

**TOWN OF EAST FISHKILL
PLANNING BOARD
SEPTEMBER 19, 2023**

Chairperson John Eickman called the meeting to order.

Members present:

John Greenan, Don Papae, Richard Campbell, John Eickman, Ed Myoshi, Sarah Bledsoe, Alternate John Giovagnoli; Allison Marino, Engineer; Michelle Robbins, Planner; Matt Rickett, Zoning Administrator; Dave Palin, Fire Advisory Board; Chris Jodlowski, Board of Fire Commissioners; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, October 17, 2023, and Tuesday, November 21, 2023.

APPROVAL OF MINUTES:

August 15, 2023

MOTION made by Richard Campbell, seconded by Ed Myoshi, to approve the minutes of the August 15, 2023 meeting. Voted and carried unanimously.

INITIATE SEQR:

2023-057 – Pawfect Paws, 867 Route 376 (6358-02-858546)

Initiate SEQR for a proposed doggy daycare facility requiring a coordinated review between the ZBA and Planning Board. Applicant is currently in front of the ZBA for an area variance and will require site plan approval from the Planning Board.

No one was present.

Ms. Robbins stated this application was originally proposed on Hosner Mountain Road. The application was withdrawn. There was a building enforcement action because they were operating a doggie daycare in the location that they have not gotten site plan approval for. They did have to come in and apply for protocols but before they can get approved for that location they need a sideline variance because the dog run was not 150 feet from the property line. They are in front of the Zoning Board right now and if they are granted a variance, they can come before the Planning Board for a site plan. Before that can happen the Planning Board has to declare their intent to be Lead Agency so the SEQR process can begin. If their application before the Zoning Board is successful then they would come before the Planning Board for a site plan application.

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

ADJOURNED PUBLIC HEARING:

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

Applicant is applying for an amended site plan for a climate-controlled storage building. Changes include reducing footprint of the building by making it two-stories, 36000 sq. ft. and eliminating the 13' retaining wall.

Brian Stokosa was present.

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

Mr. Stokosa stated they had a public hearing on this project last month. It was formerly one-story at 36,000 sq. ft. climate-controlled storage facility at the intersection of Route 216 and Old Route 52. There is a retail building in the front of the property. As part of the previous site plan the applicant redid the parking lots and the entrance per DOT. There is also parking in the back that has been restriped and repaved. They looked at the financial aspects of a one-story concept and it

made sense to try to reduce the footprint and go to two stories. They brought the development of the rear of the building closer into the parcel and away from the adjacent neighbors to the north, south, and east. They had to go back in front of the ARC with refreshed exterior components. Everything remains the same except the additional second-story. The two-story front will be facing Route 216. As you go around the back of the building, only the second-story will be exposed and visible due to the grading. The second floor will have access to the rear parking lot. Much of the grading that is there right now is what will be there at the end. The biggest thing they spoke about at the last meeting was regarding public comments for screening, lighting, and landscaping. They did meet with the neighbors at the meeting and subsequently the applicant met with the neighbor to the north and to the east individually and discussed landscaping specific to each location. They are going to install some landscaping along the common property line and there should be correspondence to that effect. There was a meeting at this past week from the higher adjacent property looking down onto their site and looking to develop areas within the applicant's property as to where they could specifically place landscaping. They will wait until the leaves come down to see where there is direct exposure and get a feel for the best placement. There has been a commitment to work with the neighbor to develop the landscaping plan. At this point it has been a gentleman's handshake agreement to work out this issue. They did work on the lighting plan to make sure that all of the wall packs were dimmable or motion sensor activated. They did a combination so that the wall packs would be motion activated and the freestanding lights would be dimmable so they can be sensitive to the residential neighbors. There are some other small administrative issues but those were the major issues.

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

Dave Palin asked if they had determined the type of heating and fuel source for this yet. Mr. Stokosa stated they are going to the planning process right now. They will be spray foaming the structure for insulation and he believes they are leaning towards the heat pump. Propane is also a possibility. They are going to review the design costs and efficiencies of both of them at this

point. They should have a decision soon.

