

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING**

October 17, 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:
November 21, 2023 & December 19, 2023

c. **Approval of Minutes of Meeting Held: September 19, 2023.**

Mr. Eickman confirmed with the Members that they had all had a chance to review the submitted Minutes and stated that Member Lori Gee was not present for this meeting.

MOTION made by John Greenan, seconded by Ed Miyoshi, to approve the Minutes of Meeting Held September 19, 2023. Voted and carried. Lori Gee abstained.

d. **Roll Call:**

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

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

Also present were Jackie Keenan, Planning Board Clerk, Matt Rickett, Zoning Administrator, and Bill Stuart, Fire Advisory Board.

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Comprehensive Plan Committee – Special Announcement

Mr. Eickman announced that he wanted to let the Board and the audience know that a Comprehensive Plan Committee had just been formed by the Town of East Fishkill. The first meeting was on October 5, 2023, and there are 10 members on the Committee. In addition, Rosemary Lasher, who is a Master Plan coordinator, and Michelle Robbins, the Town Planner are also involved. This is being led by Saratoga Associates, under an RFP that they responded to. The Comprehensive Plan Committee will be working on the Master Plan and there will be monthly meetings, with an estimated completion date of second quarter of 2025. They have only just started, and Mr. Eickman said he did not really have a lot to tell, other than they are working on a vision statement and will be working hard to meet the deadline date. He added that this is a real plus for the Town and he is looking forward to it.

DECISION:

1. #2023– 058 – **Valley Christian Church**, 1072 Route 82 (6458-04-688075/678055)

Applicant is applying for an amended site plan to expand and connect 2 parking lots on each property.

Stephen A. Whalen, R.A. Whalen Architecture, and Matt Towne, Civil Engineer, from Willingham Engineering were present.

Mr. Whalen displayed the plan, while he introduced himself and Matt Towne, the Civil Engineer. He stated that, since the last presentation, he had received comments from both CPL and HVEA, and had a telephone conversation with Mr. Bryant about parking. He explained that the displayed

1 plan is the revised parking plan and that there were 9 parallel parking spaces to the main entrance
2 of the church. It was decided between the day before and this day to eliminate the 9 spaces.

3 A two lane aisle would remain, and he said all the other changes had been addressed. He offered
4 to answer any architectural questions and said that Mr. Towne would answer any civil
5 engineering questions the Board may have..

6
7 Ms. Robbins asked the current number of total spaces. Mr. Whalen responded that there was a
8 revised parking chart and, as the parking exists now, there are 107; they are taking away 9 and 31
9 are being added to the new construction. Overall, when the project is done, he said there would
10 be 129 spaces. Originally, in the previous application, there were 138 and they are taking away
11 the 9 spaces.

12
13 Mr. Bryant asked the required number of spaces for handicapped, out of the 129. Mr. Whalen
14 replied that it was on the total, and both buildings are included in this. If there are total parking
15 spaces between 101 and 150, he said 5 are required and they have 6. Mr. Bryant asked if there
16 was an ADA accessible route and Mr. Whalen replied Yes. Mr. Bryant asked about curb lips and
17 if those would be addressed. Mr. Whalen said Yes, they will be put in, and curb drops.

18
19 Ms. Robbins wanted to confirm for the Resolution that this started with 107 parking spaces, and
20 22 spaces are being added, for a total of 129, because there were 31 and they got rid of 9. Mr.
21 Whalen stated that is correct. Mr. Bryant added that it was to resolve some circulation issues. Mr.
22 Whalen responded that it was for fire department apparatus and just general traffic. Ms. Robbins
23 also wanted to confirm that the plan was submitted with today's date and Mr. Whalen responded
24 that it will be, Yes.

25

1 Mr. Eickman asked if the number of parking spaces they are left with as of now, with the
2 redesign of the parking, could be repeated. Mr. Whalen responded that, when the parking is
3 complete, there will be 129. While looking at the Resolution, Mr. Eickman asked the number of
4 spaces that were there before and Ms. Robbins responded that there had been 107. Mr. Bryant
5 added that the traffic circulation is also being improved on the site. Mr. Whalen stated that he
6 and Mr. Towne had reviewed the plan, making that a two-way aisle, which actually helps out
7 with the turning radius, as well as for the Fire Department apparatus.

8
9 There were no questions or comments from the Board Members. Mr. Eickman asked if there
10 were any additional questions or comments from the Town Professionals. Mr. Moore stated that
11 he did not have the responses from his comments when he wrote his review for this He
12 proceeded to ask if the cut-fill had been calculated and asked the number of yards. Mr. Towne
13 responded that the cut projected was 2,850 yards and the fill was 450. This is subject to change,
14 based upon what is found; they are expecting bedrock to be there. Mr. Moore questioned that
15 there are 2,850 yards being cut and Mr. Towne replied Yes. Mr. Moore said that is a lot of cut
16 and asked Mr. Towne what he was going to do with it. Mr. Towne replied that he thinks it is
17 going to be hauled offsite. Mr. Moore questioned if this falls under the Cut/Fill Special Use
18 Permit. Ms. Robbins stated a permit would be needed from the Building Department. Mr. Bryant
19 added he knows that is the case with the subdivisions, but that this is a different use. Attorney.
20 Cunningham said a condition could be added to the Resolution if a Cut and Fill permit is needed,
21 once the work is done.

