

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
JUNE 18, 2024**

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

Members present:

John Greenan, Donald Papae, Lori Gee, John Eickman, Richard Campbell, Ed Myoshi, Sarah Bledsoe; Scott Bryant, Engineer; Michelle Robbins, Planner; Michael Cunningham, Attorney; Matt Rickett, Zoning Administrator; Dave Palin, Fire Advisory Board; Chris Jodlowski, Board of Fire Commissioners; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Chairperson Eickman stated that the upcoming meetings were Tuesday, July 16, 2024, and Tuesday, August 20, 2024.

APPROVAL OF MINUTES:

May 21, 2024

Chairman Eickman stated these would be held over until the next meeting.

ADJOURNED PUBLIC HEARING:

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

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

Mike Gillespie and John Knopf were present.

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

Mr. Gillespie stated when they were here last month, they got it down to three items that this Board was looking for resolution. First was that they want some assurance that the current owner is okay with the applicant moving forward as they are. They applied at the owner's consent and that should be on record now with the Town. The second item was some discussion regarding drainage. As you drive into the driveway there is a 90° turn as you come into the site. At the low spot there is some water that comes off the fire district property that sits there. There is a low spot in the back towards the parking sites, and they are showing regrading to pick up that drainage and work its way to the back. The third item was detailing the ability to show where each of the parking spaces are on the overgrown area. The guys went out and cleared a bunch of it out. Some of the old railroad ties that were originally used to delineate spaces have been found and are there. He has also shown on the plan recyclable bumper blocks where they are needed to define parking spaces. They do not anticipate anyone parking out on the access road.

Chairman Eickman asked if there would be bumper blocks for all 95 spaces. Mr. Gillespie stated they are proposing them in the area where you can't tell that there are spaces. They are the ones that were overgrown on the backside. Mr. Campbell asked if they had determined the exact amount of parking that they need versus what they are showing. Ms. Robbins stated the existing approved site plan requires 83 spaces but the applicant is showing 95. She is not sure where the extra space is coming from. However right now it appears to be a free-for-all out there. She was there before they cleared the back and there is definitely additional spaces that could fit back there. She stated if they are not demarcated it is sort of hard to know exactly where they are and how many fit in. She stated they have also been receiving complaints into the Planning Office about the lack of parking during certain times. It is not all the time, but just specific times on the weekends. She asked Mr. Gillespie how many additional spaces he got with the back row and how many were there to begin with. Engineer Bryant stated you are also relying on the first person to park to line up all the other cars. Mr. Gillespie stated in the front parking spots where there are existing islands there are railroad ties so there is some configuration of how to park.

They did paint the existing railroad ties in the back to give people a visual. The softball group has a two-year lease and she does not believe that it would be a problem to delineate each of the spaces in paint at the beginning of each year. In the winter they will not need that space at all. Ms. Robbins stated there is multiple uses on the site and during the weekends some of the people that are using the golf area cannot park, or are parking on the driveway. Even with the cleared area it is unclear if those additional spaces is enough parking to deal with what is going on out there. Mr. Campbell asked if they know by square footage if there is enough parking spaces. Ms. Robbins stated that assuming Mr. Gillespie has surveyed the area and if the spaces are done properly there are 95 spaces there. That is if they are marked and striped properly. There are 83 on the approved site plan, and that was a gravel site plan. She is not sure where those additional 12 spaces came from. Mr. Campbell asked if there was any ability beyond there for additional spaces. Mr. Knopf stated they could probably clear more trees. They did not want to knock down trees in order to clear for parking and would need to check with the owner for that. Ms. Robbins stated there was existing use there and things have been approved for different uses along the way. She thinks that the parking has not been reviewed in awhile. She does not want to create a situation where there is not adequate parking for the existing uses. They need to be sure that this applicant can park what he needs to park as well as the existing uses having parking. Mr. Gillespie stated there is some tension between the gentleman who runs the golf and the person who runs the softball. He suggested possibly having a site visit on weekends or after work on a weekday to take a walk and look at what they have done. Ms. Robbins stated it is pretty clear that they could use all 95 spaces out there and she would like to see them marked off. Mr. Gillespie stated he does believe he can do that. He thinks there were 78 spaces before and at least 20 to 25 spots with the addition of those two back rows. Mr. Rickett stated he was not there since they had cleared the spots. He also asked about the three required handicap spaces and Ms. Robbins stated they were counted in the 85 space. Mr. Knopf had photos of the cleared land to show to the Board. Engineer Bryant stated the plan that would make the most sense is just to pave and stripe the parking lot. Mr. Campbell stated if they move forward with this and then find there is some kind of trouble they need to be assured that there are additional spaces out there to be used. He asked if they did take down some trees and clear what is left out there would it give

them the exact same amount of spaces that they have just added. Mr. Knopf stated they may be able to get 20 spots altogether. He stated he has been there for 20 years and has never seen anyone use the back spaces nor has he seen cars driving around looking for spaces. Ms. Bledsoe asked where the additional people were coming from if it was not from his use. Ms. Robbins stated it sounds like it is from all the other uses on the site. Mr. Campbell asked if the people complaining supplied pictures and Ms. Robbins said yes. She stated for the last three weekends in a row they have done pictures showing a very full parking lot during certain times of the weekends. Mr. Gillespie stated this is an adjourned public hearing and he has never had anybody come to the public hearing and say anything so he asked if they had the right to know who is complaining about this. Ms. Robbins said yes. Mr. Gillespie stated that the only change that they are making is adding two fields that will take them from using the indoor dome to being outside. Mr. Miyoshi asked if the fields were not already there, why is there already a parking problem. Mr. Gillespie and Mr. Knopf stated they do not believe there is. Mr. Knopf also stated that the new parking spots were only created three hours ago.

