

***TOWN OF EAST FISHKILL
PLANNING BOARD MEETING***

April 16, 2024

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

- a. Mr. Eickman began the Meeting with **The Pledge of Allegiance**.
- b. Mr. Eickman announced the **Upcoming Meeting Dates** are:
May 21, 2024 & June 18, 2024
- c. **Approval of Minutes of Meeting Held March 19, 2024** – Mr. Eickman stated that he did not think everyone had a chance to review the minutes and that they would be held over to the next Planning Board Meeting

Roll Call:

Members present during the Roll Call were John Greenan, Donald Papae, Lori Gee, John Eickman, Richard Campbell, Ed Miyoshi and Sarah Bledsoe. Alternate Member John Giovagnoli was also present for the meeting.

Mr. Eickman announced that there was a joint public hearing scheduled for the Town Board and Planning Board regarding the L.I.D.L warehouse project, to take place in the Town Hall at 6:00 p.m. on April 25, 2024.

Town Professionals and Consultants present were: Michelle Robbins, AICP, 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.

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SEQRA:

- 1. #2024-07-Riggio, 228-230 Lake Walton Rd.
(6357-04-680444,685419,665430)

Applicant is applying for a lot line realignment to create 2 residential lots from three existing lots. Each lot would contain a house and outbuildings.

Brian Stokosa, P.E., Day & Stokosa Engineering was present.

Mr. Eickman noted that this matter is a coordinated review with the Zoning Board.

Mr. Stokosa stated that they had good luck with the Zoning Board and their variances were granted, subject to SEQRA determination from the Planning Board. After the SEQRA is done with the Planning Board, he said they will go back to the Zoning Board to make it official. He said he was present tonight with this for procedural circumstances and reiterated that everything went well with the ZBA.

Ms. Robbins wanted to remind everyone that this was a simple lot line realignment and that, basically, a coordinated review was being done with the Zoning Board. She explained that the Zoning Board has to sign off on the variances before the Planning office can approve this. It is actually a minor lot line realignment, and the Planning Board can do it administratively. However, a Negative Declaration is needed since it is a coordinated review. Once the Negative Declaration is approved, she said they can return to the Zoning Board to get the variances, and the Planning Board can then actually approve the lot line realignment.

Mr. Eickman proceeded to summarize and read the Negative Declaration for the matter:

1 The proposed project would not be expected to result in any significant adverse impacts on the
2 environment for the following reasons:

- 3
- 4 1. It *will not* generate a significant amount of additional vehicles, noise or emission levels.
- 5 2. It *will not* significantly affect rare or endangered species of animal or plant, or habitat of
6 such species.
- 7 3. It *will not* result in any impacts to historic or archeological resources.
- 8 4. It *will not* result in any impacts related to hazardous materials.
- 9 5. It *will not* result in a significant effect on air, water quality or ambient noise levels for
10 adjoining areas.
- 11 6. It *will not* be subjected to unacceptable risk of flooding or major geological hazards.
- 12 7. It *will not* have a substantial aesthetic affect.
- 13 8. It *will not* involve adversely affect any surface water or groundwater.
- 14 9. It *will not* allow for improper uses within specified zoning districts.
- 15 10. It *will not* result in adverse cumulative impacts.
- 16 11. It *will not* result in adverse growth-inducing impacts.
- 17 12. It *will not* conflict with the Town’s Comprehensive Plan

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20 MOTION made by Richard Campbell, seconded by Lori Gee, to approve the Negative
21 Declaration for Riggio. Voted and carried unanimously.
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28 **DECISION:**

- 29 2. #2022 - 050 – Stack-N-Stor, 1088,1090,1096,1094, 1092 Route 82 (6458-04-
30 702115, 720105, 714134, 701142, 723129)

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32 Applicant is proposing an indoor, climate-controlled ~~82,950~~ [82,700]sf self-
33 storage facility in the B-1 zone.
34

35 Jason Montagno, PE, Solli Engineering, LLC, and Cosmo Marfione, PE, President BDC
36 Holdings were present.
37

1 Mr. Eickman asked the gentlemen present for the matter to give a brief summary and any
2 changes, *if* anything has changed, since the last meeting.

3
4 Mr. Montagno introduced himself and stated that he is a professional engineer from Connecticut.
5 He said, in terms of the plans since the last meeting, nothing has changed. They are just waiting
6 for response comments from HVEA and CPL, to see if there are any additional things they want
7 addressed. The comments had just been received back and he said it seems that most, if not all,
8 comments from them have been addressed. In terms of the project, he reiterated that nothing had
9 changed since the last submission.

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

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13 Mr. Eickman announced he wanted to acknowledge that a letter had been received following the
14 close of the public hearing last month. He said the letter was from Linda Gaur, who lives on
15 Sagamore Drive, wherein she states that her primary concerns were about considerable traffic
16 and large vehicles. She suggested that this would be better placed in the iPark development. Mr.
17 Eickman said her comments had been taken into effect with the Negative Declaration and the
18 Resolution that would be passed this evening and responded to by the owner last time. Mr.
19 Eickman wanted to make a comment before getting into the measures to be passed this evening.
20 Looking to the applicant, he said this all began in January 2023 and that, for 15 months if he
21 wasn't mistaken, the applicant has responded to a number of questions and concerns and
22 suggestions by the Planning Board Members, Town Professionals and by nearby residents. He
23 wanted to acknowledge that the residents came up with some thoughtful and respectful
24 comments and questions. He said those things ranged from building design, stormwater
25 management, screening views from neighboring properties, lighting, noise, traffic generation,
26 security, hours of operation, impact on neighbors' wells, all of which are just a few of the items

1 responded to. He said it would be seen, as he gets into reading the Resolution, that they are all
2 conditions the applicant has agreed to. He wanted to thank the residents, stating that they are an
3 important part of this process and that he thinks this went very well, with all things considered.

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5 Mr. Eickman proceeded to go through the Negative Declaration, which he summarized and read:

6

7 The proposed project would not be expected to result in any significant adverse impacts on
8 the environment for the following reasons:

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- 10 1. It *will not* generate a significant amount of additional vehicles, noise or emission levels.
- 11 2. It *will not* significantly affect rare or endangered species of animal or plant, or habitat of
12 such species.
- 13 3. It *will not* result in any impacts to historic or archeological resources.
- 14 4. It *will not* result in any impacts related to hazardous materials.
- 15 5. It *will not* result in a significant effect on air, water quality or ambient noise levels for
16 adjoining areas.
- 17 6. It *will not* be subjected to unacceptable risk of flooding or major geological hazards.
- 18 7. It *will not* have a substantial aesthetic affect.
- 19 8. It *will not* involve adversely affect any surface water or groundwater.
- 20 9. It *will not* allow for improper uses within specified zoning districts.
- 21 10. It *will not* result in adverse cumulative impacts.
- 22 11. It *will not* result in adverse growth-inducing impacts.
- 23 12. It *will not* conflict with the Town’s Comprehensive Plan

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26 Ms. Robbins stated that there had been a letter from the DEC for this particular project. The
27 applicant hired a professional to do a study for a suitability assessment and there were conditions
28 related to avoidance of impacts to endangered species. The applicant has agreed to follow those
29 restrictions and put them on the site plan application. She said she was mentioning this so it
30 would be noted that the reason the Planning Board can state that there is not a significant impact
31 to the rear and endangered species is because the applicant has agreed to follow the turtle
32 monitoring protocol and also the Indiana Bat removal of trees between the months. This is

