

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING**

December 19, 2023

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

- a. Mr. Eickman began the Meeting with **The Pledge of Allegiance.**

Special Announcement: Mr. Eickman held a moment of silence in honor of Officer Daniel DiDato, of the East Fishkill Police Department, who he said died the previous day while investigating another traffic accident. He extended condolences to the officer’s family for their loss.

- b. Mr. Eickman announced the **Upcoming Meeting Dates** are:
January 16, 2024 and February 20, 2024

- c. **Approval of Minutes of Meeting Held: November 21, 2023.**

MOTION made by Richard Campbell, seconded by Lori Gee, to approve the Minutes of Meeting Held November 21, 2023. Voted and carried.

- d. **Roll Call:**

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

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

Staff present were Jackie Keenan, Planning Board Clerk, Matt Rickett, Zoning Administrator, along with Dave Palin, Fire Advisory Board and Chris Jodlowski, Commissioner, Fire District

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EXTENSION:

- 1. **#2022 – 029 – Farmview/Estates at Phillips Farm**, 1196 Route 82 (6458-04-740330)

Applicant is requesting (2 three month) 6-month extension for a subdivision plan that was approved on 6/20/23. If granted this will expire on June 20, 2024.

Brian Stokosa, Day & Stokosa Engineering, was present.

Mr. Stokosa stated that verbal approval was just received by the Health Department and the water design. Loose ends are being tied up with the DOT and Town Engineer, easements and legal, but he said it is moving along, slowly.

There were no questions or comments from the Members or Town Professionals.

MOTION made by Richard Campbell, seconded by Lori Gee, to grant the 6- Month extension for Farmview/Estates at Phillips Farm Subdivision to June 20, 2024. Voted and carried unanimously.

EXTENSION:

- 2. **#2022 – 037 – Frias Bridges Subdivision**, Eder Road, (6656-00-819763)

Applicant is requesting (2 three month) 6-month extension for a subdivision plan that was approved on 4/18/23. If granted this will expire on April 18, 2024.

Brian Stokosa, Day & Stokosa Engineering, was present.

1 Mr. Stokosa stated that this matter was in the same boat as the prior one. There has been final
2 submission to the Health Department for well and septic design for the proposed lots. Some of
3 the easement descriptions were just received for the land to be protected on the back of Lot 1. He
4 said those would be forthcoming to the Town Engineer for review and that this matter is moving
5 along, as well.

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8 **MOTION made by Lorin Gee, seconded by Richard Campbell, to grant**
9 **the 6- Month extension for Frias Bridges Subdivision to April 18, 2024.**
10 **Voted and carried unanimously.**

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16 ***ADJOURNED PUBLIC HEARING:***

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18 **3. #2023 – 062 – Formicola Subdivision, 378 Route 376 (6457-03-392487)**

19
20 Applicant is applying for a 2-lot subdivision -Lot #1 will be 2 acres with the
21 existing house. Lot #2 will be 1.61 acres for a future dwelling.

22
23 Brian Stokosa, Day & Stokosa Engineering, was present.

24
25 Mr. Eickman stated that his understanding was this matter was to be adjourned to a future
26 meeting and Mr. Stokosa said that is correct.

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28 There were no comments from Board Members or Professionals and no one was present from the
29 public to speak for or against the matter.

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31 **MOTION made by Ed Miyoshi, seconded by Sarah Bledsoe, to further**
32 **adjourn the Public Hearing for Formicola Subdivision. Voted and**
33 **carried unanimously.**
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ADJOURNED PUBLIC HEARING:

**4. #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.

Thomas Kerrigan, Civil Engineer from Labella Associates was present.

Mr. Eickman stated that a public hearing for this matter was started at the last meeting.

MOTION made by Sarah Bledsoe, seconded by Richard Campbell, to re-open the Public Hearing for Gasland East Fishkill Wine & Spirits. Voted and carried unanimously.

Mr. Kerrigan displayed the plan, stating that, since this was before the Board the previous month, the applicant made a submission to the ARC and received some comments. Building elevations will be provided and he said his understanding is that the public hearing cannot be closed until that is resolved.

Mr. Kerrigan stated that some minor changes have been made to the plan that were discussed at the last meeting. Dutchess Planning and one of the Town engineers brought up that the first space in, in front of the liquor store, was a little too close to the entrance. It has been shifted 5 ft to the

1 south, with a little more buffer room that can be seen now. A vehicle can queue in, without
2 blocking the sidewalk and without blocking any traffic on Route 376, in case someone is backing
3 out, or they are awaiting their turn to enter the site. This also required the shifting of everything
4 else to the south. He stated that the landscape buffer has been slightly revised to address this.

5
6 Mr. Kerrigan stated that some changes have been made to the lighting plan to adjust the lighting
7 levels to the property line in general around this building to reduce the light trespass across the
8 property line. As he said he mentioned, this is awaiting the Architectural Review Committee to
9 resolve itself before this is finalized.

10

11 Mr. Kerrigan concluded, stating that there are some comments remaining about the water
12 connection that they are working to address, and some answers on that will be provided at the
13 next submission.

14

15 Mr. Eickman asked for any comments from Board Members.

16

17 Mr. Campbell stated that he knew there was some subject matter brought up about the sidewalk
18 connectivity, from each end of the property line, continuing through to the next. Mr. Kerrigan
19 said Yes, that was extended. There was a portion of the sidewalk in the front, up to the eastern
20 most entrance. It was extended from that entrance to the east, up to the edge of the property line,
21 basically. It is being continued as far as they are able to continue.

22

23 Mr. Campbell said the water was talked about and asked if this project was going to add sprinkler
24 into the units being built onto with regards to the apartments. Mr. Kerrigan replied that he
25 believed for the liquor store, that was the case, but for the convenience store part he does not
26 believe; it already had approvals. Mr. Campbell stated, with the water concerns, would a separate

1 water service be brought in for the fire line, to be apart from the domestic water service. Mr.
2 Kerrigan replied Yes.

3
4 Mr. Eickman asked for any comments or questions from the Town Professionals. Ms. Robbins
5 stated that she saw a little landscaping had been added between the existing garage building and
6 the new building for the converted garage building. Mr. Kerrigan stated Yes, that was in the
7 previous submission, but by shifting spaces further to the south, it got changed a little. However,
8 he said it is still actually the same. Ms. Robbins noted that a little landscaping was also being
9 added up front, as well. Mr. Kerrigan said Yes, that was added at a previous submission at the
10 request of a Board Member.

11
12 Mr. Palin referred to the apartments above the main store, asking if they are being lived in, or is it
13 just space. Mr. Kerrigan replied that he thinks it is just open space; they got a building permit to
14 construct the apartments in there. Mr. Palin stated that he would obviously like to see sprinklers
15 in there but, so he wouldn't be surprised, told Mr. Kerrigan that there should at least be a fire
16 alarm system. He added that the sprinklers would be recommended, but he did not know if they
17 were a requirement; the fire alarm is a definite though.

18
19 Mr. Moore stated that his comments are mostly administrative, and that Health Department
20 approval is needed. Regarding the water main along the front, he said just what was done with
21 the sidewalk extending out to the property line along the front, the water main should be
22 extended maybe another 20 ft to the northwest so that it lines up with the projection of the
23 common lines. This is so that, if the Town wants to continue it, they can leave off. He thinks it is
24 only an additional 20-25 ft maybe. Mr. Kerrigan asked if he meant all the way to the West. Mr.
25 Moore said it is basically to the northwest corner.

26

1 Mr. Bryant stated that HV Engineering had comments about the one parking space being
2 eliminated that was just referenced as being shifted the 5 ft, so he will have them take a look, He
3 said they also had asked for a 3-year accident history at the entrance, and he asked if this had
4 been provided. Mr. Kerrigan said Yes, that was submitted, in the last submission.

5
6 There was no one present from the public to speak for or against the project and no further
7 comments from the Members or Professionals.

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9 **MOTION made by Ed Miyoshi, seconded by Richard Campbell, to**
10 **adjourn the Public Hearing for Gasland East Fishkill Wine & Spirits to the**
11 **January, 2024 Planning Board meeting. Voted and carried unanimously.**
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17 ***PUBLIC HEARING:***

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21 **5. # 2023-057 - Pawfect Paws, 867 Route 376 (6358-02-858546)**

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

25
26 Jessica Derosa, owner, was present.

27
28 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to open**
29 **the Public Hearing for Pawfect Paws. Voted and carried unanimously.**
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31
32 Ms. Derosa stated that, since the last time she met with the Board, nothing much had changed.
33 There is someone actively ready, once approval is received, to put up some landscaping around

1 the yard that is aesthetically approved from all ends. As a precaution, she said they are looking
2 into different types of fencing to do if sound ever becomes an issue. There is a second backup
3 plan in case things change to accompany the neighbors and anyone around them.

4
5 Ms. Robbins said she knows there will be landscaping and asked Ms. Derosa if she provided a
6 concept plan for the landscaping. Ms. Derosa said No. Ms. Robbins suggested to the Board that,
7 if approval is made this evening, the conceptual landscape plan would be a condition, so that
8 what is being proposed could be looked at in the field to make sure it accomplishes the Board's
9 goals. Ms. Derosa said there was not anything set in stone because she figured she would consult
10 with the Town to figure out what would be best. She has brought in someone who will work with
11 it who can find plants that can thrive outside and protected from weather all around, dog
12 environments and soil that is covered by dogs. She said that is about how far she got and as to
13 what it was actually going to be, and she figured this would be done together with the Board.

14
15 Ms. Robbins said she did not know if the Fire Advisory Board had any specific comments; she
16 thought there were comments earlier. She asked if there were any specific comments; was there
17 anything to add to the Resolution, other than a Knox box or letter. Mr. Jodlowski replied that yes,
18 there is the Knox box. His concerns are if there is someone there sleeping overnight, or dogs in
19 the open space overnight, and if the Fire Company should have to go in. Ms. Derosa said yes and
20 if there is someone to give access. She said she has to have her fire exits checked because the
21 building was out of use for a while, and if the inspector came in, she wants to make sure they are
22 in the correct spots. Mr. Jodlowski replied that as long as they are on the building.