Engineer Bryant stated that Hudson Valley Engineering had asked for a few items which they have not received yet. They asked for documentation regarding the anticipated amount of traffic and required parking spaces. He does not believe they have received that yet. They also stated that ideally, consideration should be given to provide separate parking for field use in lieu of providing additional parking. A parking study survey is recommended. He does not believe they received that either. Engineer Bryant believes if they combine all of the uses, they should be able to tabulate the amount of maximum parking required for them all. Mr. Campbell asked if they needed to provide handicap parking for each use and Ms. Robbins stated no. It is based on the number of total spaces in the lot. Ms. Bledsoe asked if the fields were going to be used primarily on the weekends or weekdays. Mr. Knopf stated they do not use the dome much on weekends in spring and summer, as they are normally playing at competitions. They do use the fields during the week. They might use the fields if somebody needs a practice but he does not believe it will be overly populated on the weekends. Ms. Bledsoe asked how many teams there were and Mr. Knopf said nine. Ms. Bledsoe stated she is just trying to understand where the complaints are

coming from. Ms. Robbins stated she believes that someone does not feel that there is adequate parking spaces for the existing use and adding anything would make it worse. Mr. Gillespie stated he does not recall a letter from HVEA and Chairman Eickman stated it was dated May 21st.

Chairman Eickman asked if there were any one from the public to speak for or against this application. There was no one.

Chairman Eickman asked if there were any additional questions or comments from the board. There were none. He stated that he does believe there are still some fairly serious questions regarding parking and he feels they need to get a handle on that prior to the approval. Ms. Gee asked if there was a specific time mentioned in the complaints that this happens on the weekends. Ms. Robbins stated she cannot recall but she will check into it. Ms. Gee stated she lives close enough that she does not mind driving past on the weekends to check out the parking lot. Mr. Campbell stated he can do the same as he is close in proximity as well.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to adjourn the Public Hearing until the July 16 meeting. Voted and carried unanimously.

PUBLIC HEARING:

2024-080 – Vuktilaj Pajtim, 7 Hamlet Way (6558-02-593800)

Applicant is applying for a Tier 2 solar special permit to install ground mounted solar panels at a residence.

Patrick was present.

Mr. Campbell and Chairperson Eickman recused themselves and left the room. Lori Gee will be the acting chairperson.

MOTION made by John Greenan, seconded by Ed Miyoshi, to open the Public Hearing. Voted and carried unanimously.

Patrick from Empire Solar Systems stated that the install is a straight ground mounted solar array in the backyard. It will be 48 panels. The panels will be REC 410 watts panels. The entire array is in the backyard. It is on a slanted hill so it will be situated at the bottom of the hill. They could not do a roof mounted solution as the applicant does not have enough roof space for the amount of panels to meet his energy demands. Ms. Gee asked if this was the standard residential install that cannot exceed 20% of what their current use is, and Patrick said yes.

Ms. Gee stated there are notes that there are some plantings proposed and she asked him to describe them. Patrick stated there are two plantings of the southern face and three at the north western side. From the backyard the neighbors will be able to see the array. Ms. Robbins stated right now they are proposing five trees to be 6-foot arborvitae. She stated they typically put a condition in that she will go out and make sure that it visually buffers what needs to be done and if any additional planting is needed, it is done. Ms. Gee stated that this property borders the Taconic State Parkway, and she asked if there was anything specific they needed to do. This is 100 feet from the buffer. Ms. Robbins stated they just need to be sure that it visually buffers the array. Engineer Bryant stated there needs to be level spreaders beneath the panels because they are so close to the Taconic. They can address that during the Building Permit application process.

Ms. Gee asked if there were any questions or comments from Board members. Mr. Papae stated with the trees alongside and the addition of the new trees it should be fine. It does not look like it will interfere with the other houses.

Robert Bossi from 8 Hamlet Way stated he is the house to the west. He stated he disagrees with Mr. Papae as his house overlooks this lot. He stated he will be able to see everything and this array will be 12 feet in the air. It will be 80 feet across and he will have to see the back of it. The three 6-foot arborvitae are not going to block anything. They need to be taller and there needs to be many more of them to cover it. He will be able to see this from every point in his backyard.

He is concerned about the amount of equity he will be losing on his house. He does believe he will be very adversely impacted by the view of this. Ms. Gee asked if the plantings were staggered would that help any. Mr. Bossi stated they would need to be taller. He will be looking over the plantings and seeing everything from every point inside and outside of his home. He believes there should be at least three more plantings as well along the backside of the array. Ms. Bledsoe asked how much higher Mr. Bossi's lot was. Mr. Bossi stated he is level with the top of the roofs at the base of his lot, so he is at least 30 to 35 feet higher. He does feel that the negative impacts to his property value will be substantial.

