

**TOWN OF EAST FISHKILL
PLANNING BOARD
NOVEMBER 21, 2023**

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

Members present:

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

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the upcoming meetings were Tuesday, December 19, 2023, and Tuesday, January 16, 2024.

APPROVAL OF MINUTES:

October 17, 2023

MOTION made by Ed Miyoshi, seconded by Lori Gee, to approve the minutes of the October 17, 2023 meeting. Voted and carried unanimously.

ADOPTION OF 2024 SCHEDULE:

January 16	August 20
February 20	September 17
March 19	October 15
April 16	November 19
May 21	December 17
June 18	
July 16	

****Starting time 6:00 PM ****

MOTION made by Richard Campbell, seconded by Lori Gee, to approve the meeting schedule for 2024. Voted and carried unanimously.

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 lot # 2 will be 1.61acres for a future dwelling.

No was present.

John Eickman stated they had received a request from the applicant to hold this over for the December 19, 2023 meeting.

MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn this Public Hearing until December 19, 2023. Voted and carried unanimously.

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

Tom Kerrigan was present.

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

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

Mr. Kerrigan stated that they have made some minor changes since the last time they were before this Board. Rather than have the water services for the liquor store and apartment come directly off of the main, it is tying directly into the rear of the existing gas station and convenience building and distributing to the site from there. In addition, there is a water service going to the auto shop. Previously they had their restrooms located within the convenience mart building. They will now have a sink for washing their hands while they are working throughout the day. They did receive the comments from the Town's consultants and there are no major issues there. It was requested that accident data be provided for the entrances. They have begun to request those from the State, but he has had been told they can take a while to get, so they might not have those for the next meeting. They have added the dumpsters to the rear, which is a minor modification from the last submission. Access to that is now easier.

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

Chairman Eickman asked if there were any questions or comments from the Town Professionals. Ms. Robbins stated she has some comments from the traffic consultant. He has a concern that the parking for the liquor store may make it difficult if someone is backing out of that space. It could cause a conflict with someone pulling in from Route 376. If it were to cause a queue, it could cause a backup onto Route 376. He did recommend eliminating the parking stall in front of the liquor store. Mr. Kerrigan stated he is planning on reaching out to the traffic consultant next week to discuss this. He stated there is room for a vehicle to be in the entrance backing up and there is also the opportunity for someone from Route 376 to bypass that entrance to the other one further to the east. Ms. Robbins stated she also concurs with the traffic consultant with this being a possible issue. She stated they also need to locate the tenant parking spaces. Mr. Kerrigan showed on the map where they would be proposed. Mr. Campbell asked if those spaces would be signed as tenant parking only. Mr. Kerrigan stated they had not intended to do that, but they could. Ms. Robbins stated they will probably have to. Ms. Robbins stated they also will need to go before the ARC. Mr. Kerrigan stated the plans are still being developed and they will go to

the ARC when the plans are done. Ms. Robbins stated they are unable to close this Public Hearing until the applicant has met with the ARC and gotten their approvals, as this Public Hearing is also the ARC's Public Hearing.

Mr. Campbell stated he remembered a conversation regarding a sidewalk in front of the building that does not currently exist. He asked if that had been added into the plan. Mr. Kerrigan stated they are proposing to extend the entrance to the apartments to the rear. Mr. Campbell stated he believed the original idea was to have sidewalks along Route 376. Mr. Kerrigan stated there is a sidewalk along one side of the property. Mr. Campbell stated he believes there are also set back issues with the site. Ms. Robbins stated she will be reviewing all of that. Mr. Eickman stated they have exempted the applicant from that setback under the Planning Board's discretion. Mr. Campbell stated he believes they still want the sidewalks. Ms. Robbins stated it is a good conversation to have with the applicant.

Mr. Campbell asked how did today's parking structure compare to what it will look like in the future. He asked if there were going to be two apartments above this. Mr. Kerrigan stated there will be two apartments above the existing convenience mart. The plans for that were issued as part of the building permit process. There is adequate parking currently for those two. They will need to rearrange some of the parking on the west side of the site in front of the liquor store to make sure that there is plenty of parking for all of the uses. Mr. Campbell stated they will need to delineate some of the spots for tenant parking. Mr. Kerrigan stated they can add signage to ensure those spots are memorialized. Mr. Campbell asked if the tenants would be entering their apartments from the rear of the building and Mr. Kerrigan said yes. The entrance for the convenience mart will also be in the back. Mr. Campbell asked if that allowed for sufficient egress. Fire Commissioner Jodlowski asked if there was a second egress from the apartments. Mr. Kerrigan stated he confirmed that. Ms. Robbins stated currently there is a new sidewalk that extends from the front of the site. There is just a small corner of it missing on the east side. Mr. Campbell believes that they should finish the sidewalk to the edge of the property line. Ms. Robbins stated it would be good to have that connected as Taconic Innovations is right next

door. Mr. Kerrigan stated there is a parcel between this applicant's and Taconic Innovations. They can tie it into the edge of the property line.

