

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
MARCH 21, 2023**

John Eickman called the meeting to order.

Members present:

Don Papae, Lori Gee, Richard Campbell, John Eickman, Ed Myoshi, and Sarah Bledsoe; Michael Cunningham, Attorney; Scott Bryant, Engineer; Michelle Robbins, Planner; Christian Moore, Engineer, Rich Renia, Engineer; Matt Rickett, Zoning Administrator; Dave Palen, Fire Advisor Board; Chris Jodlowski, Board of Fire Commissioners; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman said that Dave Palen and Chris Jodlowski would be joining the Board at the professional's tables. He thanked Craig Arco for instrumenting this. He stated that the upcoming meetings were Tuesday, April 18, 2023, and Tuesday, May 16, 2023.

APPROVAL OF MINUTES:

January 17, 2023

January 23, 2023

February 21, 2023

Motion made by Richard Campbell, seconded by Ed Myoshi, to approve the minutes of the January 17, 2023, as amended to include a missing resolution. Lori Gee abstained. All others voted aye and carried.

Motion made by Richard Campbell, seconded by Sarah Bledsoe, to approve the minutes of the January 23, 2023. Lori Gee and Ed Myoshi abstained. All others voted aye and carried.

Chairman Eickman stated he has not had a chance to review the minutes from February 21 so those will be held over for approval at the next meeting.

EXTENSIONS:

EXTENSION:

2021-018 Tucker Trails Subdivision, Route 52 (6557-04-567914)

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

Michael Gillespie was present.

Mr. Gillespie stated Tucker Trails has been before this Board last month. There were two issues at that point. They were asking for tree removal, and they have had the area staked out and are set on that. They had also asked for an extension but were then unsure if they needed one. They discovered that they did. He is allowed to get an extension beyond the year so tonight he is asking for two three-month extensions. He does not intend to come back for another one after that.

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

Motion made by Lori Gee, seconded by Richard Campbell, to approve two (2) three-month extensions. Voted and carried unanimously.

PUBLIC HEARING:

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

Applicant is proposing to install a ground mounted solar array on a residential lot in addition to the existing ground mounted solar array installed 11/2011. The new proposed array is 427 sq. ft.

Alex Martin was present.

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

Mr. Martin stated they have submitted a new site plan. The first change is that they represented the where the plants and trees that are planted or existing on the property and have included a photo. That is showing the vegetation from the perspective of the array to the public road. The second change was regarding the footprint of the array. It originally was showing an overlap onto the septic fields and that was a graphical error. He confirmed that nowhere on site will penetrations take place over the septic field. On the racking specs there is a penetration sheet showing where the helical screws will be put in. The closest penetration will still be 40 1/4 inches from the edge of the footprint. Other than that, the plan is as presented at the last meeting.

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

Mr. Eickman asked if there were any questions or comments from the Town Professionals. Ms. Robbins asked for the date of the new plan. Mr. Martin stated the new plan is dated January 24.

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

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

RESOLUTION OF SPECIAL PERMIT AND SITE PLAN APPROVAL

NAME OF SITE PLAN:	Solar Panel Installation Keegan Residence
NAME OF APPLICANT:	Kevin Keegan
LOCATION:	17 Sunny Lane
GRID NO:	132800-6557-01-132645

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 add a new ground mounted solar panels in the same general location as the existing array; and

WHEREAS, there is an existing septic field, which limits the potential location for solar panels; and

WHEREAS, the proposed location of the new solar array would require a side line variance from the Zoning Board of Appeals; and

WHEREAS, the applicant applied for and received a 50-foot side line variance on January 24, 2023 after the Zoning Board of Appeals determined that the granting of the variance will not produce an undesirable change in the character of the neighborhood as there are already existing ground-mounted solar panels in the same, general location as the proposed ground-mounted solar panel and the location has been chosen to limit neighbors' views of the proposed panels; and

WHEREAS, a public hearing for a Tier 2 Solar Energy System special permit and site plan was opened and closed on March 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 "Keegan Ground Mount Solar" prepared by Kasselmann Solar, dated 9/5/22 and last revised 1/24/23; 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 Papae	Aye
Chairperson John Eickman	Aye

ADJOURNED PUBLIC HEARINGS:

ADJOURNED PUBLIC HEARING:

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

Applicant is seeking subdivision approval for a proposed 3-lot subdivision on 23.09 acres with one existing building lot currently under construction.

Brian Stokosa was present.