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25 **RESOLUTION OF SITE PLAN APPROVAL**

26
27 **NAME OF SITE PLAN:** Valley Christian Church
28 **NAME OF APPLICANT:** Valley Church

1 **LOCATION:** 1072 Route 82
2 **GRID NO:** 6458-04-678055/688075
3

4 **Resolution Offered by Planning Board Member: John Eickman**
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6 **WHEREAS**, the applicant is applying for a minor site plan approval to expand the
7 existing Valley Christian Church parking lot; and

8 **WHEREAS**, the applicant owns two adjacent parcels (Lot 1 and Lot 2) on Route 82; and

9 **WHEREAS**, the parcels were combined to create one lot; and

10 **WHEREAS**, the lot contains Valley Christian Church and an accessory office/storage
11 building used by the church with a total of approximately 107 parking spaces between the two
12 parcels; and

13 **WHEREAS**, the applicant is proposing to join the parcels and connect and expand the
14 parking areas on the lots by 22 spaces for a total of 129 spaces; and

15 **WHEREAS**, the proposed parking lot expansion will provide additional parking for
16 weekend services and special events held at the church; and

17 **WHEREAS**, the proposed action is a Type II action under SEQR and no further SEQR
18 review is required; and

19 **WHEREAS**, the Planning Board determined the proposed action is a minor site plan
20 amendment and per Section 194.25 D. of the East Fishkill Zoning Code waives the requirement
21 for a Public Hearing; and
22

23 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves
24 the site plan as represented on a map entitled " for "Valley Church 1072 Route 82, Hopewell
25 Junction, NY," prepared by Whalen Architecture and dated October 1, 2022 and last revised
26 October 17, 2023 with the following conditions:
27

- 28 1. Proof of the merging of lots #6458-04-678055 and 6458-04-688075 into one
29 parcel
- 30 2. Satisfactory resolution of all comments in the CPL letter dated 10/16/23;
- 31 3. Satisfactory resolution of all comments in the HVEA letter dated 9/15/23;
- 32 4. Subject to verification of location of ADA accessible parking and route by Town
33 Engineer and Town Planner.
- 34 5. Applicant must obtain excavation and fill permit from the building department if
35 necessary prior to parking lot construction.
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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 Absent
- Board Member Donald Pepae AYE
- Board Member John Greenan AYE
- Chairperson John Eickman AYE
- Alternate Board Member John Giovagnoli AYE

ADJOURNED PUBLIC HEARING:

- 2. #2023 – 062 – Formicola Subdivision, 378 Route 376 (6457-03-392487)

Applicant is applying for a 2-lot subdivision Lot #1 will be 2 acres with the existing *Mr. Eickman announced that the Adjourned Public hearing for the Formicola Subdivision would be further adjourned. He confirmed that there was no one present from the public to speak for or against the matter.*

MOTION made by Sarah Bledsoe, seconded by Lori Gee, to further adjourn the Public Hearing for Formicola Subdivision to the next Planning Board meeting. Voted and carried unanimously.

DISCUSSION:

1 3. **#2023- 070 – Gasland East Fishkill Wine & Spirits**, 893-897 Route 376. (6358-
2 02-796546)

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4 Applicant is applying for an amended site plan to convert an existing one-story 1,946
5 sf former garage to a two-story 2,344 sf building to house a liquor store on the ground
6 level and (2) one-bedroom apartments approximately 1,025 sf in size on the second
7 level. The site also contains a convenience store/gas station with two apartments on the
8 second floor and a separate one-story garage.
9

10 Thomas Kerrigan, Civil Engineer from Labella Associates, was present.
11

12 Mr. Kerrigan displayed the plan, stating that, since this was before the Board the previous month,
13 comments were received and a portion of them were addressed. He said some of the comments
14 were being worked on, specifically the traffic study. The traffic counts have been done, a report
15 is being generated and it will be submitted upon the next submission. He wanted to take the
16 Board through changes that have been made.
17

18 Mr. Eickman wanted to remind the Board that, at the last meeting, a motion was passed to
19 exercise the Board’s discretion to waive any requirements with regard to the front yard setback,
20 unless determined by Counsel that it was inappropriate. He said Counsel actually determined that
21 it was appropriate, so this particular project does not need to go to the Zoning Board, and that
22 there are no other issues to deal with.
23

24 Mr. Kerrigan stated that, at the previous meeting, the intent to connect to an existing well on the
25 site was shown. For the purpose of the liquor store, with the apartments above, the connection
26 and extension of the water main are shown. Mr. Bryant noted it is to the Fishkill Plains Water
27 District. Mr. Kerrigan said it was requested by the Fire Inspector that, due to this being a gas
28 station and apartments, that fire suppression be included in the building. Mr. Kerrigan said they
29 intend to show this, with the connection, as well as another hydrant on the site.
30

1 Mr. Kerrigan stated there had also been comments from one of the Members of the Board about
2 potentially providing screening along the front. He said there is an existing utility line along
3 Route 376 on the property, and some existing landscaping there currently. Some landscaping is
4 shown, but it cannot be fully screened, as it would interfere with the overhead wire. He said that
5 is pretty much where this is now. There are still some items that will be addressed, such as the
6 lightning, which he said will be provided in the next submission.

7
8 Ms. Robbins told the Members that, at the last meeting, the Board declared its intent to be Lead
9 Agency, and the applicant circulated. However, it has not yet been 30 days since then, so she said
10 it will be held off to the next meeting for the Board declaring Lead Agency. She told Mr.
11 Kerrigan that she believes he was referred to the Architectural Review Council (“ARC”) at the
12 last meeting and that there is an upcoming meeting on November 2nd. Mr. Kerrigan said Yes, he
13 does not think submission was made. He spoke with the architect who is preparing for that
14 meeting and said he will be either submitting for that meeting, or the next. Ms. Robbins told him
15 it is due next week, or the following week. She suggested to Mr. Kerrigan that he circle back
16 with the Planning Office to speak with Jeanne Burke, who will assist and give him the dates and
17 requirements for that meeting. Since it was not circulated, she said the public hearing for the
18 Architectural Review Council is done through the Planning Board. She told him that he would be
19 providing the Board with elevations and renderings and he is to bring them to the next meeting.