Mr. Moore stated that in regard to the lighting plan, light levels on the highway side of the liquor store should be brought down a little bit and the color temperature should be lowered. It will be up to the Board if the light levels on the property in total need to be considered. Right now the analysis is just for the new building. The water main extension will require a Highway Work Permit from DOT and approval from the Department of Health. Those conditions should be added to the final approval. Regarding the water feed, they are coming off the main serving the gas station and then splitting off to serve two buildings and four tenants total. There are two apartments and a liquor store and the garage. He asked how those will be metered. Mr. Kerrigan stated they are still working on that. There is currently a utility room in the rear of the gas station and that might be a place for the meters, to go at the exterior. It is where the well feed is currently. Mr. Moore stated there is a 2-inch fire service line at the liquor store proposed that is a separate that will need to have backflow prevention and be metered as well.

Ms. Robbins asked if the gas station was open 24 hours a day. Mr. Kerrigan said yes. Ms. Robbins stated lighting is a concern as there are residences around. They do want as low of a light level as possible. She does believe they need to look at lighting levels of the rest of the site to make sure that nothing needs to be lowered. Mr. Kerrigan stated they do not currently have the exact light fixture information for the site yet. He stated they are not making any changes to the lighting throughout the site with the exception of the proposed building. Ms. Robbins stated she may have a light meter and the ability to go out there and check it.

Mr. Moore stated they did get comments from Dutchess County planning and the one item they have noted is the stacking and queing off of the highway from the liquor store. Ms. Robbins believes that is why Mr. Fitzgerald wanted that spot illuminated.

Chairperson Eickman asked if the Fire Advisory representative had any comments. Mr. Palin

asked if they were extending the water main and Mr. Kerrigan said yes. Mr. Palin asked if the site was going to be sprinklered because a 2-inch line might not be big enough. It will need to be engineered for a high hazard area as they are sitting on thousands of gallons of flammable liquid. He also asked if there will be two one-bedroom apartments above the liquor store. Mr. Kerrigan said yes. Mr. Jodlowski stated there will need to be multiple egress areas from each. Mr. Palin asked if the site had a fire alarm system currently. Mr. Kerrigan stated he believed so, but he will verify that. And he believes it will be extended to those apartments as well.

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

Ms. Marino stated if they connect into the district, they will be an out of district user and they will be paying different rates. Mr. Kerrigan acknowledged that.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to adjourn the Public Hearing to the December 19, 2023 meeting. Voted and carried unanimously.

DISCUSSIONS:

DISCUSSION:

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

Applicant is applying for a change of use and an amended site plan for a doggy daycare facility in a former professional office.

Jessica DeRosa was present.

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

Ms. DeRosa stated that she is the owner of this service. She was before the Board before for a

different location. Over the last few months she has been working closely with the Zoning Board of Appeals and has done everything on their end. She has had her Public Hearing with them and has been sent back to the Planning Board. She is renting a small space which is the back end of the building on Route 376. They are looking to have four playrooms to separate the dogs by age, breed, size, and temperament. They will come in during the day to stay while their parents are at work and then go home at the end of the workday. They do offer occasional boarding. When that happens, they do have staff on schedule in the building for the whole night. That way there are no dogs barking overnight. They did send out paperwork for declaration of lead agency. Chairperson Eickman asked if this was the same business concept she had before and Ms. DeRosa said yes. Chairperson Eickman asked how many dogs would there be. Ms. DeRosa stated she likes no more than 10 per playroom so a maximum of 40 dogs per day. She likes to have an 8 to 10 dog to staff ratio so there are eyes on every dog at all times.

Mr. Campbell asked if there was any outdoor play area. Ms. DeRosa said yes. There is a fenced in backyard. Right now, it is a chain-link fence with a mesh covering it. The Zoning Board did recommend additional plantings for a more aesthetically pleasing look, which they are going to do. The dogs are never left alone outside, and they have never had any issues with sound. There are no kennels outside, it is just open and free play. Mr. Campbell asked if it was a maximum of 10 dogs outside at one time. Ms. DeRosa stated if the weather is very nice there may be two groups outside at most. If they start to make any noise they go right back inside. They know they have a daycare next-door, and they do not want the dogs outside during their recess or drop-off and pickup times.