Mike Russo this at 5 Hamlet Way. He will be looking down at the front of this from every front facing window in his home. He recommended a site visit for the Board to come to their houses to see their point of view from inside their homes, their decks, and their backyards. He did supply some printed photos. One is from ground level, one is from his deck, and one is from his kitchen window. He stated he has no problem with solar, but his issue is with planting two 6-foot arborvitae with a 30 - 40 foot elevation. He purchased here for the topography and the nature and see backyards of trees and not solar panels.

Ms. Bledsoe asked if there was a reflection off of solar panels and Patrick said no.

Steven Mescia stated he is not a direct neighbor so he will not be as affected by this, but he would like to understand what is allowed with solar arrays. Attorney Cunningham stated that ground mounted solar panels are allowed within the Town. There is a specific number of panels they must have and it must be a specific criteria. Mr. Mescia stated he does believe site visits would be a good idea as these houses are valued at upwards of \$1 million and they are going to allow someone to take down all of the trees, which they have done. Google maps will show it as a buffer but that has all been cleared out. Then they are going to put in a larger array in the backyard and you can see it from pool decks and yards. He feels it is a pretty big eyesore. He feels this will be a precursor to anyone else putting up a monstrous obstruction in their yard that he would have to stare at. He also suggested it be staked out with markers or balloons to get a

good visual.

Ms. Gee stated that they have heard that there is additional screening of different sizes that might be required. Ms. Robbins normally advises the Board of those things. They also heard that a site visit might be advisable. She stated she is not opposed to that if the rest of the board is in favor of it. Mr. Greenan stated he is fine with the site visit. He asked if the renderings are aerial and not 3-D. Patrick stated he would be willing to stake out the area for a site visit. He did bring photos of the site and Ms. Gee stated they are already in the package. Mr. Papae asked if the panels would be lower than the surrounding sites and Patrick said yes. Ms. Gee asked if there was another location that the panels would work in. Patrick stated the whole backyard is pretty much a downslope. Ms. Bledsoe stated she is fine with a site visit. She stated it is clear from will maps that there is a large difference in the elevations visible by the slope of the driveways. It is clear that the foundation of the house to the left is above the roof line of the house that is in question. They could consider putting trees on the neighboring properties but that would still not help the views from inside of those houses. They could help from the yard. Ms. Gee stated they have looked at that before and talked about putting them on the property lines.

Mr. Miyoshi asked why it had to be 12 feet tall. He thought most of them are lower. Patrick stated it is the number of panels and the tilt they need to put them to optimize the energy production. Mr. Greenan asked why they need so many panels. Patrick stated it is to get the amount of panels they calculated when they ran the applicant's energy usage. Ms. Gee asked if it was possible to make it smaller to put some on the roof and some on the ground. Patrick stated they would still have the same problem and that is a lot easier said than done.

Ms. Gee stated they will pick a time to do a site visit and they would like to have it staked out prior. Ms. Bledsoe asked what their options would be when they see the elevations. She asked what options they have at this point. Ms. Robbins stated that when they get to the site they would get a sense of whether or not any screening can or cannot help. It is ultimately up to the Planning Board to issue the Special Permit for the solar. It is up to them to decide if the applicant meets the conditions of the Special Permit and that there won't be any significant adverse effects. Ms.

Bledsoe asked if the screening had to be on the applicant’s property. Attorney Cunningham stated that the applicant should propose screening and it may or may not be acceptable to the Board. That should be marked out prior to the site visit as well. Patrick stated they could also put screening closer to the array and that way, Mr. Bossi would see the trees more than he would see the panels. He stated he understands 6 feet does not sound like a very tall tree, but they probably grow to 20 feet. Mr. Miyoshi stated it would take a few years for that to happen. Mr. Papae stated it would probably be better to move the solar panels closer to the property line and they would need a lot of trees much larger than 6 foot. He felt they would need closer to 20-foot-high trees. That would only take care of you to the northwest and still leaves some sort of relief they need to find for the home on the southeast. Ms. Gee stated they tend to not fully screen something like that. They like to break the view up. Ms. Robbins stated a site visit will help them understand what they are dealing with as far as what is actually possible with screening the view. The neighbors sound like they are saying it may not be possible because of the topography. She will have Jackie send around a notice to everyone to be able to pick a date to do a site visit and to visit the neighboring properties.

MOTION made by Don Papae, seconded by Sarah Bledsoe, to adjourn the Public Hearing to the July 16, 2024 meeting. Voted and carried unanimously.

Mr. Campbell and Chairperson Eickman returned to the meeting.

DISCUSSIONS:

DISCUSSION:

2024-086 – Shenandoah Lake Estates (Russo), Appalachian West (6454-01-117808)

Applicant is requesting an excavation and fill special permit for an existing residential lot to bring an additional 2,884 cubic yards of fill to the site.

Brian Stokosa was present.