23
24 Ms. Robbins noted that, when the Resolution is read, there is one Whereas clause that she will
25 read.

26

1 There was no one present from the public to speak for or against the project.

2

3 Mr. Eickman stated that he had several (15) letters, in favor of the project that he would
4 summarize for everyone. He said he would state who they are and give a brief indication of what
5 they said in their letters:

6

7 - Marisol Beigert stated in her letter that she was in support of Pawfect Paws; She and
8 her husband take their loved 2 dogs to the daycare “to socialize, have enrichment activities,
9 and Pawfect Paws gives them peace of mind during the day when they are not with their
10 babies”.

11

12 -Andrew Doherty stated that he wrote to show his support for Pawfect Paws and have
13 been customers for over a year.

14

15 -Cheryl Brady indicates that she is a “dog mom” and has been a daycare attendee at
16 Pawfect Paws for the past 3 years. She wrote that she has been a loyal customer since she
17 first started attending and, other than her mother, they are the only people entrusted with the
18 care of her dogs in her absence.

19

20 -Pamela Spector wrote that she is in support of Pawfect Paws and indicated that Jessica
21 has a strong work and moral ethic; that her empathy compassion and integrity are admirable
22 and she would love to continue to support her business as Jessica continues to support our
23 great town.

24

25 -Jessica L. Santoro and John Fernandez wrote that Pawfect Pupps daycare has been an
26 asset to the community since relocating to their Route 376 location; they work closely with a
27 mischief managed dog trainer to ensure that the staff is well versed in dog handling
28 practices; there are also frequent training services for the staff.

29

30 -Kim Gonzolez wrote that she supports Pawfect Paws in every way; they are a huge help
31 to those with dogs that need some extra playtime.

32

33 -Casey Mastronardi indicated she highly recommends allowing Pawfect Paws to operate
34 their business here and make their business request for changes.

35

36 -Drew Brophy wrote that Pawfect Pups was a great addition to Hopewell with their
37 constant involvement with the community and their desire to help.

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2 -Matthew and Amanda Burczyk noted that this is invaluable to them as a couple and they
3 are blessed to be able to support this locally owned East Fishkill business.
4

5 -Melissa Diakantonis, Nick Donaldson, Mary Diakantonis and George Diakantonis wrote
6 that they are proud supporters of Pawfect Pups Pet Care service; they bring a viable business to
7 the Town that is needed and has great success.
8

9 -Kate Bisantz wrote that she is in full support of Pawfect Pets.
10

11 Mr. Eickman stated that, to quicken this, he would continue with just the names of the remainder
12 of those who wrote letters since they all were all basically saying high praise for Pawfect paws,
13 as follows: Melissa Schilio, Lisa Hauer, Andrea Dabrowski, Edyta Dabrowski and Andrea and
14 Bill Margiotta.
15

16 Mr. Eickman then stated that there was an email received by the Town where this was opposed.
17 It is from Ann Marie Gentile, who lives at 874 Route 376. She wrote that she lives across from
18 Jessica Derosa’s daycare kennel, which is at 867 Route 376. She wrote that she hears dogs
19 barking constantly, 24 hours a day, 7 days a week. In the summer it is worse when outside but
20 hears it when indoors as well. Her son’s bedroom faces this and he cannot sleep with his window
21 open because the dogs bark at night as well as daytime. She also wrote that it seems as though the
22 dogs are outside at night, past midnight. She asked that it be let known to her if there is another
23 meeting she can attend, since she was away for the first one.
24

25 Mr. Eickman asked Ms. Derosa if she was familiar with Ms. Gentile or her particular complaint.
26 She replied that when she was first there, they had spoken and she actually gave her, as well as
27 all the neighbors, her contact info. This was to say if they ever hear them, to call her and she
28 would get the dogs inside immediately. She said the dogs are definitely not outside past midnight
29 and she can put cameras up all over in order to prove this. Ms. Derosa thinks the problem she
30 will run into is with the people behind her; it is a residence, and they have their own personal
31 dogs, such as hounds. If her dumpster closes, they will bark and are very noisy. She doesn’t know

1 if that may make it seem as though it is hers, but that would be her best guess. She reiterated that
2 her dogs are not out past midnight.

3

4 There were no comments from Board Members or the Town Professionals.

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**MOTION made by Richard Campbell, seconded by Lori Gee, to close the
Public Hearing for Pawfect Paws. Voted and carried unanimously.**

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10 Mr. Eickman proceeded to summarize the Negative Declaration, saying it is an Unlisted Action
11 and this proposed project would not be expected to result in any significant adverse impact and
12 the reasons supporting this determination:

13

- 14 - It will *Not* generate a significant amount of additional vehicles, noise or emission levels.
- 15 - It will *Not* significantly affect rare or endangered species of animals, plants or habitats of
16 such species.
- 17 - It will *Not* result in any impacts to historic or archaeological resources.
- 18 - It will *Not* result in any impacts related to hazardous materials.
- 19 - It will *Not* result in any significant impacts on air or water quality or ambient noise levels
20 for adjoining areas.
- 21 - It will *Not* be subject to unacceptable risks of flooding or major geological hazards.
- 22 - It will *Not* have a substantial aesthetic effect.
- 23 - It will *Not* involve adversely affecting any surface water or groundwater.
- 24 - It will *Not* allow for improper uses within specific zoning districts.
- 25 - It will *Not* result in adverse cumulative impacts.
- 26 - It will *Not* result in adverse growth-inducing impacts.
- 27 - It will *Not* conflict with the Town’s Comprehensive Plan.

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**MOTION made by Ed Miyoshi, seconded by Richard Campbell, to approve
the Negative Declaration for Pawfect Paws. Voted and carried unanimously.**

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Ms. Robbins wanted to talk about the process here because the applicant has been in front of the
Zoning Board. She explained that the Zoning Board cannot grant their approval until the

1 Negative Declaration is finalized, which was done tonight. This is still going through the Zoning
2 Board process and is in front of the Zoning Board for the 150 ft required setback, which they
3 cannot meet. At this point, she said now that this Board has given the Negative Declaration, the
4 Zoning Board is free to make their decision. This Board will need to condition the approval from
5 the Zoning Board, which she said she has added to the Resolution.

6
7 Mr. Campbell said this is in operation now. Ms. Robbins said that is correct. She explained that
8 and this one came to the planning Board through the Building Department as a violation, because
9 they were operating the business without site plan approval. The process was a little different to
10 bring it backwards.

11
12 Ms. Robbins asked Ms. Derosa to explain the fence to her and questioned if it is white, or chain
13 link with slats. Ms. Derosa replied that it is a chain link, with a mesh that goes around so the
14 dogs can't see out and one can't see in; it is pretty much all black. Mr. Bryant commented that it
15 doesn't do much for sound. Ms. Derosa said no, but she looked into an Acoustic Block company
16 that she said makes attachments that can go onto fence panels. She is part of an international dog
17 daycare page where people can feed off of each other and see what other people did. They have
18 found those noise blocks seem to work very well and she told the Board if that is something they
19 want to be looked at, she is happy to do so. Mr. Bryant and Ms. Robbins both agreed that this
20 will be made a condition. Ms. Robbins asked Ms. Derosa if it was cloth, something padded that
21 goes over the fence. Ms. Derosa replied that she thinks it is a fiber, like a plastic material. She
22 said she will send an email to her with a few different options and then it can be discussed as to
23 what may be best. She said there could also be a trial-and-error period, whatever is better. Ms.
24 Robbins said the added condition will be that the applicant provide the proposed noise/sound
25 ending panel, dimming attenuation. Mr. Eickman asked Ms. Robbins if it should be subject to her
26 approval as well, when taking a look at the landscaping plan.

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2 Ms. Gee asked Ms. Derosa if the file has already documented the latest time the dogs could be
3 out. Ms. Derosa replied that usually they close at 7 PM and, if no one is staying over, then 6:30,
4 if there are dogs staying over. It is 8 to 8:30 if one has to go out later than that. If they are really
5 young and go potty more frequently; they would have to go out on a leash, and it is only one by
6 one. Ms. Robbins suggested that there would be a condition for no use of the dog pen past 9 PM;
7 if the dog is being taken out on a leash, then that is different. Ms. Derosa responded that this was
8 perfect.

9
10 There were no further comments from Board Members or the Town Professionals.

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12 **RESOLUTION AMENDED SITE PLAN APPROVAL AND CHANGE OF**
13 **USE**

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16 **NAME OF SITE PLAN:** 867 Route 376 Associates LLC
17 **NAME OF APPLICANT:** Pawfect Pups Petcare
18 **LOCATION:** 867 Rout 376
19 **GRID NO:** 6358-02-858546

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21 **Resolution Offered by Planning Board Member: John Eickman**

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23 **WHEREAS**, the applicant is applying for a change of use from professional office space
24 to dog daycare and a site plan amendment for the installation of an outdoor dog pen; and

25
26 **WHEREAS**, no change in the building footprint is proposed; and

27
28 **WHEREAS**, the Planning Board declared Lead Agency on November 21, 2023,
29 conducted a coordinated review under SEQR, and adopted a negative declaration on December
30 19, 2023; and

31
32 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves
33 the change of use and minor amendments to the site plan as represented on a survey "867 Route
34 376," prepared by Robert L. Campbell dated 2/1/23 and subject to the following conditions:

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1. The preparation of a conceptual Landscape Plan showing landscaping that buffer views of the outdoor pen subject to the approval of the Town Planner.
2. Approval from the Dutchess County Health Department.
3. Installation of noise attenuation materials on the fence or where necessary.
4. No outdoor use of the dog pen between the hours of 9PM and 7AM on the weekdays and 6:30PM and 8:30AM on the weekends.
5. A monitored fire alarm system be provided for the building.
6. A KNOX Box be provided with appropriate keys to unlock any door of the building.
7. Approvals for required area variances from the Zoning Board of Appeals.

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:

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|--|---------------|
| Board Member Lori Gee | <u>AYE</u> |
| Board Member Ed Miyoshi | <u>AYE</u> |
| Board Member Sarah Bledsoe | <u>AYE</u> |
| Board Member Richard Campbell | <u>AYE</u> |
| Board Member Donald Papae | <u>AYE</u> |
| Board Member John Greenan | <u>Absent</u> |
| Chairperson John Eickman | <u>AYE</u> |
| Alternate Board Member John Giovagnoli | <u>AYE</u> |

Ms. Derosa thanked the Board.