Mr. Eickman asked what the plans for the landscaping were. Ms. DeRosa stated she does have a gardener client who is looking at dog friendly plantings. They're looking at trees that will not get too big and stay green year-round. There is also a landscaper who comes in and does the lawn and does mulching so the yard is always kept up as well.

Ms. Robbins asked if the dogs were being kept overnight and if so how many. Ms. DeRosa stated

during heavy use time there may be two or three for the holidays. There is staff that stays with them all night long.

Ms. Robbins asked where the landscaping would be going in. Ms. DeRosa stated it will go along the fence that can be seen by the roadway. Ms. Robbins asked if the rail trail runs right behind this site. Ms. DeRosa stated it is not directly behind them. There is a house behind this applicant that is adjacent to the neighborhood. Ms. Robbins asked if you could see the fenced in area from the rail trail and Ms. DeRosa said no.

Attorney Cunningham stated that the ZBA is still conducting its review and it will not finish it until this Board finishes its SEQRA determination since it is a coordinated review. This Board will have to make some sort of environmental determination first.

Ms. Robbins stated they have had three doggie daycares either in the process right now or have already been approved in the last year. There have been a number of noise complaints in her office. They have been out after these complaints have been received. This applicant's facility is not one of the facilities being discussed. When they have gone out to one of the facilities, they have not observed dogs barking. There have also been complaints to the Police Department. It is a noise complaint which is a police response, as it becomes a civil matter. All three of the doggie daycare centers and applications right now have requested variances regarding the law that is on the books regarding kennels, which is the only thing this use really fits under. This requires a 150-foot setback from the property line of the neighboring property. All three of the businesses have asked for relief from that requirement. This is a popular use right now and obviously needed. There is a doggie daycare right in the center of Beacon and Dogtopia that is located right in the shopping plaza in Fishkill. It is not unheard of that these are in close proximity to other businesses. Sometimes the overnight can create some noise so that is something to consider. Mr. Campbell stated the only control that they have would be the police response. Ms. Robbins said yes, unless they put some sort of restriction on them with zoning. The restriction was that they are supposed to be 150 feet from any property line. Once they get a variance, they no longer have

to abide by the 150 feet. Sometimes it's hard to tell if this is a neighborly dispute that has gone too far or an actual real noise issue. She just wanted the Board to be aware of it. Mr. Campbell stated their control measure could be to limit their hours or limit the overnight boarding. Ms. Robbins stated in one location they asked for noise blankets, but they are so close to the neighboring properties that those are not really working. They do like to keep the dogs as far away from any other uses that may be impacted by them. Mr. Campbell asked if those instances where multiple dogs being let out at night. Ms. Robbins stated it could depend on the day and the dogs that are there. Some dogs just bark more than others. Ms. Bledsoe asked if they were letting the dogs out overnight to play, and Ms. DeRosa said no. Their last potty break is between 9 PM and 9:30 PM and they are usually fine until the morning. Their walls inside are also soundproofed as well. They also work closely with a trainer that is local to the area. She comes in to evaluate their playgroups and check over the dogs. If they do find a dog that started daycare and is a constant barker or has the genetics to want to bark, like hounds, they will set up a meeting with the trainer and the parents to go through training. If they do not go through the training, they are dismissed from the program. There are strict rules and measures in place. For a dog to start, there is a virtual meet and greet and a review of all of the paperwork and policies. Then there is a three-hour trial day for the dog to come. The doggie safety and temperament is tested with the staff. Then they are introduced to other dogs and then they will be placed into a kennel to see how they behave. If there are any issues during that trial they will talk to the parents and let them know the dog did not pass and recommend training. If the dog gets the training and makes improvements, they can try to reapply. Ms. Robbins stated Ms. DeRosa is a great manager who handles this business very well. In the event that the business changes hands they would be allowed to have dogs overnight. She also stated they have just recently received one noise complaint against this applicant. Mr. Rickett stated they cannot substantiate this as the neighbors have dogs that bark.

Mr. Jodlowski asked if staff stay awake when they are required to be there overnight. Ms. DeRosa said yes. They have a couch, TV, refrigerator, and kitchenette. Most of the dogs are in the kennels overnight unless there is a specific issue with kenneling one.

MOTION made by Richard Campbell, seconded by Lori Gee, to schedule this application for a Public Hearing for December 19, 2023. Voted and carried unanimously.

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 Velaski was present.

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

Mr. Velaski stated this is an 82,950 square foot storage facility. They were originally here a few months ago for a sketch plan review. They were asking for a variance for the floor area ratio variance. Since then, the client has purchased additional property which has eliminated the need for that relief. Tonight, they were hoping that the Board would declare lead agency, which was just done. They are also hoping that they will set the Public Hearing for December 19.

