require a look back.

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

NAME OF SITE PLAN:	Solar Panel Installation Smilkstein Residence
NAME OF APPLICANT:	Smilkstein
LOCATION:	26 Clove Branch Road
GRID NO:	132800-6458-01-433529

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant applied for a site plan and special permit approval under Chapter 100 of the East Fishkill Town Code for a Tier 2 Solar Energy System; and

WHEREAS, the applicant is proposing to install 20 ground mounted solar panels in two separate arrays on 1.0-acre residential parcel; and

WHEREAS, the applicant applied for and received a 51-foot right side line variance, a 37-foot left side line variance, and 37-foot rear line variance from the East Fishkill Zoning Board on October 25, 2022; and

WHEREAS, a public hearing for a Tier 2 Solar Energy System special permit and site plan was opened and closed on February 21, 2023; and

WHEREAS, the proposed action 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 grants a special permit and site plan approval for a Tier 2 Solar Energy System for the above project as represented on a map entitled "Smilkstein 26 Clove Branch Road" prepared by Suncommon, dated 10/22/21 and last revised 7/21/22; 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 Ed Miyoshi

The votes were as follows:

Board Member Lori Gee	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Richard Campbell	Aye
Board Member Donald Pepae	Aye
Chairperson John Eickman	Aye

ADJOURNED PUBLIC HEARING:

#2022– 044 – Speziale Subdivision, 2808 Route 52 (6556-01-434927)

Applicant is proposing a 2-lot subdivision with a shared driveway on an 18.14-acre parcel with

an existing house in an R1 District. The existing residence will remain on Lot # 1 and an existing shed and barn is proposed to remain on the new lot #2. (Adjourned until March)

Ms. Robbins stated this application is currently with the Zoning Board of Appeals because it requires a variance.

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

SKETCH PLANS:

SKETCH PLAN:

#2023 - 053 – Treetop Development, Donovan Drive, Lime Kiln Road, E. Hook Cross Rd. and Griffin Lane (6455-00-400593, 301596,540732,330505)

Applicant is proposing to build a 700,000sf and 200,000sf Warehouse.

Lucia Kyokio, Ruben Twersky, and Diego Villarreal were present.

Ms. Kyokio stated the project consists of four parcels that are classified in the I1 industrial zone, except for a very, very small triangular piece which is in the R2 zoning district. No development is proposed in that small piece. In the I1 zoning district the proposed warehouse use is principally permitted. When they submit their full application, they will be seeking site plan approval. The plan does comply with all the area and bulk requirements of the zoning district at this time.

Mr. Twersky stated Treetop Companies is a real estate company based in northern New Jersey. It is mostly a multifamily industrial company. They currently own and operate approximately 7000 units on the Eastern seaboard, both of market and affordable housing. They currently own and operate approximately 3,000,000 square feet of industrial warehouse space which is typically manufacturing warehouse and logistic space. They are currently expanding an additional 6,000,000 sq. ft. on the eastern seaboard from Virginia up to Connecticut, mostly in the Orange and Dutchess County areas. They have applications currently in Wallkill, Cornwall, and Goshen. They look at redevelopment as well purchasing the properties and then putting in significant capital

improvement to bring it up to class to bring in Fortune 500 type tenants. These proposed buildings are on spec as most tenants want to see square footage and everything else before they make a commitment. Most of their projects, they are willing to spend significant dollars on spec. There are four parcels that they look at as to properties. They have been working on this project planning for approximately a year to make sure that this concept plan works, and they can move forward with it. They own all of the parcels. Ms. Robbins asked if they were going to merge all the lots. Mr. Twersky said yes. Ms. Robbins stated she believes there is an Economic Redevelopment Special Permit that could also apply to the site. She asked if they were going to require a variance for the height of the building and Mr. Villarreal said no. She asked if they would be applying for the special permit and Mr. Villarreal said he does not know enough about it but he will look into it. He stated they have not yet put forward a complete application and they are still in the early process of the planning of the site. The purpose of tonight is to give the Planning Board a representation of what the applicant believes the site will look like before they go to the next level of incorporating all those additional studies. Regarding the height, they're looking at approximately 50 feet. They are permitted under the code because of the setback. He stated he wanted to give an overview of the project. A lot of what they have been working on has focused on wetlands and water courses on the property. The four parcels combined is approximately 142 acres. It is irregularly shaped. Interstate 84 is to the north of this project. There are small wings of the property that extends to Lime Kiln Road and there are two wings that extend to touch Donovan Drive. That is where access will be provided. The property extends back thousands of feet. Their wetland consultant has been on site flagging and delineating the wetlands. They have walked the property with the DEC and the Army Corps of Engineers, and they verified the delineation of the wetlands. There are two separate wetlands on the property. There is one that encumbers the western half of the property out to Lime Kiln Road. The second wetland is up against I 84 and extends south with a little bit of a watercourse. It is not a well-defined watercourse but more of a drainage ditch that collects land flow from the residential properties. Everything converges south and then traverses the property in a northerly direction. There are some open spaces that have been cleared prior. Predominately the property is wooded and undeveloped. The cleared area was farmland. Access will be off of Donovan Drive. The driveway will have an initial lot which will be used for trailer