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

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

Chairperson Eickman stated there was a negative declaration for this application.

The name of the action is Site Plan Amendment for Stormville Square. A proposed 36,000 sq. ft. climate controlled indoor storage building on a 5.8 acre lot with 29 parking spaces and 7 additional land banked parking spaces. This is an unlisted SEQR action. An EAF was analyzed in making this negative declaration as well as a Supplemental Part III Information and SWPPP. The following environmental issues were identified as relevant:

1. Land Use and Zoning
2. Visual Character
3. Historic and Archeological Resources
4. Plants and Animals
5. Traffic & Transportation
6. Other

The proposed action would not be expected to result in any significant adverse impacts. Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Ed Miyoshi, seconded by Richard Campbell, to approve this Negative Declaration. Voted and carried unanimously.

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: Stormville Square
NAME OF APPLICANT: Paleen Manor Corp.
LOCATION: 194-198 Route 216
GRID NO: 6657-03-064313

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant received site plan approval on June 21, 2022 for “Stormville Square,” a 35,946 SF one-story climate controlled indoor storage facility represented on a map entitled " Stormville Square," prepared by Day & Stokosa Engineering, P.C., dated 7/28/21 and last revised May 27, 2022; and

WHEREAS, the applicant is proposing to amend the approved site plan to modify the proposed building from a one-story 35,946 sf climate controlled indoor storage building to a two-story 35,000 sf climate controlled indoor storage building; and

WHEREAS, an existing curb cut on Route 216 that currently services the commercial building will be eliminated and a new curb cut will be created to service both the new indoor storage building and the existing commercial building; and

WHEREAS, twenty-nine (29) parking spaces including four (4) handicapped spaces are proposed; and

WHEREAS, the applicant is proposing to land bank seven additional parking spaces for future use if required; and

WHEREAS, the proposed storage building was reviewed and approved by the ARC; and

WHEREAS, a public hearing was opened 8/15/23 and closed on 9/19/23; and

WHEREAS, the proposed project is an unlisted action under SEQR and a long form EAF was prepared; and

WHEREAS, a negative declaration was adopted by the Planning Board on 9/19/23; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the amended site plan for Stormville Square as represented on a map entitled " Stormville Square," prepared by Day & Stokosa Engineering, P.C., dated 3/16/23 and last revised 9/18/23, 2022 subject to the following conditions:

- 1) Resolution of comments in CPL review letter dated 9/19/23;
- 2) The applicant shall be required to fund an escrow account for an environmental monitor during construction; and
- 3) The applicant shall install all lighting and landscaping as shown on the site plan and as per the agreement with MEK Industries, the adjoining property owner to the north;
- 4) Applicant shall obtain all necessary approvals and permits from NYSDOT for the driveway.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this

Resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this Resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member: Ed Miyoshi

At this point in the meeting Chairperson Eickman introduced Allison Marino, a new Assistant Town Engineer.

DISCUSSIONS:

DISCUSSION:

2023-058-Valley Christian Church, 1072 Route 82 (6458-04-066075, 678055)

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

Steve Whalen was present.

Mr. Whalen stated it has been a few months since they presented this project. They're looking to merge the two existing parking lots into one. These have since been merged into one. They are also adding a few additional parking spaces. They have added grading, storm water mitigation, lighting details, including the foot candle information, and some landscaping. They have addressed most of the comments they have received from CPL. They also just received a letter today with comments which will be addressed. They received a comment letter from HVEA Engineers, and those comments will be addressed as well. There will be new asphalt added to join two parking lots and it will create 15 additional parking spaces as well as some handicap accessible parking spaces. They will be adding some additional lighting and some minor landscaping. There are a lot of trees along the back of the property so they will maintain that screening from the adjacent neighbors.

Mr. Campbell asked if these were going to remain two separate parcels. Mr. Rickett stated these parcels have been merged. Mr. Whalen stated the church owns a vacant one-story building and they plan on putting offices in there which is why they want to merge the parking lots. Mr. Rickett stated they do have a building permit for the office space. Mr. Campbell asked if they subdivided this at a later date would the separate parcels meet any current requirements. Ms. Robbins stated they would have to come back before this Board.