1 specified in the DEC letter, and she said the (2) conditions are also stated in the Resolution. She
2 said they will be followed and that they have been asked to place the notes that were asked for on
3 the actual site plan. She stated that she just wanted to make this clear. Mr. Eickman thanked her
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6 MOTION made by Sarah Bledsoe, seconded by Richard Campbell, to approve the
7 Negative Declaration for Stack-n-Stor. Voted and carried unanimously.
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9 Ms. Robbins noted that there were (2) different numbers on the plan, 82,700 and the other is
10 82,950. She believes that one of the numbers was just a holdover and asked the applicant confirm
11 the right square footage of the site. She said it is only about 250 square feet off, but she wanted
12 the correct number to reflect in the Resolution, since it is shown in (2) ways. Mr. Montagno
13 responded that it should be 82,700 square feet. Both Mr. Eickman and Ms. Robbins thanked him.
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15 Mr. Eickman read the Resolution and then there were lengthy discussions about the various
16 conditions within, as follows:
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18 Mr. Montagno referred to #4 condition in the Resolution and stated that he wanted there to be
19 language to ensure they would be able to grade and remove the house. Ms. Robbins responded
20 that there is (1) residential parcel on which it is proposed there will be no construction. She said
21 there are also some ruins of an old home where they want to be able to go in and do some
22 grading, once they remove the structure. She said she wants to make sure that, in the future, there
23 is no disturbance to this site and that there is no actual development on this residential lot. She
24 said the language in the Resolution would be adjusted and there would be a Non-Disturbance
25 Easement. She told Mr. Montagno and Mr. Marfione that she believes that language can be put
26 into the easement to allow them to maintain or get rid of, demolish the house and get the area so
27 that it is clean and safe. She said the Non-Disturbance Easement can be put after that. Mr. Moore

1 added that the language would be limited to demolition activities and Mr. Montagno said
2 “Exactly”.

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5 Mr. Montagno referred to #7 in the Resolution regarding the security fencing around the site,
6 stating that, on their plan, there are security gates, cameras as well as additional fencing. He said
7 that should be going to the back of the site and they do not have authorization but have the
8 monitoring for them as well, with the cameras. He wanted clarification and if the Board wanted it
9 entirely around the site. He said there is fencing along the residential properties and the
10 stormwater basins as well. Mr. Marfione introduced himself at the podium, stating that they don’t
11 want the place to look like a jail and that the back would be the stockade fence, coming along the
12 residential areas. He said then there are (2) gates on either side, which they would like to leave,
13 with the front having a split rail fence around the pond, which is a nice look.

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15 Mr. Eickman looked to Mr. Bryant, saying this was something talked about a few days before,
16 with his intent and asked him if it met his intent that he had in mind for security fencing during
17 construction. Mr. Bryant asked if he was talking about the split rail or the staging area. Mr.
18 Montagno apologized, saying he was talking about around the entire site. Ms. Robbins said she
19 thinks that, originally, a chain link fence was shown. They were asked to update the fencing
20 along the residential property so that the folks in the house more to the north would see more of a
21 decorative fence, rather than a chain link fence. Once they had done that, she said she thinks it
22 was forgotten to put the chain link fence back in. But they decided once that fence was in, and
23 the gates were in, that they might not need the fencing. She said she is assuming it is to the rear.
24 Mr. Marfione said he now remembers that they had the gates to the front entrance coming in,
25 instead of in the back, so Yes. Ms. Robbins said they modified it and it was thought that they
26 inadvertently left the layer off with the fencing. Looking to Mr. Marfione, she said he is saying

1 they actually don't want to put the chain link fence to the rear of the property. Mr. Campbell said
2 that the plan that was brought to the Planning Board showed that, right. Ms. Robbins said the one
3 that was revised did not show it though; the last revision did not show it and that is why there
4 was confusion. She said once the vinyl fence had been put in along the side, they removed the
5 stuff in the back and the question they are asking the Board is if it is ok with it or not. Ms.
6 Robbins asked that it be explained, starting from the front of the site, where the fencing would
7 be. She said it would run along the northern property line and would separate the other (2)
8 backyards of the parcels that are on Clove Branch, as well. She asked if it would go all the way
9 back and Mr. Bryant said it runs along the top of the retaining wall. Mr. Montagno said Yes, he
10 believes it is shown in the site plan; the fencing there and fencing along the northern properties
11 just to provide the screening. Essentially, now, he said, it would just be the access gates that
12 would be on the left side going up the drive, along the back, and then there is the security gate on
13 the downside. Ms. Robbins said then the fencing in the front would only be the fencing around
14 the stormwater basin, of which they are being asked to go to the ARC to determine more
15 decorative fencing. She said right now they have split rail which may or may not be okay
16 depending on what type of split rail it is. She said the Board is asking the ARC to weigh in on
17 this since it will be so prominent along Route 82. She said they have agreed to that as one of the
18 conditions, to get final sign-off on the site plan. She explained that she does not believe the chain
19 link was ever intended to be along the front of the site, and it is really now just the rear of the site
20 that they are proposing not to fence. Mr. Bryant asked where the vinyl fence ends at the retaining
21 wall, if the retaining wall continues. Mr. Marfione responded that the chain link is down the edge
22 of the site, turns around to the gate. Mr. Bryant said it is so people cannot just walk into the back
23 of the building from the outside. Ms. Bledsoe said then there it is around the (3) sides of the
24 back, to the gates, and then just not in the front. Mr. Marfione said Yes, exactly. Mr. Campbell
25 noted there are elevation issues at the back that there could not be fence, and he is trying to
26 confirm this, and basically there is no fence in the front. Mr. Marfione responded it is on the

1 sides, up to the gates and Mr. Campbell said he understood. Ms. Robbins suggested a change to
2 the condition that the site plan show the revised security fencing. She asked Mr. Moore if it is on
3 the plan now or is it missing. Mr. Moore said it appears to be missing and all that is shown are
4 the (2) gates, which are not attached to anything. He said they need to make sure there is a hook-
5 in from those security gates to one of the more decorative vinyl fencing, to make sure the back is
6 secure. Ms. Robbins said then she won't get rid of the wording in the condition, "around the
7 entire site" and would just say "site plan to show revised security fencing".

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9 Ms. Robbins noted that there was another one to be discussed, number 8, which refers to
10 earthwork operations. Mr. Marfione stated that the trucks start early in the morning, 7:30. He
11 explained that, essentially, for instance, (5) trucks are loaded at 7:30 or whenever they are
12 allowed to start working. The trucks leave and he said they don't come back for, say, an hour and
13 half; it depends on where they are dumping. He said he just got off the phone with his site
14 excavator, who said it would definitely cost a ton more money. He said the truckers don't like to
15 work 5 hour, or 4 hour days and it is tough to get overtime. He said if the Board would allow this
16 first run in the morning, it would be appreciated. Mr. Eickman asked the times being suggested.
17 Mr. Marfione responded with a question, asking what the legal time would be to start working;
18 would it be 7:30-8:00. Ms. Robbins said she thought it was actually 7:30. Ms. Bledsoe asked Mr.
19 Eickman to read what the condition says. He replied that condition #8 states "the earthwork
20 operations and soil removal are not permitted on Saturdays and Sundays. All soil removals must
21 occur between the hours of 10:00 a.m. and 5:00 p.m. Mr. Marfione said that is the problem and
22 Mr. Bryant said it could be addressed. He asked if federal holidays were in there too, such as July
23 4th and Memorial Day, those kinds of holidays. He added that there is a house to the north that is
24 to be respected. He said it is not only the trucks, but the earth-moving equipment as well that
25 fires up in the morning. He said if they are loading up at 7:30 then that means the equipment is
26 firing up at 7:00, and the house is there, right next door. He told Mr. Marfione if a plan could be

