

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
JANUARY 16, 2024**

Chairperson John Eickman called the meeting to order at 6:00 PM.

Members present:

John Greenan, Lori Gee, John Eickman, Richard Campbell, Ed Myoshi, Sarah Bledsoe, Alternate John Giovagnoli; Scott Bryant, Engineer; Michelle Robbins, Planner; Rich Rennig, Engineer; Michael Cunningham, Attorney (via Zoom); Dave Palin, Fire Advisory Board; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Chairperson Eickman stated that the upcoming meetings were Tuesday, February 20, 2024, and Tuesday, March 19, 2024.

APPROVAL OF MINUTES:

December 19, 2023

Chairperson Eickman stated he had not had a chance to review these yet, so they will be held over until the next meeting.

EXTENSION:

Donovan Site Plan, 8 Nancy Court (6358-02-561646)

Applicant is requesting a six month extension for a site plan approved on 6/2/2009. The applicant previously received extensions on 4/6/10, 6/21/11, 9/6/11, 12/20/11, 3/6/12, 4/1/14, 4/21/15, 4/20/16, 6/6/17, 6/18/18, 6/18/19, 4/1/20, 11/1/20, a six month extension on 11/17/20 until 5/21/21 due to Covid 19, one-year extension on 6/8/21

through 6/8/22, a six month on 6/8/22 through 12/7/22, a six month on 12/7/22 through 6/7/23 and a six month on 6/7/23 through 12/7/23.

Robert Rose was present.

Mr. Rose stated this is for a new proposed building at 6 Nancy Court. He was here a year ago requesting an extension and they were granted two six months extensions, which put them to December 7, 2023. They are here to request another extension because, over the course of the past year, they have reviewed the site plans. There were some questions that this Board had from a year ago that they have confirmed with the architect who did the site plans. They have made the changes that were necessary based on zoning changes. They have been working with a new architect. They met with the ARB on January 4 to get approval for those changes and the architect is working on getting them construction drawings for the building. They are moving forward with this project and they do not want to hold it up further, but they do need some more time to get the rest of the documentation.

Chairperson Eickman asked if they believe this will be the last extension that is required and Mr. Rose said yes.

Mr. Miyoshi asked what the timeline for this building was. Mr. Rose stated they are looking within this year to begin building. That will be dependent upon them getting approvals, having all the drawings, and getting all the permitting. They do not want to have to restart from the beginning because that will back up their timetable.

Mr. Campbell asked if they have switched professionals and Mr. Rose said yes. Gillespie did the original site plans and they are now using Michael Berto to do the construction drawings. That did create some scheduling issues and delays but they are back on track now.

Ms. Gee asked if the new plans would create any site plan changes. Mr. Rose said no. Ms. Gee asked if the footprint was remaining the same and Mr. Rose said yes. The changes that were

made are so that they could take the plans to a company that does prefab steel buildings to help construction build it quicker. That way they can get the foundation and frame up and the building in place without taking a long time in the design stages. They have not changed any of the site.

Ms. Robbins asked if they knew what the proposed use was at this point. Mr. Rose said it is still light manufacturing. Right now, it is open space like a warehouse but it could be split into separate units or separate suites if that is necessary. It will follow along with other things they are doing at Nancy Court.

Ms. Gee asked if the advertising was correct as it says 8 Nancy Court and the applicant stated it is 6 Nancy Court. Mr. Rose stated that 8 Nancy Court is wood in the same lot and is owned by Donovan 5 as well.

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

RESOLUTION EXTENDING FINAL SITE PLAN APPROVAL

NAME OF SITE PLAN:	Route 376 Business Park Lot #3 (aka Donovan Site Plan)
NAME OF APPLICANT:	Route 376 East Fishkill Developers, Inc.
LOCATION:	6 Nancy Court
GRID NO.	132800-6358-02-561646

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the Applicant received site plan approval for a commercial building on Lot #3 of the East Fishkill Business Park on 6/2/2009; and

WHEREAS, the applicant previously received site plan approval extensions on 4/6/10, 6/21/11, 9/6/11, 12/20/11, 3/6/12, 4/1/14, 4/21/15, 4/20/16, 6/6/17, 6/18/18, 6/18/19, 4/1/20, 11/1/20, an additional 6-month extension on 11/17/20 until 5/31/21 due to the Covid 19 pandemic and a one-year extension on 6/8/21 thru 6/8/22; an additional 6 month 6/8/22 thru 12/8/22; and 12/8/22 thru 6/7/23; and 6/7/23 thru 12/7/23;

WHEREAS, the applicant is requesting two three month extensions of final site plan approval from December 7, 2023 to June 7, 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board extends final site plan approval thru June 7, 2024 for the above project as represented on a map entitled "AMENDED SITE PLAN FOR LOT #3 - ROUTE 376 BUSINESS PARK", prepared by M. GILLESPIE & ASSOCIATES, PLLC dated July 24, 2008, and revised through March 6, 2009; with the following conditions.