Mr. Miyoshi stated there were comments regarding emergency services circulating around the site. Mr. Whalen stated they did receive comments from HVEA. They will add that information. Mr. Palin stated that the concern were the four spots in the front. The verbiage on the plan says that they will be removed, but they are still being shown on the plans. Mr. Campbell asked if there was any overhang off of the building and Mr. Whalen said no. Mr. Morris suggested putting in no parking signs for those four spots and Mr. Palin suggested having it marked as a fire lane.

Ms. Robbins asked what the net gain and parking was. Mr. Whalen stated it was a total of 27 spots. Mr. Campbell asked if that was enough parking for each individual building and if it included handicap. Mr. Whalen said yes. They will also be adding accessible ramps and pathways.

Mr. Rickett asked where the proposed relocation area for the propane tanks was. Mr. Whalen stated they were either going to be removed or abandoned in place. Mr. Rickett stated they also discussed burying them. It will need to be determined where they are going to go. The tanks are currently right between the two buildings, and it says on the map there will be two 500-gallon propane tanks.

Ms. Robbins asked about any new proposed lighting. Mr. Whalen stated they are shown on the civil engineering drawings. There will be two new lights. One on the small island and one in the parking area. They will be full cutoff and shielded light sky lights. They did review the

comments on the HVEA letter.

Mr. Moore requested a copy of the deed be provided to prove the consolidation of the two lots. He stated toward the back there are some slopes that look relatively steep. There may be a recommendation for installation of an erosion control blanket to stabilize the slopes or if they can ease the slopes. There is runoff coming from the hill behind it. Since they are using dry wells for storm water management, they do not want runoff causing the dry wells to silt up. Mr. Weiland stated he believes they are going in with aggressive grading because there is a lot of rock. They are going to do some test pits and if they can shallow up the grading, they will. Mr. Moore stated if there is rock there they do not have to worry about the erosion as much. He also asked for justification for utilizing the dry wells and if any infiltration testing was done. There are existing dry wells on the property and he is not aware of any issues with those. There is no connection from this property out to Route 82 so the drainage must be self-contained on the site. They need to make sure they know how the dry wells will work.

Ms. Robbins stated that this is a relatively minor site plan application so the Board has the ability to waive the Public Hearing. She does not feel this would require a coordinated review under SEQR because it is a Type II action.

Chairman Eickman asked if anybody on the Board would require this application to have a Public Hearing. There was no one. He told the applicant they are back on for October 17 for a resolution. They will need to have their questions answered by then.

DISCUSSION:

2023-050 – Stack-N-Stor, 1088, 1090, 1096, 1094 Route 82 (6458-04-702115, 720105, 714134, 701142, 723129)

Applicant is proposing an indoor, climate-controlled 82,538 sq. ft. self-storage facility in the B-1 zone.

Robert Preyor and Cosmo Marfione were present.

Mr. Preyor stated that the plan is to develop this parcel to an approximately 82,538 sq. ft. climate controlled, two-story, self-storage facility. The existing site is generally underdeveloped. There is an existing home on the corner of the property. When they originally looked at this, they had not secured that property and they would have been required to get a zoning variance. Since then, they have secured that additional property and, based on their understanding of bulk regulations, their proposal meets all the requirements of the bulk standards and zoning requirements. The site is just under 5 1/2 acres and is located on the eastern side of Route 82, just South of Clove Branch Road. The one existing home has not been occupied for many years. Mr. Papae asked how far the building is from Route 82. Mr. Moore stated it is approximately 124 feet. Mr. Preyor stated the site will be accessed by two full movement driveways onto Route 82. It will have full circulation around the site. The majority of the parking is located in the front of the building at the lower level. There is a one-way drive aisle that goes around the back of the building and the upper floor is generally accessed from the back of the building. The lower level is generally accessed from the front of the building. The site slopes from the back of the site towards Route 82 so they are working with the grade there to make the building between the grades and have the driveways follow the existing grades to reduce the amount of excavation and fill required. Based on the parking requirements for commercial use this would require 83 parking spaces. They have submitted documentation on the ITE Parking Standard that demonstrates that they do not really need that much parking for this type of a use. They have shown 58 additional spaces deferred parking to meet the zoning requirements and they are requesting a waiver so they can remain land banked. The ITE parking requirements for this type of use are small. The ITE standards offer 21 spaces for a facility like this, and they are providing 25 spaces and have shown space on the site to develop the other 58 parking spaces if they are ever needed. Mr. Campbell asked if that was a waiver based on East Fishkill's town requirements. Mr. Moore said yes. Mr. Preyor stated there is not really a parking requirement for a self-storage facility in the regulations. Chairperson Eickman asked the handicap spaces they were providing. Mr. Preyor stated they are showing to pull in the front. They can move one to the back if that is what the Board would like. The office area is in the front and there are