1 developed showing either permanent or temporary access to the south of the s site; farthest away
2 as possible from those houses and there are houses across the street. It would show the operation
3 could be worked from the south, at least at the early hour. He said if it is later in the day, then it
4 can be moved. Mr. Marfione said he could do a plan and Mr. Bryant said that, to the extent
5 possible, it should be as far away from the house as possible. Mr. Marfione said he understands
6 what is being said about the hours and the machines are going to be starting at 7:30. He will
7 make sure they start at the southern end of the site and then try to leave some of the work on the
8 northern end for after the 9:30-10:00 hours. Mr. Eickman asked Mr. Bryant if that was a plan that
9 had been submitted to him for approval. He replied that he had wanted to see the entrance out
10 onto Route 82 that would fall in line with a permanent entrance, and they may come up with a
11 temporary entrance to facilitate that early in the process. He told Mr. Marfione to get something
12 on paper that the Board could look at and he replied that he would provide a logistics plan. Mr.
13 Bryant said it could demonstrate that this is as far away from the home as possible. Mr. Marfione
14 said they would have to dig from that side as well and he will work on this; he can't require his
15 guy to start working at 10:00; no one would work for him. Mr. Campell asked if it was going to
16 be changed then, to 7:30. Ms. Robbins replied that she thought the change to condition #8, would
17 be "earthworks operations and soil removal are not permitted on Saturdays and Sundays and
18 federal holidays". She said that there is a condition below this about the construction staging
19 area. She suggested it to say "a pre-construction meeting" and Mr. Bryant said that typically there
20 is a pre-con meeting for a project of this size. He suggested that, at that time, the plans could be
21 brought in to hash through it then. Ms. Robbins replied that it would be mentioned that "during
22 the pre-construction meeting, all soil removal hours and times will be discussed with the Town
23 Engineer". Mr. Marfione said they would submit a logistics plan and Mr. Bryant said to submit
24 where they are staging, as well and to do it all. He suggested that it be provided in advance at the
25 meeting, which would be very helpful.

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1 Mr. Marfione commented about condition #28 in the Resolution. He said he would like to
2 apologize for what happened; one of their junior guys got the email from the waterworks folks
3 and, instead of calling them, he went there with their third party. He never advised them that they
4 were there, and they did hydrant testing. He said he apologized for this and to the Board;
5 sometimes this stuff happens.

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7 Ms. Robbins noted that, in condition #23, it states site tree removal is limited between the
8 months of October 1st and March 31st. She said she needs to make sure whether it is October 31st
9 and she will look back at the DEC letter.

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11 Mr. Marfione wanted to comment on #12 condition, questioning if it should read that the lights
12 be motion lights, and not shutoff lights. Ms. Robbins replied “Yes” it is “motion”.

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14 Mr. Eickman said the Resolution would be amended by the Town Engineer and asked for a
15 “second” in the Motion for the reading of the Resolution, which was seconded by Ms. Bledsoe.

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23 **The full Resolution, as adopted, follows:**

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26 **RESOLUTION OF SITE PLAN APPROVAL**
27 **AND**
28 **EXCAVATION AND FILL SPECIAL PERMIT**

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30 **NAME OF SITE PLAN:** **Stack n Stor**

1 **NAME OF APPLICANT:** BDC Holdings
2 **LOCATION:** **1088, 1090, 1092, 1094, and 1096 Route 82**
3 **GRID NO:** 6458-04-702115, 6458-04-720105, 6458-04-723129, 6458-04-
4 714134, 6458-04-701142
5

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

7 **WHEREAS**, the applicant is applying for site plan approval for an 82,700 sf indoor,
8 climate controlled storage facility and associated parking, fencing, and stormwater infrastructure;
9 and

10 **WHEREAS**, to construct the proposed Storage Facility an excavation and fill special
11 permit per Section 194-75 of the East Fishkill Zoning Code is required; and

12 **WHEREAS**, the applicant is merging five lots into one 5.17-acre parcel; and

13 **WHEREAS**, the applicant received ARC approval on September 19, 2023; and

14 **WHEREAS**, the Planning Board opened the public hearing on 2/20/24 for the proposed
15 project and Excavation & Fill Special Permit and closed the public hearing on 3/19/24; and

16 **WHEREAS**, the Planning Board declared their intent to be lead agency for the
17 coordinated review of the unlisted action on 11/21/23 and adopted a negative declaration on
18 4/16/24; and
19

20 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves
21 the excavation and fill special permit and site plan as represented on a map entitled "**Stack N**
22 **Stor**," prepared by Stolti Engineering dated 4/27/23 and last revised 3/8/24 with the following
23 conditions:
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- 25 1. Proof all five lots have been merged into one lot; and
- 26 2. Installation of a vinyl fence along the adjacent residential property line north of the site
27 and in a color that is compatible with the proposed building to screen views of the site
28 from the neighboring residence; and
- 29 3. Extinguishment of the existing driveway easement to the satisfaction of the Town
30 Attorney; and
- 31 4. Establishment of a non-disturbance easement that will allow for demolition activities of
32 the existing house on the residential lot (6458-04-723129) to the satisfaction of the Town
33 Attorney; and
- 34 5. Establishment of a 20-foot non-disturbance easement along the rear of parcel 720105; and
- 35 6. Establishment of 58 land-banked parking spaces; and
- 36 7. Site plan to show revised security fencing as represented by the applicant and discussed at
37 the April 16, 2024 Planning Board Meeting; and

- 1 8. Earthwork operations and soil removal not permitted on Saturdays and Sundays and
2 Federal Holidays. All soil removal must occur between the hours of 7AM and 5PM; and
- 3 9. Satisfactory resolution of all HVEA comment in memo dated 4/16/24; and
- 4 10. Satisfactory resolution all CPL comments in memo dated 4/5/24; and
- 5 11. P.E. certification on all stormwater improvements shown on the site plan; and
- 6 12. Automatic motion timers on all building wall-packs; and
- 7 13. A landscaping and site maintenance agreement approved by the Town Attorney; and
- 8 14. Site Plan to include hours of operation of 6AM to 10 PM with staff present between the
9 hours of 9AM and 5:30PM; and
- 10 15. A water connection permit for the Hopewell North Water District and required fees; and
- 11 16. A plan showing the construction staging area to be approved by the Town Engineer. The
12 construction staging area must be fenced and screened; and
- 13 17. A pre-construction meeting with the Town Engineer regarding all site work and to also
14 include soil removal operations and hours.
- 15 18. Relocation of HVAC compressors to opposite side of building away from residential
16 property; and
- 17 19. Front yard fencing (spacing and fence design and color to be approved by the ARC); and
- 18 20. Escrow for an environmental monitor during construction in the amount of \$10,000; and
- 19 21. All escrows accounts must be current; and
- 20 22. Satisfactorily address all fire advisory board comments; and
- 21 23. Satisfactorily address all comments in the New York Department of Environmental
22 Conservation (NYSDEC) letter dated November 30, 2023.
- 23 24. Site tree removal is limited to between the months of October 1 and March 31 based on
24 the March 13, 2024 Threatened and Endangered Species Habitat Suitability Assessment
25 Report; and
- 26 25. Include the turtle avoidance measures listed in the March 13, 2024 Threatened and
27 Endangered Species Habitat Suitability Assessment Report for the site on the site plan;
28 and
- 29 26. Provide copy of rental agreement prohibiting storage of lithium ion batteries as defined in
30 the East Fishkill Zoning Code; and
- 31 27. Approval from Dutchess County Health Department; and
- 32 28. Approval of Highway Permit from NYSDOT; and
- 33 29. Payment as determined by Town Engineer for unauthorized water usage of fire hydrant
34 on Route 82 in proximity of site; and
- 35 30. Stormwater maintenance agreement.