20
21 Mr. Bryant asked Mr. Kerigan where this was, with regard to the Health Department and septic.
22 He responded that the septic had previously been approved and that there had been Building and
23 Health Department approval to put apartments above the existing convenience store. At the time
24 of the approval, he said it was designed with the capacity for potential development in the
25 proposed liquor store building. As far as the sizing of the system is concerned, he said it is
26 adequately sized, and the pump station needs to be slightly revised. Because of the design of the

1 service connection, he said it was found that, when the pipe comes in, it doesn't provide enough
2 elevation for the floats to work properly. That plan will be revised, and an amended will be
3 sought. Mr. Bryant told him that the Health Department will have to review that, and Mr.
4 Kerrigan replied that contact was made with them, but there has not yet been a formal
5 submission.

6

7 There were no questions or comments from the Board Members.

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9 Mr. Moore stated he had made some minor comments about lighting and turning movements.
10 The plan now shows the water main extension along Route 376, which he said will require a
11 permit from the NYS DOT, as well as Health Department approval for the extension. He
12 suggests the Fire Advisory Board review the suitability of showing a 2-inch fire service. He said
13 he is not sure that is going to be sufficient for their design and they have to go through their
14 design, for the sprinkler connection for the building up front. Mr. Moore also wanted to note that
15 the front building is being renovated for water and asked if the plan is to serve the other buildings
16 with water. Mr. Kerrigan said No, not currently, and explained that the existing auto shop does
17 not have any facilities, whether restrooms, sinks, or anything of that nature. There is an office in
18 the convenience mart building, in the back; he said they go across to use that. It will be
19 maintained as part of this, along with the existing well; there is a system in place.

20

21 Mr. Moore asked if the existing well had to be abandoned if they are connecting to Town water.
22 Mr. Bryant said, as long as there is no potential cross connection, and for as long as the liquor
23 store is not connected to the convenience store. Mr. Kerrigan said, No, it is not. Mr. Bryant said,
24 being this is an active site, he questioned if they intend to fence off an area to show how this is
25 being constructed and to protect the public. Mr. Kerrigan said it wasn't provided in the last
26 submission, showing that area, specifically along the existing building in the front, which is

1 going to be the liquor store, and along the side of where the existing auto shop is. That is where
2 some of the asphalt is being removed and he said it will be fenced off and protected.

3
4 Bill Stuart, FAB, asked if the existing buildings would be used or demolished, and Mr. Kerrigan
5 replied that they will remain; the existing footprints are not changing. The one building is just
6 being renovated with adding a second story above. Mr. Stuart asked if the entrances to the
7 apartments would be in the front and Mr. Kerrigan replied that they would be in the back.

8
9 There were no further comments or questions and Mr. Eickman said he believed this was ready
10 for a Public Hearing to be scheduled. He asked Mr. Kerrigan if he thought this would be ready
11 for November 21st and he replied that he believed it would be okay.

12
13 **MOTION made by John Giovagnoli, seconded by Sarah Bledsoe, for the Gasland**
14 **East Fishkill Wine & Spirits Public Hearing to be held on November 21, 2023.**
15 **Voted and carried unanimously.**

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20 ***DISCUSSION:***

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22 4. #2022 - 049 – **Paradise Preserve Subdivision**, 12 Deverly Ln. (6756-00-241319)

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

25
26 Sarka Leff, Civil Engineer of Sarka Leff Engineering, PLLC, was present.

27
28 Ms. Leff displayed the plan and stated this was Submission No. 2 of the Preliminary Plat Review
29 of the Paradise Preserve 6-lot Subdivision. The owner/applicant is Paradise Preserve, LLC and
30 she said she is the civil engineer from Sarka Leff Engineering, preparing the stormwater
31 management and erosion control plans for the project. The Surveyor is H. Stanley Johnson and

1 Company, with Robert S. Johnson as Surveyor. Ms. Leff said that Pete Monteleone and Christine
2 Montelone, owners of the property, were also present, as well as Lauren Brennan, from
3 Alfonzetti Engineering. Ms. Leff said this was last before the Board on January 17th for the
4 Sketch Plan Review.

5
6 Ms. Leff recapped, saying that the property is located just off Grape Hollow Road and is east of
7 the Hudson watershed. The boundary line between the Town of Beekman and Town of East
8 Fishkill is adjacent to the property and she said the red line shown on the displayed map
9 represents Grape Hollow Road, which is a local road. She pointed out the other red line shown,
10 stating that it is I-84. The lot area is 93.3 acres and the applicant owns properties surrounding this
11 property. One is in the Town of East Fishkill, 19 acres, and two of the properties are in Beekman,
12 which are almost 42 acres as well as about 1.5 acres.

13
14 Ms. Leff described the property to be subdivided as shown in green on the displayed map and the
15 property of the owners as shown in blue. The property is surrounded by 2 subdivisions, one she
16 believes to be partially constructed, the Contelmo subdivision. The other one she believes is not
17 fully built, which is the Lost Village Farm Subdivision.

18
19 Steep Slopes- Ms. Leff showed the map with the steep slopes and said the ones shown in
20 light green are zero % to 10%. Those that are shown in darker green are 10% to 15%, and the
21 ones shown in red on the map are over 15%. She then showed the map with the slopes over 30%
22 shown in blue. The lot area is 93.3 acres. She said there are wetlands, floodways and water
23 bodies overlapping each other, which is about 20 ½ acres. The steep slopes are 31 acres. She
24 said, based on the Town Code for computing the number of lots, this yields 16 theoretic lots with
25 6 lots being proposed.