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 Lori Gee

The votes were as follows:

Board Member Lori Gee	AYE
Board Member Ed Miyoshi	AYE
Board Member Sarah Bledsoe	AYE
Board Member Richard Campbell	AYE
Board Member Donald Papae	Absent
Board Member John Greenan	AYE
Chairperson John Eickman	AYE
Alternate Board Member John Giovagnoli	AYE

ADJOURNED PUBLIC HEARING:

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 house and Lot # 2 will be 1.61acres for a future dwelling.

Chairperson Eichmann stated they have been adjourning this Public Hearing but they anticipate being able to close it tonight and issue a negative declaration. He stated they would put off the final decision in the resolution until next month's meeting.

Brian Stokosa was present.

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

Mr. Stokosa stated that they sent updates to the Town today because they have a conceptual approval from New York State DOT for the proposed driveway entrance in the location that they show. It is the only update they have. They are waiting on SEQRA and the Department of Health and securing those approvals.

Chairperson Eickman stated they had discussed a conservation area that was noted on the plans. Mr. Stokosa stated they have a 30-foot no-cut easement along both Lot 1 and Lot 2 at the ballfields and the second one is a sidewalk easement along Route 376 which is shown on the plan. As they progress with the Board of Health, they will get a set of descriptions and will map check those to the Town Engineer. Mr. Eickman asked if that affects both parcels and Mr. Stokosa said yes.

Chairperson Eickman was asked if there were any questions or comments from Board members. There were none. He asked if there were any questions or comments from Town Professionals.

Ms. Robbins asked if he had spoken to the DOT about the sidewalk and if they had given any indication about what they're going to require. Mr. Stokosa stated conceptually they agreed with the area that the applicant showed and that they did not have any plans to improve the corridor and that the width shown on the sidewalk area was acceptable. Ms. Robbins asked what that width was and Mr. Stokosa stated he believed it was 8 feet. There is also a large right-of-way through that corridor.

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

MOTION made by Ed Miyoshi, seconded by Richard Campbell, 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 Formicola 2 Lot Subdivision. It is for a two (2) lot subdivision of a 3.61 acre lot with an existing house, garage, and shed. Lot 1 would contain the existing structures and would be 2.0 acres in size. Lot 2 would be 1.61 acres in size. This is an unlisted SEQR action. An EAF was analyzed in making this negative declaration as well as a Supplemental Part III Information. The following environmental issues were identified as relevant:

1. It will not generate a significant amount of additional vehicles, noise, or emission levels.
2. It will not significantly affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality, or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.

7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affecting any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

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

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

Mr. Eickman stated this will be on the agenda for the next meeting for final approval.

ADJOURNED PUBLIC HEARING:

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 sf former garage to a two-story 2,344 sf building to house a liquor store on the ground level and (2) one-bedroom apartments approximately 1,025 sf 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

No one was present.

Chairperson Eickman stated that this application will be adjourned until the February 20, 2024, meeting.

DISCUSSIONS:

DISCUSSION:

2022-050 – Stack-N-Stor, 1088, 1090, 1092, 1096, 1094 Route 82 (6458-04-702115, 702105, 714134, 701142, 723129)

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

Chris Pawlowski was present.

Mr. Pawlowski stated this is an 82, 700 square foot storage facility. The major difference since the last meeting is that they did make contact with New York State DOT. DOT indicated to them that two one-way driveways would be acceptable at the proposed location in lieu of the two two-way driveways that they previously proposed. They did revise the site plan and driveways are relatively in the same spot. The width of the driveways have changed. Instead of two 24 foot two-way driveways they now have two one-way driveways. The driveway coming from the north will be the entrance and the driveway to the South will be the exit. They also revised the driveway around the building in order to accommodate a WB-62, a large moving truck, and the largest fire vehicle. They can go both ways as well.

The other major changes that they had to do was to lighting and landscaping. They did receive some comments from Dutchess County regarding adding additional landscaping in front of and around the building, so they have added additional trees in the front and along the South side of the building. Now essentially all four sides of the building are screened by trees.