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

Mr. Stokosa stated they had been before the Board before. The subdivision is on Eder Road. They originally had four lots proposed on this parcel. Upon consultation with the Town Engineer and Highway Superintendent, they have reduced the lot count to three. There is one house currently under construction that is being considered Lot 1. Lot 2 and Lot 3 are on the border of Eder Road. Looking at it from the drainage and runoff standpoint they did understand the concerns of the Board. They are trying to be very sensitive to the neighbors in respect to runoff. They talked to the neighbors and decided to pull back the development on Lot one. The applicant is eager to move forward with the subdivision process as he is moving into the house that is currently under construction. Taking that fourth lot off avoids a lot of questions regarding runoff and disturbances so they have amended the plan accordingly. They tried to incorporate some of the Town Engineer comments that they have received since the last meeting. One of the things they did talk about that did not make it onto the plan yet was some kind of a buffer strip around the edge of the property to protect the neighbors. They are willing to do something and make an area of approximately 50 to 75 feet for a buffer area around the rear of the property. Mr. Campbell asked if the buffer would be arborvitaes and greenery. Mr. Stokosa stated it is a heavily wooded area with a heavy tree canopy and minimal undergrowth so they are looking to just keep the buffer there in the designated area on the property, so they avoid things like clearcutting. That was a concern voiced at previous meetings. Ms. Robbins stated they were

hoping for some sort of Conservation Easement on the back of the property. That would guarantee no disturbance to that area in the future and no tree removal with changes to the topography that could end up resulting in any storm water impacts. Mr. Stokosa stated he reviewed with the applicant, and he would like to play around with the dimensions of that area because he would like to actually use part of that property since it is going to be part of his lot. He does not have a graphical area as of yet. Ms. Robbins stated they could add that as a condition because the applicant will have to provide the subdivision plots with the actual area of non-disturbance shown on it. Engineer Bryant stated that the neighbors should be able to see what it will look like. Ms. Robbins stated they should have at least a minimum understanding of what will be happening. Engineer Bryant stated they need to know if it's going to be 100 feet, 50 feet, or 200 feet. Mr. Stokosa stated the applicant was talking about a 50 to 75 foot range. He stated the edge of the property really starts to drop off so there probably won't be disturbance there to begin with. Mr. Campbell asked if there were minimum requirements for a Conservation Easement. Attorney Cunningham stated no. It depends on the site. Ms. Robbins stated is not sure they would be able to write it in such a way that the applicant could use it for walking or passive recreation. They would be unable to move vegetation or change any of the topography or anything that could affect the storm water. Attorney Cunningham stated that could be written in. Mr. Stokosa stated the applicant is willing to do something like the back side of Hunters Ridge. Ms. Robbins stated they will need to know where that line will be for enforcement ability. The applicant needs to account for whatever he wants for a backyard and what he needs for septic. Mr. Stokosa stated that is why the applicant originally said 50 to 75 feet. Engineer Bryant asked how far the house was from the back line and Mr. Stokosa stated approximately 1000 feet. Mr. Stokosa stated as you go back on the property, it drops 30 feet on one side and 50 feet on the other.

Mr. Campbell asked what the change was from when they were looking at a four-lot subdivision. He asked where the fourth lot was. Mr. Stokosa stated the development of Lot one was always in the center of that piece. There was never an intention to develop beside this piece other than an access point along the North side of the lot. Mr. Campbell asked if there would be any further action along there after these houses were constructed and Mr. Stokosa stated there is nothing

planned at this time. The constraints required for drainage seem to be a lot. Engineer Bryant stated there is nothing prohibiting that, but he would have to come back before this Board. A Conservation Easement would prohibit it. Mr. Eickman stated he thought they were expecting a larger buffer. Since the applicant does not appear to be wanting to clear-cut a major part of that and that was the issue then the buffer could be much larger. Mr. Stokosa stated that is something he needs to go back to the applicant to review. Ms. Robbins stated this would also be to avoid a significant storm water impact. They want to avoid any potential for runoff in the future. She stated they were thinking about the area where the house is and then a reasonable backyard and then the rest of it be an easement. He's not going to have 18 acres of lawn because there will be runoff coming off of it. She suggested he go back to the homeowner and decide where that line is going to be and then come back to the Board. Mr. Campbell stated he wants to know what the grade of the land is and what areas would be considered unusable. Engineer Bryant stated a conservation easement does not prohibit people from walking on the property and exploring it, but it does prevent subdividing and clearcutting.

Mr. Eickman asked Engineer Moore if they have dealt with all of the storm water issues. Engineer Moore stated yes, the reduction of the scope of the project has addressed the issues. They just need to revise the SWPPP to reflect the new conditions.

Mr. Eickman asked if there were any comments or questions from the board or professionals. There were none. He asked if there was anyone from the public to speak for or against this application.

Richard Martin stated he lives at 198 Devon Farms Rd. He stated he is neither for nor against this application. He is just seeking clarity. He stated his concern is the horizontal and vertical access in terms of a buffer to 198 Devon Farms Rd. His property abuts what was the 15-acre parcel. Mr. Stokosa stated there will be no development on the Devon Farms side. It is all on Eder Road. Mr. Martin stated his only concern is in regard to clearcutting that hill. During Monday's snowstorm the four drains that come down on his property had flooding. It is a major concern. He does not feel there is clarity on that. Mr. Campbell stated the Conservation

Easement part is still in question. Mr. Stokosa will talk to the landowner. Mr. Eickman stated they will keep this Public Hearing open for next meeting until they hear back from the applicant's engineer as to the definition of where that Conservation Easement is going to be.