Mr. Eickman asked if there were any questions or comments from Board members.

Mr. Campbell stated they are looking to understand some of the elevations. They really did not see a true rendering at that point. Ms. Robbins stated the image that is being shown tonight is more similar to the image that he provided during the sketch plan review. The last time they were before this Board they had more of a modern style building. They have since gone before the ARC and modified their drawings based on their recommendations and comments. She believes this is the actual proposal at this point. Mr. Velaski stated they have been before the ARC multiple times and addressed all of those comments. The ARC is waiting for the Planning Board

to finish their Public Hearing to give their final approval. The applicant has changed their elevations to a more residential feel that blends into the neighborhood better. He does want to note that the application description is listed at 82,538 square feet. As part of the architectural changes they had to rearrange some of the features to add more bump outs to make it look less straight across the front. They are now at 82,950 square feet. They did have to change the siding and some other things, but they feel they are minor changes. They are still within their limits for floor ratio area, so they do not need any variances. There is no outdoor storage and no overhead doors at this facility. There will be two full movement access drives with stop signs so you can enter on either side. You can also exit there as well. As you move around the building it is one way circulation. The intent is that the office is in the front for those interested in renting. There is a multitude of parking in front of the building that is ungated and unsecured for access to the rental office. They are provided with a list of prohibited items and then provided with keys for the passcode to their unit. At that point a renter will proceed to the back of the building through a gate. There is ample parking and an area for loading and unloading. There is also space provided in the front for that as well. There is a second gate at the exit to prevent people from going the wrong direction. Current town regulations require them to have 83 parking spaces. Typically for this type of application they usually do not need more than 15 to 20 spaces. This is not a high traffic generation site. This facility is showing 25 spaces, and they are proposing to land bank 58 spaces as part of their proposal. That area is outside of the gated area. They do have supporting documentation that they did not believe that this facility needs 83 spaces. They would like to maintain as much green space as possible as well as limit the amount of pavement asphalt. Ms. Gee asked why there are so many spaces required for a self-storage facility. Ms. Robbins stated the storage parking requirements in the code was not intended for self-storage units. It was intended for warehousing storage. It was 1 to 1000 and that has not been updated. Stormville Square Storage had 29 approved spaces for 36,000 square feet. She does believe they were considering less for that. The applicant wanted more spaces because they were not exactly sure how they were going to be using the building at that point. She does believe they can have Mr. Fitzgerald look at the information provided and determine the required amount of spaces. She does agree that they do not need as many spaces as the code requires. Mr. Campbell stated if they

eliminated some spaces it would create a much bigger buffer. If they can increase the buffer for the residential's behind this building it would be good. Ms. Gee asked what the distance from the back of the building to the property line is. Mr. Velaski stated it is 250 feet. They are also planting a buffer along the back row in addition for more screening. If they had to build out the land banked parking they would be closer to the residential area. Mr. Papae asked about the rear lighting. Mr. Velaski stated all of the lighting is dark sky compliant. There are a few lights on the building and a few light poles scattered throughout the site. All of the light go straight down. Ms. Gee asked if they were allowing 24-hour access and Mr. Velaski said yes. Ms. Gee asked if that meant lights with beyond 24 hours day. Mr. Velaski stated the lights on the building would be on, but he does not know about the pole lighting. Mr. Papae asked how close the nearest residence was in the back. Mr. Velaski stated they could get that information for the next meeting but he believes they are at least 100 feet away.

Mr. Campbell asked how the grade changes behind the building and if it gets higher beyond the building. Mr. Velaski stated it does go up on the back of the site. For their drainage plan they are proposing two storm water basins. The lowest point of the property has an elevation of 280 feet. They have tucked the building into the hill. When you are standing in front of the building, you're looking at two levels, but when you drive around back you are driving up a ramp on both sides and that increases the elevation by approximately 11 feet. The first floor is buried in the rear and you are accessing from the second level. When you enter the first building you were at 288 feet and when you travel around the rear of the building they were approximately 299 feet of elevation. As you get to the rear of the site there is a bridge that continues to climb to elevation 312 to 314. Then there is 6 to 8 feet of dip beyond that. It makes a natural berm. They are planting additional buffer trees along that ridge as well.