36

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

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

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7 **The votes were as follows:**

- 8
- 9 Board Member Lori Gee Aye
- 10 Board Member Ed Miyoshi Aye
- 11 Board Member Sarah Bledsoe Aye
- 12 Board Member Richard Campbell Aye
- 13 Board Member Donald Pepae NO
- 14 Board Member John Greenan Aye
- 15 Chairperson John Eickman Aye
- 16 Alternate Board Member John Giovagnoli NA

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18 **L.I.D.L Warehouse and IPARK -L.I.D.L**

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21 Mr. Eickman announced that the Discussions for **L.I.D.L Warehouse and IPARK -L.I.D.L**
22 would be deferred to the next Planning Bord meeting. He added that this would be seen at the
23 upcoming Joint Public Hearing on April 25, 2024.

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26 **DISCUSSION: *ADJOURNED TO THE NEXT PLANNING BOARD MEETING***

- 27 3. #2023 – 064 – **L.I.D.L Warehouse**, East Dr. (6656-03-127232 &169074)
- 28 Applicant is applying for an 874,139 sf warehouse on 71.33 acres of
- 29 undeveloped land within the iPark Campus.

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31 **DISCUSSION: *ADJOURNED TO THE NEXT PLANNING BOARD MEETING***

- 32 4. #2024 – 078 – **IPARK - L.I.D.L**, East Dr. (6456-03-073123 &169074
- 33 Applicant is applying for a relocation of a water tank currently located on lot #6
- 34 (proposed LIDL site) to a portion of a parking lot on Lot # 7 owned by iPark.

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38 **DISCUSSION:**

1 **5. #2023 – 067 – J.F.E. Associates, 2528 Route 52 (6456-02-885563)**

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3 Applicant is applying to amend their site plan and their special permit to install
4 two practice softball fields.

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6 John Knopf, Empire State Huskies was present, for Michael Gillespie, P.E., who could not make
7 it to the meeting.

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9 Mr. Knopf stated that he had heard from Mr. Gillespie, who was not able to make the meeting
10 this evening. Mr. Gillespie told him he had received a letter from the Town Engineer, and this
11 letter was forwarded to Mr. Knopf to view. While checking his phone for the content of the
12 letter, he noted Mr. Gillespie said it was resolved. Mr. Moore asked if it was his 4/15 letter and
13 Mr. Knopf replied “Yes”. Mr. Moore said the letter had plan-related comments and the only new
14 request was that the Town is looking for a 20 ft. width strip of land for a utility easement along
15 the front of the property, parallel to Route 52. He asked if Mr. Gillespie was aware of this and
16 said it is #6 in his letter. Mr. Knopf replied “Yes” and that he knows about it; he cannot answer
17 to this himself, but he could get an answer for him. Mr. Knopf read the note he had just received
18 from Mr. Gillespie, stating that he went to the Rec board, and they were fine with the proposal
19 and approved.

20
21 Mr. Eickman asked if there were any other comments from other engineers, including parking,
22 traffic at this point. Ms. Robbins responded that enough parking is shown for what they are
23 proposing to do. She said this is assuming that there will be no tournaments or anything like that
24 happening there. She said it is just practicing fields alone, and they are showing a sufficient
25 number of parking spaces. She wanted to remind everyone that they require a special permit
26 which will be administered simultaneously with the site plan approval. At this point, she said the
27 Board may be ready for a public hearing to be set because it is required as part of the special
28 permit for outdoor recreation. She explained that a public hearing could be scheduled, it would

1 be held at the next meeting and, assuming all goes well, the public hearing could be closed and
2 the project approved at the next meeting, for the fields. Mr. Ricketts said he did an inspection at
3 the site and there is no ADA. Ms. Robbins told Mr. Gillespie that a blue sign would be needed,
4 and Mr. Campbell said it is the demarcations. Ms. Robbins said at least (2) spaces, if not more,
5 with one near the field. Ms. Robbins said she would look this up to be sure how many
6 handicapped spaces would be needed and that it depends on how many overall spaces there are.
7 She told Mr. Knopf to tell Mr. Gillespie that he would have to show this on the revised plan.

8
9 Mr. Campbell asked if a special permit was issued for this, can it be limited. Ms. Robbins
10 replied Yes, there can be conditions on a special permit. She said the special permit language is
11 that, if they meet all the requirement and, parking relief is allowed. She read “at the discretion of
12 the planning board, outdoor recreation developments may be accompanied by operational
13 restrictions that limit the site’s hours and days of operation to avoid noise, lighting and traffic
14 impacts to neighboring properties, and other operational restriction”. She said it could be
15 determined that no tournaments could be played or something, and that would be in it. Mr.
16 Campbell asked about the timeline and instead of it being a cart blanche, could there be a
17 window of time where this would have to come back to the Board, such as months, a year, 2
18 years, whatever the Board decides. He said it could be limited on that too and Ms. Robbins
19 replied Yes. Mr. Moore said there would be notes on the plan that no site lighting is proposed
20 and no grading other than the area shown for the infield areas they would require them to come
21 back to the Planning Board, which is another condition or two.

22
23 Ms. Robbins said, since this would be on for the next meeting, if the Board has any conditions
24 they would like to consider adding, they can be sent to her. She said she will have some
25 discretion to do that and then they can be discussed. Mr. Campbell said this would be some
26 protective covenants for the Town and this is something different that the Town has not seen

1 before, or not in his time. He said he thinks its timeline should be limited, and some other things
2 that would be attached to it, so it can be seen that it is a functional operation and not just
3 something that could technically go awry. Then it would not become a burden for the Town to
4 come back to and come after if there was a significant issue. Ms. Bledsoe added, or if there was a
5 change of management, if it is decided to sell it to another softball company, or club, whatever it
6 may be. If it were to continue, then they would have to be sure it comes back to the Planning
7 Board. She questioned what the Town’s enforcement ability would be if they were to have a
8 tournament, or a try-out, and bring out hundreds of people. Ms. Robbins replied that, if it is a
9 condition on the special permit, then it is likely Mr. Rickettes would go out and put a stop on it
10 for a Code compliance violation. Basically, she said, they would have to cease operations.

11
12 Mr. Eickman told Mr. Knopf that a public hearing could be scheduled, and generally it is for next
13 month’s planning board meeting. Understanding that Mr. Gillespie wasn’t present, he said this
14 could be scheduled and Mr. Gillespie could let the Board know. Mr. Campbell asked about
15 meeting the requirements of the Fire Advisory. Mr. Eickman confirmed with Mr. Palin that he
16 was less concerned with safety issues, based on the layout that he observed. He replied that, due
17 to the change of the layout, he is happy.

18
19 MOTION made by John Greenan, seconded by Sarah Bledsoe, to schedule a
20 Public Hearing for J.F.E. Associates, to be held on May 21, 2024. Voted and
21 carried unanimously.
22

23 Mr. Eickman told Mr. Knopf that the public would be in attendance then and anything that Mr.
24 Gillespie can bring with him that shows what is being done and how, it would be helpful. He also
25 asked that there be a presentation of the net systems that were discussed with the Board last time.
26 Mr. Campbell added that it would also be helpful if there were copies for all the Board members,
27 as it was kind of hard to understand this before.