Mr. Stokosa stated this is a unique property. This is an existing subdivision that was created in 1978. A number of the homes were constructed since that time. There are a couple of remaining lots and his applicant has one of them. Going to the building permit process with the town there is some fill that needs to be brought on to the parcel. Starting with the septic there is over 1000 yards of material to be brought in for that. The septic has been recently updated by the health department and they have used the latest flow rates and newer technology to try to reduce the footprint of the septic as much as possible. As it relates to the home construction, the lot slopes dramatically from the edge of road. They have tried to step the house down following the contour of the land. It still requires almost 1500 yards of material to be brought in to shape around the house. In speaking with the Town Planner, they are here tonight to seek input from the Board and work through some of the notes that are on the original subdivision map. They are hoping to get to the point where this can get to a Public Hearing to see what the public comments are as it relates to the proposal that they have. Ms. Gee asked what the fill quantity numbers were at this point. Mr. Stokosa stated the original map had 5-foot and 10-foot contours on it. It did not show a house location or have a setback line. It showed a basic septic footprint, and it said 2 foot of fill or 4 foot of fill depending on the soil tests back at that time. The original file map didn't even show grading contours on it. They gave an analysis. The septic on the original filed map was 1090 cubic yards. With the latest update with the Board of Health and the latest technology with reduced flow rates they are at 1300 yards. Ms. Gee stated last time they saw this she thought it was 2800 yards. Mr. Stokosa stated 1300 is only the septic. As they go up the hill, they will need approximately 1500 yards around the house. Engineer Bryant stated the original map shows a typical section where there is a uniform 2 feet on the slope. If you do that math, it is less than 500 yards. Mr. Stokosa stated that it a generic that shows 2 foot of fill. If you look at how the septic is laid out on the actual subdivision plan the grade is steeper. You may start at two at the top of the pad, but as the grade falls off and you hold 15%, at the bottom of the fill pad you're at about five. The newer design starts at four because they have to bring fill in because the original septic designs were not as accurate as they should have been. Now they conform with Health Department regulations. They ended at almost 9 and are using the same philosophy with having the 15% top grade. The detail may say two, but the plan shows grading wise it is a little more than that. Ms. Gee asked if 15% was the required maximum

slopes. Mr. Stokosa said yes, the top of the pad to finish grade is 15% max.

Chairman Eickman asked what level of approval they need to get from the affected property owners to make a revision to a filed map. Mr. Stokosa stated this is the first time he has dealt with this in East Fishkill. This subdivision was completed on paper in 1978. He has been working in East Fishkill since 1998 and has worked on 10 or 11 homes that have been constructed since 1998. Each one of those had to have the septic redesigned. Each time there was never a reduction in fill due to rock depth. He never had to refile a map due to a fill discrepancy. Ms. Gee asked if there was an alternate position for the septic and Mr. Stokosa said they have the house pushed up as close to the road line as they can go. The front yard setback is 50 feet, and they are at 51. They have a front load garage so they're coming in at a -3.7 and the code is four. They are coming down as sharp as possible to lower the footprint. They were dropping the basement down for a walkout, so they are trying to follow the slope of the grade coming down. They have redesigned the septic using current technology, which is lower flow rates and infiltrators, which reduces the septic footprint by almost 25%. They are trying to be sensitive to truck traffic and fill that is being imported into the site. Engineer Bryant asked if this was a three bedroom or four-bedroom house. Mr. Stokosa stated it is a four bedroom. Engineer Bryant stated if they did a three-bedroom they would reduce the size.

Attorney Cunningham stated he did discuss this with Mr. Stokosa. Normally there is a note on a filed map. There is a case that went before the highest court in New York to get a note removed. Generally, you have to get approval from all of the other owners in the subdivision. Mr. Stokosa does have counter arguments, so they are willing to review all of those and look at it further.

Ms. Bledsoe stated the code has changed in 2000. Now it does not allow for fill at all unless it is on an original subdivision. Ms. Robbins stated that is her reading of it but she believes there is some discrepancy on how they are reading that Special Permit. They are going to go back and see how it has been applied in the past. Her belief is that when you do a subdivision to describe what fill you need because that was done as part of the SEQRA process. When to start bringing in fill