Ms. Gee stated she does believe this is a significant improvement to go from four lots down to three lots.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to adjourn this Public Hearing to April 18, 2023. Voted and carried unanimously.

ADJOURNED PUBLIC HEARING:

#2022 – 029 – Farm/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.

Brian Stokosa was present.

Engineer Bryant stated there is a conflict on this application with Christian Moore so Rich Renia from Renia Engineering Design is here for this application.

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

Mr. Stokosa stated they been working on the comments regarding drainage and the layout and positioning of some of the lots, specifically Lot 10. The Board also had questions on how they were moving forward with the storm water with the front half of the lot which treats the road and the lots one through three, 9, 10, and 11. They originally were showing infiltrators and then they switched to an open basin concept infiltration trench. They have done storm water testing on-site. They have gone down approximately 15 feet, which is as far as they could go with an excavator. It is all sand and gravel and no signs of groundwater. They have also researched some of the recent well data and well test log in the area and they indicate sand and gravel to a depth of around 50 feet with groundwater at about elevation 25 below grade. The whole corridor does not have drainage along Route 82 because of the infiltration of the soil in the area. DEC actually

recommends groundwater recharge. They are capturing all of the storm water that is associated with the road that they are proposing and some of the upper homes. They are bringing it down and introducing it into a hydrodynamic separator where it does the pretreatment. Then it is discharged into a basin that is approximately 50 feet wide and 110 feet long. That basin will be offset into the property of Lot 10. It will normally be dry but during heavier storms there will be some storm water that will elevate up into it. It will eventually infiltrate through the bottom of the basin. The purpose of the pretreatment with the hydrodynamic separator is the removal of sediment so that over time the basin doesn't become clogged. There are maintenance criteria that ensures that the treatment unit is being properly maintained. Knowing that there is a basin along Route 82 and for safety proposes, we are installing a berm around the edge of the basin that is inside the property. It will be a 2-foot high berm and they will plant evergreens spaced tightly around the basin. They have reviewed the engineers' comments and they are technical in merit. They understand the design concepts from an engineering standpoint, and it appears to be acceptable. They are working through the minutia of details and providing more information and supplemental information to support the design. As they move towards the back of the parcel, they would almost consider it Phase 2. That drains towards the back toward an adjoining property owner. The adjoining property owner was very vocal at the last meeting, and they did make an effort to reach out to him. They have been working with the neighbor. He is to the south and his family owns several properties to the north as well. He had a concern regarding storm water, so they met with him and also addressed his concern regarding buffering between the applicant's lots 7, 8, 9, and 11. They did try to move some of the homes further north to give him more of a buffer. The homeowner is considering entering into contract to buy Lot 7 of Phase 2. They are talking about a mechanism to try to provide his property and his family's property some additional buffer. They could actually extend a portion of his lot line down toward Route 82. It could possibly be a 10-foot sliver that he would control just to ensure that there is never any cutting or anything in that area and nothing will be placed in that area to give him more of a buffer. They have been discussing the drainage with the applicant and the neighbor as to how it functions, and it is very similar on the backside. It will gather the runoff from the individual lots, go into a bio treatment facility and then into an infiltration basin similar to how the concept

works in the front. There is very coarse sand and gravel toward the back of the property, and it would be the same practice as in the front. Storm water will be mitigated through infiltration following DEC protocol. Mr. Stokosa stated he believes the neighbor submitted a letter to the Board. They have been making an effort to work with the neighbor, understanding that this is something different in the area and still be understanding to their needs. There was a concern regarding the house size and placement on Lot 10. That is the parcel with the storm water basin in the front. The footprint they are showing is equivalent to a 3500 sq. ft. Some of the larger homes showing on the parcels are 4000 sq. ft. They did try to show realistic size lots and homes styles that seem to be going up in the area. It does meet the character of the area. They are in the R1 zone with 1 acre zoning. They will have individual wells and septic proposed. It does fit the density and design in that zone. They took this application and did make an application to the DOT showing the basin in the front to get their input because they are next to a DOT corridor. They do not have comments received back yet. He will provide correspondence to the Town showing that it was submitted. He does believe the drainage was key to this application. Now they are also treating the storm water.

Mr. Eickman stated he did not see the letter addressed to the Board. He asked Mr. Stokosa for a summary of it. Mr. Stokosa stated it says that the applicant is working with his office addressing positioning of buffering and placement of that buffer strip down to Route 82. It should be submitted digitally to the Town as well. He does have a copy here with him also. He does believe the neighbor who submitted the letter is here tonight.