1
2 Mr. Eickman told Mr. Knopf that Mr. Gillespie would know what to do and that he needed to
3 jump into this right away, get in touch with Ms. Keenan in the Planning Board office and that
4 notices need to go out. Mr. Knopf said he would tell Mr. Gillespie that this is on for next month
5 and Mr. Eickman reiterated that Mr. Gillespie should know what to do; to contact the planning
6 department.

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10 **DISCUSSION:**

11
12

6. #2024 – 076 – McDonalds, 967 Route 376 (6358-02-570572)

13
14 Applicant is applying to amend their site plan to include a 20’ storage shed.
15
16 George Kavrakis, Engineer, was present.

17

18 Ms. Robbins gave a quick summary of the matter and said that the Board would recall that a
19 drive-thru was just approved not long ago for this McDonald’s. When the Board was out at the
20 site doing an inspection, it was noticed that there was a container/storage unit on the site that
21 looked like it had been there a long time and was hidden. A request was made by the Board to fix
22 the exterior of the unit; there are issues with containers just showing up on sites around the
23 Town, which are not permitted. She said this applicant has agreed to fix the façade of the
24 shipping container to make it look like a shed. The proposal of what would be done had been
25 prepared for the Board. Since it exists on the site, Ms. Robbins said they were advised that the
26 site plan needed to be revised. The site plan also needs to be amended to show the shed was
27 modified. Pictures were provided to the Board, but they were not dated, and Ms. Robbins said
28 that, in the Resolution, she would reference the email that the pictures were submitted in. She
29 said she thinks that’s the only way it could be done, since there was no actual, formal date

1 submitted with the pictures. She said she could also say “as presented at the Planning Board
2 meeting this evening”.

3

4 Mr. Campbell asked if the façade of the container would match the façade of the building. Mr.
5 Kavrakis replied that was correct; the colors are to be complimentary with the color of the
6 building. He said the storage unit is all within the Town Code for the shed, as far as setbacks for
7 the property; 15 is required and he said it is over 40 ft away from the property. He explained that
8 this is hidden behind the trash enclosure as shown in one of the renderings and that there is
9 evergreen screening forward of this. He said it is not very visible, but still, with more of the
10 aesthetics so it would look more like a “shed”, it would be more dressed up so it is mor palatable
11 to be there. Mr. Campbell asked if size-wise, it meets the requirements of the Town. Mr.
12 Kavrakis replied Yes, within the allowable for a shed, that is correct. He said this is just so that if
13 falls under that classification of a shed.

14

15 Ms. Bledsoe questioned if vehicle access was needed to the shed; was it just pedestrian access.
16 Mr. Kavrakis replied that, literally, one just walks up; it is right behind the curb line and behind
17 the trash enclosure. He said its purpose is for dry goods only, such as cups-coffee cups and soda
18 cups. He said that this particular store is unusually small and if one had been in there, they would
19 see there are not many seats, and not much storage in there. Even though it is a healthy store, in
20 business, more storage is needed, and they cannot afford not to have the unit. He said he is
21 asking, they will comply in whatever way possible, so it can be kept and dressed up, and it looks
22 good.

23

24 There were no comments from Board Members.

25

1 Ms. Robbins told Mr. Eickman she made a modification to the Resolution’s “Now, Therefore Be
2 It Resolved” section and that she would read it when he got to that part.

3
4 There were no other comments from the Town Professionals.

5 Mr. Eickman proceeded to read the Amended Site Plan Resolution.
6
7

8 **RESOLUTION AMENDED SITE PLAN APPROVAL**
9

10 **NAME OF SITE PLAN:** McDonald’s Drive-Thru Improvements
11 **NAME OF APPLICANT:** McDonald’s Corporation
12 **LOCATION:** 967 Route 376
13 **GRID NO:** 6358-02-570572
14

15 **Resolution Offered by Planning Board Member:** John Eickman
16

17 **WHEREAS**, the applicant is applying for an amended site plan approval for an existing
18 shed; and
19
20

21 **WHEREAS**, the Planning Board determined the approval of the shed per the rendering
22 presented at the 4/16/24 Planning Board is a minor site plan amendment and no public hearing is
23 required; and

24 **WHEREAS**, the proposed action is a Type II action and no further SEQR review is
25 required; and
26

27 **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby approves
28 the storage container as shown on the as built survey as represented on a map entitled
29 “McDonalds USA LLC” prepared by Jody Lounsbury dated 7/27/23 and the amended site plan
30 for “McDonalds Drive-thru Improvements” dated 2/18/22, last revised June 29, 2022; and
31

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

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Resolution Seconded by Planning Board Member Lori Gee

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>Aye</u>
Chairperson John Eickman	<u>Aye</u>
Alternate Board Member John Giovagnoli	<u>NA</u>

SKETCH:

7. #2024 – 077 – Enoteca Wine Bar, 811 Route 82 (6457-01-247570)

Second discussion for change of use from accountant’s office to proposed wine bar.

1 The owner, nor the person looking to establish the Wine Bar, were present. Accordingly, Mr.
2 Eickman suggested that the plan for this Wine Bar could just be looked at this evening. He said
3 some details were provided at the last meeting and the concern was having a proper site plan
4 since this never had a site plan. Ms. Robbins said that was correct. Mr. Eickman said it was also
5 to determine sufficient parking as well as other requirements for a site plan approval.

6
7 Ms. Robbins explained that this is an old plaza, with no existing, approved site plan. The Wine
8 Bar wants to take over the old accountant's office, which is located next to the existing wine
9 store. The issue is that, basically, parking is getting tight in some of these plazas, and the Town
10 wants to make sure there is properly marked parking. In this particular case, she said the Wine
11 Bar hours of operation would be off from any of the other uses there, and they could utilize the
12 Post Office and the Flower Store parking with the Post Office, Flower store and Wine Store all
13 on the same lot. There are some issues behind the existing plaza with that area not paved and
14 some issues with drainage there. She said there are a number of additional spaces behind the Post
15 Office, but she thinks the applicant is trying to show with this site plan that there are enough
16 parking spaces in the front. She said that is where they think most people will park. The property
17 owner is looking to make improvements at some point, and it isn't known when that will happen.
18 The gentleman who wants to do the Wine Bar wants to make sure the Planning Board is okay
19 with what it is before going to the expense of doing a full site plan. Ms. Gee asked the hours of
20 operation, being different and Ms. Robbins said she believes the peak hours of operation are
21 completely different. She does not believe it will be open during the day and could not recall
22 what was said, but she knew it would not be during the day. Mr. Eickman said he thought it was
23 5:00 p.m. to 10:00 p.m. weekdays and possibly open until midnight on weekends.

24
25 Ms. Bledsoe asked the Town's responsibility regarding the parcel next to this. Ms. Robbins
26 replied that the Planning Board has the discretion to waive parking, to allow for shared parking

1 and that is something that can be done with a special permit. She said that has not been requested
2 yet, as this is currently a Sketch Plan, and not a formal application; the Board does have that
3 discretion The issue was that the Town wanted to see what is actually out there. Because there
4 was no existing site plan, she said they want it drawn up and also to be able to look at the access
5 if one was to park behind the Post Office, and how the front would be accessed. She thinks the
6 area behind the building may be a little sketchy at night if people were walking back there. She
7 wasn't sure what could be done but thought maybe some of the areas could be coned off or
8 require the applicant to do something. She said that they are trying to determine what the
9 Planning Board might allow, or might not allow, as far as parking location and number of spaces.
10 She said the applicant did mention that, during the peak hours for the restaurant in the plaza next
11 to this, some people are parking in his area as shared parking just going on naturally. She said he
12 cannot be penalized for that, but he needs to be aware there is a certain a\demand of parking
13 there. She said this is a good thing, but the Town is being safe of how people are being parked
14 and people that may be drinking.