parking and some additional vehicle parking spaces. Continuing east, you will encounter the first building, which is approximately 7000 sq. ft. The driveway extends on both sides of it so there are residential properties to the south. There is a driveway and parking areas for employees and workers within the building. The driveway access continues north and then interconnects and feeds to the second area of property that can receive development. It will be a warehouse approximately 200,000 sq. ft. in size. The loading area for this is on the north side facing I84 as well. The parking lot and parking area is on the other side of the building. Both buildings will operate independently and as of now there is not a specific user for either of them. They do have trailer parking associated with this for 49 trailers. There is also a small parking lot near the main entrance. They left area along the southern portion of the property line for proposed landscaping. What is important is the elevation and grade change. The grade change goes from south to north. The residential properties to the south sit at a higher elevation. The topography comes down and continues to go down towards the wetlands and water courses. The slope is rather significant in some areas. It allows them to bury the building into the slope and the hillside. The 50-foot building height is really only on the loading door side of the building. On the other side of the building is only 20 to 25 feet. That helps with the earthwork number so they're not moving as much earth around the site. They can do it because they don't have loading proposed on that side of the building. They will have entrances into the building from the elevation for the parking area. There will be some retaining walls and some slopes so by the time you get to the back you were almost at the same level as the top of the building. That allows for additional screening as well. The same thing happens with the second building as it is also at a lower elevation. They are not using the same tactics with building into the hillside as everything on the southern side of the property sits at a higher elevation. They have been working on storm water management and sewer. They are working with a hydrogeologist who did an initial analysis, and they are going to be in the process of doing test wells. The property will be served by a well system. They will be looking at a package plant or treatment plant. It will be relatively small system because it will be based on the employee counts, not dictated by the square footage of the buildings. They have been working with the wetland consultants and have been looking at threatened and endangered species on the property. They have a full Storm Water Pollution Prevention Plan that they are in the process of preparing. It will

be included in the detailed submission package and will address all storm water runoff coming from the property and in compliance with all of the DEC's regulations as well.

Mr. Campbell asked what the proposed building heights were and Mr. Villarreal stated they were approximately 50 feet. He stated it will be different depending on where you are on different portions of the property. At the highest elevation in the back of the property only 22 feet or so of the building is exposed. Mr. Campbell asked Ms. Robbins if that would require a variance for the height and Ms. Robbins said no. There is a clause that ties in how far back from the road the building is to how high it can be. Mr. Campbell asked if the proposed plan would change if a tenant came in during the building process and wanted something different. Mr. Villarreal stated some things will be locked in such as the loading, being buried into the hillside, and where the parking is situated on the property. There will be some flexibility in total number of parking spaces or loading spaces and where the entrances might be situated. Certain things need to be locked in as far as engineering. Mr. Twersky stated that they do feel this will be the best proposal for this area based on their experience. If someone comes in during the building process, they can modify it then. If they come in after the fact, he understands they will have to come before this Board for a modified site plan. Ms. Gee asked if they were expecting multiple tenants. Mr. Twersky stated they do not know. Someone just reached out looking for 1,000,000 sq. ft. in the Orange/Dutchess County area. He stated based on how it is designed now, 700,000 sq. ft. could probably be split up based on the loading docks. They designed the building to hide all of the loading docks from the residence on the other side. Ms. Gee asked if each building has separate access and if they were separate tenants would be gated separately. Mr. Twersky stated it is designed as one property and you have to travel through the first area to get to the smaller building. It is one campus. Mr. Miyoshi asked about the waterway that is running through the proposed building. Mr. Villarreal stated this is the one thing that extends to the south that is the drainage ditch that he alluded to. He stated their wetland consultants would be able to speak more on it and have specific data. It is not a high functioning wetland and there is no real value associated with it other than transmitting water from one point to another as it is more of a drainage ditch. Because it is connected to the overall wetlands, the DEC has said they are taking jurisdiction over that piece of it, so it does require a

permit from both the Army Corps and the New York State DEC. Ms. Robbins asked if they were taking the 100-foot adjacent area and Mr. Villarreal said yes. The 700,000 sq. ft. building does not encroach on any of those areas. They are trying to respect the 100-foot buffer and adjacent area associated with the wetlands. That is the only spot on the property that they took some liberties and encroached into because of the value and functionality of that portion of the wetlands.

Mr. Campbell asked if they saw building one of the buildings before the other one. Mr. Twersky stated they typically build on a single phase. It will probably be a one to two-year construction project. They have not determined which building it would start with. He stated the topography will play a big role on the overall operation. Mr. Twersky stated they might start with the smaller building and move outward. They will complete all the site work and all site improvements and roadways will be done and will be pad ready all at one time. Mr. Villarreal stated they try to work with elevations and have a balanced site as best as they can. The building construction will also be tenant driven as well.

Mr. Campbell asked what the building construction would be. Mr. Twersky stated it would be tilt up panel. He did not bring renderings of previous buildings, but they have nice outside architecture as well. He will work with the Architectural Review Board to design the outside.