also elevators for accessibility to the second floor which is why they placed the handicap spots both in the front. Mr. Campbell asked if there was curbing around the building. Mr. Preyor stated it is flush at the areas near the doors. There will be bollards for protection. Mr. Campbell asked for the office specifications. Mr. Preyor stated it will be between 800 and 900 sq. ft. on the first-floor. It will be placed in the corner near the freight elevators for easy access to the second floor. It will be the rental office and they will also sell some limited supplies like boxes and tape.

Mr. Campbell asked the height of the building and Mr. Preyor stated it is 28.5 feet high. Mr. Campbell asked if the applicant has spoken with the Fire Advisory Board and their ability to circulate behind the building. He wants to make sure that there is a wide enough area with the parking that is planned back there as well. Mr. Preyor stated that access to the second floor is two double doorways in the center of the building. There is an elevator that is to access both floors as well. In that area the pavement has been widened so that if people are parking at the doorway there was a full 24-foot-wide driveway that a fire truck could get past. They had prepared a turning movement for a fire truck and he believes it was submitted with the package. Dave Palin stated the ladder truck they used is an older model and they will need to revise it based on the measurements of the new truck. Mr. Campbell asked if there were interior emergency stairwells. Mr. Preyor said there are regular stair ways in the corners of the building as well as two freight elevators.

Mr. Campbell asked if there would be any type of gating around the facility. Mr. Preyor stated access to the back of the building will have either a pin pad or key card access control as well as a gate at the back corner. There might be nighttime security. The management company that the operator uses has full video camera surveillance around the site as well Mr. Campbell wanted to make sure that the gate system would have the ability for an emergency vehicle to override the system and get into there. Mr. Palin stated there are two different systems that could be used. One is siren activated, but they do not recommend that on Route 82. The other would unlock the gates if the fire alarm is activated inside the facility. Mr. Preyor stated that would be an acceptable solution. Ms. Bledsoe asked what they do in the case of medical emergency. Mr. Palin stated there are Knox boxes that have key codes or keys in them. Mr. Preyor stated they could do that as well.

Mr. Preyor said he believes they have submitted a full, comprehensive package. They have received some comments today from the Town Planner that they need to address. They also received some comments from the engineering consultant today as well. They do understand they have work to do to address those comments. He does not believe that the site plan presented tonight will materially change as a result of those comments.

Mr. Campbell asked about the buffer around the building and what will be visible from the homes behind the building. He asked for the average tree height around the back compared to the height of the building and the home grade levels back there. Mr. Preyor stated he does not have that information at this time but will get it. He did state that in the back of the building it would not be 28 feet high. It would only be one-story visible back there. It will probably only be 16 to 18 feet high. Mr. Campbell asked if they could provide a cross-section of the use. Mr. Preyor's stated they can.

