

**TOWN OF EAST FISHKILL  
PLANNING BOARD MEETING**

**August 15, 2023**

Planning Board Chairperson John Eickman called the meeting to order.

***CHAIRPERSON COMMENTS:***

- a. Mr. Eickman began the Meeting with The Pledge of Allegiance.
- b. Mr. Eickman announced the Upcoming Meeting Dates are:  
September 19, 2023 & October 24, 2023.
- c. Approval of Minutes of Meetings Held: June 20, 2023 & July 18, 2023  
Mr. Eickman confirmed with the Members that they had all had a chance to review the submitted Minutes.

**MOTION made by Richard Campbell, seconded by Donald Papae, to approve the Minutes of Meeting Held June 20, 2023. Voted and carried unanimously.**

**MOTION made by Richard Campbell, seconded by Lori Gee, to approve the Minutes of Meeting Held July 18, 2023. Voted and carried unanimously.**

- d. Roll Call:

Members present during the Roll Call were Donald Papae, John Eickman, Richard Campbell, Ed Miyoshi and Sarah Bledsoe. Member John Greenan was absent from the meeting. Alternate Member, John Giovagnoli, was present and participated in his place.

Town Professionals and Consultants present were: Michelle Robbins, Town Planner, Scott Bryant, Town Engineer, Christian Moore, Engineer, CPL

Also present were Jackie Keenan, Planning Board Clerk, Matt Rickett, Zoning Administrator, Dave Palin, Fire Advisory Board, and Chris Jodlowski, Fire Commissioner.

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2  
3 **DECISION:**  
4

- 5 1. #2023 – 051 – Rising Sky Housing, Donovan Drive (6455-00-288434)  
6

7 Applicant is proposing a 9,000 sf building on 2.047 acres for a contractor’s yard  
8 with a building to be used for storage and equipment.  
9

10 Joseph Berger, Berger Engineering & Surveying was present.  
11

12 Mr. Berger said he was present to answer any additional questions from the Board. Mr. Eickman  
13 told him he recalled there were a few items to be added to the plan after the last meeting and  
14 asked that he explain those briefly. Mr. Berger said that the wall fence has been extended along  
15 the right of way, all along to the front. He said there are now notes on the plan that the lights  
16 would be motion censored and some of the lighting has been modified to do some in the rear.  
17 There were a couple spots that were 15 ft candles that are now dropped down. They were motion  
18 censored anyway, but they were dropped down to reduce them. Mr. Eickman asked if the  
19 monument sign had been removed and Mr. Berger confirmed, replying yes, the monument sign  
20 was removed; a note on the plan reflects that there is a sign on the gate.  
21

22 Mr. Campbell asked Ms. Robbins if a plan had been made with the daycare, as there had been  
23 discussions about the drop-off of the children. Ms. Robbins replied that there had been  
24 conversations with the daycare, and they provided an email. She said most of the concerns the  
25 daycare had can be discussed at the pre-construction meeting. They wanted to know who they  
26 should contact if there are any issues. They want a water truck there for any dust coming over as  
27 one of their issues was the concern with debris coming over and landing onto the play equipment.  
28 They want to be sure the contractor takes care of that, if it happens. She said that can be handled  
29 at the pre-construction to make sure they have some ground rules discussed when they meet,

1 prior to the construction beginning. Looking to Mr. Berger, she said he could probably answer  
2 this; there are concerns about the comments from parents and how to respond to the parents  
3 about what is happening there. She said a couple questions were the hours of operation, that there  
4 is assurance of the separation of the traffic for the drop off and pick up as much as possible. She  
5 said she spoke with them about moving the bus stop location, which she thinks they are planning  
6 to do because it is not a formal location, but the best location for them. She said they may move  
7 it down further to the Cul-de-sac, right across from their entrance so that they can see the bus  
8 come and then put the kids right onto their own property. Mr. Campbell asked if this is  
9 something that maybe can be memorialized with a sign. Ms. Robbins said they discussed a walk,  
10 with a little shelter and overhang, which is being considered. She said the facility folks are now  
11 involved, so that should be happening. The discussion they had as to where to drop the kids is  
12 directly across from the director's office, so that she can see the bus. Right now, they do not have  
13 buses coming after school, but she said there is the possibility that they could end up with a  
14 program like that. Mr. Eickman said that any issues regarding construction is in the Resolution,  
15 for an environmental monitor. Ms. Robbins said Yes, it is pretty standard and in the Resolution.  
16 Mr. Berger asked about the SWPPP and if the weekly inspections would be provided to the  
17 environmental consultant/monitor, as they usually work closely with them, which is standard.

18  
19 Mr. Bryant asked if there is a water-oil separator and Mr. Moore said yes. Mr. Berger said there  
20 is the water-oil separator and also the pre-treatment, so they are both treating it. He said the oil  
21 separator is in the back for the entire parking lot, separate from using the treatment up front so  
22 that there wouldn't be oil going into the front. Mr. Bryant asked if there was a sensor that  
23 indicates when it needs to be serviced and Mr. Berger replied No, it is just visual; the lid is pulled  
24 open, and one looks down and a stick is used. Mr. Bryant questioned how this could be enforced  
25 so that it is properly maintained and told Mr. Berger he would leave it up to him to come up with  
26 something. Mr. Berger said that, typically, it is pumped every year and maintained just like a

1 septic tank. Mr. Bryant said there would be a requirement to provide the Town with those annual  
2 records. Mr. Berger said that is what they do in other towns with their stormwater projects and  
3 inspections are provided yearly to the town. The yearly inspection is not only for the oil-water  
4 separator, but the other treatment system would also be inspected, and the chambers and a letter  
5 provided to the town of the inspection and any work that is needed.

6  
7 Mr. Campbell said at one time, fuel storage was discussed, but it was eradicated. He wanted to  
8 confirm that there would be no fuel storage at all. Mr. Berger said they weighed the feasibility  
9 and the cost for this and there was no cost benefit.

10  
11 Mr. Moore said he noticed something on the plan, sheet 6 and 7, near the truck washing area in  
12 the northeast corner, it looks like in that there was a pad added, with bollards around it. Since it  
13 appears new to the plan, he asked Mr. Berger to explain what it was. Mr. Berger replied that  
14 nothing new had been added and there really should not be anything there. Mr. Moore explained  
15 it is not called out and it looks like a little rectangular pad. Mr. Berger said it may be something  
16 that got put there when other things were added. He said he will clean that up and there was  
17 nothing intended to be in the truck wash area; they were adding things for the fence, and this is  
18 an oversight of his. Mr. Moore noted that it is only on sheets 6 and 7.