PUBLIC HEARING:

6. #2023 – 073 – 10 Corporate Park, 10 Corporate Park (6356-03-3488070)

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

4
5 Bill Povall, Povall Engineering PLLC, was present.

6
7 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to open**
8 **the Public Hearing for 10 Corporate Park. Voted and carried unanimously.**
9

10 Mr. Povall stated that this was before the Board for a change in use to allow the existing church
11 to occupy 7,928 sf inside 10 Corporate Park, which is in the B-1 Zone. By allowing them to lease
12 this space, he said there would be no work or changes to the exterior of the site. The existing
13 parking lot and building site would be used as-is.

14
15 Ms. Robbins confirmed with Mr. Povall the number of square feet as 7928 sf. She said the Fire
16 Inspector took a look at the site because the Board wanted to find out what the capacity was, as
17 well as the parking. The Fire Inspector capped the number of people at 150, based upon ingress
18 and egress. She told Mr. Povall that, if he wanted to go higher than that, he would have to make
19 some modifications or change things around. Mr. Povall responded that No, that falls within the
20 limit that is being planned on, so this is fine. Ms. Robbins told him that number would be in the
21 Resolution and he reiterated that was fine.

22
23 Ms. Robbins stated that the applicant is also requesting a shared parking special permit. The
24 Board has the ability to determine whether or not the parking can be shared. It is being proposed
25 because the use is off the other existing uses that they would be using, the parking that all the
26 other site uses during the week, but they would be using it on the weekend. Therefore, she said,
27 there would not be a conflict.

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1 Mr. Campbell stated that he thought there was some kind of issue with regards to when the
2 soccer field is fully operational. There was also carryover because they were allowing the field to
3 use the parking that was like a layover from what would be used here.

4
5 Mr. Povall responded that there was no conflict because this does not have a formal agreement
6 with the soccer club to allow any parking. This has just been as a friendly neighbor, allowing that
7 to happen. Most of the parking that does occur, is in the parking lot of Wiccopee Plaza, because
8 that parking lot is closer to the road and closer to the entrance. He said it is found that, anyone
9 who does park there, tends to use that. They have been working with the East Fishkill Soccer
10 Club when they hold their Memorial Day tournament, which they will continue to do. They
11 wouldn't be able to use the front parking lot on Sundays when the church is there, but there are
12 alternatives, such as Wiccopee Plaza, to work with the community on it.

13
14 Aside from the parking, Mr. Miyoshi was questioning the conflict with traffic for the soccer on
15 Sundays. He believes the travel soccer starts around noon and he wondered if the church parking
16 is done before that, to prevent any backups in that area. Mr. Povall responded that there is a
17 double lane leaving the East Fishkill Corporate Park, so they do not anticipate any major traffic
18 issues with that.

19
20 Attorney Cunningham asked Mr. Povall if the Soccer Club had any type of agreement with the
21 church to park there, or has the church just allowed it as sort of a benefit. Mr. Povall responded
22 that there would be no agreement. Attorney Cunningham told him then they do not have any
23 legal right to the parking. Mr. Povall stated he is an owner of the building, and they have just
24 been a friendly neighbor allowing the parking; there is no reason not to. He said he has been
25 working with Phil, of the East Fishkill Soccer Club and they have even worked through having
26 signs. There are volunteers there during tournaments to make sure the tenants have parking

1 places. He said that one year the soccer club took up all the parking and it was something that
2 was simply resolved among themselves, the Soccer Club did a great job in policing it on their
3 own.

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5 There were no comments from the Board Members or Town Professionals and there was no one
6 present from the public to speak for or against the project.

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9 **MOTION made by Ed Miyoshi, seconded by Richard Campbell, to close**
10 **the Public Hearing for 10 Corporate Park. Voted and carried unanimously.**

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21 **RESOLUTION CHANGE OF USE**

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24 **NAME OF SITE PLAN: East Fishkill Corporate Park, LLC**
25 **NAME OF APPLICANT: East Fishkill Corporate Park, LLC/ Grace Community Church**
26 **LOCATION: 10 Corporate Park**
27 **GRID NO: 6356-03-3488070**

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30 **Resolution Offered by Planning Board Member: John Eickman**

31
32 **WHEREAS**, the applicant is applying for a change of use from a warehouse/light
33 manufacturing use to a church; and

34
35 **WHEREAS**, the fire inspector has capped the capacity of the 7,928 sf church space at
36 150 people per the fit-up plan prepared by Povall Engineering dated 10/30/23; and

1
2 **WHEREAS**, the applicant is requesting a shared parking special permit per § 194-46.2;
3 and

4 **WHEREAS**, per § 194-46.2 the applicant has demonstrated that the proposed church
5 would operate on the weekends when the other uses on the site are not in operation; and
6

7 **WHEREAS**, the site contains 107 parking spaces, and
8

9 **WHEREAS**, no change in the building footprint is proposed; and
10

11 **WHEREAS**, the proposed project is a Type II action under SEQR and no further
12 environmental review is required; and
13

14 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves
15 the change of use as represented on a map entitled "East Fishkill Corporate, LLC" prepared by
16 Povall Engineering dated 6/28/01 and last revised with the following conditions:
17

- 18 1. Provide a monitored fire alarm and notification system.
- 19 2. Install a KNOX Box at the main entry to the church with keys that will provide
- 20 access to the outside, including landlord utility room, and any locked interior doors.
- 21 3. Approval from the Dutchess County Health Department.
- 22 4. Occupancy cannot exceed 150 people without site plan approval and a parking
- 23 review from the Planning Board.
- 24

25 **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of
26 this resolution, the Chair or other duly authorized member of the Planning Board shall cause a
27 copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.
28

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

30
31 **The votes were as follows:**

32
33 Board Member Lori Gee AYE
34 Board Member Ed Miyoshi AYE
35 Board Member Sarah Bledsoe AYE
36 Board Member Richard Campbell AYE
37 Board Member Donald Papae AYE
38 Board Member John Greenan Absent

1 Chairperson John Eickman AYE
2 Alternate Board Member John Giovagnoli AYE

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7 Mr. Povall thanked the Board and conveyed Happy Holiday Greetings.

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14 ***PUBLIC HEARING:***

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- 7. #2023- 074 – **Fur Ever Friends**, 5 Ryan Drive (6558-01-015763)
Applicant is applying for a change of use and an amended site plan for a doggy daycare facility in a former medical office.

19
20

Bryanna Russo, owner was present.

21
22

MOTION made by Lori Gee, seconded by Sarah Bledsoe, to open the Public Hearing for Fur Ever Friends. Voted and carried unanimously.

23
24

25 Ms. Russo stated that nothing had changed and asked the Board if she needed to go over this
26 again. Mr. Eickman replied that, if nothing had changed, then he would leave it to the Board
27 members and Town Professionals to ask questions.

28

29 There were no questions or comments from the Board Members and Mr. Eickman looked to the
30 Professionals.

31

32 Ms. Robbins stated that this is similar to the other matter, in that they are also going through the
33 ZBA processes as well, for the 150 ft setback. In this case, she said an outdoor pen is being added
34 within the existing parking lot. The lot extends slightly beyond the front of the building, so the

1 pen will be slightly within the front yard and a variance is needed for this. However, she said
2 there is a mitigating factor of a line of very tall evergreen trees that will be in front of the pen and
3 one would not be able to see from the road, that the pen is in the front. She said this is also on a
4 corner lot, which makes it a little difficult for them. Ms. Gee asked Ms. Robbins if this was being
5 built on pavement. She replied that it is the old Children’s Medical Group building, where there
6 is a very large parking area and there is really no space except for the front, along Route 82,
7 where an outdoor pen could be put. She said it is a requirement for the kennel permit. There has
8 to be some sort of outdoor space if they are going to have dogs overnight, which they are, and
9 they will have puppies overnight. She told Ms. Russo that she thinks she is also getting a Rescue
10 license. At times dogs will be boarded there and, since there is that type of boarding activity,
11 happening, they have to have an outdoor fenced in area. Ms. Gee asked if the intent would be to
12 turn this into grass or would it remain paved. Ms. Russo replied that pavement is probably easier
13 to take care of and clean for the dogs; they are just going out there, under supervision, controlled
14 groups by the trainers. She said if it was grass, they would just rip it up.

15

16 Mr. Eickman asked if there were any further comments from the professionals or the Fire
17 Advisor Board. Mr. Stuart stated if there is someone actually sleeping there overnight, the dogs
18 should be in an enclosure, in case a fire member has to go in there, as well as having the Knox
19 box.

20

21 Ms. Robbins told Mr. Eickman that, when he got to the Resolution, there would be a Negative
22 Declaration, not a Type II, because there is the coordinated review with the ZBA. She added that
23 she would give him the dates for that.

24

25 Mr. Bryant asked Ms. Russo if the intent was to occupy the entire building for this one use. She
26 responded that Yes, they do a couple of things, such as grooming, training, holistic pet supplies,

1 events, and pretty much everything except Vet related things. The pet sitting is done in their
2 homes and is more of a home vibe; they go to the homes, so it is not like a real kennel. She said it
3 is more like an All-in-One Pet Stop.

4

5 There was no one present to speak for or against the project.

6

7 Mr. Eickman stated he would accept a Motion to close the Public Hearing.

8

9

10 **MOTION made by Sarah Bledsoe, seconded by Lori Gee, to close**
11 **the Public Hearing for Fur Ever Friends. Voted and carried unanimously.**

12

13

14 Mr. Eickman proceeded to read and summarize the Negative Declaration for Fur-Ever Friends:

15

16 The proposed project would not be expected to result in any significant adverse impacts on the
17 Environment and proceed to read the reasons supporting this determination:

18

19

20

21

- 22 - It will *Not* generate a significant amount of additional vehicles, noise or
23 emission levels.
- 24 - It will *Not* significantly affect rare or endangered species of animals or plants,
25 or habitats of such species.
- 26 - It will *Not* result in any impacts to historical and archeological resources.
- 27 - It will *Not* result in impacts related to hazardous materials.
- 28 - It will *Not* result in any significant effect on air, water quality or ambient
29 noise levels for adjoining areas.
- 30 - It will *Not* be subjected to any acceptable risks of flooding or major geological
31 hazards.
- 32 - It will *Not* have any substantial aesthetic effect.
- 33 - It will *Not* adversely affect any surface water or groundwater.
- 34 - It will *Not* allow for improper uses within specified zoning districts.
- It will *Not* result in adverse cumulative impacts.