Ms. Bledsoe asked for renderings of the front of the building. Mr. Preyor pulled up the elevations. He stated the general color scheme the clients use on these buildings are black and orange. He believes it is a prefinished metal siding. There are glass windows to break up that façade. Chairperson Eickman stated they will need to set up a meeting with the Architectural Review Committee as they may have some comments. Ms. Robbins stated this looks significantly different from the original sketch that was brought to this Board. Mr. Marfione stated the color is not orange as it appears on his prints. It is a very red color with black. When they first came in and they had a different sketch which was three stories tall. The architect was having a hard time doing a two-story building with the mansards. It did not look right proportionally. They are working with the concept including fake mansards on the roof in the front and side. Ms. Robbins stated that she cannot speak for the ARC but based on what they have approved in the past this application was much closer to what they would have approved with the prior submission. They will need to get on to the agenda for the ARC as soon as possible.

Chairperson Eickman asked if they had other buildings that they have done similar in size with the same parking. Mr. Marfione said yes. This will be the fifth building in the Northeast they have done. There is one in Saratoga, one in Patterson, one near Schenectady, and one in West Haven Connecticut. The one in Patterson has those mansards which make it look more residential. Ms. Bledsoe stated they need to consider the character of the streets they are putting this building on. Right next door is a church with very traditional characteristics and right across the street are houses. Mr. Marfione said he will challenge his architects to come up with a more residential look. Mr. Moore suggested the applicant bring in physical samples and swatches. Ms. Robbins stated that the ARC will require that as well.

Ms. Robbins stated with two driveways onto Route 82 they will need DOT approval. She will review the ITE rates and do an analysis to see if she agrees with their parking analysis. The traffic engineer is requiring the applicant do a truck turning radius and she will supply them with that information. She asked if they were going to have an office and Mr. Preyor said yes. They will have Board of Health approval for the bathroom.

Ms. Robbins stated for their lighting plan everything should be dark sky and fully shielded. The outside wall mounts should be on motion detectors so they will be off if they do not need to be on. They should be down-lit. They will need elevations and renderings once they have finalized the architectural. They will need them from multiple points such as Route 82 from either direction and something from the residential neighborhood. They will need to know what the cut and fill requirements are because if they are over 375 cubic yards they will need a special permit which they will need to advertise for when they go for their Public Hearing. A Steep Slopes Permit may be required.

Mr. Moore asked if all of the parking spaces proposed are standard 9 x 18 spaces. He is unsure if the Board will request a larger space for loading and unloading. They have asked for that in the past from some applicants like Stormville Square. Mr. Marfione said they normally do that as well.

Mr. Campbell asked if they would be storing any vehicles on site. Mr. Marfione said no.

Mr. Moore stated they would like to see a grading plan for the land banked spaces to demonstrate that they would all fit into that space. He stated that the sewage disposal area is in the area of the land banked lots and they may need to review that.

Ms. Robbins stated the refuse container looks like it may be very difficult for a garbage truck to get to and that may be something they need to redesign.

Mr. Moore stated that in regards to the storm water the Town may wish to consider storm water maintenance as subject for a Maintenance Easement Agreement per Section 157-9B. They recommend that storm water infiltration basins be fenced off for safety. The applicant is proposing to tap off of the water main on Route 82 and they may instead have to have a single tap of Route 82 and then branch off into a potable and a fire connection after the reader. Some of the proposed lighting levels appear to be high in spots. One fixture does not appear to be shielded. They need to provide details for the proposed monument sign out front. Regarding the SWPPP, it will need to conform to all of the requirements of the general permits and there will be additional things that are going to have to be added. The storm water design is relying completely on infiltration and retention. There is no existing drainage on Route 82 so all the storm water will be handled on site. They have used a factor of safety when figuring out their infiltration rates but the Town will want to be very cautious. Mr. Marfione stated they have done test pits as well. Mr. Moore stated someone from CPL did witness the infiltration testing and they did get a certain rate and then they put a factor of safety on top of that. They will have certain precautions, especially during construction, to make sure that these infiltration areas are protected. He also has a number of site related comments as well. Mr. Campbell stated they will have to address septic as well since they will have the bathroom. Mr. Moore stated they are proposing a pump chamber in the front of the building. The Department of Health will be reviewing and approving that. They are proposing a single hydrant and the building will be sprinklered. They are proposing a 6-inch line for fire protection. The hydrant proposed is off of the northwest corner of the building. Mr. Palin stated

that is something that they did ask for. Mr. Moore stated with the exterior doors on the elevation view one appears to go into one of the storage units off of the Southwest corner. He is unsure that was meant to be or not.