26

1 Zoning Map and property history-The property is zoned R-3, Residential. Ms. Leff showed
2 the Zoning map for Town of East Fishkill with the property noted, and the Town’s property use
3 history card. The codes were obtained from the assessment manuals and show that, prior to 1986
4 the property use was listed as “camps, cottages and bungalows, seasonal residences and one-
5 family year-round residences”. The current property use is Residential: Multi-Purpose/Multi
6 Structure. She displayed a map that was prepared in 1979 showing that there were 5 residential
7 structures and a tennis/handball court. She showed the West View of Structure #1, the East and
8 West Views of Structure #2, the West View of Structure #3, the East View of Structure #4 and
9 the West View of Structure #5. These buildings were built in the late 1930s-1940s. She stated
10 they do not have any historical value and that the Board has asked about this. She received a
11 letter from the Office of Historic Preservation. She knows there is floating thinking that this used
12 to be a Girl Scout Camp, but she was unable to find anything regarding that. She said she went
13 back to the late 1800s for the ownership and it was always owned by individuals, or by a
14 company called Kingston Holdings. In addition, no one ever tried to develop the property before,
15 based on the search through the Town Planning folder.

16
17 Subdivision & Septic – The property is into 6 lots and the part that governs the subdivision
18 is the availability is the area for the subsurface disposal systems. In 2021 the owner obtained a
19 permit for the septic system for 440 gallons, which happens to fall on Lot #2. In 2018, there was
20 an application submitted to the Health Department, also for a 440 gallons system, which falls
21 now on Lot #6. Lot #5 is where the design capacity is 550 gallons. She told the Board that the
22 plans for the subdivision that were submitted to the Board are basically the same plans that were
23 submitted to the County Health Department. She said Lot #4 also has capacity for 440 gallons.
24 Lot #1 has a capacity for 330 gallons and Lot #3 has capacity for 220 gallons.

25

1 Lot #1 - Ms. Leff showed on a map the location of Lot #1, with a red line that indicates the
2 100 ft from the New York State wetlands boundary, and she said it is not encroaching into the
3 100 ft buffer. The length of the driveway is 125 ft.

4
5 Lot #2 -The driveway length is 120 ft, which she said she was pointing out for the Fire
6 Department comments that any driveway over 1,000 ft has to have a pull off. This lot is away
7 from the 100 ft wetlands buffer.

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9 Lot #3 – The driveway length is 362 ft and this is out of the 100 ft wetland buffer area.

10
11 Lot # 4 – The driveway length is 250 ft and it is the same as Lot #3, staying out of the
12 wetland buffer. She said a portion of the wetland was delineated by the wetland scientist, Mr.
13 Koslowski, because of the concern about the proximity of this area. He put the flags on the edge
14 of the wetland and a field survey was done by the field surveyor.

15
16 Lot #5 -The driveway for this lot exceeds 1,000 ft. Initially, she said the pullover area was
17 highlighted in green on the map but, if it is supposed to be by half distance, then it will be
18 somewhere in the area of the blue circle that is shown.

19
20 Lot #6 -This is the largest lot, around 61 acres, and she showed the map of the proposed
21 development. The 100 ft buffer appears to skim over the existing driveway or lane.

22
23 Sight Distance – Ms. Leff explained, when looking at the sight distance for the proposed
24 driveways, the plan and profile showing the how the sight distances were determined. They met
25 in the field with the Highway Superintendent, Ken Williams [Matt Rickett, Zoning], to look at a
26 couple of driveways. She showed Lot #6, which is the existing condition and driveway.

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OPRHP – Ms. Leff showed the letter from the OPRHP, stating that, upon review, they indicate there would not be any impact on archeological or historical resources.

Disturbance Area Summary - Based on the plans that were presented, she said the area of disturbance was determined for each lot and combined to be 4.74 ft. he understands that there is a concern that this may exceed 5 acres if the pull off is done and it kicks over the 5 acres. She said this will be looked at and, if necessary, the condition of the total area of disturbance being 5 acres will be addressed.

Drainage Map – Ms. Leff showed the map, saying it schematically represents the drainage patterns. She said there is Grape Hollow Brook, which flows from north to south and the blue line and blue arrows on the map shown represent drainage to PQ 23. The green slide line represents a ridge line where the stormwater runoff is from Lot #5 and would be directed to go to Stump Pond Stream and stormwater runoff from Lots 1, 2, 3 and 4, which will continue to go to PQ 23. Lot #6 runoff is split and is going between PQ 23 and PQ 22, as shown on the drainage map.

Ms. Leff then introduced Laura Brennan of Alfonzetti Engineering to guide the Board through the Preliminary Plat Review Stormwater Management and Erosion Control information and design.

Ms. Brennan introduced herself and stated that when the submission was made, there was only a stormwater report for Lot#5, which was over an acre disturbance. She said the thought process was that each lot was going to be developed separately. However, as the Engineer pointed out,

1 she said the overall disturbance is going to be around 5 acres and they will need to speak with the
2 clients as far as the next option to try to keep that under 5 acres of disturbance.

3

4 Mr. Moore proceeded with his questions regarding the stormwater, stating that this project is
5 situated in the east of the Hudson, New York City watershed. The threshold, even under the
6 general permit, is only 5,000 sf. He explained that, even a single-family residence requires a full
7 SWPPP. If this was only 1 lot and there was no proposal for subdivision whatsoever, a full
8 SWPPP would be required. This action will require a full SWPPP Erosion control, which is
9 being shown, but there will also have to be a post-development attenuation and water quality for
10 all disturbed areas. He said there are additional requirements in the east of Hudson, one being
11 enhance phosphorus removal and there is a difference in the calculations. Essentially, all of the
12 lots are required to be treated in some fashion, in order to comply with the Phase 2 regulations
13 with the DEC. In addition, he said they provided a letter from DEP that was dated earlier this
14 year, which represents a plan that depicts less than 5 acres of disturbance. Whether it is 4.9 or
15 5.1, he said he does not know what the DEP requires if it exceeds 5 acres, but that letter may
16 need to be revisited once the plans are revised and all additional requirements have been
17 addressed. He said there are also a number of comments regarding driveways and several of the
18 lots appear to have drainage piping going from one lot to the next. Ms. Brennan said they tried to
19 keep it in the same lot, but for Lots 1 and 2, there is a pond that is very close to the lot line. Mr.
20 Moore said Yes, Lot 1 is piped across Lot 2, Lot 3 goes to Lot 4 and all of them will require
21 some form of easement or a Stormwater Management District to handle all that. He said he just
22 wanted to bring this to the Board's attention. Being this is in the watershed, he said it is a
23 different ballgame in terms of the minimum that has to be done. Normally, if it exceeds one acre,
24 there has to be coverage under the permit. If it exceeds 5 acres, then it has to be a full SWPPP, or
25 if it is commercial. He said the threshold here is a lot lower and very lot is going to need to have
26 some form of treatment to meet the requirements.