Mr. Campbell asked if the building was going to have complete fire protection. Mr. Velaski said yes. They have a 2-inch domestic line for water and a 6-inch fire line. They have not yet received comments from the FAB, but the entire building will be sprinklered. There is a professional monitoring company 24 hours a day. There are alarms, security, and cameras. Mr. Campbell

asked if the gated entrances would have a code for emergency access or some kind of alarm activation to allow emergency services in at any time. Mr. Velaski said yes. He is not sure if it is a code or automatic detector but there will be something to let them in. They also have used the provided template to make sure fire trucks have proper turning access. Mr. Campbell asked if there were internal staircases and Mr. Velaski said yes. There are several staircases. It is all part of the building permit process, which they have not filed yet. Mr. Jodlowski suggested the applicant open the space in the back up a little bit more towards the north of the building and designating specific fire access parallel to those parking spaces. That would give fire department space to work on that side of the building if necessary. Mr. Velaski stated they did provide fire lanes but they are somewhat narrow so they can definitely look at widening them. He stated in the parking to the north is a residential zone line that they are trying to stay out of. He will need to double check to see if they can pave the residential zone. Attorney Cunningham asked if they were proposing any grading in the R1 zone and Mr. Velaski stated they are trying to keep out of it completely, but there may be a little.

Ms. Gee asked why the application needs two entrances for a building like this. Mr. Velaski stated it is for circulation and access. It makes it easier for larger trucks to access the site and have a clear line of sight. He stated they did receive comments to try and analyze larger turning ratios. They are currently anticipating the largest vehicle being a box truck like an SU40. Ms. Gee asked if it would be mostly domestic vehicles coming to the site and Mr. Velaski said yes. Ms. Robbins stated that large moving trucks could be coming into the site. The traffic consultant's comment is that he wants to see a turning truck analysis for a very large moving vehicle like a WB62. Mr. Velaski stated that most times it is a homeowner renting a truck from Home Depot. They do not have CDLs typically, so they cannot drive larger vehicles. He stated they do not normally see a WB62 or 67 at these buildings.

Mr. Moore asked where they were with DOT. Mr. Velaski stated they have submitted to DOT but have not submitted for their permit yet. Mr. Moore stated that typically DOT likes to limit the number of entrances out onto a highway from a single property. Mr. Velaski stated he does

not have an answer for that at this point.

Ms. Robbins stated that Mr. Fitzgerald was also concerned about the loading area being only approximately 5 feet wide. He wants to see a loading or unloading area for a larger moving truck with sufficient area to allow circulation around the vehicle. They will have to stay out of the residential zone. Mr. Velaski stated that is a limitation. Ms. Gee stated they could always make the building smaller. Mr. Velaski stated they could also try to push it forward.

Mr. Campbell asked what the highest point of the building was from the ground. Mr. Velaski stated he believes the building is 34 to 35 feet tall. Mr. Campbell asked if that was going to require a variance. Ms. Robbins stated she believes the highest allowed is 35 feet. Mr. Velaski stated most of the building is 31 to 32 feet high and then there is a 3 to 4 foot high parapet. The rear of the building is only 20 feet high.

Ms. Gee asked if all storage units were accessible from inside the building and if it was climate control and Mr. Velaski said yes.

Ms. Robbins stated that none of the parking spaces appear to be able to accommodate a truck. She asked what would happen if somebody had to pull into a parking space with a larger vehicle. Mr. Velaski stated they have never seen these parking lots full. He stated people pull into the drive aisle which is 25 feet wide and there is still room for cars to drive around them. They will definitely look at adding a wider space in the back and keeping it out of the residential area. Even if it means they need to pull the building forward some. Ms. Robbins said if somebody parks and blocks the aisle it would create a problem for emergency vehicles. That is why they usually recommend having a parking area that is large enough for trucks. Mr. Campbell stated if they decrease the size of the building, they would reduce the amount of required parking spaces.

Mr. Palin asked when they bring the main across, are they installing a hydrant. Mr. Velaski stated they do have room to add one. They are waiting to get comments back from the FAB.

Ms. Robbins asked if the placement of the refuse containers allows enough space for the garbage truck. Mr. Velaski said he will double check it. Ms. Robbins verified their sign location. She asked about the hours for the lighting. As there are homes around this location and behind this location, they want to be sure the lighting isn't going to cause glare and issues for the residents. For other storage facilities they have required the lights be on motion detectors and timers so that if no one is there, the lights are not on. Mr. Velaski stated they could look into that. Their lighting plan is showing 0-foot candles, and it is nowhere near the rear edge where there are neighbors. There are no pole lights in the back of the building. There are four pole lights in front. The building lights in the rear are at least 150 feet away with 0-foot candle from the residential border. Ms. Robbins stated it is usually seeing the bright light from the wall pack when you're looking at the building that is a problem. She asked if the lights were shielded and Mr. Velaski said they are dark sky compliant.