Mr. Eickman asked Mr. Renia to address some of the storm water issues. The applicant did state that they have done some of their soil testing which was one of the engineer questions. Without that part being complete the Engineer was unable to give an opinion. On Lots 10 and 6 the easement areas being proposed are very large easement areas that will eat up a lot of the lots. Ms. Robbins asked if he knew what the percentage of the lot was. Mr. Renia stated Lot 10 is approximately 40% and approximately 50% for Lot 6. Mr. Eickman asked if the maintenance was going to be the responsibility of the Town. Mr. Renia stated he was assuming that there would be a Storm Water Maintenance District formed that would state the maintenance would have to be done by the Town unless there was a Homeowners Association. Somebody will have

to go in and maintain those basins and make sure that things are being operated properly, especially if they are talking about infiltration basins. The one on the back of Lot 6 was originally proposed as dry detention. Infiltration is something they would rather see, but they can get clogged so there has to be provisions for doing maintenance. Mr. Campbell asked if that means that equipment would have to go in and Mr. Renia said yes. They would have to go in every so often and take out and remove the sediment. And infiltration basin will need a full design and they will have to have a backup drain to it. They will have to look at that because there are no pipes along the street or any place to drain it to. He does believe that you can design the bottom so there is a kind of backup so that if the surface gets clogged with sediment, there is a backup that is a little bit higher. When you see the water is not draining out of the bottom, that is when the Town will have to come in and scrape the bottom to get the fine sentiments out and get it reworking again. Mr. Campbell asked what kind of vehicle would have to go back there. Mr. Renia stated it is usually an excavator with a wide, straight bucket and a dump truck. The hydrodynamic separator is something that would be cleaned with a vac truck, but that is something that is located in the street. If maintenance occurs on that on a regular basis, it will protect the basin from having issues in the long run. Ms. Robbins asked how the basin on the street gets accessed. Mr. Renia stated that is a comment that they have because it does not show how access will be. Since a portion of that easement goes up to the proposed road, but it is right on the radius of the curve, it really can't be accessed there. The only access they potentially have right now is off of Route 82. That would be a bit of a concern so they might need to find a little bit of a better access. Mr. Stokosa stated they could do that. Mr. Renia stated on the overall subdivision plat they will need to show the Phasing Plan for Phase 1 and Phase 2. They would like to see the road design and driveway locations and have the Highway Superintendent review that. Engineer Bryant stated he did look at the plan with the Highway Superintendent. There was a concern about where the snow easement is. It is tucked behind where the plow would normally plow to so if they could get it moved a little bit across the cul-de-sac instead of over the right shoulder, that would be better. Mr. Stokosa stated he did reach out to Superintendent Williams today to ask if they could get together to review this. Mr. Campbell asked if the cul-de-sac meets the requirements of the Fire Advisory Board for truck safety. Mr. Stokosa stated it meets all the

Town standard spec. Mr. Renia stated as far as the site plan layout goes they are asking to see all the wells that are within 200 feet. There are a lot of neighbors, and it sounds like there have been some that have come out with questions. They were unsure of some of the storm water practices because they were not labeled correctly so they would like to see labeling that matches up to the New York State Storm Water Design Manual. With the Town being MS4, they have to ensure that all the practices will align with the manual. With Lot 6 having an infiltration basin they might be able to make it a little bit bigger and remove the bioretention. Bioretention is used for storm water quality treatment, but it is also one of the most expensive to maintain. He does believe they will be able to handle everything with the infiltration basin so they could remove that. With the proposed dry retention basin, they had a discharge pipe coming out aimed at the backyard of the existing houses. If they get away from the dry detention basin, they might be able to oversize that basin so that the hundred year storm stays within that basin. That way they could avoid those issues. They would like to see all the different water elevations designed in Hydrocad in the details of the section of the infiltration basins. They would like to see where the water levels are modeled to be. Then they can see how high the water would get. If they maintain the bio retention area, which it does not sound like it's going to happen now, they would ask for planting plants. They do need a few more clarifications within the actual SWPPP itself as far as some of their calculated values. There are a couple of lots that have infiltration chambers and there seems to be a little bit of confusion as to how many chambers are on each lot so they would like that to be clarified as well. Mr. Campbell asked how the building happens for water and septic if they are on central water but have their own septic. Attorney Cunningham stated it is a separate charge and they would only get charged for the water.

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

Engineer Bryant stated they met and spoke about the berm along Route 82. They used Clove Branch and Eagle Ridge as an example of what they were thinking of, which is a lot more than 2 feet to completely shield that feature. The one pond on Route 82 can't be accessed from the new proposed road. They don't want to access it from the shoulder of Route 82 so there will need to be an area that they can pull off the road and turn around because they don't want anyone to back out onto Route 82. Ms. Robbins asked if there was a berm, would they be in able to access it at

all. Engineer Bryant stated that is something they will have to work through. Mr. Stokosa stated there is enough room there for that. He will work with the Highway department on that. Engineer Bryant stated on the plat it looks like the easement area changed from Phase 1 to Phase 2 on Lot 10. It goes from .24 to .41 acres. Mr. Stokosa stated that is probably a cad layering issue. They will make sure it is coordinated. Engineer Bryant stated that they did not witness the testing and that they are getting flooding by the solar farm, so it is very important that these ponds are maintained.