19  
20 Mr. Bryant asked Mr. Moore if this is sub-surface detention and if the test pits were witnessed for  
21 it. Mr. Moore said the test pits were not witnessed; the infiltration testing was done  
22 independently from CPL. Mr. Berger said it was all inspected by the Health Department when  
23 the septic system was done. Mr. Moore said there is the SDS but asked about the infiltration. Mr.  
24 Berger said that was done by himself. Mr. Moore said CPL was not even aware. Mr. Bryant  
25 asked how deep it is to the bottom and Mr. Berger said they went all the way down; 8 feet. They  
26 did WD, put a pipe in it, backfilled, and did the test from there. Mr. Bryant said he knows there is

1 always running water on the adjacent parcel. Mr. Berger showed on the plan that it is in the back  
2 and comes around behind the building and slides to the front and dies from there. He said the  
3 system is in the front. In the back there is some shallow water, 3 or 4 feet. Mr. Bryant asked him  
4 what time of the year that this testing was done. Mr. Berger replied that it had been in the spring,  
5 it was pretty wet, and it had rained the week before. Mr. Bryant wants this verified and said to  
6 make it a condition in the Resolution. He said he is not so concerned with the perk rate but is  
7 more concerned with the water table and if these will function. Mr. Berger said he has no  
8 problem; it was tested. Mr. Bryant said it is especially because of all the rain that's been had. Mr.  
9 Berger said the same area was tested twice, once in the fall with the Health Department and the  
10 other in spring. Mr. Bryant asked how deep it went for the Health Department and Mr. Berger  
11 replied 8 feet. Mr. Bryant asked if it was at that location and Mr. Berger said the septic is just  
12 behind there; all the groundwater that they found was in the rear of the property. Otherwise, he  
13 said, the system would have been put back there in the rear of the building where the water  
14 separator is; it is 3-4 deep of water. Mr. Bryant sked him how he saw this project as sequencing,  
15 and would this be one of the first things done or towards the end putting it in. Mr. Berger replied  
16 that the first thing they are doing is putting in the retainer wall to establish the grade of the site  
17 and while grading, they will put the infiltration system in. He said it would not be the first item  
18 done, but probably the third. Mr. Bryant told him the test pit was to be done for the Town so it  
19 could be witnessed. He said that, alternatively, if that was happening earlier on in the process,  
20 they witness the installation, and if there was a groundwater problem, it would have to stop. Mr.  
21 Berger said it would not be new to them and they want to start grading; so first they want to out  
22 there to clear it. Mr. Bryant told him he did not want this to get to a point where too much is  
23 going on and then it is found out that there is a problem. Mr. Berger said he was planning on  
24 doing it first thing, but it would not be Day 1. Mr. Bryant told him it would not necessarily have  
25 to be Day 1, but before concrete is poured and asked Mr. Berger if that could be agreed on. He  
26 said there should be notes on the plan that any site work is verified prior to installation. Mr.

1 Berger said they would be putting that in and they want draining done on the site. He said any  
2 site work is to clear the site, grade and smooth it and put the infiltrators in, and then start working  
3 on it. Mr. Bryant told him it has to be clear notes, because he may not be involved then, and Mr.  
4 Berger agreed. Mr. Bryant said they want to be sure there is no foundation inspection prior to the  
5 pour. Mr. Berger told him that, once work starts, there are weekly inspections and monitoring  
6 and it will be provided to his office, purely because of the stormwater inspection, which is any  
7 work on the site; it will be documented weekly and sent. He confirmed that he will be the  
8 engineer of record; it is already established, and he will be the inspector in the field.

9  
10 Ms. Robbins told Mr. Berger that there is a condition for the potential of an additional  
11 environmental monitor.

12  
13 Mr. Eickman said he would proceed to summarize the Negative Declaration, and that anyone  
14 who may want to review the full draft of the document could see it in the Planning Department  
15 during regular business hours.

16  
17 Mr. Eickman summarized the document as follows:

18  
19 The name of the action is Rising Sky Housing LLC Contractor Building and it is an unlisted  
20 action, located on Donovan Drive.

21  
22 Land Use, Zoning, and Public Policy: The proposed project would not be expected to  
23 result in any significant adverse impacts to Land Use, Zoning, or Public Policy.

24  
25 Visual Character: All the proposed lighting in the contractor’s yard would be on motion  
26 detectors to prevent light pollution and glare. With the implementation of the retaining  
27 wall, fence and landscaping as well as the lighting with the motion detectors, the  
28 proposed contractor’s yard would not be expected to significantly alter existing views  
29 from neighboring properties and Donovan Drive. Therefore, the proposed project would  
30 not be expected to result in any significant changes to visual character and no significant  
31 adverse visual impacts are expected.

1  
2 Historic and Archeological Resources: There are no significant adverse impacts to  
3 historic or archeological resources.  
4

5 Wetlands, Plants, and Animals: There are a number of recommendations and  
6 requirements that are noted and, with the implementation of the actions listed and the  
7 required approvals from NYSDEC if necessary, the proposed project would not be  
8 expected to result in any significant impacts to wetlands, plants, and animals.  
9

10 Traffic & Transportation: With the required approvals from the Town Highway  
11 Department, the proposed action would not be expected to result in any significant  
12 adverse impacts to traffic and transportation systems.  
13

14 Other: There are no other significant potential impacts that were identified as a result of  
15 the Proposed Action.  
16

17  
18 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to adopt**  
19 **the Negative Declaration for Rising Sky Housing. Voted and carried**  
20 **unanimously.**  
21

22  
23  
24 **RESOLUTION OF SITE PLAN APPROVAL AND SPECIAL PERMIT**  
25

26 **NAME OF SITE PLAN:** Rising Sky Housing LLC Contractor Building  
27 **NAME OF APPLICANT:** Rising Sky Housing, LLC  
28 **LOCATION:** Donovan Drive  
29 **GRID NO:** 6455-00-288434  
30

31 **Resolution Offered by Planning Board Member: John Eickman**  
32

33 **WHEREAS,** the applicant is applying for site plan approval and an excavation/fill  
34 special permit per §194-75 of the East Fishkill Zoning Code for a contractor’s yard located in an  
35 I-1 zone; and

36 **WHEREAS,** the proposed contractor’s yard would be located on a 2.047-acre parcel and  
37 would contain a 9,000 square foot building, 16 truck spaces, and 11 parking spaces including 2  
38 handicapped spaces; and

1           **WHEREAS**, the construction of the contractor’s yard would require approximately  
2 1,500± cubic yards of material to be removed; and

3           **WHEREAS**, no processing of materials or fuel storage is permitted on the site; and

4           **WHEREAS**, a retaining wall with a white fence on top ranging in height from 6 feet to  
5 10 feet will be constructed along the eastern property line to provide a physical barrier and noise  
6 barrier between the proposed contractor’s yard and the adjacent daycare facility; and

7           **WHEREAS**, the proposed contractor’s yard lighting will be on a motion sensor to reduce  
8 the potential for lighting impacts to nearby residents; and

9           **WHEREAS**, the proposed project is an Unlisted action under SEQR and a coordinated  
10 review was undertaken; and

11           **WHEREAS**, a negative declaration was adopted on August 15, 2023; and

12  
13           **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves  
14 the Site Plan and Excavation & Fill Special Permit for Rising Sky Housing as represented on a  
15 map entitled "Rising Sky Housing LLC Contractor Building," prepared by Berger Engineering  
16 and Surveying, LLC dated 1/27/23 and last revised 7/31/23.

17  
18           **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of  
19 this resolution, the Chair or other duly authorized member of the Planning Board shall cause a  
20 copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner  
21 subject to the following conditions:

- 22           1. The applicant shall be required to fund an escrow account for an environmental  
23           monitor during construction.
- 24           2. The applicant shall be required to complete tree removal activities on site only  
25           between October 1 and March 31 to avoid direct impacts to bats.
- 26           3. The applicant shall be required to follow the NYSDEC guidance for avoiding  
27           impacts to bog turtles during construction.
- 28           4. Satisfactory sign off from NYSDEC for the disturbance to the potential Indiana  
29           bat and Bog turtle habitat as mandated by the General Permit prior to MS4  
30           signoff.
- 31           5. Satisfactory sign off from OPRHP as mandated by the General Permit prior to  
32           MS4 signoff.
- 33           6. Applicant shall obtain a highway work permit from the Town for the driveway  
34           and the connection to the Donovan Drive catch basin.
- 35           7. Provide annual inspection records for the stormwater facilities and the oil/water  
36           separator.
- 37           8. Remove concrete pad from all final plans.
- 38           9. Town to witness test pit.