They did revise the entire lighting plan as one of the other comments from Dutchess County had to do with achieving a lux rating of one or less, which has to do with the glare and brightness and other items. They changed out all of the fixtures and lighting on the building and the site to achieve this rating of one or less. Essentially, this keeps the light directed down and reduces glare. It is a pretty high standard and they made sure that the plan complies with that.

Another comment was regarding extending the building sections throughout the site. The packet supplied to the Board had a 2.22 and a 2.3 plan. There is essentially a cross-section that goes through the site and extends to the neighboring property in the back. It also covers the house that is located across the street from the property. From the home in the back, the residents will not be able to see the building. That house is down in grade and goes up to the applicant's property

line and then goes back down to where the building is proposed, so between the natural wooded buffer that they are leaving in the position of the neighboring house they will not be able to see the facility. They will be able to see the building from across the street. It is within the height requirements of the town and they did provide additional trees in the front of the building. It is 134 feet from the edge of the property line and even farther to the resident across the Street from the building. Additionally they have over 100 feet to the neighbor on the north and there is an evergreen screen row along the northern side of the property. To the south is a commercial building.

There was also a comment regarding building signage. They did take off the office text, which they believe presents a cleaner look. It will now just have the Stack N Stor logo. He will make sure the architect is checking all regulations are met regarding the signage. Ms. Gee asked if they changed the sign dimension on the upper wall because she believes that was a comment regarding the sign being larger than the code allows. Mr. Pawlowski stated he believes the sign is the same size. The architect did not make all of the required changes yet. Mr. Campbell asked if they would still have monument signs on the road and Mr. Pawlowski said yes. Mr. Campbell asked if there would be one at each entrance and Mr. Pawlowski said no.

Mr. Campbell stated that last time there were comments made about tractor-trailers accessibility. He asked if a tractor-trailer came into the site and the gate was locked would they be able to get back out. Mr. Pawlowski stated they will have signage at the entrance and exits to prevent that from happening. At this point the truck would not be able to make that turn. They will be able to pull completely into the site so they will not be sticking out into Route 82, but they would not be able to make the turn back out. They will have to go around the entire building. Mr. Campbell asked what would happen if the gate was locked. His concern would be that the truck would have to back out onto the roadway. Mr. Pawlowski stated there is an employee in the office and if it is off hours the building is monitored 24 hours a day. Someone would be able to remotely access the gate for the driver. Engineer Bryant stated that the entrances are not drawn on the plan as one direction at this point. He stated they need to have specific signage to direct people through the

site when the gates are down. Mr. Pawlowski stated they could add additional signage. Engineer Bryant asked if there was a place for the truck to come in and unload without blocking the back road area and Mr. Pawlowski said yes. They had moved the building forward to allow for a 10 to 12 foot wide loading space in the back. Then there is another 18 feet to drive out.

Mr. Eickman stated there were also prior concerns mentioned by Engineer Moore regarding storm water and the overflow from the storm water retention basins. Mr. Pawlowski stated they ran an additional analysis that basically assumes a zero infiltration rate. Right now there are two storm water ponds in the front of the property. They are split by the southern drive. They did field testing out there that was witnessed by CPL and they obtained their infiltration rate and conservatively used a rate that was less than the one that was obtained. There were some concerns because it abuts Route 82 regarding what if the ponds filled up over time or they don't get the infiltration rate that they are assuming. They did revise the basins and assumes no infiltration to see what would happen. In a 100-year storm the basins would fill up and the water will slowly go over the spillway into the roadway. Engineer Bryant stated that is a non-starter. It may not just happen in the 100-year storm. This December they had one day where it was 50 and pouring and the next day it was 10 and freezing and the next day it was 50 and raining again. If the ground is frozen, they're going to get 0% infiltration and water could potentially go onto Route 82. Mr. Miyoshi stated they have had two of those 100-year storms in the last month. Engineer Bryant stated they will need to refigure were that water is going to go. He stated he cannot have an emergency spillway drain onto a roadway. There has to be another drainage course to accept it. Mr. Pawlowski stated that they provide the minimum freeboard required by the New York State Storm Water Manual. The situation that Engineer Bryant is asking for is not part of the New York State Storm Water Code. Engineer Bryant stated they can continue this discussion. Mr. Pawlowski stated they can schedule a meeting.

John Eickman asked if there were any additional questions or comments by Board members. There were none. He asked if there were any other questions or comments by Town Professionals.

Ms. Robbins stated she only received this submission on Friday, so they have not yet had a chance to thoroughly review it. If they set up a meeting to discuss storm water they can discuss any additional comments as well.

Mr. Campbell asked if they had appeared before the Architectural Review. Ms. Robbins said yes.