Mr. Eickman asked if there were any additional comments or questions from board members or professionals. There were none.

Mr. Eickman asked if there were any questions or comments from the public to speak for or against this application.

Resident one stated that none of the neighbors are aware of this application. No one got noticed. Mr. Eickman stated the Public Hearing will be adjourned tonight. Resident number one asked if the applicant is planning on clearing all of the trees. He stated that he can no longer use his backyard because the prior land clearing done there has eliminated the bat population so now it is unbearable with mosquitoes. He asked if there was a way to ensure that the applicant does not kill off more bats in the area. Mr. Eickman stated that the applicant is subject to the DEC regulations and that will be taken into consideration.

Andreas Seifert stated he owns 1149 Route 82 and his property connects with the Phillips property. He read a prepared letter that was from Gary and Wendy Biktjorn who live at 1155 Route 82, and Roxann McLaughlin at 46 Hamilton Road. It stated that they all met with the applicant regarding the storm water design. They have no issue other than making sure there is access to it. He stated the applicant's engineer relocated the proposed house and driveway located at Lot 11 to allow additional separation between his property and that lot. He stated he appreciates that. He has related to the applicant that he would like to purchase Lot 6 to supplement the buffer between the existing homes and these new proposed homes. After their

meeting the applicant has also created a buffer strip that would be owned by lot number six to allow additional screening and privacy, which are the primary goals of the existing neighbors. They stated the engineer and applicant understood all of their concerns and made changes to the plans to satisfy those concerns. They were here to voice their support, via a letter, to this application. Mr. Eickman asked that a copy of the letter be left with Clerk Keenan to be made a part of the permanent file.

Mr. Eickman asked if there were any other members of the public to speak for or against this application. There was no one.

MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn this Public Hearing to April 18, 2023. Voted and carried unanimously.

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.

Bill Povall was present.

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

Mr. Eickman stated this is a project that still requires variances that the applicant plans to get at the end of this month at the next Zoning Board meeting. This Board can still take a look at the overall plan and possibly pass a Negative Declaration.

Mr. Povall stated that this is a two-lot subdivision proposal on Route 52 between Carpenter Road and Route 216 on the South side of Route 52. Right now, there is an existing house and a shared driveway to a barn in the back. They are proposing a second lot with a second house, so they are proposing a two lot subdivision. It has been determined that they need a variance for the shed to

keep the side yard setback. They are also proposing to keep the driveway at the width that it is now, which is less than code. They have applied to the ZBA for two variances. This application has been before them two times, with the second time being a Public Hearing. There were no comments but the Board said they could not make a determination or decision until a Negative Declaration is issued or SEQRA is complete. With the Planning Board being the lead agency, they are back here tonight hoping to work toward that goal. As far as the plan is concerned, there were some engineering comments regarding the floodplain and elevations. They did update the datum to the USGS Datum, and they located the floodplain. They were very conservative with that for the environmentally sensitive land calculations and to make sure that Lot one had the minimum acreage that is required. They did adjust the line between the existing house and the proposed house to make Lot one slightly bigger to make sure that it meets the minimum three-quarter acre of usable land. That was resubmitted.

Ms. Robbins stated one of the requirements of the special permit for the shared driveway is that you can actually show that you could get a driveway in. Mr. Povall stated they did submit that. This property has significant road frontage so there is plenty of room for that. Mr. Campbell stated the applicant said their driveway width was an issue. Mr. Povall stated that is because the existing driveway is lined with trees and Belgian block curbing, and they do not want to disturb the tree roots by making the driveway wider. The shared portion is relatively short with plenty of sight distance from the front end to the back end.

Mr. Eickman asked if there were any questions or comments from board members. There were none. He asked if there were questions or comments from town professionals. There were none.

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

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

Mr. Eickman stated there was a negative declaration for this application. The name of this

application is the Speziale 2-lot Subdivision. The Proposed action is the subdivision of a 18.14-acre lot with an existing home into two (2) lots. It is in an unlisted SEQRA action. A full EAF, Supplemental Part III Information and Storm Water Pollution Prevention Plan were analyzed.

The proposed residential use would be consistent with zoning and neighborhood character. The proposed project would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not significantly affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Richard Campbell, seconded by Lori Gee, to accept the Negative Declaration. 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.

Timothy Davis was present.

Mr. Davis stated he and his wife are the owners and are proposing a two-lot subdivision on Mary Lane. They are aware that there are some revisions that need to be made. The engineer and the surveyor are working to have them completed by next month's meeting. He stated there was a description that was submitted, and he was here to answer any questions if there were any so that he could have them ready for next month's meeting.