you have potential drainage changes on the other effects. You want to make sure that is studied as part of an approval. Ms. Bledsoe stated the intention is to move fill around the lots versus bringing it in or taking it out. Ms. Robbins said that is correct and one to bring it in or out there are additional impacts related to truck traffic. Mr. Stokosa stated the plan that created the subdivision is only one or two pages. They just did a subdivision on Phillips and it was 15 pages. There have been a lot of changes over the years. As developments have progressed, the plan sets have also progressed. There is a series of checks and balances as it relates to newer subdivisions, but when they are trying to take current standards and apply it to something that was done in the late 70s it does create issues they are running into now. Being sensitive to neighbors and truck traffic is why they have tried to push the house forward, step the house down, and reduce the size of the septic to the greatest amount possible to try to meet those neighbor needs. He was hoping as they work through the note situation it they could continue to schedule a Public Hearing. He believes a lot of this is generated around neighbors and impacts so they need to hear from them. Mr. Campbell asked if there were any building code issues. Attorney Cunningham stated he believes there is a difference of opinion on what the Town Code allows. Chairperson Eickman asked how they reconcile the difference. Attorney Cunningham stated that between now and the next meeting, Mr. Stokosa will meet with them and give his arguments as to why the note on the filed map doesn't preclude this proposal and why his client's proposal meets the Town Code. Ms. Bledsoe asked what recourse the Town has. Ms. Robbins stated that is what is unclear at this point. Ms. Bledsoe asked if they did issue the Special Permit, does the subdivision have to be adjusted. She asked what the process from here would be and what are their options. Attorney Cunningham stated that if you're using a very strict reading of everything, the applicant would not be able to get the fill under the Town Code so it would just stop there. If they could get the fill, it would require the signoff from every owner in the subdivision. Mr. Campbell asked how many people are in that subdivision. Mr. Stokosa stated there are approximately 40 lots. He believes there are only two vacant lots. Mr. Campbell asked if there was anything grandfathering these lots in. Attorney Cunningham stated he believes that is the argument that Mr. Stokosa is going to make. Engineer Bryant stated there is significantly re-contoured land and 140 to 150 truckloads of dirt. Ms. Gee asked if this house was roughly the same size as the other houses in the neighborhood. Mr. Stokosa stated it is the same

size as the newer homes. Chairman Eickman asked if they created any storm water issues with all the fill being brought in. Mr. Stokosa stated when they submitted their building permit, they did an engineered plot plan and to go with the drainage areas that were coming towards the property. They did design the plot plan to have swales and check dams to slow velocities down so they would not ruin the road. From a sequencing standpoint, they would start construction from the lower part of the lot. They will probably start with the fill for the septic and stabilization as they go. As they work their way up to the foundation they would begin house construction. They would have a detailed plot plan that would have erosion control blankets, seeding specifications, Hydro seeding, and other things to get the area stabilized so they do not have an erosion issue. They can expand upon that with the Engineer. Mr. Campbell asked if the undeveloped lots in that development are going to have the same sort of issue moving forward. Mr. Stokosa stated there are three lots that remain. There are two lots on Appalachian West and one on Appalachian East. The additional lot on Appalachian West is two parcels. It will have the same type of set up with a step-down walkout basement with a septic in the back. The grades do look a little shallower there and this is probably the second worst lot in the subdivision. Mr. Campbell asked if the other ones would be within the 10, 20, or 30% of the fill that they require here. Mr. Stokosa stated the one on Appalachian East would not even be an issue, and they could use on-site material. Lot 18 has half or 60% less just looking at the topography.

Ms. Gee stated she knows their focus is on the fill, but she asked if there was anything else on this lot that requires any kind of variances or issues. Ms. Robbins stated he did mention steep slopes last time, but she does not remember. Mr. Stokosa stated that steep slopes are defined by slope and dimensionally by length and width. They do have areas that have steep slopes, but they do not meet the thresholds that require a Steep Slopes Permit. He stated this steep slope section that is probably the biggest is approximately 25 feet off the right-of-way. As you come in off the Town road the lot drops dramatically, and kind of levels out and then goes down again. At the house foundation is being set, the steep slope faces right in front of the front walk. That is why they are stepping the basement down.

Mr. Campbell asked if the area where the septic was going is already perked and tested and Mr. Stokosa said yes, they have Board of Health approval.

Mr. Eickman stated the next step is for the applicant to get together with staff and figure out the best course for moving forward for all sides.

DISCUSSION:

2022-049 – Paradise Preserve Subdivision, 12 Deverly Lane (6756-00-241319)

Applicant is proposing a 6-lot subdivision on 93.3 acres in the R-3 Zone.

Rich Bolander, Peter Mallione, Mrs. Mallione, and Ms. Sarkoleff were present.

Ms. Robbins was recused due to a conflict and left the room.

Mr. Bolander stated the last time this application was before the Board he was not part of their team. The presentation was done by Ms. Sarkoleff, who did a very thorough presentation. No updated plans have been submitted, but he did want to get this project restarted as the last meeting was in October of 2023. He has reviewed the minutes and the comment letter. They are working with the Dutchess County Department of Health along with DEP for storm water and septic approvals. One of the glaring comments was regarding the amount of disturbance and whether or not they were over the 5-acre disturbance. He is well versed in the language of the DEP and dealing with the amount of disturbance over 5 acres. He has started putting together a phasing plan because it is six lots and lends itself to phasing. They are trying to limit the total amount of disturbance at one time to just over an acre. That will be described and shown on the plan that will be provided to the DEP for their signoff. There are a lot of technical comments regarding driveways and steepness in storm water and septic. They are working together to get the approvals from the Department of Health and the DEP.

Chairman Eickman asked if another part of the property extends into another town. Mr. Bohlander said yes but they are only working on the section in East Fishkill.

Mr. Bolander stated as they get approvals, they will forward them to the Town. He asked if the next time he presents to the Board, would he need approvals in hand. Chairman Eickman stated as long as the applicant has started the process, and it is moving forward, and they can provide assurances that they are being listened to, they do not need the approvals in hand for the next meeting.

