

**TOWN OF EAST FISHKILL
PLANNING BOARD SPECIAL MEETING
MAY 16, 2023**

John Eickman called the meeting to order.

Members present:

John Greenan, Don Papae, Lori Gee, Richard Campbell, John Eickman, Ed Myoshi, Sarah Bledsoe and alternate John Giovagnoli; Scott Bryant, Engineer; Christian Moore, Engineer; Matt Rickett, Zoning Administrator; Dave Palin, Fire Advisory Board; Chris Jodlowski, Board of Fire Commissioners; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman welcomed and introduced the two new members to the Board. He stated that the upcoming meetings were Tuesday, June 20, 2023, and Tuesday, July 18, 2023.

APPROVAL OF MINUTES:

April 18, 2023

Mr. Eickman stated since the entire Board had not yet had a chance to review the minutes, they will be held over until the June 20, 2023 meeting.

DECISIONS:

DECISION:

#2022-040 – Mary Lane Subdivision, 10 Mary Lane (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.

Regina Davis was present.

Ms. Davis stated last time the issue was in regard to the septic being within the right-of-way. On Friday a new map was sent showing that the septic is not in the right-of-way. Mr. Moore stated that they did review the maps and the septic is definitely not crossing over or in the easement.

Mr. Eickman asked if there were any other questions or concerns. Mr. Moore stated that there were a few comments regarding descriptions, but that is for the surveyor to do. They still need Department of Health approval. Everything else in their letter was taken care of.

Engineer Bryant stated the easement along Mary Lane that is going to the Town for utility and road maintenance will be treated the same as a right-of-way, in that the septic setbacks will be measured from that edge.

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

Mr. Eickman stated there is a negative declaration for this application.

The name of the action is Mary Lane 2-Lot Subdivision. This is for a proposed subdivision of a 2.0-acre lot with an existing house into two (2) lots. This is an unlisted SEQR action. A Short Form EAF was analyzed in making this negative declaration. The proposed action would not be expected to result in any significant adverse impacts 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 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 Lori Gee, seconded by Richard Campbell, to approve the Negative Declaration. Voted and carried unanimously.

NAME OF SUBDIVISION PLAN: Mary Lane 2-lot Subdivision
NAME OF APPLICANT: Regina and Timothy Davis
LOCATION: Mary Lane
GRID NO: 132800-6458-04-793206

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant applied for a minor 2-lot subdivision of a 2.0-acre parcel which includes an existing residence; and

WHEREAS, the 2.0 acre parcel currently extends into the center of Mary Lane; and

WHEREAS, the Town will require a 25 foot road maintenance and utility easement starting from the center line of Mary Lane and extending into the lot; and

WHEREAS, the 25 foot road maintenance and utility easement must not be encumbered with any new above-ground or subterranean structures (such as new septic, new trees, etc.); and

WHEREAS, any required yard setbacks must be measured from the edge of the road maintenance and utility easement; and

WHEREAS, a public hearing was opened and closed on April 18, 2023; and

WHEREAS, a negative declaration was adopted by the Planning Board on May 16, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants subdivision approval for the above project as represented on a map entitled "Subdivision Plat for Regina and Timothy Davis" prepared by Richard J. Iuele, dated December 19, 2019 and last revised May 11, 2023 subject to the following conditions:

- 1. Approval from Dutchess County Board of Health.

2. The establishment of a 25-foot road maintenance and utility easement dedicated to the Town and shown on the subdivision map as approved by the Town Attorney and Town Engineer.
3. The setback for any required yard will be measured from the edge of the road maintenance and utility easement.
4. Applicant shall fund an escrow in the amount to be determined by the Town Engineer for an environmental monitor during construction.
5. Satisfactory resolution of all comments on the CPL review memo dated 5/16/23.
6. Signoff from the Town Highway Department for driveway locations and site distance.