- 1           10. Conduct information meeting with adjacent daycare center regarding construction
- 2           schedule and plans.
- 3           11. Install wall and fence along property boundary between daycare center and
- 4           contractor’s yard prior to installing the foundation.
- 5           12. Satisfactory resolution of all comments in the CPL comment letter dated 8/15/23
- 6           and the HVEA letter dated 6/16/23.

7  
8

9   **Resolution Seconded by Planning Board Member           Lori Gee**

10

11   **The votes were as follows:**

12

- 13   Board Member Lori Gee                                   Aye
- 14   Board Member Ed Miyoshi                               Aye
- 15   Board Member Sarah Bledsoe                           Aye
- 16   Board Member Richard Campbell                     Aye
- 17   Board Member Donald Papae                           Aye
- 18   Board Member John Greenan                           **Absent**
- 19   Chairperson John Eickman                             Aye
- 20   Alternate Board Member John Giovagnoli           Aye

21  
22  
23  
24  
25

26   **PUBLIC HEARING:**

- 27           2. #2023– 060 – **Stormville Square**, 194-198 Route 216. (6657-03-
- 28           064313,066295)

29

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

33

34   Brian Stokosa, Day & Stokosa Engineering, PC was present.

35

36                                   **MOTION made by Richard Campbell, seconded by Donald Papae, to open**  
37                                   **the Public Hearing for Stormville Square. Voted and carried unanimously.**  
38

1  
2 Mr. Stokosa displayed the plan, stating that this project has been before the Board for a couple of  
3 years and that the Approval for Final Site Plan was granted Octoer, 2022. The proposal is for a  
4 36,000-sf climate-controlled storage building along Route 216 and near where the Stormville  
5 Pizza building is located. The applicant recently renovated that building and there are recent site  
6 improvements for a new entrance and some new internal striping and channelization for the  
7 existing building, which he said was tied to the original approval received last year. With that  
8 approval, he said the 36,000-sf climate-controlled building there were some substantial retaining  
9 walls on the north, south and east sides of the site, going up the hill. In looking at construction  
10 costs and moving material on the site, he said they took a tighter look at the project. The decision  
11 was to shrink the footprint down to 18,000 sf and to do a 2-story building. When viewing the  
12 building from 216, he said the 2 stories are exposed on both sides, then ramp up 12 ft, coming  
13 around to the second story on the rear of the building. By doing that, he said the footprint of the  
14 building is shrinking and the size of the building is reduced from a building standpoint. This  
15 allows the retaining walls to be brought in, which pushes the site in 5 to 6 ft north and south To  
16 the rear portion of the site, he said it is actually moving the building 60 ft further in. Between  
17 those 2 aspects of the project, he said the visual footprint is been substantially reduced from the  
18 neighbors on the north, south and east of this. On the plan this evening, he said the existing  
19 building is shown in the front where there is a stormwater area in between the 2 buildings that are  
20 existing and proposed. Toward the back of the site, a U-shaped building is shown, which will be  
21 the climate-controlled building. There is parking in the front and parking in the back. The site  
22 grading shown on the plan now is relatively where they are going to be, plus or minus about 1  
23 foot of the final grade. From an architectural standpoint, he said the same exteriors will be kept.  
24 A tinder box will be on the front entrance of the building and some stone will be done along the  
25 bottom. As was mentioned at the last meeting, he pointed out where the 2 retaining walls would  
26 be, kind of next to the building at about 7 ft off the edge of the building. There will be walkways

1 that go to a central corridor in the back, and egress from the second and first floor to the rear of  
2 the building, with internal staircases for up and down. He said the DOT entrance work has been  
3 completed and they are in the process of closing that permit out. From an approval standpoint, he  
4 said this has to go before the ARB to refresh where this is at with the renderings and to,  
5 obviously, move forward with the Board. They have tried to incorporate the same landscaping  
6 that they had on the original approval, which is aligning each of the residential boundaries with  
7 landscaping. There is some zebra grass on the grass hillside that was proposed and kept along the  
8 property line. In the front face, he said the intent was to keep that grass so that it can be easily  
9 maintained and the same landscape concept that they had in the original approval is being  
10 carried. Other than that, he said this is really the reduction of the mass of the building from a  
11 larger footprint to a smaller footprint and the building is going up a little higher. A majority of  
12 the building is going to be buried into the hillside, which he thinks, from an aesthetic standpoint,  
13 will soften the 2-story feel. Mr. Stokosa opened this up to the Board for comment.

14

15 Mr. Eickman asked the Members if they had any questions or comments. Ms. Gee asked if this  
16 had already gone before the ARB and Mr. Stokosa replied that it missed the meeting, but it was  
17 on for September. Ms. Gee said this could not be closed out until after that.

18

19 Mr. Eickman said the Fire Advisory Board had some comments, and Mr. Palin spoke. He  
20 referred to the stairwells, asking Mr. Stokosa if they were located on the ends and also in the  
21 center and Mr. Stokosa replied Yes. Mr. Palin asked if they are protected stairwells, or open. Mr.  
22 Stokosa said he would show the connections, which he did not do in the revisions. Mr. Palin then  
23 asked how the building would be heated and Mr. Stokosa replied that they are currently going  
24 through the mechanicals, and this will either be propane or a combination of like a mini-split  
25 system; it is to be determined. Mr. Palin noted that the location of the propane also needs to be  
26 seen if it goes that way. With regard to the sprinkler system, he said the recommendation is to put

1 in a dry system convertible that would possibly be pressurized with air and monitor  
2 communication of a break in the system so if someone knocked the sprinkler head, or whatever,  
3 it would send a signal. That way, he said, it would get repaired and not be many months out of  
4 service. Mr. Stokosa stated that was fair enough.

5  
6 Mr. Eickman asked if there were any comments from the town professionals. Mr. Moore  
7 responded that he had noted bank parking is shown for either 7 or 11 spaces, depending on which  
8 sheet of the plan it is. He wanted the Board to be aware and if it is comfortable with this  
9 proposal. He said, other than that, there were only a few site plan comments, and he echoes the  
10 fire department for showing the connections, or the FAB memorandum of 8/8; He stated that he  
11 had no other substantial comments.

12  
13 Mr. Bryant asked the percentage of the grade for the access road in the front to the rear, to the  
14 upper section and Mr. Stokosa responded that it is 10%. Mr. Bryant asked him if the emergency  
15 vehicle templates had been done for the circulation there and Mr. Stokosa responded Yes. He  
16 said they ran the WD and WD 40 with a garbage truck and an aerial truck on the site. Mr. Bryant  
17 was not sure if the vertical curve at the top had been looked at to see if the fire trucks would not  
18 rub. Mr. Stokosa said he would take a look at that with Mr. Fitzgerald.

19  
20 Ms. Robbins said she wanted to comment on the landscaping and suggested that the trees should  
21 be staggered and not all straight, on the top and side. Mr. Bryant said this could be along the top  
22 now because there is plenty of room.

23  
24 Mr. Eickman announced to the public to come up to speak or comment on the project and asked  
25 that they let the board know who they are, and also to sign in on the sheet.

26

1 Michael Kealy came to the podium to speak and stated that he owns the property adjoining this  
2 site. He said his only concern is the screening. He noted that there is screening on the south and  
3 east sides, and it starts to come down on the north side. However, he would like it to continue  
4 down 216. He said it would be the divider between his property and this project. He stated that he  
5 has no problems with the project itself; the project is fine, and it is just the screening on that side.