Chairman Eickman asked if there were any questions or comments from Board members. There were none. He asked if there were any questions or comments from Town professionals. Engineer Bryant asked if there were old cottages on the property, and Mr. Bolander said yes. Engineer Bryant asked if they would be getting rid of those, and Mr. Bolander said yes.

Ms. Bledsoe asked if they were in a watershed and if a different version of a SWPPP was required. Mr. Bolander said there are a few more stringent requirements. If you are outside of the water shed your water quality volume is your amount of impervious area times 1 inch and a half of rainwater. Because this is in the DEP watershed, it is the one-year rainfall event, which is approximately 2.8 inches. That is what they're looking to infiltrate in infiltration basins. Another requirement during construction, which will be coordinated with DEP, is two S&E site visits during construction instead of one per week. Also the enhanced phosphorus removal is a requirement and needed in a DEP watershed.

Ms Robbins returned to the meeting.

DISCUSSION:

2024-087 – Precious Angels, 118 Brandy Lane (6458-01-072539)

Applicant is applying for a special permit to run an existing daycare out of her home.

Desiree Testerman was present.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to open the Public Hearing. Voted and carried unanimously.

Ms. Testerman stated she was here to receive a Special Permit so she may continue to run her in-home daycare. She has been licensed for approximately 40 years and follows all the rules and regulations with the Dutchess County Council.

Chairman Eickman asked how long she has been operating and Ms. Testerman stated 22 years. Chairman Eickman asked if there was anything special about her operation. She stated she takes care of a lot of the community families. She offers a safe environment for their children to come and go and is very reliable. Chairperson Eickman asked approximately how many kids she has. Ms. Testerman stated she normally has between six and eight children. During the holidays, she might have up to 12. There are also children that attend before and after school.

Chairperson Eickman asked if there were any questions or comments. Engineer Bryant stated that there is a drainage easement behind this home and there has been encroachment into the easement. He stated they have sent a letter out and gotten a response, but it is an ongoing issue that needs to be resolved. There is some localized flooding in the area. Chairman Eickman asked if that should be a condition of the resolution and Attorney Cunningham said yes. Engineer Bryant asked if the State comes out for a field visit and issues her permits and Ms. Testerman said yes, they also pop in quarterly unannounced. Engineer Bryant asked if they were okay with the little pond in the back and Ms. Testerman stated everything used for the daycare is all fenced off. That is a separate part of her yard that is not used for the daycare.

Chairman Eickman asked if anyone from the public had anything for or against this application. There was no one.

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

RESOLUTION OF SPECIAL PERMIT FOR A FAMILY DAY-CARE FACILITY

NAME OF SITE PLAN: Precious Angels
NAME OF APPLICANT: Desiree Testerman
LOCATION: 118 Brandy Lane
GRID NO: 132800-6458-01-072539

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant applied for a special permit for a Family Day-Care Facility under Chapter 194-63 of the East Fishkill Zoning Code; and

WHEREAS, the applicant meets all the condition of the special permit; and

WHEREAS, a public hearing for a Family Day-Care special permit was opened and closed on June 18, 2024; and

WHEREAS, the proposed action is a Type II action under SEQR and no further SEQR review is required; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants a special permit for a Family Day-Care Facility at 118 Brandy Lane as depicted in the application dated 5/24/24, subject to the following condition:

- 1. Resolution of encroachment of drainage easement to the satisfaction of the Town Engineer.

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

Resolution Seconded by Planning Board Member Lori Gee

The votes were as follows:

Board Member Lori Gee Aye
Board Member Ed Miyoshi Aye
Board Member Sarah Bledsoe Aye
Board Member Richard Campbell Aye
Board Member Donald Papae Aye

Board Member John Greenan Aye
Chairperson John Eickman Aye
Alternate Board Member John Giovagnoli Absent

Ms. Testerman stated she did have a sign for the daycare, but she took it down. She asked if she could put it back up. It is a temporary sign that she takes down in the winter. Mr. Rickett stated as long as it stays the same sign it will be fine. Engineer Bryant told her to call the office so they can discuss the drainage issue.

EXTENSION:

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

Applicant is requesting a 6-month extension for a site plan approved on 6/2/2009. The applicant previously received extensions on 4/6/10, 6/21/11, 9/6/11,12/20/11, 3/6/12, 4/1/14, 4/21/15, 4/20/16, 6/6/17, 6/18/18, 6/18/19, 4/1/20, 11/1/20, a 6-month extension on 11/17/20 until 5/31/21 due to Covid 19, one-year extension on 6/8/21 thru 6/8/22 a six month on 6/8/22 thru 12/7/22, a 6 month on 12/7/22 thru 6/7/23 a 6 month 6/7/23 thru 12/7/23 and a 6 month 12/7/23 thru 6/7/24.

Oliver Angol and Michael Berda were present.