Ms. Robbins asked if they could declare lead agency at the next meeting and Clerk Keenan said yes.

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

Mr. Eickman asked if there were any questions or comments from the Professionals. Attorney Cunningham asked the applicant to please have his engineer contact the Town Engineer to discuss the placement of the septic and the other utilities.

MOTION made by Richard Campbell, seconded by Ed Myoshi, to schedule this application for a Public Hearing on April 18, 2023. Voted and carried unanimously.

DISCUSSION:

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 they are proposing a contractors' yard on Donovan Drive. This is on a little over 2 acres and will have a maximum of 16 employees. They did receive some comments today from the Town Engineer. They are currently before the Board of Health. He will start responding

to all comments for the next meeting.

Ms. Robbins stated that they did circulate already, but the 30 days are not up yet.

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

Mr. Jodlowski asked what type of vehicles would be stored in the building. Mr. Berger stated the contractors' trucks. He does not foresee cars being stored inside as the front parking will be for employees coming in and the backside is for the vehicle storage. Mr. Jodlowski asked if there would be fuel stored on-site and Mr. Berger said yes, diesel fuel. Mr. Palen asked if that had been moved away from the building and Mr. Berger said yes. Mr. Berger stated they also have a grease trap. They will be collecting the storm water and it will collect into a larger grease trap and that will feed into the infiltrators. Mr. Palen asked if the heating was going to be propane and Mr. Berger said probably LP. Mr. Jodlowski asked the size of both tanks and if they would be above ground. Mr. Berger stated the diesel tank would be 400 gallons and there would be bollards around them protecting them.

Mr. Eickman stated this is next-door to a daycare. Mr. Berger stated they have added screening. They are down the hillside from the daycare as well. They will be extending the landscaping, which will also help muffle sound. Mr. Eickman asked if there were any residential homes surrounding them and Mr. Berger said no.

Ms. Robbins asked what the fence would look like. Mr. Berger stated it would be a white vinyl fence that will be 6 feet high on top of the retaining wall which is approximately 1 foot high.

Ms. Robbins asked if there would be any open piles of materials and Mr. Berger said no. There will be nothing in the way of materials, just trucks.

Ms. Robbins asked if the public would be coming into the site and Mr. Berger said no.

Mr. Jodlowski asked if these would be drive-through bays. Mr. Berger stated no. All the entrances are in the back. The front does not have the doors. They can stack two smaller vehicles or one large vehicle inside.

Engineer Bryant asked if they would have multiple tenants. He asked who they would go to if there were problems on site. Mr. Berger stated the applicant will have an office in the building.

This will be used during daytime hours only. Ms. Bledsoe asked what their maximum tenant capacity would be. Mr. Berger stated they have five spaces, but the client will be keeping some for himself. There could be 4 plus him or just possibly two.

Ms. Robbins asked what kind of lighting they would have. Mr. Berger stated they will have daytime lighting. All the lights will turn off at night. They will have a plan that they can submit.

Ms. Robbins asked if there would be some kind of signage at the front of the driveway. Mr. Berger said the smallest sign is shown on the plan. It will show the address for delivery purposes.

Mr. Campbell asked if there would be individual signs. Mr. Berger stated he would have to get back to him on that. There may be smaller lines to list the individuals, but it will be a giant sign.

Engineer Bryant asked Mr. Palen what the fire protection requirements would be if there were separate tenants. Mr. Berger stated they will have a firewall between each bay. These plans are being developed now. Mr. Palen stated they do need a supply of water. Mr. Berger stated they are looking into their sprinkler means and they will have water storage on-site. This will be developed as they move forward.

Ms. Bledsoe asked if vehicles were going to be serviced inside. Mr. Berger stated not as a service yard. They will be doing small normal maintenance on their vehicles. They will not be doing rebuilds or tune ups, but if a machine breaks down, they will work on it in the shop. Mr.

Campbell asked if they would have a higher contractor doing maintenance and Mr. Berger said no. Ms. Robbins stated they would need to have some sort of narrative on that to know what would be used because it might send it to a different type of use. Mr. Berger stated they would be kept within the use that is allowed. He is willing to work with Ms. Robbins to put restrictions to limit what the tenants can do. Mr. Campbell stated that could be part of the leasehold requirements as well.

Mr. Palen asked if they have received comments from the Fire Advisory Board. Mr. Berger said yes. They will be doing the Knox box. The fire alarm system they will have. The sprinkler system they have assigned to the architect to decide.

Engineer Bryant asked if each space would need its own fire alarm. Mr. Jodlowski stated the fire alarms would have to be zoned within each bay. Mr. Berger stated it would be separated just like in an office building. Mr. Jodlowski stated his concern would be if someone decided to store

larger amounts of fuel in a vehicle inside the building. They need to be aware of what is in the bays. Ms. Robbins stated there is a restriction on the type of hazardous materials and fuels that can be stored.