6

7 Marie Minichino came to the podium and spoke that she owned the property directly behind this  
8 particular project. Her concerns are how close the retaining wall comes to her property and what  
9 is being done to mitigate now that the trees are down. She is concerned that soil erosion will  
10 occur and wants to know how high the wall is going to be. Another concern is the lighting  
11 situation now that this is a 2-story building. With the removal of all the trees, she can fully see  
12 216 from her deck, the gas station, the lights from the pizza parlor, occasionally behind where  
13 their dumpsters are. She said she is concerned about too much lighting.

14

15 Don Minichino came to the podium, stating that he agrees with his wife. He said they built their  
16 house 32 years ago and their backyard faces 216. Now that the trees are down, he said he is sure  
17 the right thing was done, as he was told these are reputable people. However, he is concerned  
18 about the lighting and said he made a comment to a Town councilman that, during the winter, he  
19 can see straight down to the gas station. He said he made a comment to him, jokingly, that if he  
20 sees lighting, he would go down and shoot the lights out. He said this kind of stuff can't be had  
21 and when there are people with houses, he said they have to be careful about how many trees are  
22 coming down. He said, once the buffer is done and trees put up, it will take a long time for them  
23 to grow. He added that these are the kinds of things the board must consider in the future, of  
24 where they stop taking trees down or the buffer, whether artificial or natural. He said they lost  
25 deer and other animals there for 2 years and are now beginning to get them back.

26

1 Mr. Eickman confirmed there were no further comments from the public and asked Mr. Stokosa  
2 if he wanted to respond to the concerns that were just raised.

3  
4 Mr. Stokosa returned to the podium. He said, specific to the retaining walls, the last approval that  
5 was had, the retaining walls were facing the eastern side toward neighbors. The neighbors north  
6 and south, the walls were always 6 to 8 ft. With this proposal, and it being moved in, he said the  
7 walls north and south will have a maximum of 5 to 6 ft height. Facing east, going up the hill, he  
8 said the retaining walls have been completely removed, whereas they used to be 13 ft. He said  
9 that is where they played with the grade change and, moving the building 60 ft from where it was  
10 originally approved, that is where the retaining wall is lost, to create the truck turnaround on the  
11 upper parking lot. He said from that standpoint, it is a great improvement to the site even from a  
12 safety standpoint and it is positive. As far as the lighting goes, he said they have to meet current  
13 Town Code requirements, which is dark sky compliant, full cut off. He said that a anything one is  
14 looking at from the building, either upper or below, there is full cutoff and there should not be  
15 anything radiating out. The details are on the plan, and he said a photometric plan is provided.  
16 For the parking areas, he said minimum requirements had to be met, by law and by Code. He said  
17 the requirements are met and it is not being turned into a gas station. It is meant to be a low-use  
18 facility that shouldn't have much night operation; it is mostly day operation. He said these  
19 considerations have been taken into play. Regarding the establishment of vegetation, he said they  
20 would like to follow the landscaping plan that was approved with the original approved. They  
21 will take in to consideration the staggering of vegetation on the hillside to create the additional  
22 buffer. Mr. Bryant questioned that there was more room on the top now, was there more room  
23 now. Mr. Stokosa replied that the grade still comes down to where it was originally. Mr. Bryant  
24 said he knows it still comes down but asked if there was more space now between the top and the  
25 retaining wall or is that the same. Mr. Minichino said his house is next to the red barn, on the top.  
26 Mr. Stokosa said that is north and south and no retaining wall. He showed on the displayed plan

1 where the graded area came down and said it is from the property line down and showed there is  
2 no wall on the backside.

3  
4 With regard to the lighting, Ms. Robbins recommended to Mr. Stokosa to get the lights shielded  
5 on the sides. She said that all the ones along the parking lots should be shielded with the lights  
6 directed towards the building, and down, so they won't be able to see the light fixture. The  
7 second thing is the wall packs and she asked Mr. Stokosa if the motion sensor could go on when  
8 someone is back there.

9  
10 Ms. Robbins followed up on Mr. Minichino's comment about the landscaping on the side and  
11 questioned if it were possible to bring the landscaping down. Mr. Campbell said it could be the  
12 same, staggered.

13  
14 Mr. Bryant had a question for the gentleman with the barn. Mr. Minichino returned to the podium  
15 and Mr. Bryant asked him if he had a fence. He replied that all he has is the trees, which is all  
16 he's ever had. Mr. Bryant said, in his mind, for the trees to have maximum effect, they should be  
17 at a higher elevation and not down the slope. Looking to Mr. Stokosa, he questioned where Mr.  
18 Minichino's property line starts - and where it is in relation to where the slope starts. He asked if  
19 it is right at the property line and if it was cleared right to his property. Mr. Minichino said he  
20 didn't measure it, but it looks like it was cut very close and they cut right to his neighbor's fence.  
21 Mr. Bryant told him he was thinking he may be amenable to the granting of a planting easement  
22 on the top, where it is flat, before it drops off. He said maybe they can get some trees within that  
23 easement to help block everything for him. He told him that might be something he would want  
24 to consider, along with them. Mr. Minichino said he wants to be a good neighbor and, and  
25 looking to Pat Gigliotti in the audience, he said he wants good neighbors too. He wants to keep  
26 his house where he raised his family and wants to keep the view shed too. Mr. Gigliotti told him

1 that a lot of the trees there were just shot, they were dead. Mr. Minichino told him they would  
2 talk about it and he also thanked Mr. Byant.

3

4 There were no further questions or comments.

5

6 Mr. Eickman said he would accept a motion to close the Public Hearing.

7

8 MOTION made by Richard Campbell, seconded by Ed Miyoshi, to close the  
9 Public Hearing for Stormville Square. Voted and carried, *HOWEVER, Ms. Gee*  
10 *noted that this had to go to the ARB before the Public Hearing could be closed.*  
11 Mr. Eickman thanked her.

12

13 **NOTE that the Public Hearing was NOT CLOSED, but ADJOURNED:**

14

15 MOTION made by Richard Campbell, seconded by Loi Gee, to Adjourn the  
16 Public Hearing for Stormville Square to September 19, 2023. Voted and carried  
17 unanimously.

18

19

20

21 **DISCUSSION:**

22

23 3. **#2023 – 067 – J.F.E. Associates**, 2528 Route 52 (6456-02-885563)

24

25 Applicant is applying to amend their site plan and their special permit to install  
26 three practice softball fields.

27

28 Allan Gilbert, from M. Gillespie & Associates Consulting Engineering PLLC was  
29 present.

30

31 Mr. Gilbert displayed the plan and said he was present to discuss the site plan amendment or the  
32 softball training facility. The applicant is looking to add 3 softball practice fields to the front of  
33 their property and to address comments issued. He said the limits of disturbance that are shown  
34 on the plan exceed what is planned to be done. He explained that the only ground that will be



1 disturbed is just the infield to the diamonds and they won't go around to the whole maximum  
2 size of the field; they should be much less than one acre.

3  
4 Mr. Miyoshi asked the size of the fields, from home plate to the fence and Mr. Gilbert replied  
5 that he believed it to be about 185 ft. Mr. Miyoshi told him that, essentially, this is looking to put  
6 in 3 Little League fields. Mr. Gilbert said Yes, it is fast pitch softball, which are sized at over 185  
7 ft.