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

Resolution Seconded by Planning Board Member Richard Campbell

The votes were as follows:

Board Member Lori Gee	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Richard Campbell	Aye
Board Member Donald Papae	Aye
Board Member John Greenan	Abstain
Chairperson John Eickman	Aye
 Alt. Board Member John Giovagnoli	 Abstain

#2022-029 – Farmview/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.

Mr. Eickman stated the applicant requested to be on June, 2023 Agenda.

ADJOURNED PUBLIC HEARING:

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.

Mr. Eickman stated this application is adjourned until June 20, 2023.

DISCUSSION:

#2023- 060 – Stormville Square, 194-198 Route 216. (6657-03-064313, 066295)

Applicant is applying for an amended site plan for a climate-controlled storage building. Changes include reducing the footprint of the building by making it two-stories 36,000 sq. ft. and eliminating the 13’ retaining wall.

Brian Stokosa was present.

Mr. Stokosa stated this application was before the Board last year and they received final approval. This was for an amended site plan that involved the creation of a one-story 36,000 sq. ft. building toward the rear of the property. The building in the rear was going to have indoor storage. They placed the building back in case there was any potential future of water and sewer coming to the site. That would allow for development potential in the front of the property. They have been on site improving the site and following the approved site plan. The entrance has gone in and they have it painted. They put some curbing in and are making improvements around the existing building in the front. The building in the front has a couple of retail businesses that include a liquor store, coffee shop, pizza place, and a bar. They have started interior modifications on the existing building. They have also done grading on site. They have followed the grading plan that was approved with the original site plan by basically leveling the site and clearing the rear yard. While they were going over the grading process they looked at the site and started looking at building costs for configuring the building, as it had such a large footprint. They were running numbers on retaining walls and took a step back to see if they could configure this in a way that it would achieve the same concepts but be more neighborhood friendly and not have such a large footprint and try to pull things into the site. They are here tonight to discuss amending the site plan to keep the same concept of indoor storage, but to go from one 36,000 sq ft. footprint to one 18,000 sq ft.

two story building. It would still be the total 36,000 sq. ft., but on a smaller footprint to soften the feel. The architectural style would be the same as the original building, just two-story. The concept is to mimic what they have done at the Hopewell Square building. The back of the property will be one-story and as you come around to the front, which faces Route 216, it will be exposed two-story. By doing this they are pulling the building away from the rear property line and getting away from the massive retaining walls. Mr. Papae asked how far this would move forward. Mr. Stokosa stated maybe 75 feet from where it was originally proposed. With this layout they are trying to minimize impacts both financially for the applicant and visually to the neighbors. Mr. Papae asked if the hill behind it would be graded so that if there was a flood they would not end up with an inundation of mud. Mr. Stokosa said that is correct. He stated the hillside is actually graded and seeded and started to germinate now. It now looks nicely blended in and there will not be those massive retaining walls. They are here to see how this plan is received by the Board.

Mr. Campbell asked about the new shape of the proposed building. Mr. Stokosa stated they did try to shrink it down in mass width-wise. Keeping with that same footprint they tried to tuck the parking inside the building indent. That is why the building is kind of “U” shaped. That way there wasn't as much parking in the front. Mr. Campbell asked if the side setbacks increased or decreased with this change. Mr. Stokosa stated they are relatively the same. It is mainly the rear portion of the site that is affected. Mr. Campbell asked if it was still going to remain climate control and Mr. Stokosa said yes. If there are any references to a retail area, it is a drafting error. It is something they have thrown around as an idea, but do not plan to include in this building.

Mr. Stokosa stated from a firefighting standpoint they are doing dry lines as they had previously. Mr. Campbell asked if this would require an elevator. Mr. Stokosa stated no, you will be able to drive around the units to get access to either floor. Mr. Campbell asked if the people who spoke during the Public Hearing were talking about the visual from the back or the side. Mr. Stokosa stated he believes their concerns were because the site was so wooded originally. They will be keeping the same concept with the low-cost lighting, and screening around the property. From a visual standpoint they will be a little bit higher, but the mass will be smaller. Mr. Campbell asked

if they have culled trees around the property yet. Mr. Stokosa stated they will be carrying the same landscaping line across the residential portion that faces Old Route 52. With a hillside being graded they can add a couple of trees if required.