- It will *Not* result in adverse growth-inducing impacts.
- It will *Not* conflict with the Town’s Comprehensive Plan.
-

MOTION made by Richard Campbell, to approve the Negative Declaration for Fur Ever Friends. Voted and carried unanimously.

RESOLUTION AMENDED SITE PLAN APPROVAL AND CHANGE OF USE

NAME OF SITE PLAN: The Lands of Furever Friends Family
NAME OF APPLICANT: Furever Friends
LOCATION: 5 Ryan Drive
GRID NO: 6558-01-015763

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant is applying for a change of use from professional office space to a kennel with doggy daycare and a site plan amendment for the installation of an outdoor dog pen; and

WHEREAS, no change in the building footprint is proposed; and

WHEREAS, the Planning Board declared Lead Agency on November 21, 2023, conducted a coordinated review under SEQR, and adopted a negative declaration on December 19, 2023; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the change of use and minor amendments to the site plan as represented on a map entitled, "**The Lands of Furever Friends Family**" prepared by Robert Oswald dated November 8, 2023 with the following conditions:

1. The preparation of a conceptual Landscape Plan showing landscaping that buffer views of the outdoor pen subject to the approval of the Town Planner.
2. A monitored fire alarm system be provided for the building.
3. A KNOX Box be provided with appropriate keys to unlock any door of the building.

- 4. Approvals for required area variances from the Zoning Board of Appeals.
- 5. Approval from the Dutchess County Health Department.

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 Myoshi

The votes were as follows:

| | |
|--|---------------|
| Board Member Lori Gee | <u>AYE</u> |
| Board Member Ed Miyoshi | <u>AYE</u> |
| Board Member Sarah Bledsoe | <u>AYE</u> |
| Board Member Richard Campbell | <u>AYE</u> |
| Board Member Donald Papae | <u>AYE</u> |
| Board Member John Greenan | <u>Absent</u> |
| Chairperson John Eickman | <u>AYE</u> |
| Alternate Board Member John Giovagnoli | <u>AYE</u> |

NOTE RE: Fur-Ever friends

Before the Members’ final vote was completed, after Mr. Eickman read the Resolution, Ms. Gee asked Ms. Robbins if it was necessary to include the hours of operation for this project. She also asked the distance of the nearest neighbor. Ms. Robbins responded that the nearest neighbor was across the road, off of Route 82
Mr. Eickman said this is otherwise an Industrial area.

1 Mr. Palin noted that, at a previous meeting, it was stated that a sprinkler system was to be added.
2 Mr. Eickman asked Ms. Russo if there was already a sprinkler system. Ms. Russo stated she
3 thought there already was none. Mr. Palin said there is no. She stated that there is the security
4 and, whatever was not being left, she was planning on replacing. She said the pediatric group
5 moved out and they are in the process of taking everything out. Ms. Robbins asked Mr. Palin if
6 this is being required. Mr. Palin said it can't be required unless there is a code by their code
7 person but stated that it is being requested by the FAB; there was already a serious fire in this
8 building years ago, before it was the Children's Medical, and before he was on the FAB. To the
9 best of his knowledge, he said his standpoint is that there is no fire sprinkler system in there. Mr.
10 Campbell asked what the Town Code states and Mr. Bryant responded that there is a code person
11 who will look at it; he cannot speak into this. Ms. Gee said an additional condition could be put
12 in the Resolution that the code will be reviewed and, if this requires sprinklers, then it will be
13 required to be installed. Mr. Bryant said they have to get a fit up and Ms. Robbins added that this
14 will be done anyway, as part of the building permit that that will be needed. Mr. Eickman said
15 then this will not need to be added as a condition and there will be no amendment to the
16 Resolution..

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DISCUSSION:

**8.#2022 - 050 – Stack-N-Stor, 1088,1090,1096,1094, 1092 Route 82 (6458-04-702115,
720105, 714134, 701142, 723129)**

Applicant is proposing an indoor, climate-controlled 82,950 sf self-storage facility
in the B-1 zone.

1 Chris Pawlowski, PE, Solli Engineering, and Cosmo Marfione, PE, President BDC Holdings
2 were present.

3
4 Mr. Eickman began this by asking the Professionals if some new material had been received
5 somewhat late and told Mr. Pawlowski, that a full review may not yet have been done by the
6 Professionals or the Board Members.

7
8 Mr. Pawlowski introduced himself, stating that he was present on behalf of the applicant, BDC
9 Holdings to talk about 1088, 1090, 1092, 1094 and 1096 Route 82, the proposed self-storage
10 facility. When before the Board the last time, he said several comments were received from the
11 Fire Advisory Board, the Water Department, 2 different reviewing agencies, as well as questions
12 from the Board. He apologized, saying the responses were submitted to the Board last week. He
13 said he would go over the bulk of the changes that were incorporated into the responses. He also
14 stated that he would run through a presentation on the updated plans. He said he would ask Mr.
15 Marfione, the applicant, to speak about the operations of the facility and then they would be
16 happy to answer any questions the Board may have.

17
18 Mr. Pawlowski proceeded to display the plan, stating that there were several comments received
19 about the application last time. He stated that the bulk of the changes that were done to the site is
20 that the building was moved forward;

- 21
22
23 – they were able to widen the fire lane in the rear of the site;
24 - a dedicated loading space has now been provided;
25 - now there is a 10 ft wide fire lane with a 12 x 50 loading space, as well as another 12
26 ft wide fire lane;
27 - one of the rear parking spaces has been converted to a designated SU 30 which is a
28 small box truck parking space;

1 - Not only is there a designated loading zone, he said there is also additional parking
2 space for something like a U-Haul vehicle;

3 - there is now significant evergreen screening to the rear and along the side of the
4 building, which he said he would go over when presenting the landscape plan;

5 - the fence has been changed around the stormwater basins to a split rail, with black
6 vinyl mesh. This design, he said, has been used by them in several athletic fields and the black
7 vinyl mesh is barely noticed; the split rail fence blends in and gives more of a residential feel, as
8 opposed to the chain link that was previously proposed;

9 - a fire hydrant was added to the site and several items that the Fire Department was
10 looking for have been added, which includes a Knox box;

11 - Two (2) additional egress doors were added to the rear of the building; In addition to
12 the previously one (1) proposed, there are now three (3) means of egress to the rear of the
13 building;

14 - the parking has not been changed

15 - site access drives were revised and the circulation patterns around the building to
16 accommodate a WB 50 tractor-trailer that can get into the site and navigate around the building;

17 - there is a plan for truck turning, a TT3, which demonstrates this movement;

18
19 Mr. Pawlowski summarized, stating that this was for Stack-N-Store in East Fishkill, located
20 along Route 82, with Clove Branch Road to the north and then intersection that is signalized. The
21 current proposal is for an 82,700 sf self-storage facility with access drives, with no outside
22 storage and no roll-up doors for access from the outside. The only means of access will be
23 internal.

24 -Parking spaces -Mr. Pawlowski noted that there are 25 parking spaces, plus 58 land bank
25 parking spaces, for a total of 83 proposed parking spaces.

1 -Access Drives -Mr. Pawlowski displayed the overall site plan page, reiterating that there
2 are two (2) access drives, with one shown to the south. When the drives were widened, he said
3 multiple curbs were added to accommodate the WB-50 tractor-trailer to move about the site. He
4 pointed out Northern drive and said, in pushing the building forward, they now have a full, 10 ft
5 wide fire lane in the rear. He pointed out the additional 12 ft fire lane and the 12 x 50 loading
6 space, as well as the enlarged parking spot that can accommodate a small box truck. The number
7 of parking spaces previously proposed has not changed.

8 -Storm water basin design -Mr. Pawlowski reiterated the storm water basin redesign, stating
9 that the locations of the basins are still in the same spot. He pointed out the split rail fence
10 changes that he had earlier mentioned, around the water basins in the front and along the sides.

11 -Egress -Mr. Pawlowski pointed out the change in the egress, reiterating that there was one
12 (1) main set of egress doors in the rear and he showed the 2 additional egress doors, now totaling
13 three (3) means of egress.

14 -Drainage Grading Plan -Mr. Pawlowski displayed the drainage grading plan, pointing out
15 the low point of the site, which appeared at the bottom of the screen of the displayed plan. He
16 stated that the elevation was about 282, with site climbs and significantly in the rear. The
17 elevation is 314 and he said this is a 32 ft grade change from the road to the rear of the site.

18 -Storm Water Plans -Mr. Pawlowski said storm water ponds had been proposed and there
19 were comments from the reviewing engineer about calculations; he said thank you. These were
20 revised and responded back to him with comments.

21
22
23 Mr. Pawlowski stated that they also provided cross-sections to the site, which he said he would
24 go through.

25 Earthwork Memorandum -Mr. Pawlowski stated that an earthwork memorandum was
26 provided. By moving the building forward, he said they were able to decrease the amount of cut

1 material or export material for the site, down to just 13,000 cubic yards. He said, per his
2 calculations, it is approximately 730 truck loads spread over a three (3) month period. This is an
3 average of two (2) trucks in and out per hour, per day. The truck traffic that is not significant can
4 easily be accommodated on the surrounding road networks.

5 -Elevations -Mr. Pawlowski stated that the site slopes up from the road and the building is
6 built into the hill, The first-floor elevation is 288, with 282 at the road and 11 ft floor to floor.
7 When driving up both sides of the building, he said the grade climbs and, in the rear, it is
8 accessed from the 299 elevation. To provide context to the elevations across the site, he
9 summarized, stating that the front is 288 the rear, 299, and the back of the site is at 314,

10 -Cross Section- from the front of the road to the rear of the site, East-West. Mr. Pawlowski
11 showed the cross sections, which he said were so large, he had to split them into 2 in the display.
12 He showed one entire cross section from front to back. He pointed out the 282 elevation in the
13 front and continued up through the grade changing to the back, continuing to climb up to the
14 existing buffer in the rear, and the property line and elevation, to the 310 at the end of this
15 section. He pointed out there was 235 ft from the building to the rear parking line.