8  
9 Mr. Campbell asked if the parking information was ascertained on the original site plan. Ms.  
10 Robbins responded that there is parking information, and she has referred the plans to the  
11 Recreation Board which they had at the last meeting. She received comments from the  
12 Recreation Board. They are concerned about having no netting and they would like to see netting,  
13 to prevent the balls from going into the driveway and, also, onto Route 52. She said temporary  
14 netting was provided, but that really does not prevent the balls from going out. The reality is,  
15 once these fields are in, there is really no control over who uses them. At some point, she said it  
16 could very well be someone who hits the ball a lot further than the folks that are now believed to  
17 be in the infields. Her understanding from the Recreation Department is that people can be  
18 younger, in High School, and can really hit the ball.

19  
20 Mr. Bryant asked the distance from the home plate to Route 52. Mr. Gilbert replied that it is 240  
21 ft. Mr. Bryant said then it is set back a way and asked where the netting is. Ms. Robbins said  
22 there is no netting and Mr. Gilbert said there are trees. Ms. Robbins said the backstop is right up  
23 against the driveway and the Recreation Department wants the netting because of Route 52. Mr.  
24 Bryant said he is talking about the 2 home plates that abut each other so that the backstop is on  
25 the Route 52 side and how far that backstop is from Route 52. Mr. Gilbert said that is about 100  
26 ft. Mr. Bryant said then he was talking about the one up in the corner.

1  
2 Mr. Campbell said it is known that there were some concerns, from a safety standpoint, for  
3 accessibility for either fire apparatus, ambulance, just in case of a public emergency there. He  
4 asked how the flow of traffic for the people, and that type of egress, would be granted for  
5 somebody if there was an emergency. He said it does not seem like it is quarantined to a certain  
6 space and, without the safety precautions being taken, it is hard to delineate how there would be  
7 the accessibility if people are roaming that whole space, including of the players. He said they  
8 don't have a dugout; he keeps going to the Recreation fields and it is very clear how they can get  
9 in there and an ambulance could get in there to tend to someone if they had to be. It is something  
10 that he does not see on this plan.

11  
12 Ms. Robbins noted that, at the last meeting, the parking was going to be analyzed to provide the  
13 Board with some sort of analyses of what the parking requirements typically are, for the type of  
14 use being proposed here. She said she knows that these are practice fields now, but, if there were  
15 to be any tournaments in the future, the Board would need to know that too. She said Mr.  
16 Gillespie said at the last meeting that they were just going to be practice fields, but parking  
17 numbers are needed to understand the parking there. Mr. Gilbert responded that, currently on site,  
18 an older iteration of the plan was pulled up, of the existing conditions. Currently on the site, there  
19 are 74 parking spaces. Ms. Robbins asked him what would be typical for a practice, how many  
20 are on the field at any given time. She asked if there was an overall plan for when one practice  
21 ends and another begins, as that I the type of information the Board needs to check the numbers.  
22 She said it is also any other uses happening at the site, i.e. the soccer fields are one part of the site  
23 and Mr. Bryant added that there is also the driving range. Mr. Campbell said there is the dome  
24 and Mr. Bryant asked if the fields would be lit. Mr. Gilbert responded No; it is daytime use only.

25

1 Mr. Campbell noted another part of that is if there is an opposing team coming in. If there is one  
2 field, he questioned if it is just one team, or is it one team plus an opposing team, which would  
3 bring additional traffic generation to the site. The Board would have to understand all of this.

4  
5 Ms. Robbins wanted to reiterate to the Board that, unless there are Use restrictions on this, it will  
6 be super hard to enforce. She said it is not known if, in the future, they may start to play games  
7 there and changes are made. This is something she said the Board needs to think about. Mr.  
8 Miyoshi said that was why he asked the size of the field, as 150 ft they would not be able to play  
9 there. Mr. Campbell said with baseball, you don't know and it's not known how the site will be  
10 tended to. If this does happen, does somebody just come there and arbitrarily jump onto the field  
11 and start. Mr. Papae said it is 100 ft. and Mr. Miyoshi said it is 200 ft with a baseball. Mr.  
12 Campbell said that is not far at all. Mr. Moore was reviewing it and said that, from home plate to  
13 the highway it is a little less than 300 ft. Mr. Campbell asked, from a safety standpoint, how does  
14 that get tended to, once this might not be in use. He questioned what would stop someone from  
15 just coming there on an arbitrary day and say, they start smashing the ball, not using the field  
16 properly. He said all of this needs to be taken into consideration since those are things that can  
17 happen. He said it is a very well-travelled road and the last thing they want to see happen is a ball  
18 hit onto there. Mr. Bryant added that nor do they want a fence along Route 52

19  
20 Mr. Bryant asked Mr. Gilbert if the reason why this could not be behind the dome is because they  
21 are trying to maintain the driving range. He replied that he believes so, Yes. Mr. Bryant said there  
22 was no issue with the back.

23  
24 Looking to Ms. Robbins, Mr. Eickman, noted that, at the last meeting an amendment to the  
25 Special Permit was talked about and he asked if there were other things that the special permit  
26 require. Ms. Robins replied Yes, there are a couple conditions for the Special Permit. She said

1 the Town is supposed to be offered some sort of community benefit to the Town with regard to  
2 the recreation fields. In the past, she said there has been maybe an hour set aside for Town use,  
3 and it is negotiated with the Town for maybe a better rate. This is something that the Recreation  
4 department can weigh in on. Ms. Gee said it is not an amendment to the Permit, just something  
5 that is documented. Ms. Robbins said No, it is a condition. If they already have a Special Permit,  
6 then that gets amended and it is modified to allow this modification to the site plan. Ms. Gee  
7 questioned if the site doesn't provide a Town benefit now Ms. Robbins said she did not think so.

8  
9 Mr. Miyoshi said when he coached baseball, he used to bring his team there to the batting cages  
10 and used the front to throw a ball around, while waiting to hit. Twenty years ago, he said that  
11 would have been perfect for him. He said he can see that this could get use that is not expected if  
12 another team comes and wants to hit off the batting cages, while noticing there is the field and  
13 they do some infield drills, while waiting.

14  
15 Mr. Campbell asked Mr. Gilbert if there was a specific reason why they want three fields, as  
16 opposed to two. He responded that it is probably to maximize the practice area. Mr. Campbell  
17 said that might be some consideration to tighten the space up.

18  
19 Mr. Jodlowski has a concern with the 2 eastern most fields having the first base line with the  
20 third base line for the other, and erred foul balls and asked if there was anything between those 2  
21 fields to prevent this from happening. Mr. Gilbert responded not that he knows of.

22  
23 M. Eickman noted that one of the things mentioned at the last meeting was potential best  
24 practices for this type of facility. He suggested a meeting with the Recreation Department, which  
25 he said would make sense, since that is who the Board would look to as their source. He also  
26 suggested to Mr. Gilbert that there be a meeting with the Fire Advisory Board about the safety

1 considerations and this should be designed in a way to meet all of the objections heard this  
2 evening.

3  
4 Mr. Campbell said that he thinks, for sure, fencing and the safety items are first and foremost,  
5 together with the safety of the road surface of Route 52. He said he cannot see having three fields  
6 there and a group of people on each field, without any safety measures, meaning fencing,  
7 dugouts., or if it is lighting, because of this going after hours. He reiterated definitely fencing  
8 though, as was talked about, something to prevent what Mr. Jodlowski said, in case someone  
9 could get whacked with an erred foul ball, whatever it may be. He said there has to be some  
10 delineation, so more is understood, besides the bases and the field itself. He reiterated that safety  
11 is the first and foremost concern, especially when this are three fields, and he doesn't know how  
12 many kids per field. If it is one team, two teams, when you think of it, that is a tremendous group  
13 of people without any safety. He said that is just going to be like a recipe for disaster.