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2 Mr. Eickman asked the Board Members if they had any questions or comments. Mr. Miyoshi said
3 he had something not related to stormwater, but it is about the previous discussions with the
4 driveways. For the big lot, he said it looked like that driveway was going to be running through
5 the wetland area for a little bit, based upon the pictures. Ms. Robbins said there is an existing
6 driveway that goes through an area that is designated as an adjacent area. She said tonight the
7 Board would declare its intent to be Lead Agency. The plans will have to be sent to all the
8 agencies that have permit approval authority. They will look at the plans and determine if some
9 sort of permitting is required for the existing road. She said she thinks it is a dirt road now, and
10 asked Ms. Leff if it was paved. Mr. Moore stated that the new portion of the driveway for Lot #6
11 goes to Deverly Lane, so that would require a permit. Also, he said it is noted that the existing
12 portion of Deverly Lane is not at least 12 ft wide. He did not know if this has to be brought up to
13 the Town’s driveway specifications. That additional area will also be within the DEC adjacent
14 are. He is not saying that the DEC will deny it, but they may require some additional mitigation
15 to handle that. Mr. Bryant asked Mr. Moore if it is the driveway to the existing house or
16 proposed. Mr. Moore replied that it goes to those dilapidated houses that are up in the middle of
17 the site. Mr. Bryant questioned if they would be replaced with a new house. Mr. Moore replied
18 that they are proposed to be demolished and removed from the site. The new house coming in is
19 not amongst those cabins. Mr. Bryant said his point was that if the driveway is servicing a new
20 house, then it needs to be brought up to today’s standards or if it is existing and grandfathered.
21 Mr. Moore replied that it is going to be new house and redone.

22
23 There were no further questions or comments from the Board Members or Town Professionals.

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25 Mr. Eickman thanked Ms. Leff and Ms. Brennan for the introduction to the project.

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28 **MOTION made by Lori Gee, seconded by Sarah Bledsoe declaring the Planning**
29 **Board’s intent to be Lead Agency for Paradise Preserve Subdivision. Voted and**

1 **carried unanimously.**

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4 Mr. Eickman mentioned a public hearing but then said there is work to be done on the SWPPP.

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6 Ms. Robbins told Ms. Leff and Ms. Brennan that some may have to be moved around to keep this
7 out of the DEP requirement of 5 acres. Mr. Moore said he does not know exactly what the DEP
8 requirement is but, depending on how the plans ultimately shape up, this may have to go back for
9 the additional permit. He said that DEP, at a minimum, needed to be circulated to as an Interested
10 Agency.

11
12 There were no further questions or comments and Mr. Eickman thanked Ms. Leff and Ms.
13 Brennan for their presentation.

14
15 **See further notes for the Paradise Preserve Subdivision towards the end of the minutes for*
16 *this meeting.**

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22 **DISCUSSION:**

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24 5. #2023- 071 – **Clove Branch Crossing**, 135 Clove Branch Rd. (6458-04-714164)

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26 Applicant is applying for an amended site plan to convert an existing 1,322 storage
27 space to office space

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29 Camille Niles, from Salard Property Group, LLC was present.

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1 Ms. Niles introduced herself and stated that she is looking to convert her storage space for the
2 entire second floor at 135 Clove Branch Road to office space, with a site plan amendment. With
3 this, she knows she needs to upgrade her parking and she has a proposed site plan revision for the
4 parking lot. Currently, there are 27 parking spaces, 2 of which are handicapped. One space is van
5 accessible and she knows she needs to provide 4 handicapped spaces, with one van accessible.
6 The current tenant, ABC Seech Therapy (“ABC”) is in need of additional space. As of now she is
7 in talks with them for the upstairs. She pointed out on the displayed existing floor plan that it is
8 just storage space. There are stairs in the back to go up and a back entrance. She expressed that,
9 basically, she would like to rent the space out, whether to them or to another office-type business
10 and is using ABC as a business model here. If they choose to take it, she said it is the worst-case
11 scenario, as to the number of therapists and clients. She thought she would go through with this
12 and, if they don’t take it, the use will be on a smaller scale, because this is the current tenant, and
13 there is space. It is just not storage right now. She pointed out on the displayed plan that 2 out of
14 the 3 rooms are sheet rocked and she is just looking to finish off that space.

15
16 On the displayed plan, Ms. Niles showed the parking as it exists right now, with 27 spaces.
17 Defined by the Code, she said 28 spaces are needed, if the upstairs is used as the business model,
18 for ABC. She noted that some of the parking lot will need to be modified to make the extra
19 space. In the event that ABC does not take the upstairs, she is aware that 2 additional parking
20 spaces need to be provided because it is a different business. She said this would be presented to
21 the Board, if need be. She reiterated that this is the model for ABC and that she is aware that 2
22 more spaces would need to be provided to the Board.

23
24 Ms. Niles said she was open for any questions from the Board. She explained that her engineer,
25 Robert Morris, from Morris Engineering, could not attend this evening and anything that she
26 cannot answer, she will present to him.