Ms. Robbins asked how many doors are in the back of the building. Mr. Velaski stated there is one entrance located in the center. It is three or four doors wide. It is right near the parking spaces. That is the only place you can get into the rear of the building. In the front you can get in multiple spots.

Mr. Campbell asked if there was fencing around the storm water retention basis and Mr. Velaski said yes. There will be a chain-link fence with privacy slots. Mr. Moore stated his recommendation is to make that a split rail fence. It is visible from the highway and that makes it more rustic. Mr. Eickman stated that would make it more attractive. Mr. Miyoshi stated it would also be cheaper. Mr. Papae asked if he had elevations of the rear of the building and Mr. Velaski showed a rear elevation drawing showing the main access doors in the middle. The main access doors open to between six and 8 feet wide.

Mr. Palin asked if this has gone through a code review for life safety. Mr. Velaski stated he does not believe so. Mr. Palin stated that there are not enough exits in the rear. Mr. Jodlowski stated at

250 feet wide they need multiple rear exits. Mr. Velaski stated he will have their architect revise that. Mr. Palin asked if they have received the Fire Advisory Board comments and Mr. Velaski said no. Mr. Palin stated they would like a newer set of plans to review now that it has changed again.

Ms. Robbins stated along the northern boundary there is a residence and it does not appear to have any screening between the properties. It looks like the applicant is proposing a meadow. She stated she does believe screening will be required. Mr. Velaski stated they will plant some evergreens and screening.

Mr. Moore stated that the plans indicate approximately 14,500 cubic yards of material to be removed from the site. He asked if they have an estimation of how many vehicle trips that will take and where that material is going. Mr. Velaski stated they did a quick calculation and it's approximately 2 to 3 trucks per hour for approximately 20 working days. They will work up a report with the exact numbers and destination. Mr. Moore asked if that export quantity includes the grading from the future land banked spaces. Mr. Velaski stated he does not believe that is included but he will double check. Ms. Robbins asked if 2 to 3 trucks per hour was for a 24-hour work cycle. Mr. Velaski stated no. It would be during a regular workday with approximately 19 yards in each truck. They estimated to be 600 to 700 trucks. Mr. Moore stated that is 768 trucks times two for coming in and leaving the site. That will be front loaded on the construction window because they have to have a flat site to put a building in. Mr. Moore stated they will probably be looking for some sort of mitigation measures as DOT will also want to be aware of that as well. Mr. Moore's comments also included the loading space behind the building and implementation of a storm water maintenance easement which should be made a condition of approval. He stated there is a gap along the front of the storm water management area where the emergency spillway is. Mr. Moore stated that per the Town, the main water connection is on the opposite side of Route 82. The applicant will have to go across Route 82 whether by an open cut or jack and bore directional drill. Mr. Moore stated the chain-link fence should have final privacy slats. Regarding the SWPPP, it should probably be made its own separate document. He stated

their biggest concerns are that the entire project is being handled by two infiltration basins that are relying on groundwater infiltrating. The concern is the long-term viability of the permeability rates 20 years into the future. Over time those basins will stilt up and the rate of service runoff will slow down. This could become less and less effective in the future. There is nothing along the highway to receive any overflow from these ponds. During the review of the 100-year event there is a minimum free board. They're going to need to have at least a foot of free board above the peak water surface elevation for the 100-year storm. That is from the surface elevation to the spillway outlet. Then the berm will need to be above that. In the calculations they will be looking to model each of those ponds not counting exfiltration at all. They will assume the exfiltration rate is zero and see what level the ponds get to. He is unsure what measures can be taken long-term to ensure these will continue to work. If there is a discharge from the spillway which, based upon their model they don't have, but they still need to make sure that there is some place for this water to go that will not hamper or hinder anyone upstream or downstream.

Mr. Eickman stated he does believe there is still a lot more information that the Board needs before they can schedule a Public Hearing. There is a letter from some of the residents that the applicant can get a hold of. It will be read into the record during the Public Hearing. Mr. Velaski asked again if there was any way they could schedule the Public Hearing for December. Attorney Cunningham asked if the board was comfortable with 14,500 cubic yards of fill to be removed. Mr. Eickman stated he does believe there are also building issues, presentation to the Fire Advisory Board, and DOT questions that they have not even touched upon yet. Those answers could affect the entire site. He believes the applicant needs to get further down the road before anything else can be scheduled.

Mr. Velaski stated he will call in to speak to the professionals later in the week to make sure that he is covering all of the questions they're asking for answers to.

DISCUSSION:

2023-073 – 10 Corporate Park, 10 Corporate Park (6356-03-3488070)

Applicant is applying for a change of use and special permit per §196-60 for a church in a former professional office in Suite A.