14  
15 Ms. Robbins told Mr. Gilbert that, when the parking is being done, to consider other uses that  
16 may be happening on the site and field.

17  
18 Mr. Palin noted that there is no delineated parking and just a gravel lot. One of his concerns,  
19 which was brought up, is not having access for an ambulance and he said people will park  
20 wherever they want to park; there are no delineated spaces. He said he was not sure that there  
21 was a requirement of the town, but he thinks it should be. Mr. Eickman said there should be an  
22 open lane. It is gravel, but Mr. Bryant suggested that an area be paved and striped. Mr. Palin  
23 agreed and said people park wherever they can; all of a sudden, an ambulance needs to get in  
24 there and it can't get through. Mr. Eickman agreed, saying there may be double parking if there  
25 are only 70 something spaces.

26

1 Going back to the numbers, Mr. Campbell said, understanding the existing traffic draw, together  
2 with what would be getting added, it would at least give the Boad a footprint of what it has and  
3 the required parking. He said he thinks this is much greater at it height and, again, there are the  
4 three fields, and one or two teams on each field, the parents, together with the operation of the  
5 dome, the driving range, the mini-golf facility; with quite a bit going on there.

6  
7 Mr. Eickman told Mr. Gilbert he had a lot to work on and thanked him for the presentation.

8  
9  
10  
11  
12 **DISCUSSION:**

- 13  
14 4. #2023 – 068 – Lachowicz Subdivision, Cameron Way (6357-03-  
15 462240,444240)  
16

17  
18 Applicant is applying to amend their subdivision plan to keep the existing house  
19 that was previously listed as a conditioned to be removed on the original approval.  
20 In addition the applicant is requesting a lot line realignment. A rear yard set back  
21 variance will be required to bring the lot into conformance.  
22

23 Allan Gilbert, from M. Gillespie & Associates Consulting Engineering PLLC was  
24 present.  
25

26 Mr. Eickman asked Mr. Gilbert to give a brief overview and said he wanted to get to some of the  
27 comments from Mr. Moore’s letter. Mr. Gilbert proceeded with the overview of the existing  
28 subdivision. He said the owner is looking to maintain the exiting house, on lot number 3. He said  
29 the front of the house is actually facing the road, and not to the west. This created the cause to  
30 adjust the lot lines, to create the rear separation distance.  
31

1 Ms. Robbins added to the overview, saying that this subdivision was approved in 2006. One of  
2 the conditions of approval, from the meeting minutes, although they were not clear, was that they  
3 were requiring the house to come down at the time. If the house was kept, then they could not get  
4 the 4 lots to meet all the setback requirements for 4 lots. In the Resolution, there was a  
5 requirement that the house be removed, as part of the subdivision at the time the subdivision was  
6 going to be constructed. She explained that fast forward, the subdivision had houses constructed  
7 on it, but the (existing) house was never removed and it is still sitting. However, it is creating a  
8 non-conforming lot because it does not meet the setbacks currently. She said it appears that this  
9 is what the Planning Board was trying to avoid, which was the creating of a subdivision with a  
10 non-conforming lot. They would like to keep the house, but in order to keep it, a lot line  
11 realignment has to be done for the rear yard setback. Even considering the front towards the Cul-  
12 de-sac, rather than to the side, she said this is still a non-conforming rear yard. She said they took  
13 the final approved plan, and drew on it, so she is not certain this is 100% engineered at this point.  
14 She said it looks as though if the lot line is adjusted, the setback can be met. Mr. Bryant asked if  
15 it still maintains the 50 ft to the rear. Ms. Robbins replied that it is not known, since there is a  
16 hand drawing there. Another consideration is that another lot is a flag lot and the 1 ½ has to be  
17 maintained, which it looks like it can be done. Another concern is that she does not know where  
18 the well and septic are. The well may be shown, but not the septic. On the approved plan they  
19 showed the new house, and where the new septic field was going. She said it just needs to be sure  
20 it all jives and this is before the Board to see if that is a consideration since the planning Board  
21 would technically have to remove the condition in order to allow this to move forward.

22  
23 Mr. Campbell said, even with the lot line adjustment, then it is still a non-conforming lot. Ms.  
24 Robbins said it is a little unclear to her but she believes that even if the lot line is adjusted, then  
25 the rear yard setback conforms. She said she is not 100% because it can't be measured. Mr.  
26 Bryant asked about a survey. Ms. Gee asked if the orientation from the house to the Cul-de-sac

1 had been determined. Mr. Bryant said the front of the house faces the Cul-de-sac. Ms. Robin said  
2 there used to be a garage and a driveway along the side, and a door, but she doesn't know why.  
3 Mr. Bryant said this is an old-style house; there is a porch in the front, then one goes into the  
4 house and, when he drove up to it, it appears that the house is facing the Cul-de-sac. Mr. Bryant  
5 said

6 there is a gate on the side and Ms. Robbins said she did not know why the Planning Board  
7 considered that the front at the time. Mr. Bryant said the driveway comes up to the side.

8

9 M. Eickman said if they can come in with a proper plan, and exercise this change in the lot line,  
10 then this could be a conforming subdivision. Ms. Robbins said that is potentially and Mr.  
11 Eickman agreed, saying the Board would have to look at it. Mr. Campbell said a survey is  
12 needed.

13

14 Ms. Robbins asked if this is still a private road or was it dedicated to the Town. Mr. Gilbert said  
15 No, not as far as he knows. Ms. Robbins said she knows this is a little complicated. Ms. Gee said  
16 then the subdivision was filed, but no lots have been built and the one existing house is still  
17 there. Mr. Moore said that 4 lots have been created, according to the Parcel Access and the pole  
18 portion of Cameron Drive shows as being part of the road system. However, he said it apparently  
19 was not dedicated and it is a phantom lot just sitting out in the ether for 13-14 years. Ms. Robbins  
20 said Yes, and non-conforming. The road is constructed.

21

22 Mr. Campbell asked if the lots were all owned by the same individual and Mr. Gilbert said Yes,  
23 they still are. Mr. Giovagnoli asked if the realignments are based on septic locations and Mr.  
24 Gilbert said the realignment is to meet the rear setback for the back of the house. Mr. Giovagnoli  
25 said he understands, but there is an unknown septic system, and it depends on where that septic  
26 system is. Ms. Robbins said it depends, unless they get a waiver. Mr. Bryant asked Mr. Gilbert if



1 this had been approved with 4 new septic. Ms. Robbins said it did, and that is the problem.  
2 Right now it is approved and 4 empty, vacant lots, with the proposed septic systems shown on  
3 the approved plan., Mr. Bryant said under the approved plan the existing septic ~~w~~would be  
4 abandoned. The approved subdivision plan is showing a new septic a—and is not using the old  
5 septic. Ms. Robbins said No, now they are proposing to keep the house and the old septic. Mr.  
6 Bryant said then they are keeping the septic. Mr. Moore said it depends on where the existing  
7 septic lies, because there are separation issues with the adjacent wells. He told Mr. Gilbert that it  
8 has to be known exactly where the SDS is and on the survey. He said this could goof up for the  
9 future wells Mr. Bryant added that the existing septic could be in conflict with an adjoining  
10 well, for all they know. Mr. Moore agreed. Ms. Robbins said this is why they may have wanted  
11 to get rid of the house; she does not know.