1
2 Ms. Gee asked how crowded the current parking lot was. Ms. Niles replied that she would be
3 very clear with the Board, stating that ABC is expanding right now. They are aware that they take
4 the upstairs or find a second location. She said they started as a small group and just grew. She is
5 monitoring everything to see how well the tenants fit. The last thing they want is not to have a
6 parking spot for a client. The program for the upstairs would be a drop-of program, which is a
7 little more detailed than what is being done by them now. Small group sessions are being done,
8 but they are looking to do 2-hour group sessions with drop off and pick up. She reiterated that
9 this proposal is a worst-case scenario.

10
11 Mr. Miyoshi said the gist of the question was if fire trucks had to go around or ambulances had to
12 come in. He asked if the new parking lot would be equipped to handle that. Ms. Niles replied that
13 it probably would be the way it is now; one pulls up in front of the van accessible hatch in front
14 of the garage, because there is no fire lane there, if that is what he was looking for. She said it
15 would definitely be a pull up, there are 4 doors.

16
17 Ms. Gee asked if the space was only accessible with interior stairs or was there an exterior stair.
18 Ms. Niles replied that it is only the interior, in the back. There is a gravel walkway, not paved, on
19 the side of the building. She showed Exhibit F of the proposed parking lot, stating that the
20 staircase is in the back of Unit 3. There is a door closed off so the physical therapy is still private.
21 There is a staircase to go up to the second floor. Mr. Papae asked if it is for more physical
22 therapy upstairs as in the plan now. Ms. Niles said No, physical therapy is now just downstairs
23 and the whole upstairs is just storage right now. Mr. Papae explained his question, asking if the
24 change in the new plan is for more office space upstairs. Ms. Niles replied that it is for ABC
25 Speech Therapy and not for the physical therapy, just for the speech. She said she would provide
26 more information on the access separate door to get to the back of the building, for the office.

1
2 Ms. Bledsoe asked if there were plans to change the way that it is accessed, are there trees being
3 taken out, or is there enough room to walk there. Ms. Niles replied that there is a 5-ft gravel path
4 around the back of the building and lights; it is all cleared. Mr. Miyoshi asked if this new space
5 would be ADA accessible. Ms. Niles replied that it is, on the second floor, and it will be ADA
6 accessible from the parking lot in to the first. She said if the question is about a ramp, to get to
7 the second floor, there is an existing staircase. She was not sure, but she thought it was only if
8 there was a 3rd floor that there would be an issue and said she would check the Code. Ms.
9 Robbins said she could ask Mr. Rickettes, but her understanding is that if it is an existing
10 business that has access to the first floor and the second floor is being used, it is okay because the
11 people going there can access the first floor. However, if a different business goes into the second
12 floor, then there needs to be ADA accessibility, which she believes to be the rule. She continued,
13 saying that, in this particular building, there is a speech therapy practice and also the physical
14 therapy practice. One of the reasons the extra handicapped spaces are needed is if there are 27
15 spaces, typically there would be only 2 handicapped spaces. There is a higher requirement for
16 ADA parking when there is a physical therapy practice. She said that at times this parking lot is
17 full and when she went by it the other day there were enough spaces. But there are times when
18 there are not enough parking spaces. The issue is that there is an additional 4 handicapped spaces
19 and there may be a need for additional parking. She asked Ms. Niles if there was room on the
20 side of the driveway to add any additional spaces and Ms. Niles replied No, they went through all
21 the options. The issue is that ABC is rapidly expanding, and there is also a time constraint. She
22 knows if, timewise, construction just doesn't fit them getting up there fast enough, they may have
23 to elsewhere, of which she is aware. She reiterated that these are 2 therapy practices, one that is
24 expanding in the little space – and one that is doing the same things they've been doing. She said
25 that is why she is in the bind; she either provides the space, or it would be a much lesser type.

1 She said she is known for that, and it is existing; she is just trying to help them. She explained
2 that there are the times and the gaps; one pick up and one drop-off.

3
4 Ms. Robbins asked if the speech therapy is most of the time, the kids get dropped off, or was it
5 both. Ms. Niles replied that it is both because right now they are looking for the other program
6 that would be going upstairs. She added that they are expanding, and the parents are in the
7 parking lot. Some parents stay, some leave and some come early, things like that, which she said
8 is not in her control. However, the hours of operation have been spoke about and discussed and
9 excessive overbooking; they are looking at this to find out how to accommodate and are aware of
10 this. Ms. Robbins said she assumes the septic is on the other side, with no room to expand. Ms.
11 Niles responded that the septic is on the Route 82 side and she would love to be able to
12 accommodate every code.

13
14 Mr. Eickman said he understands that this meets the Town’s parking requirements
15 notwithstanding, and the reality is otherwise the fact that it is pretty tight. He asked if it will be
16 tighter with the addition of the office space. Ms. Niles responded that it will be managed
17 differently because there will be the programs- (2) 2-hour sessions, one in the morning and one in
18 the afternoon, to use the space upstairs. In managing it differently, she said the downstairs is
19 where the parents could stay. There are technically 2 spots in front of their space now and,
20 because they grew, it wouldn’t be much more than what they have now, but managed differently
21 to accommodate whatever programs they are doing. Mr. Eickman asked, to clarify, if a different
22 user was to come in, it might be a change of use and would they actually be required to come
23 back to this Board, or not. Ms. Robbins responded that, if there was a new user downstairs, for
24 sure they would have to come back to the Board for the change of use. Although, if it is a similar
25 use, they may just be able to go to the Building Department. Attorney Cunningham stated that the
26 Code was amended in the past year. If there is a use that is less intense than the existing use, they

1 may not have to come back to this Board; it would all depend on the type of use. Ms. Niles said
2 the words “less intense” is what she is after; less usage, of which she is very aware. She said it is
3 her goal to stretch out what is there, to keep the time frames, businesses, coming and going
4 seamlessly. She reiterated that she is very aware. Mr. Miyoshi asked her if the “managed
5 differently” essentially meant just the scheduling of when people are getting dropped off and
6 picked up, to manage the parking lot. Ms. Niles replied Yes, to manage everything. She said both
7 tenants understand when she tells them about overbooking and it can happen anywhere; we all
8 use medical facilities and know how it is, maybe waiting a half hour, it is. She said it is just the
9 day and it can’t be controlled who comes early, who stays later than their appointment. That is
10 why she did this as worst-case scenario. She is hoping they go upstairs, but if they do not, it
11 would be a much lesser situation.