16 - Cross Section -from the side of the building to the property line it is just shy of 62 ft,
17 going North-South. This is shown going sideways through the building and he pointed out the
18 property line. He said there is the Evergreen screen, the drive, the building, and this distance is
19 just shy of 62 feet.

20
21 He showed the building extending across the screen display, the drive, some more screening and
22 the existing natural wooded buffer that remains to the other property line on the other side.

23
24
25 Other displays that Mr. Pawlowski pointed out were the following:

26

1 Soil Erosion Sediment Control Plan - Mr. Pawlowski showed this on the display and
2 pointed out the standard silt fence, the anti-tracking pad construction entrance. He said there will
3 be trucks coming in and out of here, so the trucks will get sprayed down to make sure there is no
4 dust on the site, minimize the amount of dust generated and making sure no dirt is tracked onto
5 Route 82

6 -Series Storm Water Basins – Mr. Pawlowski stated there is a material stockpile for any top
7 soil that is stripped off the site;

8 -Demolition Plan - A demolition plan that was submitted because there are some
9 foundation remnants and existing structures on the property that will be removed as part of this
10 application.

11 -Site Utility Plan – Mr. Pawlowski said there is water available in the street. Supply
12 demand figures were supplied to the East Fishkill Water District; they have not yet gotten back to
13 them, but he said they did just submit last week and were not expecting a response. Mr. Bryant
14 took exception to this, stating that flow rates were received, but not the daily, which is what was
15 asked for. Mr. Pawlowski apologized, saying they are working on the daily demand, and they did
16 provide flow rates. He thanked Mr. Bryant for the correction. He said The MP engineer is still
17 working on the finalized calculations. Mr. Bryant said he tried to rationalize it based on the
18 percentage of this building to another building three (3) stories high versus two (2) stories high.
19 He said that does not mean anything, not knowing the other building’s footprint, so it is lacking
20 in some detail. Someone said there is the daily demand and Mr. Bryant said it was irregardless
21 and he was pointing out that what was asked for has not been received.

22
23 Regarding water and sewer, Mr. Pawlowski continued, stating that there is water that will
24 be tapped into. There would be a domestic line and a fire service line and the building is fully
25 sprinklered. In response to comments from the Fire Department, a proposed fire hydrant was
26 added and he pointed it out, as being near the site entrance in the north. No sewer is available,

1 and a septic system is proposed, subject to review and approval from Dutchess County Health
2 Department. An underground propane tank is proposed for gas or heating the building. There is
3 an electric transformer that would be tapped off a utility pole in the street. He concluded, stating
4 that all the connections, besides the septic, come off the street and enter the building on the
5 northern side.

6 -Landscape Plan- Mr. Pawlowski said he wanted to talk about some of the trees and
7 screening that have been added. In the front of the building, an Overstory tree was added to the
8 ones already proposed, for more decorative cover. There are 15 shrubs in the front, another 10 –
9 15 grasses supplementing around the site. He pointed out where over 20 evergreen screening
10 trees are added to the property border, along the back. This portion of the site in the rear is
11 currently wooded in the rear, and the plan is to not disturb that. He stated that the wooded buffer
12 is 150-200 ft and will remain as is and they wanted to remain responsive to comments and make
13 sure that adequate screening is being provided along the northern property border. There are
14 residential houses to the north as well as to the east, which he also pointed out on the displayed
15 plan. There are also residential houses cross the street and he reiterated that the nice Overstory
16 trees were provided in the front for a more decorative look.

17 -Lighting Plan – Mr. Pawlowski pointed out the 4 proposed pole lights, which he said are
18 located on the front of the site. The rest of the lights are wall mounted lights and canopy lights on
19 the building. He said the applicant would discuss when these lights turn on and off, as there was
20 a question about whether or not they were on 24 hours, during the hours of operation, and things
21 of that nature would also be addressed by the applicant. He pointed out the line with the Zero
22 Foot Candle, stating that all the light produced by the poles are fixtures that are dark-sky
23 compliant. They point down and not up and out and one would not be blinded by the light, or a
24 neighbor.

1 The Zero Foot line is contained entirely within their property and he pointed it out as the
2 dark black line on the outer edge. He explained that it means there is zero light emitted outside
3 of the radius or area, as shown on this Lighting Plan.

4

5 -ARB- Mr. Pawlowski stated that this was before the ARB a month or 2 ago, and several
6 changes were made, but not in the latest iteration. The only things that changed in this iteration,
7 from a building standpoint, were the egress doors and the comments from the Fire Department.
8 The building has been changed to a Class A, to give a residential feel and meant to look like
9 residential housing. The original proposal was a more standard commercial-type facility look. He
10 stated this was changed in response to the ARB and they seemed very receptive to the changes
11 that are currently being put forward.

12
13 Mr. Pawlowski then introduced Mr. Marfione and he came to the podium, to speak as the
14 applicant to the operations of the site and to answer any questions the Board may have.

15
16 Mr. Marfione stated to the Board that BDC currently has 3 of these facilities in operation in New
17 York: in Saratoga and Schenectady and he thinks some of those present had gone to see the
18 Patterson site. He said the operation is simple, with about 2 employees that work 7 days a week,
19 actually 5 days each and they alternate. There is coverage, especially during the first 2,3 or 4
20 years, making sure there is availability for folks to come in and to answer any questions; there
21 may be limited hours during the weekends, such as 8 to 2. He said the facility is accessed
22 anywhere from 6:00 a.m. to 10:00 p.m. and guarded by access control and access control for the
23 gate in the rear of the facility and the doors. There are probably 20, 30, 40 cameras around, he
24 said, to make sure there are no blind corners, alleys or anything like that. They like to keep the
25 facilities lit, for safety reasons, and until 10:00 p.m.; there are the down lights in the parking lot
26 that will be on. After then, he said the intensity can be adjusted, where some of them will go off,

1 and some on, and keep some on, just for safety; He said they do not want the back of the building
2 just to be dark. They do not use wall packs so there is not the worry about seeing the light from a
3 distance. He said these facilities do not generate a lot of traffic, if there is any. Looking to Mr.
4 Pawlowski, he said they should look at the manual and asked if the trip generator was maybe 2 to
5 3 trips. Mr. Pawlowski said there was maybe 5 and Mr. Marfione said that was in peak hour;
6 there is not a lot of action. Once people store their things there during the week, he said there is
7 not a lot of action. Maybe on a Saturday there is 5 to 10 cars in the parking lot grabbing things
8 out. During the holidays maybe someone is grabbing their Christmas, holiday ornaments and
9 there is the spring clean-up. During the winter, he said, it is pretty dormant, and they do not get a
10 lot.

11
12 Mr. Eickman asked Mr. Marfione if he understood correctly that there would be no access to the
13 facility between 10:00 p.m. and 6:00 a.m. Mr. Marfioine said Yes and Mr. Eickman stated that he
14 thought this was a change. He asked what the office hours were and Mr. Marfione replied that
15 office hours are usually 9:00 a.m. to 6 or 7:00 p.m. during the weekend and more like 9 to 5 on
16 the weekends. Mr. Eickman asked him if he had his first meeting yet with the NYS DOT. Mr.
17 Marfione replied No, not yet, but they will do that. Mr. Eickman told him that it is an important
18 meeting, and he thinks it was noted at the last meeting that the DOT does not look kindly on 2
19 entrances to a given property. He said they may have some questions with regard to the
20 stormwater retention basins. Mr. Marfione replied Okay.

21
22 Mr. Palin said, at the last meeting, the gate access for the Fire Department was talked about and
23 asked Mr. Marfione if there was a plan for that yet. He replied that, usually, there is a Knox box
24 that has a clicker. Mr. Palin said that is fine for getting into the building but then there is a clicker
25 for the gate. Mr. Pawlowski said if the fire alarm goes off; all gates and entrances were
26 programmed that way. Mr. Marfione said there is also the Knox box with the clicker for the

1 gates, the clicker for the codes, the fob to get in; they can do this and have done it before where it
2 is programmed for when the fire alarm goes on, everything releases. Mr. Palin said somebody
3 may call that the fire alarm hasn't gone off, or the EMS needs to get in for some reason. If a gate
4 code is used, he said all of the fire operators have tablets; when the call comes in a certain
5 location comes up with any data for it; a gate code can be used. He said the Knox box is fine for
6 getting in, but to the building. Mr. Marfione stated they can give that, and usually their access
7 control has codes or a fob. Mr. Palin responded that about 50 fobs would have to be provided.
8 Mr. Marfione said then they would rather give them the code.

9
10 Ms. Gee wanted to clarify the truck traffic. She said it was indicated there would be 2 trips per
11 day, over a period of 90 days and that doesn't sound like how a site is cleared. Mr. Pawlowski
12 clarified that it is 2 trips, in and out, per hour; 2 trips in and 2 trips out, per hour; it is 3 months,
13 but not that many working days. He said it is in his memorandum. Ms. Gee asked if he was
14 proposing to limit it to this or is that the capacity that the site would allow them to fill trucks and
15 get them out. Mr. Marfione said, what usually happens, is maybe 4 – or 5 trucks are hired for the
16 day. They would love to get in 2 trips per hour, but it would depend on where they would dump.
17 There would probably be one large machine on site, just floating it up. He told Ms. Gee it won't
18 cause a lot of traffic because there is usually a good hour between trips and if they could get 4
19 trucks to do 4 to 5 loads per day, he said that is even less than what she is saying. He said he
20 would do some prep first, to get some stockpile so they can get it going. He said they have moved
21 20,000-25,000 at the Patterson site, off site and that wasn't bad; it was Route 22 and
22 there is always a lot of traffic on there. He added that he thinks this is going to be a lot easier than
23 Route 22

24
25 Mr. Moore stated he had some questions as to the connections to the water main on the other side
26 of Route 82, but that he will work through that with them. Mr. Bryant concurred.