12  
13 Mr. Eickman told Mr. Gilbert that a proper survey and everything shown is needed and that he  
14 needed to take a look at Mr. Moore’s letter, saying it is pretty complete. Mr. Bryant questioned if  
15 this was done in 2006. Mr. Bryant said the approvals last 5 years and asked if they had been  
16 renewed 3 or 4 times. Mr. Robbins said the Health Department would have to weigh in on this.  
17 Mr. Moore said they will have to look at it and this will have to be re-filed in the Clerk’s Office.  
18 Mr. Bryant questioned if the Health Department signed off on the existing one. Mr. Moore said  
19 this is right, it was predicated on that. He told Mr. Gilbert he is looking at a new map showing  
20 Lots 3, 4 and the pole portion and basically, he is looking for an as-built for the road. Number 1,  
21 this is to make sure it was constructed as this plan shows; the road could be anywhere. The  
22 revised plan will need to be signed by an L.S., offsets need to be shown, metes and bounds for  
23 the existing power line easement that goes through the 4 lots. He wants to make sure of this. Ms.  
24 Robbins said the minutes referred to there having to be a setback from the power line; there can’t  
25 be any structures within the 90 ft if she remembered correctly. She said she does not know what  
26 the rule is, but it appears that there cannot be any structures, even something like a shed, cannot

1 be with a certain distance. She told Mr. Gilbert that this is something that should be put on the  
2 map clearly.

3  
4 Mr. Bryant said, since the road is being brought up, and it was constructed so many years ago,  
5 and inspection will need to be done on it, to make sure it is up to the Town’s standards, prior to  
6 any dedication. Mr. Moore said from one of the file maps he was looking at, it was going to be  
7 dry wells to handle stormwater. Mr. Bryant noted even the pavement itself, which he said was  
8 before his time with the Board, but it looks like it was put in. He asked Mr. Moore if there was a  
9 record of any inspections being done on this. Mr. Moore said he would check with the Morris  
10 archives, but it was never dedicated. Mr. Bryant stated, then this was built 15 years ago and never  
11 dedicated.

12  
13  
14  
15  
16

17 **SKETCH:**

18  
19  
20 5. #2023 – 064 – L.I.D.L Warehouse, East Dr. (6656-03-127232 &169074)

21  
22 Applicant is applying for an 874,139 sf warehouse on 71.33 acres of undeveloped  
23 land within the iPark Campus.

24  
25 Matt Bowyer, Senior Real Estate Manager, LIDL and Steve Wilson, of Bohler were  
26 present.

27  
28  
29 Mr. Wilson displayed the plan, stating a correction in the pronunciation of the project name; it is  
30 “Leedle” and not “Lidle”, which he said is not uncommon. Last this was before the Board, he  
31 said it was a very preliminary submission and they got some feedback from the Board. There  
32 were some follow up discussions with the staff and, since then, a submission has been made that

1 consists of the application, project narrative, preliminary stormwater narrative, a FEAF for the  
2 site plan, which includes site plan grading and drainage, lighting, a preliminary landscaping plan,  
3 along with preliminary architectural elevations all in the package. He said the site has pretty  
4 much remained the same and the only substantive feedback is that the height of the building has  
5 been lowered to the maximum 80 ft. He pointed out that the location of this is shown on the plan  
6 in the upper right corner of the building. He noted that the lower left is about 70 ft and the rest of  
7 the building is 65 ft. He said this was brought down from the previous discussions.

8  
9 Noise Requirements: Some other things have been done since last before the Board, with  
10 feedback for some of the requirements that they ultimately need to see, as part of the project. The  
11 staff had noted noise requirements and recommended looking at the Amazon’s noise study,  
12 which they did. He thinks that it can be pared down a little. He knows it is pretty elaborate and  
13 this is next to the school. They are looking to maybe do a simplified noise study and looking at  
14 some of the residential properties on the other side of I-84 to evaluate the issue.

15  
16 Archeology, Mr. Wilson said there is positive feedback from SHPPO and they will be engaging  
17 in the archeological to do Phase 1A and 1B on the property Because the property is a high point  
18 in the area, he said there may be some significance of potentially Native Americans that they will  
19 have Harkin on board take a hard look at.

20  
21  
22  
23  
24 They have been in conversations with the DEC and the wetlands have been flagged for the  
25 potential Bog Turtles habitat. An environmentalist was on the site, and they don’t think there are  
26 Bog Turtles there; it is not that type of wetland system to support Bog Turtles. He said an

1 assessment of the wetland has been prepared and they are submitting it to DEC as well, to get the  
2 sign-off. He said he knows they are notified as part of the SEQR process, but they like to try to  
3 get ahead of the issues, so there are not surprises along the way.

4  
5 Traffic Study: Mr. Wilson said their traffic consultant has been in touch with the Town's Traffic  
6 Consultant and they've received copies of all the information from the other existing projects  
7 under construction or in the pipeline. They know the things about no build condition and now  
8 will update their previously prepared traffic study. It is expected that this will be done by the end  
9 of August and submitted for the September meeting.

10  
11 Fire Department: Mr. Wilson said they started some coordination, and, at almost the same time,  
12 they received comments, just today, He said this will be digested and then a comprehensive  
13 response as part of the submission.

14  
15 Building Height, Parking and Lot Coverage: Mr. Wilson said the last discussion had been about  
16 these issues and options were discussed since these did not meet the letter of law when it came to  
17 the Code. They had conversations with staff, and he said he thinks the best approach to this is to  
18 pursue a Special Economic Development Permit. This would give some relief to these 3 issues,  
19 and it will be run through the Town Board. He said he knows there will be some finagling in the  
20 process as it gets closer, and as it gets through the Planning Board review and tying it into the  
21 Town Board review for the permit so they can get that relief for the project. Ms. Gee said she had  
22 noted the Building Height, but not the other 2 issues. Mr. Wilso said they are the amount of  
23 Parking and Lot Coverage.

24  
25 Mr. Wilson continued, saying that this point in the review, he hopes to get the escrow  
26 established, get the reviews going for the preliminary site plan documents so they can start the

1 conversation about the engineering review. They will be following up with a Traffic Study and  
2 likely a full stormwater management plan as part of the next submission so they can address  
3 some of the other items mentioned, such as the Noise, Archeological and Bog Turtles. Ms.  
4 Robbins asked him if he was planning to submit a formal submission to get the review going  
5 with the escrow and the application fee next. Mr. Wilson said he thought when they last talked in  
6 terms of getting the escrow established, the site plan grading, drainage, utilities, landscaping,  
7 lighting was kind of sufficient to establish the escrow. Ms. Robbins asked how this was last  
8 submitted; was it a Sketch or the form Mr. Wilson replied that it is a Sketch. Ms. Robbins said it  
9 needs to be a formal application.to the Planning Office and they have to make sure they have  
10 everything for it to be a formal application.

11  
12 Ms. Robbins wanted to discuss that, before this is done, there is a water tank on the property, and  
13 she asked Mr. Wilson if it was going to be relocated as part of the project. He replied that it is the  
14 owner’s responsibility to relocate that. Ms. Robbin said the only thing is, that is technically part  
15 of the site plan and the point to where it is being relocated has to be part of the site plan. It is not  
16 known where it is proposed to be relocated to and they will have to join in this application. Mr.  
17 Bower said he thinks it is actually going to be demolished as it is not used anymore, but they will  
18 confirm this.

19  
20 Mr. Eickman asked Mr. Wilson if is he was aware of the IBM letter expressing concern about the  
21 monitoring of wells. He replied that there have been some rounds of conversations between the  
22 Town, IBM and the owner. As he understands it, Mr. Wilson said there is a series of monitoring  
23 of wells on the property that are not really needed anymore. He said they would be split, and  
24 some would move into the parking areas on the property so that they can be maintained, if so  
25 needed. He confirmed it would be on their site plan and in their parking area. Right now they are

1 in the building footprint, but he said they do not want them there and will move them out to the  
2 parking lot.