Mr. Angol stated they have a desire to build at 6 Nancy Court. They currently occupy 8 Nancy Court. They have been before this Board in the past and the Board has been very generous with respect to the applicant's ability to continue this project. He believes they are at the very last mile with respect to this particular project. They are one engineering study away from being able to complete their building plans in order to obtain a Building Permit. They do not plan to come before this Board again, unless they have to restart the process. He truly believes this is their very last request. They were almost at the point of being able to obtain a building permit before their extension expired on June 7 but they were unable to make that deadline. They are here to request

six months to finish this particular project. They do believe the building elevations they are showing are an improvement on what was proposed before. The site plan does not have to change in any way to make it look like this elevation as opposed to what was planned before. They went with a pre-constructed structure simply because of some of the technical requirements that they want the building to house. They want the ability to have the clear floor area. They are a manufacturing company at 8 Nancy Court and this would be across the parking lot from that location. The building that was originally planned on that site is very close to this in terms of structural appearance. They would like to build this in order to grow their company. They may lease some of it out depending on circumstances.

Ms. Robbins stated that this is a change to the building that they had an approval for. She stated she would need to understand what the changes are. Mr. Berta stated that the original building was very similar to the design at 8 Nancy Court. It was a truss roof building with a lot of wasted space and a lot of columns to support the building. They realize in manufacturing that the columns are in the way. There was no way to take that building design and create it with no columns in the middle. There are already flat roofs on two other buildings that are there, so they came up with a pre-engineered steel building that they can get clear spans in. Ms. Robbins asked if the footprint has changed. Mr. Berta said no, they actually used the same footprint but brought it in in a couple of spots. The original look but had a lot of jogs or bump-outs that they eliminated. Ms. Robbins asked if the original building was two full stories like this proposal. Mr. Berta said it is a single story, as is this one. This may look like a two-story building, but it is a single story. There is about 18 feet clear to the underneath of the steel framing. In order to get the 18-foot clearing they are approximately 24 feet tall by the time they put the parapets up. The upper windows are to bring light into the manufacturing areas. Ms. Robbins stated that this is all new to her. They previously had an extension for an approval that they had back in 2009. They went to the ARB at the time and got approval. This building has not been approved. Mr. Berta stated they did go back to the ARB in February of this year. Ms. Robbins asked who referred them and Mr. Berta did not know. Mr. Miyoshi stated that he believes this would be a new project at this point. He stated they have 19 extensions at this point. Engineer Bryant stated at each one, they were told it would be the last

one. Mr. Berta stated they do have the steel building company working on the design for the building right now. If they were a little quicker with their engineering they would have had a foundation plan ready to be put in. They are anticipating the design very soon and then the structural engineers will be able to design the foundation for it.

Ms. Gee asked if they really needed six months if they were that close to the end. She asked if they could do it in three months. Mr. Angol stated that the engineering study that is required can take eight weeks. That would cut it very close to three months. Six months would guarantee absolute successfully moves forward.

Ms. Gee asked if they have gone through the process of whether or not the current site plan would conform with any changes based on the current laws. Mr. Angol stated that has come up at least once or twice. Michael Gillespie was the engineer on this and wrote letters and provided various documentation. Ms. Gee asked when the last one was done. Mr. Angol stated it was probably a couple of years ago. Ms. Robbins stated the zoning in this area has changed. It was Industrial zoning and it now a B3 zoning. She does feel that they are in the amended site plan territory at this point with the changes that have gone on. She does feel it needs to be an amended site plan application. Chairman Eickman stated that would include all of the requirements like a public hearing as well and Ms. Robbins said yes and also include a referral to the ARC. Attorney Cunningham stated it sounds like the footprint of the building has changed as well. He asked if the building height was the same and Mr. Berta stated the building is actually lower. The center pitch on the original design was 35 feet to the midpoint. To the ridge, it was almost 42 feet. They are at 26 to 27 feet maximum now. Ms. Gee stated they have increased their usable space inside. Mr. Berta said no, they just removed the columns inside. Dimensionally yes. Before they had 14 foot ceilings and now they are 16 to 18 feet depending on where you are under the beam. Ms. Robbins stated they need to look at uses to make sure it meets the current zoning.

Ms. Bledsoe asked if when the site plan was originally approved, was it for partial lease and partial use. Mr. Angol stated that in 2009 they did not own the lots or the existing 8 Nancy Court that they

currently occupy. They purchased the lot and the building in 2010. That site plan was already in the works but have not been completed. Part of the reason they bought a lot with the partially completed site plan was so that they can operate their manufacturing facility in number eight Nancy Court and give them space to grow into at number 6 Nancy Court should they be able to build that particular building. It is the very same lot, it just has a different number. At that point, the site plan was not approved but they worked until 2013 to complete the site plan. That is the official date when the site plan was signed and stamped by East Fishkill. Engineer Bryant stated there might have been a resolution in 2009 but they were waiting for Department of Health approvals. Mr. Angol stated from 2008 to 2010 real estate was not great. This space was mostly empty when they purchased it, but it did have an animal hospital that was leased. No one else would lease the space because of the real estate situation at that time. They purchased the building for the purpose of growing out of the manufacturing space that they now occupy. Their site plan was not signed off until 2013 and that is what they believe is their starting date. Engineer Bryant stated the first date is a resolution approving it and the second is when the site plan was signed. At that point, there were other conditions that had to be met. They do not meet those conditions until 2013, which is why they needed the extensions. Mr. Campbell stated the real issue now is that the building is completely changed. He feels this will need a new application or an amended site plan. Ms. Bledsoe stated the zoning has changed as well. Ms. Gee stated the building is within the original envelope but the zoning change needs to be checked to be sure that the proposed use matches the permitted zone uses.