Ms. Bledsoe asked if the water on the site was what is pushing the building so far back on to the property. Mr. Villarreal stated generally yes. The watercourses and wetlands on the property are DEC regulated and are on the lower portion of the site, so it pushes everything into the hill. Ms. Bledsoe asked if there was any way to move it forward more as it will be a massive impact on the residential neighborhood behind it. Mr. Villarreal stated that is something they tried to take into consideration when they designed it. It is the building but that is why they are trying to bury it into the hillside. They feel that creates more opportunities for landscaping and buffering screening. Because of the wetland watercourses and DEC regulated areas they cannot move it forward. Ms. Bledsoe asked about security for the backside. She asked if they would be supplying fencing or something that will provide security without making it look like a prison. Mr. Twersky said he

does not believe anybody could reach the bigger building based on the topography. Mr. Villarreal stated the parking lot and driveway is 60 feet wide on the back of the large building for some scale reference. Mr. Twersky stated they don't normally do security fencing. They could put up regular PVC type fencing if necessary.

Mr. Miyoshi asked if there would be running traffic on the back roads as the roads probably can't handle it. Mr. Twersky said no. There is a curb cut actually existing with a gate all the way at the end of the cul-de-sac that the previous owner and farmers used to use to access the site.

Mr. Campbell asked if there was further room for expansion after these two buildings were completed. Mr. Twersky stated he believes this is the maximum plan for the space.

Mr. Eickman asked what kind of traffic they expect on the sites. Mr. Twersky stated he does not have too many specifics of that as they are working on traffic. A lot of the traffic will be dependent on the tenants. When they're further along they will come up with a trip generation characteristic for both truck usage and vehicular usage that will be part of the analysis that was prepared as part of the report that will be submitted. Ms. Robbins stated there are two other applications for contractors' yard on Donovan drive as well so they will need to look at traffic related to this because Donovan drive is not configured well to handle the trucks. Engineer Bryant stated they would also have to look at Lime Kiln and surrounding access roads. Ms. Robbins asked if they had the hours of operation and Mr. Twersky said not yet.

Ms. Robbins stated this is right next to the Morrow Crane site. There were threatened and endangered species issues on that site. She just wants everyone to be aware of the close proximity to that site. There may likely be Indiana Bat or other bat issues on the site as well. She did drive back on Glen Ridge and Nanuk. It does sit above this property, but you can see the wetland in the vegetation. One concern that the applicant would need to consider is lighting. It needs to be done so that people situated above it are not looking down at a very lit surface. Right now, they are seeing woods and darkness. Because there might be sensitive habitat there the lights will probably

require some sort of shielding or full cutoffs. The lighting study will have to be done. They will also need a traffic study, a habitat assessment, noise and air quality reports as well as anything related to the HVAC systems. Mr. Campbell stated they need to be before the Fire Advisory Board. Ms. Robbins stated they will also need ARC approval and historical information. Once they submit a formal application the Board can declare their intent and initiate the SEQRA process.

Ms. Bledsoe asked that when they do make the submission could they include visuals from the neighborhood surrounding the property. Mr. Villarreal stated they have received some input already. They're looking at setting the building and the driveway somewhere around a 430 elevation. The homes on Glen Ridge Road goes as high as 490 so there is a 60-to-70-foot grade change. They believe that works to their advantage with the line of sight. It is easier to screen looking down. They did prepare a draft scope for their expanded environmental assessment form, and they do anticipate coming in with a Long Form EAF. They will do all of the usual reports that are required and the visual resources from different directions. The habitat assessment will drive some of the buffers, so the wetland consultant did confirm with the DEC they do not have a bog turtle habitat. They will get confirmation from the DEC confirming that. They will also discuss the wetlands. They will do a full lighting analysis including fixtures, pole heights, lighting intensities, and cutoffs. They will provide construction logistics and phasing as well as noise reports. Ms. Robbins stated that the applicant is requesting that the Board consider part of their SEQRA review as an EIF verses a full-blown environmental impact statement. They are proposing to do an extended EIF with the table of contents which in an EIS would be a scoping document, but they are going to do what they call a mini scope essentially. They would do some additional studies to provide you with the information so that you can hopefully say at the end of the day that there were no significant adverse impacts that either weren't avoided or mitigated as part of the project design. It will be up to this Board as the lead agent, once you declare intent, to determine whether or not you agree with that assessment. It is up to you to decide if they provided you with enough information to make that determination that there were no significant impacts, then you could go ahead with the Negative Declaration. If you decide that you cannot do that and that you need additional information, he would have to go towards an environmental impact statement. This

board has not really seen many environmental impact statements in the past.

Ms. Gee stated that one of the things they might look at is what type of storage is there and as to whether or not there is additional fire suppression needed, any hazardous materials, or other things that may need to go into the building based on who the tenants are. It may be a two-phase process that may require a second review. Mr. Twersky stated that all of the buildings will be fully sprinklered. As a company policy they don't allow hazardous materials for storage, but he understands.

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

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