3  
4 Mr. Bryant asked Mr. Wilson if he intended to put their own fire storage tank in, or how were  
5 they going to handle it. Mr. Wilson said yes, it will be their own fire storage tank; it is shown on  
6 the plan in the upper left corner of the property. Mr. Bryant asked if the volume was known and  
7 Mr. Wilson said Not yet, but they will have that information as the plan progresses. Mr. Bryant  
8 asked if the average daily water demand was known or what it might be at this stage. Mr. Wilson  
9 replied that right now there is the potential for about 40,000 gallons per day.

10  
11 Mr. Jodlowski referred to the northwest corner of the building itself, where there is a reference to  
12 “office maintenance and charging” and he asked what the charging referred to. Mr. Bower  
13 responded that it is the forklifts and Mr. Jodlowski said then they are electrical.

14  
15 Mr. Palin asked how much of the site plan is developed over the wetlands. Mr. Wilson responded  
16 that this encroaches a little into the buffer along the wetlands; it is shown at the top of the sheet  
17 of the plan. They are in the buffer and having conversations with the DEC as part of the Bog  
18 Turtle discussion.

19  
20 Mr. Campell said, when this was last spoken about, the building height was discussed and the  
21 Fire Advisory Board had expressed concerns. Mr. Palin said, when this was first discussed it was  
22 over 80 ft and Mr. Wilson said Yes, and now it was brought down. Mr. Palin said it is now 80 ft.  
23 and as long as they have access. Mr. Campbell said then it is now manageable.

24  
25 Mr. Palin noted, when he was reviewing the plan, that the scale was a little different on 2  
26 different ones; one said 1 inch was 20 ft and the other said 1 inch was 50 or 100 ft. He asked the

1 width and the length of the building. Mr. Wilson responded that it is 1300 ft by 560 from what he  
2 could view on the displayed plan.

3  
4 Mr. Palin invited Mr. Wilson and Mr. Bower to a Fire Advisory meeting, saying they are treating  
5 this like they did the Amazon facility and the Dome warehouse. He said they are starting out with  
6 a lot of questions and, from there, they will go with their recommendations to see where they are  
7 at. He said they would like, if it's possible, for them to come to the Advisory Board meeting, to  
8 discuss the questions in, rather than going back and forth each month with paper. Mr. Wilson  
9 responded that it makes total sense and there maybe would be a particular person from LIDL  
10 there who would be in charge of safety, that they could bring to the meeting. He added that if it  
11 could avoid going back and forth, that would be fine. Mr. Palin told them the meetings are the  
12 first Wednesday of the month at the Fire Headquarters, on Route 52. Mr. Wilson asked Mr. Palin  
13 if he could reach out to him directly when they were ready to have the conversation and Mr. Palin  
14 replied Sure. Mr. Wilson stated that it could help greatly to move things along.

15  
16 Mr. Moore noted that the building is more like 1700 ft and that 1360 ft was in the first proposal.

17  
18 Mr. Campbell asked if this operation was to operate 7 days a week, 24/7. Mr. Wilson responded  
19 Yes; it is 3 shifts.

20  
21 Mr. Campbell asked about the testing wells and said it is not understood how this is mitigated; it  
22 is a very vague statement. He asked if there was any information on this. Ms. Robbins responded  
23 that the applicant iPark, not LIDL, has submitted an engineer's response to the DEC, which she  
24 got today. She has skimmed it and has not looked at this in detail, but she believes they are  
25 checking if what is being proposed would meet muster with the DEC. Mr. Campbell said if they  
26 were to build over, and they weren't, it could create subsurface or interior air quality issues for

1 them, which could become major. Mr. Wilson said he has had this before; they cannot set a new  
2 location unless DEC approves it; these locations meet the intent of what they need to monitor. He  
3 said there will be a letter eventually with DEC sign-off on the new well locations. Mr. Campbell  
4 said this is something the Board would like to understand; it is pretty significant. Ms. Robbins  
5 explained that their engineer sent a letter to DEC, with the proposal of what they propose to do  
6 and she has not yet received a response from the DEC. Mr. Campbell questioned if she was  
7 talking about the iPark letter. She said Yes, they were asking DEC to review the plans for a  
8 number of things being proposed. Mr. Moore said that they do monitoring of the wells; those  
9 have to be abandoned, in accordance with all regulations. Mr. Campbell said it is more the  
10 eradication of them and if they are able to be eradicated. Mr. Miyoshi stated that this is a surprise  
11 to him. He did not think there had been enough remediation to be able to stop monitoring some  
12 of these wells. Mr. Campbell said he thought it was just monitoring at this point and he did not  
13 know how much remediation had been done. He said he knows there are a lot of questions asked  
14 when projects come before the Board, such as how much dirt is being removed, to where is it  
15 being moved, and is it going to be taken off the site. He said he thinks the Board would want to  
16 understand the specifics with regard to those test wells.

17  
18 Mr. Eickman stated that the Board would want someone with expertise who can interpret all the  
19 actual documents that will be flowing back and forth, with regard to all of these issues.

20  
21 Mr. Wilson said they are looking to get the DEC sign off letter, and to just tell them where to put  
22 the wells; make sure they go there, and to give them access for the future monitoring. He said he  
23 understands what the Board is saying.

24  
25 Mr. Eickman asked the number of employees per shift. Bower said it is in the application. Mr.  
26 Wilson reviewed it, saying there is the capacity for 200 to 250 employees spread over 3 shifts.



1 Mr. Bower explained that it is not necessarily equal for each shift throughout the day; from 5  
2 a.m. to 2 p.m. it is about 50% of the workers and the other 2 shifts are about 50%.

3  
4 Mr. Campbell asked if they were on a wage scale structure such as their peers, like Amazon or  
5 someone like that. Mr. Bower said he would expect so and that most likely certain jobs would get  
6 recruited from competitors.

7  
8 Mr. Wilson wanted to confirm that the Board would need to confirm if they had everything to  
9 deem this a preliminary application. Ms. Robbins responded that the biggest issue to be dealt  
10 with is the tank on the site plan. Mr. Wilson said he sees it then for a preliminary application that  
11 they will get something on the plan that shows it or confirms that it will actually be demolished  
12 and not replaced anywhere. He said that, before the next meeting, the Town would confirm what  
13 is needed for escrow. Ms. Robbins said that, as soon as this is a formal application, the SEQR  
14 process will be set in motion. Mr. Wilson summarized, saying he thinks the next step will be  
15 addressing the tank issue, the Traffic Study and Stormwater Management Report to supplement  
16 what has already been given to the Board. Ms. Robbins said this will also need to go to the ARB  
17 at some point, so that should maybe also be set in motion. Mr. Wilson asked, at what point in the  
18 process is this referred to the ARB. Ms. Robbin said it could probably be done now, knowing  
19 that there will be submission of a formal application. She said they already have the elevations.  
20 Mr. Wilson responded that he would get the ARB application to this Board to get the process  
21 going as well. Ms. Robbins told him Yes, and that he could call Ms. Keenan in the planning  
22 Office so she could explain to him about the ARB process. She stated that this can happen  
23 simultaneously.

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2 Mr. Eickman stated that this concluded the Planning Board meeting and confirmed that there was  
3 no further business this evening.

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**ADJOURNMENT**

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**MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn the  
15 Planning Board meeting. Voted and carried unanimously.**

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**Respectfully submitted:** \_\_\_\_\_  
**Kathleen Mahodil, Meeting Secretary**  
**East Fishkill Planning Board**

20

21