Ms. Bledsoe asked about two buildings on one lot. Ms. Robbins stated she does believe that was the original agreement with shared parking. They need to look at that because originally there was no use proposed. It was a general use proposed with no specifics. She stated they been waiting to understand what's actually going in the building because that relates to parking and everything else going on there. Mr. Campbell asked if this was on one lot or two. Mr. Angol stated it is one lot. Ms. Gee stated she does not know why it would have been called shared parking if it was all one lot. Mr. Angol stated the whole business park is share parking. Ms. Bledsoe asked if the code currently allows for two buildings on one lot. Ms. Robbins stated she does not remember the exact

history from prior to this gentleman owning it. She does believe there was always supposed to be two buildings constructed at the same time but one of them just one got constructed. She will have to go back and look. Mr. Campbell asked if they would meet those zoning codes right now and Mr. Angol stated when they purchased it, it was like manufacturing, which is exactly what they do. He will look into it. Mr. Campbell asked if they would be grandfathered in as they started the process prior to the change in zoning. Attorney Cunningham stated they might be. He asked if they do manufacturing in the other building and Mr. Angol said yes. Engineer Bryant stated it might just be an expansion of a pre-existing use. Attorney Cunningham stated he does believe there is an argument for that but it does seem like an amended site plan to him.

Chairman Eickman asked what they manufacturer. Mr. Angol stated they do electronic manufacturing. They build printed circuit boards for anybody who needs electronics. They don't have their own products. They are a contract manufacturer. Mr. Campbell asked if they had any idea how much of the building they would use and how much they would rent. Mr. Angol some ideally they would use the whole building themselves.

Mr. Rickett asked how many employees they have and Mr. Angol stated 15.

Ms. Robbins stated it doesn't seem like they are approving the existing building anymore. Attorney Cunningham agreed. He stated the Board needs to have the applicant go speak to staff and get more details about their plan. The professionals need to take a deep dive into the Code. Ms. Gee asked if they needed a 60-day extension to allow that to occur. Attorney Cunningham stated that would be fine. Chairperson Eickman asked if they should be referred formally to the ARC and Ms. Robbins stated they first need to understand exactly what will be the amended site plan and go through that process first.

MOTION made by Lori Gee, seconded by Richard Cunningham, to grant a 60-day temporary extension to this applicant with the expectation that within the 60 days, the applicant will meet with the Town Professionals and determine what the next steps would be: to either get an additional extension or a revision to their site plan. Voted

and carried unanimously.

CORRESPONDENCE:

Forestier Subdivision, Amendment of Lot #3

Applicant is requesting to revise the subdivision plat to reflect existing easement.

No one was present.

Ms. Robbins stated she did not believe that the applicant needed to be here. They had to revise the subdivision because the subdivision plot that the applicant provided did not include an access easement, which is along the boundary of the property. This is for the benefit of the property behind it. Engineer Bryant stated it did not come up until they submitted an actual plot plans to build the house. It was in part of the original subdivision. Ms. Robbins stated that they modified the subdivision plat to show that easement and that's what this resolution is doing. Attorney Cunningham stated they could do the resolution.

RESOLUTION OF AMENDED SUBDIVISION APPROVAL

NAME OF SUBDIVISION PLAT: **FORESTIERE**
NAME OF APPLICANT: **Chris Forestiere**
LOCATION: **8 Country Lane**
GRID NO. **132800-6356-01-408655**

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the Applicant applied for a 3-lot subdivision of a 4.34 acre lots in the R-1 Zone; and
WHEREAS, the proposed three lots were in conformance with the R-1 zoning district; and
WHEREAS, the Planning Board opened the public hearing on May 18, 2021 and closed the Public Hearing on June 8, 2021; and

WHEREAS, the Planning Board adopted a negative declaration for the unlisted action on June 8, 2021; and

WHEREAS, the Planning Board issued Final Subdivision Approval on June 8, 2021 for the above project as represented on a map entitled “FORESTIERE SUBDIVISION” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated March 31, 2021, and last revised February 26, 2021; and

WHEREAS, the applicant is requesting to amend Lot 3 on the approved subdivision plat for the purpose of accurately describing the access easement which runs over the lot and was not described in the original filed map creating the lot; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues Amended Subdivision Approval for the above project as represented on a survey entitled “AMENDMENT OF LOT NO. 3 FORESTIERE SUBDIVISION” prepared by Robert V. Oswald Land Surveying dated May 7, 2024.

1. The final plat will contain the written approval of the DCHD before it is signed by the Chairperson.

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 Rich Campbell

The votes were as follows:

Board Member Lori Gee	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Richard Campbell	Aye
Board Member Donald Papae	Aye
Board Member John Greenan	Aye
Chairperson John Eickman	Aye
Alternate Board Member John Giovagnoli	N/A

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

ADJOURNMENT

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

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board