Bill Povall and Pastor Greg were present.

Mr. Povall stated they are looking for a change of use in a 7000 square foot building at 10 Corporate Park Dr. This is an existing building next to the new warehouse that is being built on Route 52. It is opposite the soccer fields. It is the corner building. The building is approximately 20 years old. There have been some vacancies for quite some time. The Carpenter's Union was there for a long time and left two and half years ago. There is a church group that is looking to lease the space within the building. There are no proposed changes to the exterior of the site. All of the infrastructure that exists will be utilized. The largest use would be on Sunday when they have their services, which offsets the businesses that are in the building now, which all have business hours Monday through Friday. There is plenty of parking. They would be looking for up to 100 parking spaces. The site was approved for 113 parking spaces. The striping is slightly different in a couple of areas but there are 113 existing parking spaces. They are looking to utilize vacant, empty space.

Mr. Campbell asked if there were any compliance issues like ADA compliance. Mr. Povall stated the facility is ADA compliant. This will require a new fit up and they will all have to comply with ADA standards and code.

Ms. Robbins asked if this suite is almost 8000 square feet in size. Mr. Povall stated right now there is 14,000 square feet of vacant space. Previous businesses are no longer there. The church will be using the eastern side of the building taking up 7,928 square feet. The other half would remain vacant. There is a tenant in the back. Mr. Campbell asked if this approval would be for the entire area or just the space they are using. Ms. Robbins stated it would be just for the space they are asking for. Mr. Povall stated they just want the change in use for the space that is being used because they want to continue the ability to lease the balance of the space for office use. He

did provide a floor plan for them to review. Ms. Robbins asked how many seats would be in use as that goes to the parking needed. Mr. Povall stated it is his understanding that the fire inspector will be setting up the occupancy so they were waiting to hear back from him. Ms. Robbins stated he would be, but she asked if they have a ballpark how many seats they would need. Mr. Povall stated he believes they have asked for between 100 and 130 seats. He believes that the code for parking for a church is one parking spot for every five seats. Even if they have 200 seats they are only required to have 40 parking spaces. Ms. Robbins stated they are asking for 8000 square feet of space. She asked if they would be using it for other uses as well. Mr. Eickman asked if they were fixed seats. Pastor Greg stated they are pew style seats that are removable and stackable. They can use them for potluck dinners or events as well. Ms. Bledsoe asked what kind of events they were aiming to have. Pastor Greg stated there would be two offices. There will be youth services on Wednesday nights which will have 30 to 40 attendees. The main use will be on Sunday for a 10 AM and 11:30 service. There will be no huge events or concerts.

Mr. Miyoshi stated that on Sunday there are a lot of people use those parking lots for soccer fields as there is not enough parking there. Mr. Povall stated they have been working with the soccer league, especially for tournaments. The parking is for this building, not for the soccer fields. They have had tenants complained at times and they have addressed it with the soccer league. The league has been very good working with them. Most of the soccer people park at the Wicopee Plaza. Mr. Miyoshi asked if this would take this building off of the tax rolls being used as a church. Mr. Povall stated no.

Ms. Robbins stated how many people come to each of the two services. The pastor stated before the pandemic there was 135 to 150 between both services. Ms. Robbins is concerned about the overlap of parking with the two services being close. Pastor Greg stated they have the same timeframe for the services and it has never been an issue with parking. Ms. Robbins asked if they would be doing weddings and Pastor Greg said no.

Mr. Rickett asked if they were doing food service or preparation and the pastor said no.

Mr. Moore asked for the church to supply a letter for the proposed use just to make sure that the septic is not overloaded. He asked if it was on public sewer and Mr. Povall stated it is on a private septic system. They did review the Dutchess County design flow rates and they are still are at one third less than the capacity of the system. Mr. Moore asked if there would be any proposed signage for the church. Mr. Povall stated any signage will go on the existing sign placards by the door and out front. There will be no new signs.

Ms. Robbins asked if there were enough handicap spaces there and Mr. Povall said yes.

Mr. Campbell asked if they would put some sort of control measure in place for the soccer parking to mitigate people from parking there. He asked if the Wicopee Plaza was common ownership. Mr. Povall stated the Wicopee Plaza has parking in front of it across from the open field. That is typically the first place that people park. East Fishkill Soccer will occasionally have parents that volunteer to control parking at certain times. They also send out e-mails to their members regularly and will include the parking restriction when services are in place. That is one of the first things they will do.

Ms. Robbins stated this will require a Public Hearing as a special permit for the share parking and for church use.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to schedule this application for a Public Hearing on December 19, 2023. Voted and carried unanimously.