Ms. Robbins asked if they have been referred to the ARC yet and Mr. Berger said yes, they are on the schedule.

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

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to schedule this for a Public Hearing on April 18, 2023. Voted and carried unanimously.

DISCUSSION:

#2023– 054 – Naoclean Corporation, 92 Hosner Mnt Rd. (6556-00-332360)

Applicant is applying for a change of use and a minor site plan amendment for a customer service and repair shop.

No one was present.

Ms. Robbins stated the applicant is out of the country currently. The site was originally proposed to be Pawfect Paws, and before that it was a proposed flea market. The site has no approved site plan because it pre-exists zoning. A company wants to purchase it. They do water cleaning devices, like for clean rooms. They are relatively small, almost humidifier or dehumidifier size. They sterilize water to be used in medical equipment and computer equipment. It is a small business, so they take calls and do very minor repairs on the units. They would like to use this location. They would be doing nothing to the outside, but it would be a change of use. It goes back to the original use from approximately 20 years ago when it was used by an IBM subcontractor. They are proposing approximately 2 employees and it is largely a call-center where they talk people through the repairs. Occasionally if it is a harder repair, it would be sent to them to be worked on onsite. There are no chemicals used and no welding. There might be some small soldering. Mr. Campbell asked if there would be a change for the need for parking

and Ms. Robbins said no. This is essentially a minor site plan amendment. It is odd because this does preexist the requirement for site plan approvals. There is a recent survey. The site plans that were approved for the other applications were never signed.

Mr. Campbell asked what the existing use now was for. And Ms. Robbins stated it is empty. She believes they did some sort of HVAC. Engineer Bryant asked if there was still a kitchen in the building. Mr. Rickett stated there had been one in the back building. Engineer Bryant stated they should know whether or not the applicant plans on living there as well. Ms. Robbins stated it is the only Zoned B parcel in the middle of residential parcels. This would have a relatively low use. They would be doing no manufacturing. The two employees are in Korea a lot.

Ms. Bledsoe asked if these were household items that are being produced and Ms. Robbins said no. They are for commercial use. There will be no manufacturing there, only servicing. Ms. Bledsoe asked if it had the potential to become more than that. Ms. Robbins stated she did not believe so, but they could put restrictions in there if anything were to change. Engineer Bryant stated it is a large enough that they could probably fit a dozen people easily. Ms. Robbins stated in the applicant's narrative he stated there would be no manufacturing on-site. There will be no truck deliveries.

Mr. Eickman asked if this was something that required action from the Board. Ms. Robbins stated she just wanted to make the Board aware of what was going on, and whether or not the applicant would be required to have a site plan. Attorney Cunningham stated they could make a motion that since the prior site plans are proofs the condition on the site plan itself would be no manufacturing can take place. Mr. Campbell stated they could possibly limit the number of employees to not exceed the existing parking. Ms. Robbins suggested that if there are more than five employees, they need to come back to the Planning Board.

Ms. Gee asked if there was a structure on the site that the Board had wanted removed. Ms. Robbins stated they had containers on the site, but they have been removed. Ms. Gee asked if there was anything else that needed to be done on the site before they could occupy it. Mr. Rickett stated the parking lot is not painted or striped. Ms. Robbins suggested a possible site visit and confirmation as to what they want to do with the second building.

Mr. Palen asked if there would be any equipment for storage or parts that would be combustible.

Ms. Bledsoe is concerned about the need for a whole building. Two people for a call-center. She wants to be sure that they will be made aware if there is a growth of the business. It sounds like it has the potential to grow and use the space which could be impactful with truck traffic etc.

Engineer Bryant asked if they know the original use of the building. Ms. Robbins said it was some sort of HVAC subcontractor for IBM.

Attorney Cunningham suggested the Board submit their questions to the applicant and then they could enhance the narrative. Mr. Campbell would like them to delineate all the issues, such as parking, storage of flammables, type of cleaning solvent, fire alarms of some sort, the use of the kitchen, and the possible expansion of the building use.

Mr. Eickman stated they will defer action on this application until the next meeting.

DISCUSSION:

#2023– 056 – MDJ Corporation, 422 Route 376 (6457-01-366591)

Applicant is applying to amend the site plan to include an existing price sign, car display, and signs on the canopy.

No one was present for this application.

DISCUSSION:

#2021 – 017 – Emma’s Café, 4081 Route 52 (6755-04-580363)

Applicant is applying for an amended site plan to add a gazebo.

Walter was present.