12
13 Ms. Robbins asked Ms. Niles if she knew how many doctors, clients would be upstairs; how
14 many new speech therapists than client would be there. Ms. Niles explained that, right now, they
15 do have additional. This started out as 2 therapists downstairs, but ABC grew and that is when
16 she became aware of their need for more space, or a different location, or do they just need to
17 move somewhere with larger space. She believes that, right now, there are 5 therapists, and they
18 are expanding to 7. She said that it would be the groups upstairs. However, they would keep their
19 individual therapies/sessions downstairs, with the group therapy upstairs. They would keep it to
20 the minimum as when they became the tenant originally, which Ms. Niles said was prior to when
21 she owned the property. There originally were 2 therapists downstairs, and they grew, so she said
22 they would just stretch their sessions upstairs, while keeping the private lessons downstairs.

23
24 Attorney Cunningham asked if there was a property close by where there could be an overflow
25 parking agreement entered into. Ms. Niles said there is, but it is across the street. Mr.
26 Cunningham asked if there was a crosswalk, was it safe. Ms. Niles said No, and that the

1 intersection there with Route 82 is very dangerous, and not probable for safety reasons, otherwise
2 she would definitely entertain that idea.

3

4 Mr. Stuart asked if there was a set of interior stairs and Ms. Niles replied Yes.

5

6 Mr. Miyoshi said there could be something coming in along those lines with the storage next to
7 this, but it is a lot of “ifs”. Ms. Bledsoe added that there are no sidewalks.

8

9 Ms. Bledsoe asked Ms. Niles, if they (ABC) move upstairs, is there a chance that the downstairs
10 unit would be abandoned, with a third tenant in the building. Ms. Niles replied absolutely not,
11 because the agreement would be for that. She emphasized that she couldn’t take the risk of
12 having that type of facility and they (ABC) would need to take the upstairs according to the
13 application. She said this is stretching things for her and she is willing to do this for them, and
14 micro mange. But, if they leave to go elsewhere, she is not committing them to it and wants to
15 make sure she can accommodate what she has; she does not want more than what can be
16 accommodated. If anything, she said they would keep their small space, and have a second
17 location. She would then have a quiet type tenant upstairs, such as insurance, an accountant,
18 engineer; lower keyed. Ms. Gee explained that if there is a third tenant, the Board is saying that is
19 when the ADA requirements would kick in. Ms. Niles asked her if she meant if it wasn’t ABC
20 upstairs. Ms. Gee said that is right and if there’s a downstairs tenant. Ms. Niles said this is like a
21 50/50 thing with her and she would need to look into that. She asked what about if it was a
22 medical facility or something. Attorney Cunningham told Ms. Niles if that was the case, it would
23 be best to retain an architect for that. Ms. Niles said she had been looking into that with her
24 engineer already, along with the parking. She believed it was the third floor for the ADA and said
25 she will confirm this with him.

26

1 Mr. Moore stated that, during his review, it was noted there are a few minor site plan comments,
2 one being ADA loading and unloading and the area needs to be 8 ft. wide minimum. He told Ms.
3 Niles it does not appear that they have it and she responded that this will definitely have to be
4 modified.

5
6 Ms. Robbins told Ms. Niles this will be given to the Fire folks to review for circulation. She said
7 she does not know how to resolve the parking, other than her having someone go out and count
8 spaces and give the Board some data as to how full it is. She said she had witnessed this parking
9 lot a few times and it was pretty full, with only a few spaces open. The Board has to make sure to
10 have an idea as to how full it is. There is no way to over park there, or they would be out on the
11 street.

12
13 Ms. Niles said she is trying to accommodate an existing tenant and she has had the conversations
14 with them that it can't get any worse than what they have. She said it would be more like, with
15 the drop-offs, No, the parents would have to know that they can't stay in the parking lot. She said
16 it would be more structured, rather than "come and go as you want". It would be "drop and go"
17 and they can't wait there for the 2 hours for the child. Ms. Bledsoe asked her how something like
18 that could be enforced. Ms. Niles replied that she is very "hands-on" with her tenant and it is not
19 that there are rules. But, for there to not be any issues, and for them to stay there, it would have to
20 be in the Lease Agreement. She said it has to flow, and she can't harm her other tenant, to
21 accommodate one tenant over another. She said she can't have their patients not having spaces,
22 just to have a tenant; it would be foolish on her part and she said she would have to enforce it
23 that way.

24
25 Ms. Robbins asked Ms. Niles if there was any way to add parking in the front, where it could
26 stack for employees. Ms. Niles replied Yes, that was something she had mentioned if she needed

1 the 2 spaces, and it would strictly be employees. When one first pulls in, they are able to stack a
2 couple, but it would not be for coming and going. She said it would need to be for someone who
3 is there for 10 hours. Ms. Robbins told Ms. Niles the Board needs to have a sense of the number
4 of cars at any point in the day before this can really be looked at to see if it is even realistic. Ms.
5 Niles said the situation they have now is that it is expanding, and it is the situation of where she
6 is going to be at. She explained when she says worst-case scenario, this is the most it is ever
7 going to be for a tenant in the upstairs space. She asked, should she tell ABC there has to be info
8 on the number of spaces they see now in the parking lot. Right now she does not have their bulk
9 of clients, but she does know it is in the afternoon around 2:00, because she has been there then.
10 In the morning, she said it is kind of quiet.