DISCUSSION:

2023-074 – Fur Ever Friends, 5 Ryan Drive (6558-01-015763)

Attorney Cunningham recused himself from this application.

Applicant is applying for a change of use and an amended site plan for a doggy daycare facility in a former medical office.

Brianna Russo was present.

Ms. Russo stated they are currently in Wappingers Falls. They do boarding in their homes, not at the facility. They do dog training at the facility and professional grooming for cats and dogs. They are licensed to sell puppies and work with rescues as well. They also sell holistic pet supplies. It is an existing, thriving, functioning business. The goal is to move to 5 Ryan Drive. They plan to add a chain-link fence with privacy slats, which is shown on the survey. She is going to add a daycare to that facility. It will not be a free-for-all daycare. All the dogs have to go to obedience training to come into this obedience functioning daycare. They still plan on doing the pet sitting in their homes 90% of the time, unless there is an emergency. It works and they are fully insured.

Ms. Gee asked for the number of the dogs at the daycare and the number that could potentially be there overnight. Ms. Russo stated there are 20 pre-existing rooms and she has no plans to change the structure of the building. They would probably use two of the rooms for daycare with 3 to 4 dogs and a trainer per room. Regarding overnights, she liked the system they have with the dogs staying at their homes. Unless there is some sort of emergency, they would not normally be boarded there. She stated that could be possibly 10 maximum, but she's only had two in the past six months stay overnight at the facility. People like the home service better. Ms. Gee asked about their license to sell dogs. Ms. Russo stated they work with breeders and with rescues so they home dogs. Ms. Gee asked if those dogs were kept overnight at the facility. Ms. Russo stated approximately 5 rooms will be dedicated for that use so there would be under 20 dogs in those rooms. They would stay overnight there until they get their forever home. She has a huge security system and 24-hour a day surveillance. They will have a Knox box installed and the building will be sprinklered.

Mr. Palin asked if the outside area was going to be enclosed and Ms. Russo said no it is for play and potty.

Mr. Jodlowski asked if an employee stays overnight with the dogs. Ms. Russo said it is not necessary. All dogs go to bed by eight and are quiet until 8 AM the next morning. Staff usually gets there around 6:30 in the morning. She has not had one complaint in the three years she has been in business. 5 Ryan Drive is all commercially zoned. Ms. Robbins stated there aren't residential homes on that side of the road. She stated this is the old children's medical group at the intersection of Route 82 and Ryan Drive. It is a change of use and they would be the re-purposing the building. They are adding a fenced in area. They need a variance from the Zoning Board for the 150-foot setback. The fenced in area extends beyond the front of the building as the building is on the corner and has two front yards. Where the fenced in area would be extending there is already a line of very tall evergreen trees that will buffer the fenced in area from any visibility on Route 82. It is up against the neighbor property which is Alpine Construction and across the street there are some residences. She believes there is one residence on Ryan Drive on the other side of the gymnastic center. There are also some at the end of the street, but they are all separated from this location.

Ms. Gee stated she is assuming since this was a medical group that already has sufficient parking. Ms. Robbins said yes.

Mr. Eickman asked if this was a coordinated review with the Zoning Board and Ms. Robbins said yes. They will need to be referred to the ZBA.

Mr. Moore asked if the sprinkler system would require any upgrades to their water service. Ms. Russo stated there is a system in place already. All of the carbon monoxide detectors and sprinklers are in place. The past owners are taking the security system but she already has ADT. Mr. Moore asked if the kennel was just a fenced in enclosure that would be resting on the ground and Ms. Russo said yes. Mr. Moore stated she needs to provide details for the proposed refuse enclosure and make sure the garbage truck can access it. Ms. Russo stated there is plenty of room. Mr. Moore stated they need to show any proposed signage. Ms. Russo stated she is

keeping their sign and just putting her logo on it. Mr. Moore stated he would like a short form EAF.

Mr. Jodlowski asked if the dogs overnight were kept in kennels and crates. Ms. Russo stated yes. They work with the Department of Agriculture, who licenses and approves her. Mr. Jodlowski stated they would need to know if there were people in there overnight in case of emergency. Ms. Russo stated there is no people there overnight. The dogs are all kenneled and secured in crates overnight. They have not had one complaint in three years.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to schedule a Public Hearing for December 19, 2023. Voted and carried unanimously.

MOTION made by Richard Campbell, seconded by Lori Gee, to refer this applicant to the Zoning Board. Voted and carried unanimously.

Chairperson Eickman asked if there was any further business to be brought before the Board. There was not. He wished everyone a very happy Thanksgiving.

ADJOURNMENT

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

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board