Mr. Palin stated that they have not seen the newest set of plans so they do need those to review. He asked if there was a gate on the exit road and if was going to have a sensor and Mr. Pawlowski said yes. Mr. Palin stated their recommendation would be that on a fire alarm, both gates would open. Mr. Pawlowski stated that can be done.

Mr. Campbell asked if the building was sprinklered and Mr. Pawlowski said yes. Mr. Campbell asked if it was a wet system or a dry system. Mr. Pawlowski stated it is a wet system.

Mr. Palin stated they did have a comment regarding the false doors on the second floor in the front and that they could be construed as an exit during an emergency. Mr. Pawlowski stated he believes the architect is working to remove those.

Ms. Gee asked if they were making any parking spaces with the changes to the site plan. Mr. Pawlowski stated they did not lose any parking spaces. Mr. Eickman asked if they were still staying out of the R1 zone and Mr. Pawlowski said yes.

Mr. Eickman asked if there were any other questions or comments. There were none. He asked Ms. Robbins if they were at the point where they could schedule a Public Hearing. Ms. Robbins stated it is up to the Board, but it does look like their traffic circulation is to a point where it is not going to change significantly. Mr. Eickman stated the big item that is still open appears to be the storm water, and they will be meeting with the Town Professionals on that. He asked if anyone had objections to proceeding with scheduling the Public Hearing. No one did.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to schedule this application for a Public Hearing on February 20, 2024. Voted and carried unanimously.

Mr. Eickman stated he would like to see some full-size depictions of the building sections as discussed. Mr. Pawlowski stated he did apologize for the late submission. They had just received correspondence from the DOT and he wanted to make sure that the Board had that. Ms. Robbins stated the large-scale drawings elevations would need to be at the next meeting for the Public Hearing. He will also need to call Jackie in the office for the instructions as to how to set up the Public Hearing.

DISCUSSION:

2023-064 – L.I.D.L. Warehouse, East Drive (6656-03-127232 & 169074)

Applicant is applying for an 874,139 sq. ft. warehouse on 71.33 acres of undeveloped land within the iPark Campus.

Steve Wilson was present.

Mr. Wilson stated the plans have not changed since last time they were before the Board. They did receive review letters today from the Town Planner, Town Engineer, and the Traffic Engineer. He would like to schedule a meeting with the Staff to go over the comments that have been received.

Ms. Robbins stated that the applicant is likely going to require the Economic Redevelopment Special Permit, which requires synchronicity with the Town Board as far as scheduling. The applicant will still need a review by the ARC so this Board needs to refer them there. The Board will also need to initiate SEQRA. The only concern she has about initiating that at this time is that they may not have a location for the water tank. That information will have to be circulated to the DEC and everyone else. Mr. Wilson stated they included a plan sheet showing the location where they are moving it to. Ms. Robbins stated it is getting moved onto iPark property so they

will need to sign as a co-applicant. That essentially changes iPark's site plan because of this application. She suggested declaring lead agency and then hashing this out to figure out what they do next. Attorney Cunningham stated that historically on applications that have required the economic redevelopment special permit, the Town Board is the lead agency so it may make sense to have the internal meeting first before the Planning Board distributes its intent. Mr. Wilson asked if that means that the Planning Board does the heavy lifting part of SEQRA. Ms. Robbins stated that in the past when the Town Board has declared Lead Agency, it then goes to the Planning Board for review of site plan and some of the SEQRA information. Once the Planning Board feels that the SEQRA is done, they will make a recommendation to the Town Board and then the Town Board may have additional issues. They may just defer to the Planning Board's recommendations. The negative declaration will have to happen before the Special Permit is approved and it will come back to the Planning Board for the site plan. Mr. Eickman stated in the past they have done a joint Public Hearing with the Town Board. Ms. Robbins stated they will have a meeting and figure out a schedule to map out how the meetings all fall to make sure that the applicant is getting to all the meetings they need to be at. She is unsure if they will need any variances. She does believe that the Economic Redevelopment Permit does negate a lot of the variances.

Mr. Wilson stated they are before the Fire Advisory Board on February 7. They would like to get before the ARC as well.

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

Engineer Bryant asked if the applicant had thought about any kind of phasing work or if they're going to be waiting for the tank to be removed before they do any site work. If they think they're going to be doing other site work while the tank gets removed, the Board would like to see some phasing and an erosion control plan. Mr. Wilson stated he will have to talk to the owner about that. He would like to see it gone before L.I.D.L. takes over the site.

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

ADJOURNMENT

MOTION made by Lori Gee, 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