Ms. Gee asked if they had building elevations and lighting plans. Mr. Stokosa stated before they got too much into the details they wanted to get a feel from the Board first.

Mr. Campbell stated they are softening the look with the landscaping and the elevations. Mr. Stokosa stated this will also be much more child friendly with no 14-foot retaining wall. Ms. Gee asked if they would still have fencing even though there is no retaining wall. Mr. Stokosa said yes they will probably still fence things in. Mr. Campbell asked what the grade change was over there. Mr. Stokosa stated he believes it is approximately 12 feet.

Ms. Bledsoe stated she liked the idea the building being smaller and does not mind being taller as there are two story houses in the area. She still feels it is not the best use of this lot in this area. It looks really nice cleared out graded right now. The new façade of the Plaza looks very nice. Mr. Stokosa stated he agrees. This is a tough section of town because there is a demand for something. There are a lot of residential units coming down in front of the Planning Board and they hope that someday water and sewer will be available in this corridor. The way this building is being configured it could be converted at some point. They will make sure if the area changes they can change that.

Mr. Campbell asked if they were able to reconcile all of the issues with the DOT. Mr. Stokosa stated yes. They have had DOT permits issued for the improvements at the new entrance and the modifications to the entrance at the existing building. They had a Highway Work Permit issued. The flow in the traffic generated with this layout will be the same. Mr. Campbell asked if there were any changes in parking. Mr. Stokosa stated just the ones they have discussed.

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

Engineer Bryant stated HVA would like to see some turning radii for emergency vehicles as there have been some changes in the unloading area and aisle widths. Mr. Stokosa stated they will go to the standard details including lighting plans, traffic, and the modified drainage. He stated he believes they will need a referral to the ARC. He asked if this Board needed to see renderings before they were referred. Mr. Eickman stated he believed they could do the referral tonight.

Ms. Gee asked if the office for the storage was going to be in the front building. Mr. Stokosa stated it was originally proposed in the front building, but as the applicant has done more research they have decided to model this concept after what they do at U-Haul. It is almost like a kiosk system. It would be fully automated. Ms. Gee asked if they were expecting to gate the road. Mr. Stokosa stated he does not believe it will be needed.

Fire Commissioner Jodlowski suggested having a means of moving between the floors inside the building and multiple ways to get out, especially since part of the building will be underground. Mr. Stokosa stated they will probably have some kind of a small retaining wall to allow passageway from the back of the building around and they will go through all safety measures with the Fire and Building Department.

Mr. Moore stated the only other comment that his office had is that the applicant will need to provide a revised SWPPP. They know they need to do lighting, landscaping, and turning envelopes. He stated that originally the Board had granted an eight parking spaces waiver because there was no parking on the backside of the building. He stated now with the building shift there is a lot more space behind the building. Ms. Gee stated the minimum use of the building probably does not warrant a lot of parking. Mr. Eickman stated he believes they did a waiver based on usage at similar projects that don't require a lot of parking. Engineer Bryant stated the parking looks lopsided. There is a lot more on top of the back of the building than in the front. Mr. Stokosa stated they could try to balance a little bit more. He does not believe there will be a lot of people there at one time.

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

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

Mr. Stokosa asked if this needed to have a Public Hearing. Mr. Eickman said yes. He would like to have elevations available for this as well prior to setting the Public Hearing. Mr. Palin stated this should go back before the Fire Advisory Board as well.

Mr. Eickman stated for the Planning Board, tomorrow evening Ms. Robbins will be giving the Board a seminar on the zoning maps.

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