15
16 Ms. Bledsoe asked, because the (2) parking lots are connected, do the parking demands need to
17 be considered or are they kept completely separate. Ms. Robbins replied that the restaurant next
18 to it. Ms. Bledsoe said it could be Dunkin Donuts, the hair place stays open, whatever it may be.
19 Ms. Robbins replied that, technically, that can be kept in the back of their heads, but he cannot be
20 penalized. He cannot be made to park for El Guacamole, the Mexican Restaurant. What can be
21 understood is, because of a lot of parking there, people may be parking in areas in the back since
22 they cannot find parking up in the front or may just go to the back naturally. She said what does
23 this mean as far as looking at the back, to be sure it is safe and that there is a way for people. If it
24 is further in the back, she said there is definitely paved parking, but then they would have to walk
25 from that location around. Mr. Bryant said they could do signs that it is just for his patrons of this
26 establishment only, and then it becomes the neighbor's problem to take care of their parking.

1
2 Mr. Papae asked if there was parking behind the Post Office illuminated at night and Ms.
3 Robbins replied that she did not know the answer to that. Mr. Moore said there is some lighting
4 on the loading dock of the Post Office Ms. Robbins said these are the questions; how people
5 would get from the back to the front safely.

6
7 Ms. Bledsoe questioned if the gravel drive shown on the plan (between the (2) buildings) would
8 have to remain a gravel drive. Ms. Robbins replied that it should not be a drive and it should be
9 coned off, in her opinion. She thinks it may be the location they were thinking about for outdoor
10 seating and bollards could be put there.

11
12 Mr. Campell commented that they have to be cognizant of fire safety and their accessibility to get
13 to the back if, God forbid, something was to happen. He said he knows there is drainage back
14 there, some sort of swale and there would need to be some sort of blocking or guard rail. He said
15 he would need to go back again to look again.

16
17 Ms. Bledsoe said she feels like there is a ton of potential on the property, but it is hard to say, not
18 knowing what the owner has intentions of doing, and what the possibilities could be Ms. Robbins
19 told her that he was here at the last meeting, and she expected him to be here tonight. To talk a
20 little more about it.

21
22 Mr. Campbell questioned if the owner of this owned both buildings. Ms. Robbins replied that the
23 Wine Store is on the lot, is just the building itself. It is basically on the lot with the Post Office.
24 Mr. Campbell said then there are separate deeds. Ms. Robbins said, “Yes”, there are separate
25 deeds, but one of them just has a building. Mr. Campbell asked if that would need to be cleaned
26 up too, in case he sold the building; then what happens. Is somebody left with owning all the

1 parking and the land around it. Mr. Bryant replied that there would need to be a parking
2 easement. Ms. Robbins said it is tricky. There's a property owner who has to do something with
3 this property and then there is an applicant coming in to move into a store. She said she is trying
4 to weigh the 2. The applicant who is coming in to develop the wine bar is understanding of some
5 existing considerations. She said he wants to make sure he does not go too far down a path if it is
6 not something that is possible. Mr. Campbell commented, saying, with all due respect, he should
7 be talking with the building owner. That is not to say that he should not be forward thinking by
8 coming to the Planning Board here, but he said that is really something that is going to be up to
9 the building owner. If the Planning Board tells him what the requirements are and it's going to
10 cost him "X" amount of dollars, then that is the building owner's decision. He said that is if there
11 is going to be a leasehold improvement to be able to do this and if he is willing to put some
12 equity into the game to get this work done. He said it would have to be kind of symbiotic
13 between him and the landlord, and then the Planning Board, towards the end. He said he did not
14 think anyone here was opposed to this; and any kind of development there would be welcomed
15 with open arms. He expressed that he sees a lot of ambiguity here.

16

17 Ms. Robbins said she believed it was the property owner who submitted the plan that everyone
18 has in front of them, which is a good sign. He also believes that this very recently hooked into the
19 sewer or sewer and water, last summer. She thinks this was also in anticipation of using this for
20 some sort of food establishment and these are all positive steps. But she agrees that, without the
21 property owner present here, to ask the questions' it is difficult to make any decisions.

22

23 Mr. Eickman said, assuming that they can control the parking spaces that they claim to have on
24 this site, is it safe to say that they have more than sufficient parking for this use. Ms. Robbins
25 said they would have enough parking spaces for the use, showing the spaces in the front. But,
26 again, she is not sure how they would control it. Ms. Bledsoe said if they can demonstrate how to

1 get pedestrians safely from the back to the front, or the back where the UPS store is, safely from
2 one side to the other, she does not see why it would be required for them to have sufficient
3 parking just in the front, as long as they can demonstrate that they can get them there safely. She
4 said she does not see why this would be a problem; it would have to have a sidewalk and at least
5 something paved. Ms. Robbins said there should be added lighting back there.

6
7 Mr. Campbell asked if it is their lighting or someone else there and he and Ms. Bledsoe had a
8 discussion about the parking. Ms. Bledsoe said they could come up with some sort of agreement
9 and she thinks there is more than enough parking in that general area to make it work; it is just
10 the safety part.

11
12 Ms. Robbins stated that, usually when someone comes in with a site plan, there is the ability to
13 ask questions, like how they are doing this, where is the lighting, Ms. Bledsoe asked what
14 specifically they want from the Planning Board now. Ms. Robbins said she thought he was going
15 to be present tonight to talk to him about what he is willing to do and what he is proposing.

16
17 Mr. Eickman asked the Members, if they are generally, favorably inclined to hear the owner and
18 applicant on this and he believes they are. He said he thinks that is the best message that can be
19 given at this point. Ms. Robbins said, at this point, they can only do (2) sketch plans and they
20 have to come in with a formal application. She said she believes the next thing the Board will see
21 is the formal application.

22
23 Ms. Bledsoe asked if there are other issues that have to be addressed, other than parking, such as
24 issues that could be unsurmountable. Mr. Campbell said there is the Board of Health and Mr.
25 Bryant added that he would have to hook up to the water and sewer. Mr. Campbel questioned if
26 there would be an issue with him cooking on the site and Ms. Robbins replied that this would be

1 through the building department. She said it would be what she would look at with the site plans,
2 considering that the Boad has not looked at the site plan ever. She said there is the refuse,
3 lighting, landscaping, sidewalk, and making sure the sidewalk is ADA accessible. She thinks the
4 Wine person ultimately would like to go to outdoor seating of some sort. She is not certain if he
5 would do that at this round or come back later to do that. Mr. Campbell commented that would
6 be tough. Ms. Robbins said there is also the signage. Mr. Miyoshi said there are also businesses
7 on either side. Ms. Bledsoe said there is so much space in the back and the concrete patio.

8
9 Mr. Moore noted that there are a lot of catch basins in the back of this property, and a couple of
10 low-lying spots. He said he did not know if that is a known issue, or if anything is being
11 proposed back there that would impact the drainage there.