1
2 Ms. Robbins asked Mr. Marfione what the building height was now. Mr. Pawlowski said that
3 was provided on the architectural plan, but he would have to double check; it is 34, 35 ft in the
4 front when the average grade plane run is calculated. It is within the zoning elevations because
5 the rear is tucked in the back. Ms. Robbins told him then he is saying that, in some places, it may
6 be higher, but that it averages out. Mr. Pawlowski said Yes, it is significantly less than the
7 requirement.

8
9 Ms. Robbins said she knows there is a gate there, and asked if it was attached to fencing, and
10 just gated access. Mr. Pawlowski responded that the northern portion of the site, around the back,
11 and then the rear, are all fenced in. He pointed out the 2 gates, one to go out, with one way traffic
12 and one to go in. Ms. Robbins asked if detail has been provided as to what the fence looks like.
13 Mr. Pawlowski responded that the fence is chain linked, with privacy slats, but said if the Board
14 would like them to look at different fence material, they are welcome to do so.

15
16 Ms. Robbins noted that there is proposed signage and that they are showing signage on the
17 building. She told the Board that, if they bless the plan, then they are also blessing the signage.
18 She said the signage does not currently meet the Town’s sign Code, so, unless it is approved that
19 way, then they cannot do it that way. If they come in to Mr. Ricketts looking for a sign permit
20 later, the reason it does not meet the Code right now is, because the Town does not allow wall
21 signs that high up, technically, on the building. She told the Board that is okay, and they can
22 approve it as part of the site plan, but she wanted them to be aware that they are approving this.
23 She added that, normally, they come in after the fact, with a sign application to the Town but, in
24 this case, they are actually seeing the signage and approving it. Mr. Moore asked if there was no
25 other signage, other than what is on the monument and Mr. Pawlowski responded there is a

1 monument sign; they did submit the details of it and he believes it complies with the regulation;
2 they checked it before.

3 Ms. Robbins stated that she believes that is larger as well and she would like the Board to take a
4 look at that, as well. She said she has not fully reviewed this, since it just came in on Friday, but
5 she wanted everyone to be aware.

6
7 Ms. Robbins stated to the Board that they are also approving the special permit for the excavation
8 for the soil. It is about 12,000 cubic yards of fill that is being removed from the site. She also
9 noted to Mr. Pawlowski and Mr. Marfione, that there are also comments from Dutchess County,
10 but she wasn't sure whether or not they had seen them. Mr. Pawlowski said they apologized they
11 did not and will send that.

12
13 Ms. Robbins stated she did not know how the Planning Board felt about it but noted that one of
14 the comments was recommending an easement along the front edge, for a future sidewalk. She
15 said it does not necessarily mean they have to have one, but it just means that, in the event the
16 sidewalks were ever extended in this area, a sidewalk could potentially be put there.

17
18 Ms. Robbins said she saw street trees had been added, she had wanted to see a little more
19 landscaping up in the front. She said there is the issue with commercial and residential districts
20 and questioned if this was staying 100% out of the residential, even for the grading. Mr.
21 Pawlowski responded that was correct and this is 100% out because the building has been set
22 forward to accommodate that. He said there may be a small touch of a contour that they are tying
23 into the existing, but there are no commercial activities; there are no driveways, no sidewalks, no
24 buildings. Ms. Robbins asked if there was removal of trees on it. Mr. Pawlowski replied that
25 there is the removal of a residential home, but he does not believe there should be an issue. He

1 reiterated that there is no commercial activity within that zone and that is why the building was
2 set forward. He said he appreciated the questions, and thanked hr.

3

4 Mr. Campbell wanted clarification about the sign, as it is being looked at right now, in that it
5 does not meet the current Coder. Ms. Robbins said that is correct. Mr. Eickman asked if it was
6 neither the Stack-N-Stor, or the office sign. Ms. Robbins said that is correct, and explained, if it
7 comes in as part of the site plan, the Planning Board has the authority to approve a master
8 signage plan that may- or may not- meet the sign Code. However, if it were to come in after the
9 fact, she said then Mr. Ricketts in Zoning would have to look at it. The sign ordinance is not in
10 the Zoning Code as a separate ordinance, and Mr. Ricketts would have to look at it separately. In
11 this case, she said it is being proposed as part of their site plan approval and, when the Board
12 approves the site plan, they would be approving the signage. The location of the monument sign
13 is always approved on the site plans but, in this case, they have provided the details and so the
14 Board can look at all of this. Usually, the details are not provided and maybe just architecturally
15 where a sign would be placed is shown; typically, the signage is not shown. Mr. Campbell asked
16 if it would be a hardship to remove the details because the monument sign will be out on the
17 street, which potentially would meet the Code then. Ms. Robbins explained they could have a
18 monument sign and a wall sign. Mr. Marfione stated he thinks it is important that they have
19 signs; they want the business and do not want an empty building. He said they want the project to
20 be successful, everybody does. He said the office sign could go away and a placard could be
21 done; it is pretty obvious where the office is going to be. The Stack-N-Stor sign is important to
22 them and important for folks to see it as they drive, and obviously the monument sign. However,
23 if a sign has to be rid of, he is okay getting rid of the office sign, which he said is pretty blasé
24 anyway. Mr. Campbell asked Ms. Robbins how far off it is; is this a height issue. She replied that
25 she has not done the calculations, but it definitely is the height on the wall sign. Ms. Bledsoe said
26 she hasn't seen the monument sign and asked if it was a little bit too big. Ms. Robbins replied

1 that she thinks it is a little big, but she has not yet done the full calculations Ms. Gee asked if the
2 issue is where the sign is on the building or is it the height of the sign itself. Ms. Robbins replied
3 that wall signs cannot be, she thinks, above 15 ft on a building wall. Mr. Marfione stated that
4 they could probably try to comply with the monument sign, unless too small, but that could be
5 amended. Ms. Robbins responded that the monument sign should be relatively easy to comply
6 with and she has not reviewed it fully or looked at the calculations yet. She said she just wanted
7 the Board to be aware of it. She asked Mr. Marfione if the Stack-N-Stor sign is lit, and he
8 responded that the monument sign is lit; the wall sign is not. Mr. Campbell asked them if they
9 had any idea what the height of the wall sign is, not the office sign, but the Stack-N-Stor sign, as
10 it was being displayed. Mr. Marfione replied that the sign probably starts at about 22 ft Mr.
11 Campbell said then it is 7 ft over the Code. Mr. Miyoshi questioned, if the office sign is being rid
12 of, then the Stack-N-Stor could be brought down to the office and may get it there. Ms. Bledoe
13 asked if this is a hugely imposing building for the area that it is in; is everything around it tiny,
14 compared to this building. She also questioned if putting the sign up so high, towering over
15 everything else, is even more imposing. She stated that she would really like to see this meet the
16 Town Code, and do less to impose so much on the neighborhood. Mr. Eickman stated that he
17 thinks if that kind of signage is eliminated, it would lend more to the residential feel that was
18 indicated for this. Ms. Robbins said she knows a lot of fill is being removed, and this site goes up
19 from the road. She asked how much higher this building is going to be, on the grade, versus all
20 the buildings around it. She said she can think of a number of examples, where there had been
21 some new construction recently. When driving into an existing area (she said Hughsonville came
22 to mind), where a gas station has been mounded and it is much higher than the surrounding
23 buildings. She stated that it does not look right at all and asked Mr. Moore to look at this. Mr.
24 Marfione stated that the back residential area is much higher. Ms. Robbins asked about Route 82
25 and Mr. Pawlowski replied that it is about 5 ft higher than the road, but it is 100 ft from the road
26 to the Building and they needed the climb up and, if this goes lower, then there is more material

1 to haul out because of building into a hill. Ms. Bledsoe noted that the plaza directly across the
2 street is already lower and small. She thinks this being higher will make the church look tiny,
3 even though it has a very steep, big feel to it. Mr. Campbell asked if the grade level on the
4 opposing side of the street is lower or is it similar to this project. Mr. Pawlowski said it is pretty
5 much level. Mr. Marfione added that it is a 5% slope to 100 ft, that is essentially flat. Mr.
6 Campbell asked if there is a visual understood from the homes behind this. Mr. Pawlowski
7 pointed out the closest, plus the 60-70 ft trees, saying it is even further out of this section. He
8 added that the back of the building is at 299, the 13 ft is added for the pair fit and then it is 312.
9 The top of the building is right at the grade and then there is a 60-65 ft tree, 235 ft away. Mr.
10 Campbell asked what if a top view of the actual residential home is shown, in comparison to the
11 building. He asked if that could be seen one more time. Mr. Pawlowski said he did not believe he
12 had it and showed the end of the section and the property line Mr. Campbell said he thought it
13 was shown in the beginning in the topo. Mr. Pawlowski pointed out 2 homes. Mr. Campbell told
14 him then he is saying the sightline from those particular pieces of residential properties are not
15 visible because of the tree line. Mr. Pawlowski said that is correct, there are a good 150 to 200
16 trees that are going to remain. Ms. Gee said those are deciduous and are not evergreen. Mr.
17 Pawlowski said that is correct and here are other things mixed in. Mr. Papae asked if the houses
18 were higher than the building at the ground level grade. Mr. Pawlowski replied Yes and Mr.
19 Papae asked about those to the north. Mr. Pawlowski showed how the house sloped up with the
20 building, saying it is not higher than the house and that is why they are having the evergreen
21 screening along that side. Mr. Campbell said, then looking from the Rute 82 side towards the
22 building, then there are those commercial buildings to the right, as this is being faced. He said so,
23 the building, platform is going to be 5 ft., and then there is the building itself. He asked the
24 highest point on the front of the building, not average. Mr. Pawlowski replied that it is 34-35 ft.
25 Mr. Campbell asked the height of the building to the right of it, the church or whatever it is. Mr.
26 Miyoshi said it is a car dealership and Mr. Campbell noted that it is short buildings. There is the