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

MOTION made by Ed Miyoshi, seconded by Richard Campbell, to refer this applicant to the Architectural Review Committee. Voted and carried unanimously.

Mr. Marfione asked if they could start the process for the Public Hearing. Ms. Robbins stated they are not ready for that at this point. She provided a list of instructions to the applicant for moving forward.

Mr. Moore asked if the lots have been consolidated yet. Mr. Marfione stated that is not going to happen until they move forward with the closing. Mr. Moore stated that will need to be consolidated prior to any construction on site.

Ms. Marino asked them to include a larger moving truck instead of just the fire truck when they redo their truck movements. She stated that the town records are showing that the water line is on the other side of Route 82 so they will need to look into crossing to get to it. She also asked if they could consider moving the building entrance off to the side.

DISCUSSION:

2023-069 – Hortontown Road Subdivision, 638-640 Hortontown Road (6455-00-800080, 688030)

Applicant is proposing a 5-lot subdivision on 34.5 acres in an R-2 zone.

Chairperson Eickman stated this application has been temporarily withdrawn.

DISCUSSION:

2023-070 – Gasland East Fishkill Wine & Spirits, 893-897 Route 376 (6358-02-796546)

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

Tom Harrigan was present.

Mr. Harrigan stated they are proposing to convert what is the existing garage that is currently being used for storage on site into a liquor store and then adding a 135 sq. ft. addition and a second floor to the building with two apartments. The site currently has a gas station, convenience mart, and an auto shop. The auto shop uses the garage for storage and has its office located in the rear of the convenient mart. The property owner currently has a building permit for two one-bedroom apartments above the convenience mart, which will be constructed at a later date. In order to get that they had to revise and rebuild the septic system on site, which has the capacity for the apartments that will go above the liquor store as well as for employees using the restroom at the gas station. They have provided adequate parking on-site. There are 35 spots required by code and 35 spots provided. They do need to make an adjustment in front of the garage and liquor store as there is a slight ramp which will be leveled to provide adequate ADA parking spaces in front of the liquor store. Currently the convenience mart and the apartments and the auto shop office get their water service from a well in the rear of the property. That will be extended and connected for the liquor store and the two apartments above as well. There is also an addition being proposed to the auto shop on the north end. It is for a 128 sq. ft. area that will be used for storage. They have received comment letters from the Town Consultants. They began to review them and will begin preparing responses for the next submission. He does know that they will require variances.

Chairperson Eickman asked if there were any sketch plans of the finished products. Mr. Harrigan stated they do have some draft plans showing elevations and preliminary floor plans. The existing garage is in noncompliance with the front yard setback from Route 376 so they will be seeking a variance for that. It requires 40 feet and it currently has 12. It will not be changing as a result of this, but they will need a variance.

Chairperson Eickman asked where access to the apartments upstairs was located and Mr. Harrigan stated they are in the rear with parking there as well.

Mr. Greenan stated there is currently the old garage and a fenced in area behind the building. Mr. Harrigan stated the garage bay doors will be replaced with the façade as they are presenting it on their elevations.

Mr. Miyoshi asked if this meets zoning and Ms. Robbins said yes. Mr. Miyoshi asked if this area would require a water connection. Ms. Robbins said no. They can use their existing septic. She stated there are certain locations in Town where it must connect to central sewer and water, but this is not one of them. They do need to be referred to the ZBA for a front yard variance and this Board does need to declare its intent to be Lead Agency. They also need HVA to look at the trip generation a little bit more. There was some concern expressed at a prep meeting about some of the access in and out, so the traffic engineer will be looking to make sure all of the circulation is working properly. Ms. Robbins noted that the parking spaces in front of the liquor store are pretty close to one of the road access points and she is concerned about conflicts there so they need to verify those measurements as well. Mr. Harrigan stated they did review Town Code and they do meet the 24-foot backup space. Ms. Robbins stated she is more concerned about queuing if people are coming off of the highway entering and if someone is backing out of a parking spot. She believes they need a 12-foot front yard variance. They also need to go before the ARC. They are showing six parking spaces for the apartments. Mr. Harrigan stated they would show which ones are being dedicated for the apartments on the next submission.