12
13 Ms. Robbins commented that she did not know if this is something the Planning Board would
14 consider or the future or just something to leave on. She is hoping to make connections between
15 parking lots, and make sure that going from parking lot to parking lot is safely done. AS she
16 looked at the sketch, and the bank building, she said there was no way to get between the (2)
17 sites. Ms. Bledsoe stated that the road goes behind the Post Office and there is a drive-thru with
18 the Bank. Ms. Robbins said if this was coming to the Board as a site plan, what might the Board
19 say to them about connecting the plazas and talking. She said it has to come to an agreement
20 because some of them might lose parking. She agrees that there is more than enough parking in
21 totality out there; it is just who controls what parking. Mr. Campbell recalled when another
22 applicant wanted to work out parking with Anthony's/Pizza Village and he wanted nothing to do
23 with it. In that case, it was going to eliminate some of the spots, and there is the catering. Ms.
24 Bledsoe said there is a connection from the back of Pizza Village that connects to the road that
25 connects and goes all the way through. Mr. Campbell said then this is about connecting all the
26 spots there and Ms. Robbins said that was correct, so they don't have to go out on Route 82.

1
2 Mr. Campbell asked if there was any idea how many tables and chairs there can be. Mr. Rickett
3 replied that the occupancy can be only 29 or 30, pretty low; the front area of the restaurant would
4 be under 900 sf., so it is not a big space. Mr. Campbell said then that would eliminate a lot of the
5 traffic that would be there.

6
7 Ms. Robbins said the Comprehensive Plan committee is looking at policies that may require
8 plazas to connect, or to put zoning in that would require it. She said it is a Town Board vote and
9 she agrees to it, but those are the things that are being discussed; to make it more functional and
10 keep people off of Route 82 for the short trips.

11
12 Mr. Eickman suggested that the building owner and potential businessperson be told that they
13 have to come back in-person to tell about the whole plan.

14
15
16
17 **CORRESPONDENCE:**
18

19
20 **8. #2023 – 073 – 10 Corporate Park, 10 Corporate Park (6356-03-3488070)**
21

22 Applicant is applying to increase the capacity of the church from 150 to 170
23 persons. The applicant previously received a special permit from the Planning
24 Board on 12/19/23 to operate a church in a former professional office per §196-
25 60 with a maximum capacity of 150 persons.
26

27 Greg Jaloszynski, Pastor, Grace Community Church, was present for the matter.
28

29 Mr. Eickman asked Ms. Robbins to give a quick summary of this. She stated that these folks had
30 been before the Board for the church in the East Fishkill Corporate Park a few months ago. The

1 church had been approved and a condition put in that if they wanted to go over the capacity of
2 150, then they would have to come back to the Planning Board. The request is to go to 170 and
3 she believes there are 150 seats in the sanctuary space. She also believes there are other spaces
4 such as the office and Mr. Jaloszynski, said there is a nursery school. She said this is during
5 church hours and an extra 20 people is needed; there would be an extra 20 people capacity
6 needed, which would bring this to 170. She said it can meet this and asked Mr. Rickett to talk
7 about the building. He said they can meet the 170 for the entire 7900 sf sanctuary area but it
8 would still remain at a capacity of 150.

9
10 Ms. Bledsoe asked if this would affect their parking. Ms. Robbins replied that it does; they are
11 basically using the whole area back there for parking, but they are off hours for everything else
12 happening back there. The Planning Board’s concern was about parking, which is why the Board
13 wanted it capped at 150.

14
15 Mr. Bryant asked if there was anything with the DOT in terms of the use of the entrance to Route
16 52. He said there are offices and not a great migration of cars all at once, but he imagined there
17 was when church lets out, with a lot of cars leaving, or coming, during a very short window. Mr.
18 Jaloszynski, replied, saying if looking at 150 people, it would be about 50-60 cars, with 3 to 4
19 people in a car; there are some single people and some couples, so there may be 65. Mr. Bryant
20 asked if it was heard how this functions just on Sunday. Mr. Jaloszynski replied he knows the
21 soccer park is across the street, which is probably 5 times the number of cars releasing after a
22 soccer game, directly across the street. Mr. Bryant said to figure how many kids are on a soccer
23 team, and there are (2) teams. He said he does not think that equates to 150 people leaving from
24 soccer. Mr. Jaloszynski said there are multiple fields there and Mr. Bryant replied that it is if they
25 all end the same time. Mr. Campbell said there is a lot of activity there and Mr. Bryant said at
26 tournament time there were police with the traffic. Mr. Jaloszynski, said they have to do that at

1 their Washingtonville location, where there is a ton of traffic, and they just contact the police and
2 get them there for when the service ends. Mr. Bryant said he doesn't know if anyone has
3 witnessed what that looks like. Ms. Robbins asked if there was a service here yet. Mr.
4 Jaloszynski said they are back 4-5 weeks from running their first service. He said when they
5 open, they are looking at probably 75 people sitting in the service; they are just trying to plan
6 ahead. Mr. Campbell stated there was spillover according to the gentleman who was the building
7 owner who appeared. He said there was no agreement, but he knows there was spillover from the
8 soccer field, which operates on the weekends, into the parking lot across the street. In keeping
9 with what Mr. Bryant is saying he said he guessed the Board would need to try to understand
10 that, because they have not yet had a service. He knows that with the soccer fields, people are
11 parked down the road. Mr. Bryant said it is when kids leave at the same time, and they are getting
12 their stuff. With a church, he said when everyone leaves, they disperse all at once. Mr. Campbell
13 said he doesn't know how this would be with all leaving at the same time. Ms. Robbins said, to
14 answer his question about the DOT, she would need to ask Mr. Fitzgerald. She does not know if
15 there would be any reason for DOT to look at it. Normally one would have to get a curb-cut
16 permit or a highway work permit, so she doesn't know the impetus for this. Mr. Bryant said,
17 hypothetically, it is like a Starbucks, Dunkin Donuts with a left turn lane and it depends on the
18 intensity. He asked Mr. Jaloszynski, if it is just once a week, on Sundays and he replied yes,
19 that's it. Mr. Bryant said he did not want to ignore this. Ms. Robbins said they could be asked
20 and, with the parking, right now the only parking requirement is one space for every 5 seats in
21 the church. She said they have more than enough parking for the Town's zoning because it was
22 assumed when that parking was made, it would be for a family coming in.

23

24 Mr. Campbell asked if there was just one service on Sundays and Mr. Jaloszynski, replied no,
25 there is one at 10 and another at 11:30. Mr. Campbell said then there are (2) services and it was
26 said there is an average of 50-60 people. Mr. Jaloszynski said there are volunteers along with the

1 people who attend. He said he is at the Port Jervis church's location where there are 110 parking
2 spaces. With the transition between services, he said they go out onto Route 209. There are never
3 any issues with it and he said it is not like the whole worship center people all get in their cars at
4 once. He said people mingle, get their kids, and it is staggered. Some people come for the 11:30
5 service at 11:15 and others are walking in at around 11:45; that is just the way it works and there
6 is a pretty good staggering happening.

7
8 Mr. Eickman stated that this is a fairly minor increase in the number of parking spaces that may
9 be required. Ms. Robbins said it is the kids. Mr. Jaloszynski said the increase is mainly related to
10 the transition time; the 10:00 service is letting out when people are waiting in the lobby for the
11 next service. He said they just want to honor the numbers and there could be 20 people standing
12 in the lobby. Mr. Bryant questioned if there was an a.m. & p.m. service and Mr. Jaloszynski,
13 reiterated that the services are at 10:00 and 11:30, which are back-to-back services.