1 Vet and then the church building. Ms. Robbins added that there are 2 very small homes directly
2 across the street, which she said are pretty close to the road. Mr. Moore said it would be helpful
3 if the applicant was asked to provide representative sections across the road, say at each of the 3
4 residences, across from this proposed building. He said some sample section lines could be done
5 to get an idea of how high each sits. What he is seeing is the East side, not both sides. Mr.
6 Campbell said it is definitely a big building and imposing, comparatively speaking, to what is
7 there. Mr. Papae stated it is all the structures. Mr. Campbell said he is making the point that, as
8 Ms. Robbins said with them adding another 5 ft, it doesn't sound like a lot. However, on top of a
9 34 ft, and comparing it to what is next to it, all of a sudden coming upon this is like Pow. Ms.
10 Robbins said it would be very similar to Route 9D in Hughsonville. If one goes there now, she
11 said the perfect example is a gas station is being built that is mounded; there are older homes
12 around it and it doesn't look right. Mr. Moore said that gas station is only about 5-6 ft above
13 Route 9D. Mr. Campbell said the building there is about 5,000 sf; this structure is much bigger
14 and he asked if it is 2 or 3 stories. It is 2 stories in the front, and one in the back. Mr.
15 Pawalowski stated that it is built into the hill, so the whole entire back is one level and one level
16 buried. Ms. Bledsoe noted that, what is seen when coming down Route 82 is a massive building,
17 compared to all the other tiny buildings, and open land too, all the way down Route 82. She said
18 there is nothing else even remotely on that scale. Mr. Campbell asked if it is the rear part that is
19 residential zoning and Ms. Robbins replied Yes. Mr. Campbell asked about the other side where
20 the church and the Vet are; was that all residential. Ms. Robbins said there is a house and Mr.
21 Papae added that there are residents all year round. Mr. Pawlowski pointed out where it is
22 residential, and commercial. There was discussion relating to where the commercial pieces of
23 property are located. Mr. Marfione stated they are within the zone and are not asking for any
24 variances. Mr. Campbell stated that the sightline information would be important here. Mr.
25 Pawlowski stated they would be happy to extend the cross-sections to go a little further.

26

1 Ms. Bledsoe noted that there was discussion last time about parking in that it was 25 spaces
2 short. Ms. Robbins said these facilities are usually overparked and she thinks the issue is that a
3 truck space was added. Since there weren't really any larger parking spaces. She said she would
4 leave it up to Mr. Fitzgerald to look at this for the functionality of all this. She explained that, the
5 way she sees these facilities used is people, if they're bringing in trucks, they are parked along
6 the side rather than in the spots themselves. There certainly needs to be a space for a truck, she
7 said, in case of any conflicts and there is the need to put the truck in the spot. Mr. Pawlowski said
8 there are actually two (2) spaces; a designated 12 x 50 loading zone, and then another spot that
9 was converted to fit a U-Haul box truck. He said it is essentially now two (2) dedicated truck
10 parking spaces. Ms. Robbins said she will have Mr. Fitzgerald look at this to see if it is typical
11 how it would function well.

12
13 Mr. Bryant asked where the HVAC would be located and Mr. Pawlowski replied, pointing out
14 where it is located on the northern side of the building, He said it is screened and fencing around
15 it; they are not ground mounted units. Mr. Bryant stated it is a pretty sizable building and he did
16 not know if those units generate much noise, which may have to be looked at. Mr. Marfione said
17 the specs were provided and it is compliant. Mr. Bryant then asked if there would be a generator
18 for the building and Mr. Marfione discussed this with Mr. Pawlowski. He said a generator was
19 not done on the last building, so No, there will not be one for this.

20
21 Mr. Bryant referred to the soil permit, stating that they should be mindful of the timing so that
22 there is not a stockpile for some extended period of time. Mr. Pawlowski replied it is understood.
23 Mr. Bryant said there is the rush to get the foundation in and there can be a pile for two (2) years.
24 He added that some consideration needs to be given to this when the permit is issued.

25

1 Mr. Bryant asked the maximum size of the storage units inside and Mr., Pawlowski replied that it
2 is 10 x 30. Mr. Bryant said there was a comment from Hudson Valley Engineering, wanting a
3 WB62 truck; He thinks the reply was, given the size of the units, it would not make sense for a
4 big truck like that to show up and there is rational for that. If they are 10 x 30 units, one could
5 always rent three (3) units if needed. Mr. Marfione said he has never seen a 62 ft truck. Mr.
6 Bryant said a Mayflower truck could show up because one wants to move into one of the very
7 nice neighborhoods. Mr. Marfione stated they would not go in the back; they would not be
8 allowed to. Mr. Bryant asked him if he would be there to direct if one shows up and Mr.
9 Marfione replied that there would be staff onsite. Mr. Bryant stated that he does not think this is
10 something that can be consented to and a second look needs to be taken. Mr. Pawlowski said
11 typically an end user is not a Mayflower truck moving someone across country. Mr. Bryant
12 responded Of course not; it could be someone moving from Florida, Connecticut, but the point is
13 that this is a very large storage facility He questioned what would stop a Mayflower truck from
14 showing up. Mr. Marfione said they can't get around it. Mr. Bryant explained that they see it at
15 Amazon now, these guys plug in their GPS, show up to a site – and then they try to figure it out.
16 He added that some speak English and some do not even speak English; the solution is that the
17 site is designed to handle that kind of truck. Mr. Pawlowki said it affects the impervious and a
18 huge swing radius is needed. Mr. Bryant said to look at the size of the building. He said this
19 doesn't have to be decided right now; it is referred to the Board, but this is his opinion and there
20 is nothing to prevent a large truck from showing up. Mr. Marfione said they have three (3)
21 facilities, and he doesn't think any of them have had that. Mr. Bryant said it is like Dunkin
22 Donuts says tractor trailer trucks don't show up. He said this is a big storage unit and there are
23 big trucks out there. Ms. Robbins said there are people who can rent moving trucks. Mr. Bryant
24 said he is talking about the big trucks that travel some distance. Ms. Bledsoe stated there are also
25 corporate businesses that use storage units.

26

1 Ms. Gee asked Mr. Bryant if he was saying there should be signs to prohibit a truck like that from
2 trying to circumnavigate the building, that they should stay in the front of the building, post that
3 they cannot go in. Mr. Bryant said the last thing they want is for a truck to pull in and get stuck;
4 he does not know they would be prohibited from showing up. Mr. Marfione said it could be put
5 in the lease that they are not allowed to have these trucks. Mr. Bryant questioned if anyone is
6 reading that kind of detail in a lease. He asked does someone call the trucking company in
7 California to say they have to get their stuff moved and, by the way, don't send a WB62 truck to
8 my site. He said he does not think that would be so. Mr. Marfione said he has been in the
9 business for 20 years and he has never seen a problem with that. Ms. Bledsoe asked what about
10 tractor trailers that bring stuff to one's house where there are 2 trips because half goes to your
11 house and half goes to storage. Mr. Marfione said their leases specify what can be brought, what
12 can't be brought, who can bring it and what size trucks can be used. Mr. Bryant said he does not
13 see how that would work. Mr. Rickett stated it falls out of their control as a landlord. Mr.
14 Marfione said anything could show up and Mr. Rickett said that is the concern. Mr. Marfione
15 said it could be for any project. Mr. Bryant told him he has not heard a good reason why he won't
16 provide the circulation, other than the ponds have to be made bigger, or the building smaller; he
17 has heard no reasons why it can't be done. Mr. Miyoshi said lets take a look at it. Mr. Bryant
18 stated that he would go so far as there being a mountable curb in a grass area once n awhile, but
19 there has to be a way for the truck to get through there, even if they rut up the grass, or something
20 so they can get through there . Mr. Marfione stated if they have gates, they won't be able to go
21 around the building. Mr. Bryant said the last thing they want is for a tractor-trailer to be sitting on
22 Route 82, not knowing what to do, can't get in, having 3 hours to get here. He said that it is just
23 not a good plan. Mr. Marfione stated if he has to design something for a tractor-trailer then he
24 will design it so that they can only stay in front of the building. Mr. Bryant said he could take a
25 look at that. Mr. Rickett asked if the back of the building could be accessed for storage if the
26 back is clogged up with other people. Mr. Marfione said Sure. Mr. Bryant wanted it understood

1 that the truck doesn't have to circulate the whole building, as long as they can pull off of Route
2 82, get through the site, do their business, and get back onto Route 82; that is all he is looking
3 for. Mr. Pawlowski stated that, at this point, the WB50 truck can't go through the site and around
4 the building; there's a truck turn plan. He is not sure that the 62 is warranted. He said that, with a
5 cab, is a 70 ft long truck. To get that into the site, he said they would have to pull the pavement
6 way back, which would get the truck in, but to get it out, he is worried getting him out the other
7 entrance. He said now there are questions about the two (2) entrances. If they have to go down to
8 one (1) he doesn't know how they're getting a WB 67 in and out. Ms. Robbins encouraged them
9 to meet with the DOT as soon as possible. She said they can't go much further because if the site
10 plan has to change to one entrance, they don't want to have a public hearing on two (2) entrances.
11 She would like to have some indication from DOT if they are going to allow the two (2)
12 entrances, because they do not want to hold open the public hearing. Mr. Marfione said they
13 would also bring a copy of the lease to show the Board. Mr. Bryant said, no disrespect, but he did
14 not know how effective that was.

15
16 Mr. Palin questioned how the gates and doors would open without a generator during a power
17 outage. Mr. Marfione said they have done this before and it is probably battery backup and the
18 lights are battery backup. Mr. Palin noted all the doors are electronic and the gates are electronic.
19 Mr. Marfione responded he would be sure that is addressed in the construction plans.

20
21 Ms. Robbins told the gentleman that the latest submission plans would be looked at and get some
22 comments back to them.

23
24 Attorney Cunningham stated the hold up with the public hearing is the lack of communication
25 with DOT at this point. Mr. Marfione said this is understood. Mr. Eickman added that it is an

1 important aspect, as well as seeing the cross sections that Mr. Moore mentioned before, at the
2 next meeting.