Walter stated he has been before the Board before. He would like to build a 20 x 30 Pavilion at Emma’s Café. Mr. Eickman asked where on the site it would be going. Walter stated he turned in a site plan. It will be towards the back. Mr. Campbell asked if it was impinging on the existing parking and Walter said no. Ms. Bledsoe asked what the purpose of it was. Walter stated it is for someplace to sit and watch the sun come up. He doesn't have specific plans for its use other than

just a pavilion. Ms. Robbins asked if there would be tables inside if for people to sit and eat their ice cream. Walter said he is unsure of that. He stated in Dover, Kelly's Creamery has a large pavilion and it is very nice. They had tables and chairs there since they do not have indoor seating. Ms. Bledsoe asked if this was going to be enclosed and Walter said no. This will be pea stone and a little bit of gravel with six posts and the roof.

Engineer Bryant asked if they serve food at the location and Walter said yes. They serve ice cream and burgers. Engineer Bryant asked if they had a walk-up window and Walter said no. There is an ice cream parlor and a cafe. There is a deck on the back that you can sit on, or get served inside. He may put some Adirondack chairs out at the pavilion.

Ms. Bledsoe stated last time he was here they were discussing if he was going to do something upstairs. Walter stated he does not have the parking area required to do anything upstairs. Ms. Bledsoe asked if was used for anything right now and Walter said no. Mr. Campbell asked if he was taking away property that he might need for parking in the future to build the pavilion. Ms. Robbins said no. She said it would depend on what the use would be for. Walter stated it would be a big area for birthday parties or gatherings. He understands he can't do it because he needs more parking. He has been told he is at the maximum amount of parking space he has for the café alone. Ms. Robbins asked where his septic was. Walter stated it is a brand-new septic, but he does not know if it is on the map. It is about 60 feet past where he is building the pavilion.

Engineer Bryant asked if there was a site plan for this location. Ms. Robbins stated there is no site plan because he never had it signed. He had an ARC condition that has not been back yet regarding siding. He just submitted new plans showing the siding, so he has to go back before the ARC to get those approved to clear the condition. Then he would be modifying that. This site plan has never been signed. Ms. Robbins asked if he was scheduled for the ARC yet. Walter said no. He just wanted to do the pavilion. Ms. Robbins stated that the condition of new siding from the ARC had a one-year time limit on it and that condition is still open, which is why the site plan was never signed. He also had to provide elevations to the ARC. He now has those elevations. Walter stated he wanted to do the renovation/addition of the upstairs at the same time as the siding, but then he was told he could not do the addition.

Ms. Bledsoe asked if they did banked parking last time he was here. Ms. Robbins stated there is

no demarcation on the site. There is a fence in the back so it's clear where the edge of the parking area is. But the applicant does not want to expand the parking. Mr. Campbell asked when the one-year limit with the ARC was up. Ms. Robbins stated she believed it was September or October. Ms. Robbins stated they also typically think about how people would access the pavilion. There is a deck that comes off and then there is a pretty easy path on the grass back towards the pavilion. They just want to make sure that people are walking through the parking lot. Walter stated they had been open since September and the amount of children that come and play in the grass was great. If he put the pavilion up they would have someplace to play on a rainy day as well.

Mr. Eickman asked what his plans were in regard to finishing the siding. Walter said he was changing it from white to match what is existing there. He would probably do that when he got done with the pavilion. Mr. Campbell stated they would prefer to have him finish the siding before he did the pavilion since that had a set timeline on it. Walter stated he would like to get the holes dug in early April before business picks up. Ms. Robbins stated the ARB wants to see the elevations, so he needs to get in front of them as soon as possible to get that approved. She also believes he should side the building before moving forward with the pavilion. Mr. Campbell asked if they could allow the applicant for the footings and then finished the siding before he continues with the Pavilion. Walter stated that would be great. Engineer Bryant stated they could grant a footings only permit.

Ms. Robbins stated he could go before the ARC at their next meeting and then this board could have a resolution with those conditions for the April 18 meeting. Walter stated the problem is he is not available the first week of April. Ms. Robbins suggested he talk to the ARC and see if they can meet with him possibly in the second week of April. The elevations have been submitted to them. Attorney Cunningham stated he should go to the ARC with the elevations. He should put the siding in place and can simultaneously apply to the Building Department for a footings only permit. He could start the footings at his own risk but if he does not go and put the siding up, he will not get the amended site plan approval to build the actual gazebo. Ms. Gee wanted to reiterate that this would be at the applicant's own risk until he has a signed site plan. Mr. Campbell stated they need to know exactly where on the plan the pavilion will be to make sure it meets the setback requirements as well.

Mr. Moore stated there were also some things that were lacking on the plans that should be recorded so that it is all updated. It needs to show the topography and the wetlands and floodplains. They would like a more unified submission. Ms. Robbins stated she would assist him with putting everything into one complete set.

Motion by Lori Gee, seconded by Ed Miyoshi, to allow the applicant to pull the footings permit only in advance of completing his site plan work, including the ARC approval of the siding of the building, and completing the siding to make sure that the site plan can be signed. All voted in favor. Motion carried.

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 Lori Gee, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board