14
15 Mr. Campbell asked Mr. Jaloszynski, if he was asking for this additional due to safety purposes.
16 He replied that, if they set 120 chairs in the worship center and 120 people are in there, plus if
17 there are 20 kids, he does not want to go over the 150 number. Mr. Eickman said the prior
18 approval for this was 150. Mr. Jaloszynski, said they are willing to do whatever the Board wants.
19 Mr. Bryant asked where the 150 came from and Ms. Robbins replied that it came from the
20 parking and the fire inspector. She said it was difficult; the space is almost 8,000 sf. and they
21 were trying to figure out the capacity based on square footage of the sanctuary space with the
22 exits and the chairs laid out. She said the Board was given a floor plan and with the floor space
23 so large, the concern was if a mission was creeping into the additional space and they were very
24 careful what and how it was said in the original approval. It was the Board who determined it,
25 based on the parking and fire. Mr. Rickett stated they accepted that. Mr. Bryant said then the
26 computation is to be revisited to justify the 170 and Mr. Rickett said they did revisit this and

1 agreed that it could fit up to 170 for the entire building. However, he said, the sanctuary must
2 remain at no more than 150. Mr. Bryant asked what had changed and Mr. Rickett replied that the
3 original analysis did not have the seating. He was given the seating plan to show how it would be
4 set up in the worship area. Then they were able to come up with an actual number of chairs, after
5 working with just square footage prior to that.

6
7 Ms. Bledsoe asked where the other 20 people go if there are only 150 seats. Mr. Jaloszynski,
8 responded, saying the other 20 are the kids and explained that, if there is a family of 5, there
9 would be 2 people going into the worship center and 3 kids going into the kid's area. Ms.
10 Bledsoe said she got it. Mr. Jaloszynski explained that it would be 150 people sitting in the
11 worship center, service is over, then they pick up their kids and go outside. With a total figure of
12 only 150, he said they can only have 125-130 in the worship center, and then 20 kids. Ms.
13 Robbins said she guessed that typically there are 20 children in the Sunday School classes.

14
15 Mr. Campbell said it is obvious that the kids won't be utilizing parking spaces, so it is just
16 arbitrary for that part of it. He asked if it was a technicality. Ms. Robbins replied that the concern
17 is that it is a big space and right now there is a parking requirement which she said is not
18 conservative parking, and pretty liberal. She said it may have to be modified. She said the
19 number of cars isn't known, but usually there are multiple in a car coming to church services.

20
21 Mr. Bryant asked Mr. Jaloszynski, if he was the only user of the building and he replied that, on
22 Sundays, no one else is there. He said there is a manufacturer behind them and the space next to
23 them is empty. Mr. Bryant asked what he meant behind and empty; was it the same building and
24 Mr. Jaloszynski, replied Yes, it is in the same building; they have 7 parking spaces they use
25 during the week. Mr. Campbell said there is still an unoccupied portion. Mr. Jaloszynski, said
26 yes, it is unoccupied next to them and, when looking from the street, they are tiny, little spaces.

1 Mr. Campbell asked the number of square feet being utilized in the building, including the
2 sanctuary. Mr. Rickett responded, saying it is 7928 (sf). Mr. Campbell asked the total square
3 footage of the building and Mr. Rickett replied it is probably 15,000 (sf). Mr. Jaloszynski said is
4 just under 16,000 (sf).

5
6 Mr. Bryant asked, with the manufacturing and this use, does the fire department have the proper
7 fire separation previously looked at. Mr. Palin replied that it is not something he looks at, but,
8 pointing to Mr. Rickett, said it is by the Code guy. Mr. Rickett said, when he got the building
9 plans, it was looked at. Mr. Bryant said then there is the proper fire separation and Mr. Rickett
10 replied that it is all offices and the other occupants in that building are office type. Mr. Bryant
11 said there is the manufacturing, and he thinks there should be some separation between the
12 manufacturing and office. Mr. Rickett stated that he does not believe it is manufacturing work
13 being done there. Mr. Jaloszynski, said there is no manufacturing; it is a company that oversees
14 manufacturing and reiterated that they are not doing the manufacturing. Mr. Rickett said it is all
15 office space; there is manufacturing in some of the other buildings, maybe in 30 Corporate Park,
16 but not up in 10 Corporate.

17
18 Mr. Campbell asked again if they are going to be utilizing the parking spaces on Sunday for the
19 entire facility. Ms. Robbins said they will be using it for the whole back area. Mr. Jaloszynski
20 said it was actually figured out that it is only half of the back parking lot and there is plenty of
21 parking in the front. Mr. Rickett stated there are 107 spaces on that parcel and Mr. Bryant wanted
22 to confirm that, in the one section, is it all ADA accessible to the building. Mr. Jaloszynski, said
23 it would have to be everybody coming on their own. Ms. Bledsoe asked if that is even when there
24 is overlap. Mr. Jaloszynski, explained that he had a perfect scenario in that the Port Jervis church
25 has the exact number of parking spaces, with 154 seats for the worship center. He said the

1 parking lot is full for that and, when they transition, everybody just fills the spots that just
2 emptied and then there are another 100 people in the worship center for the second service.

3
4 Mr. Bryant asked when they planned on starting and Mr. Jaloszynski, replied that their first
5 service was planned for May 19th.

6
7 Ms. Gee asked if there was a Resolution and Ms. Robbins replied yes, that it had been updated
8 for the added capacity. She said that this one, if the Board recalled, also came in for a Change of
9 Use and it wasn't a site plan, but the Change of Use. Ms. Gee said there had been a couple of
10 sites like this before and suggested that the parking be revisited in a year if the Planning Board
11 needs to. Ms. Robbins said this could be added as a condition and Mr. Campbell said he agreed.
12 There were no further comments or questions from the Members or Town Professionals.

13
14
15 **RESOLUTION CHANGE OF USE**

16
17 **NAME OF SITE PLAN:** East Fishkill Corporate Park, LLC
18 **NAME OF APPLICANT:** East Fishkill Corporate Park, LLC/ Grace Community Church
19 **LOCATION:** 10 Corporate Park
20 **GRID NO:** 6356-03-3488070

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

23
24 **WHEREAS**, the applicant is applying for a change of use from a warehouse/light
25 manufacturing use to a church; and

26
27 **WHEREAS**, the fire inspector has capped the capacity of the 7,928 sf church space at
28 150 people per the fit-up plan prepared by Povall Engineering dated 12/21/23; and

29
30 **WHEREAS**, the applicant is requesting a shared parking special permit per § 194-46.2;
31 and

1 **WHEREAS**, per § 194-46.2 the applicant has demonstrated that the proposed church
2 would operate on the weekends when the other uses on the site are not in operation; and
3

4 **WHEREAS**, the site contains 107 parking spaces, and
5

6 **WHEREAS**, no change in the building footprint is proposed; and
7

8 **WHEREAS**, the proposed project is a Type II action under SEQR and no further
9 environmental review is required; and
10

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

- 15 1. Provide a monitored fire alarm and notification system.
- 16 2. Install a KNOX Box at the main entry to the church with keys that will provide
17 access to the outside, including landlord utility room, and any locked interior
18 doors.
- 19 3. Approval from the Dutchess County Health Department.
- 20 4. Occupancy cannot exceed 170 people without site plan approval and a parking
21 review from the Planning Board.
- 22 5. Within 1 year of occupancy the Planning Board will review the parking and
23 capacity of the proposed church.
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	<u>Aye</u>
34 Board Member Ed Miyoshi	<u>Aye</u>
35 Board Member Sarah Bledsoe	<u>Aye</u>
36 Board Member Richard Campbell	<u>Aye</u>
37 Board Member Donald Papae	<u>Aye</u>
38 Board Member John Greenan	<u>Aye</u>

1 Chairperson John Eickman Aye
2 Alternate Board Member John Giovagnoli NA
3

4
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6

7 Mr. Eickman confirmed that there was no further business this evening.

8
9

10

ADJOURNMENT

11

12

13

14

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

15

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19

Respectfully submitted:

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21

22

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