3
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6
7

8 ***DISCUSSION:***

9

10 **9.#2023 – 064 – L.I.D.L Warehouse, East Dr. (6656-03-127232 &169074)**

11

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

14

15 Steve Wilson, Senior Project Manager, Bohler Engineering, on behalf of applicant was present.

16

17 Mr. Wilson displayed the plan and began by stating that it had been a few months since this was
18 last seen. He wanted to bring the Board up on some things and discuss the next steps. Since this
19 was last before the Board, maybe July, he said a submission had been made to the Town that
20 includes either staff or Board feedback. It was a water tank relocation plan and, because there is
21 an existing water tank on the property, it is being relocated within the park, several feet north,
22 which the current owner is doing.

23

24 Stormwater Management Report - Additional design renderings have been provided
25 such as a first draft of the stormwater management report;

26

27 Updated Traffic Study - was provided, which was updated to reflect other projects in
the queue, per their discussions with the Town.

28

29 Preliminary Plans for Site Layout, Grading, Drainage Utility, Landscape and Lighting
Plans – have been provided. He said the site plan open in front of the Board now has not changed
30 since this was last seen, in terms of the layout building, building height, etc., it is all the same as
31 when he last talked with the Board.

1 Well Monitoring - He said he knows there has been a lot of activity with the Town and
2 the current owners, DEC and IBM regarding the monitoring of wells on the property. Based on
3 his understanding, he said it seems like there is a path forward for partial removal of some of the
4 monitoring wells that are no longer needed and possibly relocating some of those monitoring
5 wells to their parking area on the site. He said the particulars of that plan are still being worked
6 out, but there seems to be a path forward; it is just the details. The current owner and IBM are
7 working with DEC on that plan. He stated that the fieldwork for the archeological study was
8 completed that they knew would be required and that it looks like they will be okay there.
9 However, final results are still pending.

10 Noise Study - He said the Town had also requested a noise study for the project, which
11 they have; it is just about to get under way.

12 Wetland Permit - A wetland permit application was submitted to DEC for disturbance
13 up along what is shown at the top of the displayed sheet. He said it encroaches into a DEC
14 wetland buffer and a little bit into the wetland itself. They have first round of comments back
15 from them, and he said they are working on addressing this – and possibly tweaking the layout a
16 little bit to reduce some of the impacts from the site plan.

17
18 Mr. Wilson said he knows the staff probably has not had a chance to review the big lot of paper
19 submitted, but was hoping, based on what was submitted, they could get detailed review of the
20 plan stormwater plan, traffic study and all that review started.

21
22 Mr. Wilson wanted to confirm where this was left off with regard to SEQR and if the Lead
23 Agency coordination was done. Someone told him it was not done. He stated if that process
24 could be started, it would be great. He said their plans are with some of the other Boards who are
25 involved. There are comments from the Fire Advisory Board and they are targeting to get a
26 response together and be ready to talk to them at the February 6th meeting. Also, if it is possible,

1 they will get in front of the Architectural Review Board to start that conversation at the January
2 meeting.

3
4 Attorney Cunningham stated they were discussing circulation and there may be some aspects of
5 the application that are missing before this is able to circulate. He said he thinks there are some
6 forms and maybe a fee that has not been paid, so they are not able to circulate. Mr. Wilson
7 thought the fee had been taken care of; he knew there was some issue, discussion with LIDL and
8 the Town and partial payments and thought that had been done. Mr. Bryant noted that there was
9 only a copy of a check. Mr. Wilson said he did not know that and thought it had come through.

10
11 Ms. Robbins told Mr. Wilson that, before this can be circulated, she knows there is the relocation
12 plan for the tank. She said she wanted to make sure, because she has not looked at it in detail yet,
13 and asked if iPark was a party to this application. She explained that, wherever the tanks are
14 being relocated to, that has to be part of this application and part of the circulation material. Mr.
15 Wilson said it was included in the package and proceeded to review his papers and said there is a
16 plan that has it. Ms. Robbins added that it would also have to be part of SEQR and he said he
17 understands.

18
19 Mr. Campbell referred back to the well test monitoring presently being done on the site, saying
20 they are proposing there will be movement of those wells. He said his understanding with regards
21 to that is, if something that was tested prior is being built over, with a building, then there would
22 need to be indoor air quality monitoring. Mr. Bryant said they could be capped, but he doesn't
23 know what is being proposed. Mr. Campbell said that doesn't matter if they are building over it
24 and he knows there are problems in a building in Poughkeepsie right nowhere a landfill was built
25 over. He said the DEC used to require just outdoor monitoring, and then the rules changed for
26 indoor air quality monitoring because something was built over. He said he was wondering if that

1 would have to be part of the review process here. Ms. Robbins said she thinks with this one, they
2 are trying to hammer it out with the DEC in a parallel process with this and in the process, they
3 are talking with DEC. There are a bunch of different options being considered, including maybe
4 they don't need all of the monitoring of wells out there. Also, the relocation of some of the
5 monitored wells and she said there is a lot of things being talked about. She stated that DEC
6 would definitely be an involved agency with the environmental review and would definitely
7 review any proposals that are made. Mr. Campbell said he would like to understand how this
8 goes forward; he wouldn't want to stop progress. Mr. Wilson explained that the wells are not
9 monitored for contamination withing the property; they are really monitoring how the
10 groundwater is moving around the larger parcel. Mr. Miyoshi added, or if it is expanding. Mr.
11 Wilson said the thought is that these are redundant and not needed anymore; they understand
12 what is going on out there. They are looking to reduce that number and not have them in the
13 building footprint. He said something can be put in the parking areas so that they are easily
14 accessible from the surface, and he understands the Board's concerns. Vapor intrusion is
15 required, based on the final agreement between IBM, DEC and the owner and he said it
16 absolutely would be part of the package.

17
18 Mr. Bryant asked Mr. Wilson to refresh his memory regarding primary access to the site for the
19 big trucks, not necessarily for employees. Mr. Wilson pointed out on the displayed plan where
20 the entrance is, to be counter clockwise circulation within the site. Mr. Bryant asked what about
21 the proposed route to access the site entrance from Route 84. Mr. Wilson pointed out on the plan
22 where he expected it would be at the main entrance or another. Mr. Bryant said a lot of people
23 are weighing in on this and the preference is that they go directly off of Lim Kiln to the left, so
24 there is not the turning movement on South Drive, He said he is sure there is a way for it to be
25 signed, delineate the curbing, and things of that nature in order to promote that. Mr. Moore asked
26 the results of the traffic study, including other pending projects, such as truck traffic, trucks per

1 hour. Mr. Wilson responded that he did not know the number of trucks per hour off the top of his
2 head but looked it up, and stated it was a potential of 150 total vehicles during the morning peak,
3 generated by this project. Mr. Bryant said that is the trucks and employees and Mr. Wilson
4 responded yes, the morning peak. It is a 24/7 operation and the number of people per shift is still
5 being worked on, but they are assuming over 100 per shift. It is 2 shifts of 100 and then overnight
6 is a skeleton crew. Mr. Jodlowski asked if there was onsite first aid, EMS employees and Mr.
7 Wilson responded that he is sure they do. He said a lot of those comments were received from the
8 Fire Advisory Board and they are working on preparing a detailed response to all of those. They
9 are fleshing out the interior of the building and the design. By the time this is back to the Board
10 in February, he said they would have answers to all of those questions. Mr. Jodlowski asked if
11 the response could include a similar size facility, the number of ambulance responses that they
12 get to their facilities. Mr. Wilson said LIDL's intent is to bring in an operational person, someone
13 who actually runs one of their facilities, who can get the leads on how it is operating and get
14 answers to those questions.

15
16 Mr. Campbell asked if there would be any fuel storage onsite and Mr. Wilson replied No. He
17 then stated there had been discussion about the overall height of the building, and asked what the
18 highest point was. Mr. Wilson pointed out a corner of the building that was 80 ft x 8 inches,
19 which was lowered from some previous presentations due to the Fire Department's concerns
20 about not having the capacity. He said it is one part of the building, but the rest is more in the 60
21 ft range.

22
23 Mr. Bryant confirmed by asking if there was an onsite tank for fire protection and Mr. Wilson
24 pointed it out on the displayed plan. They are still sizing it but the intent is to have an onsite
25 storage tank. Mr. Palin said there would be further comments on this and asked Mr. Wilson if he
26 would be at the February meeting and he said yes.

1
2 Mr. Moore asked if there was clarification on the wetland encroachment. Mr. Wilson said there
3 are about 6 truck spaces up on the top of the page shown and said they may be encroaching the
4 wetland, so they are hoping to find another place for them, and to limit the disturbance to the
5 buffer related impact; they are still looking into these details.

6
7 There were no further questions or comments from the Board Members or Town Professionals.

8
9 Mr. Wilson asked if it was possible for this to be on the Architectural Review Board’s January
10 agenda. Ms. Robbins responded that a formal application was submitted, and it is just that a
11 check has not yet been received. She suggested referring this to the ARC and, in the event that
12 the check is received in the next few days, then it can be scheduled. Mr. Eickman asked Mr.
13 Wilson if he had the elevations for the ARC and he replied Yes.

14
15 **MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to refer the**
16 **L.I.D.L. Warehouse application to the Architectural Review Council. Voted and**
17 **carried unanimously.**

18
19
20 Mr. Eickman stated that he recalled the Town Board will be the Lead Agency for this application
21 and Ms. Robbins said Yes, it will be a dual process with the Planning Board, like some others.

22
23 Mr. Wilson asked, if the L.I.D.L check comes in within the next few days, would it release this
24 so that a technical review can begin on what was submitted. Ms. Robbins responded that is
25 correct and Mr. Bryant agreed. Mr. Wilson asked if then the comments would be sent around for
26 the January meeting to look at. Ms. Robbins confirmed the date of the January meeting, stating
27 Yes, as long as the check was received by this Friday. Mr. Wilson summarized, stating that if all
28 works out, the check is received by the Town and this makes it to the ARC, and the technical

1 review is started, then he would be back the next month. He said, hopefully, then there is enough
2 to circulate for Lead Agency and getting some leads on the technical review.

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4 Mr. Wilson thanked the Board.

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11 Mr. Eickman stated that this concluded the Planning Board meeting and confirmed that there was
12 no further business this evening. He wished everyone Happy Holidays.

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ADJOURNMENT

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

23

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25

26

Respectfully submitted:

27

**Kathleen Mahodil, Meeting Secretary
28 East Fishkill Planning Board**

28