Mr. Campbell asked about the egress for emergency services. Fire Commissioner Jodlowski stated the applicant will have to meet New York State Fire Code. They will need some sort of suppression system and multiple means of egress from upstairs. He recommended they go as overboard as possible since people will be living above literally hundreds of gallons of flammable liquid.

Mr. Moore stated the majority of his comments were administrative, but they will be looking for temporary safety fencing while the new construction is happening to section off work from the existing businesses that will be operating. An additional question is if this is going to generate a need for additional dumpsters. There were also blasting notes on one of the sheets and they need clarification if any blasting is anticipated were proposed. There may be concerns with blasting as there may be underground fuel tanks. Mr. Harrigan stated they are not anticipating underground blasting. There was testing done when the septics were designed and it did not reveal bedrock at depths that would be conflicting with any work that they are doing. Mr. Moore stated they would like to get some letters from Dutchess County that they are okay with this arrangement. He asked if there was only one water source on this property and Mr. Harrigan said yes. There is a water main further up Route 376 and they are not sure how viable of a connection that would be. The existing well does have the capacity based on when it was originally installed and rated. Mr. Moore asked how many service connections they have off of that single source. Mr. Harrigan stated it is enough that this would become a public water supply. They have begun coordination with the Department of Health. Tying into the water main would solve a lot of the problems.

Ms. Robbins wanted to verify the applicant has read through the B3 district because there are a lot of architectural sort of design guidelines there. It specifically has to do with where they want doors and access to the dwelling units and any balconies that may or may not be created. In an B3-mixed-use district, the minimum front yard setback shall be 25 feet but may be reduced at the discretion of the Planning Board. They have an existing building that does not meet the front yard setback. They are keeping that line and not making any changes to the footprint. Ms. Robbins will check with the attorney but that might mean that they do not have to go to the ZBA

because the Planning Board may have discretion to decide whether or not they can keep that 12 foot variance. Mr. Eickman stated they could tentatively refer them if necessary.

Mr. Giovagnoli asked where the location of the septic system is now as it is being expanded. Mr. Harrigan stated the existing septic is located in the rear of the site and the future septic will be between the two buildings. It has already received Board of Health approval.

Ms. Robbins asked if there was a refuse container for the building. Mr. Harrigan stated there are existing refuse containers on site at the rear of the site. They will be shown on the next plans.

Ms. Robbins wants to make sure that the residents are not walking into the traffic lanes to take the garbage out. They need to maintain the separation between residential and commercial uses on site, especially near gas tanks. She also asked what the small addition at the back of the wine and liquor store was for and Mr. Harrigan stated it will be for storage. They currently use the garage for all of their storage and they will be moving everything out there. Ms. Robbins stated the refuse containers will need fencing or something around them. She also asked where the sign would be going, and if it would be on the building or freestanding. Either way it needs to be shown on the plans.

Ms. Bledsoe asked if there was room for landscaping between the building and the sidewalk. Mr. Harrigan stated there is some of the existing landscaping there, but it has not been maintained in a while. They can take a look at that.

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

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to refer this applicant to the Architectural Review Committee. Voted and carried unanimously.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to exercise their discretion to waive the front yard setback requirement and in the event that is deemed unacceptable by council, they will be referred to the Zoning Board. Voted and carried unanimously.

Mr. Harrigan asked if there was a time expectation for her to hear back regarding being sent to the ZBA. Ms. Robbins stated she would discuss it with the attorney tomorrow.

Chairperson Eickman asked if there was any further business to be brought before the Board. There was not.

ADJOURNMENT

MOTION made by Sarah Bledsoe, seconded by Richard Campbell, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board