11
12 Mr. Moore suggested to Ms. Niles that her engineer do a daily assessment of parking, by the
13 hour, throughout the week, and get a few weeks' worth of data. Then, he said to have the
14 engineer do a parking projection and see how that would pan out. Ms. Robbins told her she
15 would speak with the Town's traffic engineer to see if he has any suggestions about what would
16 need to be done to get the full picture of what is going on, have him look at the parking, and will
17 let her know. Ms. Niles said this is going towards the worse, with them expanding right now. She
18 said the school year started and she does not know how deep they are into this now. She knows
19 they are trying to juggle, and they are looking to her to provide extra space. If they are at their
20 max right now, she said then this would be the scenario. They are looking around actively, and
21 she said they know that this is a little bit of a long road, with permits and renovations. The time
22 frame also needs to be factored in, which can mean a lot, because of school. Ms. Robbins
23 reiterated to Ms. Niles that she would speak with the traffic engineer and get back to her as to
24 what the next steps would be.

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1 Mr. Eickman confirmed with Ms. Robbins that, at this point there is no action necessary. Ms.
2 Robbins said there was more information needed by the Board. Mr. Eickman thanked Ms. Niles
3 for her presentation.

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11 ***PARADISE PRESERVE SUBDIVISION ***

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13 Ms. Leff returned to the podium, stating that she, the applicant and team had discussed the
14 project, what it would be lying ahead, what would need to be done. She said the applicant is
15 considering reducing the number of lots. Instead of developing into the 6 lots, she said the
16 property would be 4 lots. She said this is what they quickly discussed in the lobby and she was
17 wondering if this would change anything that was done today, as far as Lead Agency and what
18 would be required. Attorney Cunningham said he did not think it would change anything
19 process-wise. He told Ms. Leff they may as well circulate based on 6 lots; it is better to circulate
20 based on a more intense project than a less intense project. He said, if they are considering
21 whether it be 4 or 6 lots, he thinks it should be based on the 6 lots. He explained that a public
22 hearing would still be needed, and Mr. Moore would still need to review the stormwater. Mr.
23 Bryant asked Mr. Moore if there was any threshold that they would avoid by reducing the number
24 of lots. Mr. Moore responded it would only be with DEP. In their plan set, he said they had
25 approved plans, he thinks it was Lot#3 for the septic and Ms. Leff said it was Lot #2. He
26 explained that, technically, that lot will require a full SWPPP before it is constructed. There
27 needs to be a full SWPPP in place before the lot can be constructed. This is regardless of the fact
28 that there is Board of Health approval for that lot; it still needs to go through the process. Mr.

1 Bryant questioned, if that lot is eliminated, what will that do for them. Mr. Moore replied
2 “Nothing”. Mr. Bryant told him he had said there had to be a full SWPPP, just for that lot. Mr.
3 Moore said one single family residence requires a full SWPPP. Mr. Bryant said that lot has
4 approval. Mr. Moore said even if they have approval for it, if they were to pull a building permit
5 for it, a SWPPP would still have to be in place for it. Mr. Bryant said then along with all the
6 others. Mr. Moore said that is correct and, even one lot trips the requirement for a full SWPPP.
7 Mr. Bryant said then nothing is being saved. Ms. Robbins told Ms. Leff, even if they go for the
8 most extreme, there will be issues with the DEP. Then, afterwards, they can begin cutting out lots
9 and the worst-case scenario would have already been analyzed. She suggested to Ms. Leff that it
10 is better to do that, then see what their comments are, and seeing if their comments can be
11 addressed. Ms. Leff responded that her personal experience and concern is when a SWPPP is
12 supposed to be provided for DEP and DEC, sometimes the regulations are conflicting. It gets
13 complicated and difficult. She said, especially in this case where there is the septic system. Mr.
14 Bryant told Ms. Leff that they have that even for 2 lots; there would be the same difficulty with 2
15 lots and there is the same level of scrutiny, because this is in the DEP watershed. Ms. Robbins
16 said the regulations were just changed in 2022 or more recently, making them even more
17 stringent. Mr. Moore stated that the 5,000-sf requirement has been around for a while. Ms.
18 Robbins said there is a rule that was changed more recently and made it even stricter.

19
20 Mr. Eickman told Ms. Leff that the recommendation made by Attorney Cunningham, counsel for
21 the Town, was a good one. The Town declared intent for the plan, as presented tonight and if the
22 choice is to scale it back a little, he told her that is their call. It is something that can be done
23 offline after additional investigations are done with the planner and engineer, as well as DEP and
24 DEC, to figure out what is the best plan going forward. Attorney Cunningham said that is
25 accurate and told Ms. Leff if she wanted to advise her clients, for whatever reason they are
26 looking at the lot and the area, and it is found that 4 lots is better, of course, 4 lots can be done.

1 He said, at least from the Board’s initial review, that this doesn’t seem to change the process at
2 all, whether there are 4 lots or 6 lots. Ms. Leff responded that the concern is if there are the 4 lots
3 together, in the corner, and they become 2 lots, there is more room for the stormwater
4 management practices. Attorney Cunningham told her that is totally within her purview; it is
5 whatever she and her clients decide is best for the project. He said he is just letting her know that,
6 whether it is 4 lots or 6 lots, it does not change the Town’s process. It could shorten the process
7 overall if she is saying it is easier to engineer the site with the 4 lots, because then there is less
8 review required and it would just work better. He reiterated that is something she and her clients
9 have to decide, it is not up to the Board. He added that they do not have to decide that right now
10 and it can even be done over the next few weeks.

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

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ADJOURNMENT

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**MOTION made by Sarah Bledsoe, seconded by Lori Gee, to adjourn the
Planning Board meeting. Voted and carried unanimously.**

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29 **Respectfully submitted:** _____
30 **Kathleen Mahodil, Meeting Secretary**
31 **East Fishkill Planning Board**