

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING**

AUGUST 20, 2024

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

Members present were Donald Papae, Lori Gee, John Eickman, Richard Campbell, Ed Miyoshi and Sarah Bledsoe. Member John Greenan was absent and Alternate Member John Giovagnoli acted in his place for the meeting.

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

b. Mr. Eickman announced the **Upcoming Meeting Dates** are:
September 17, 2024, and October 15, 2024

c. **Approval of Minutes of Meetings Held: July 16, 2024**

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to approve the Minutes of Meeting Held July 16, 2024. Voted and carried unanimously.

Mr. Eickman announced that **Treetop Development** was on this evening's agenda for Discussion, however, it has been deferred to the next Planning Board meeting, at which time there will be a full presentation made.

Town Professionals and Consultants present were: Michael Cunningham, Esq., Town Attorney, Michelle Robbins, AICP-Town Planner, Rich Renna, Town Engineer, Brendan Fitzgerald, Traffic Consultant HVEA, and George Cronk, Assistant Town Engineer.

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

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ADJOURNED PUBLIC HEARING:

1. #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.

Michael E, Gillespie, M. Gillespie and Associates Consulting Engineers P.L.L.C. and John Knopf of Empire State Huskies were present.

MOTION made by Richard Campbell, seconded by Lori Gee, to Open the Adjourned Public Hearing for J.F.E. Associates. Voted and carried unanimously.

As the plan was being displayed, Mr. Gillespie began, stating that he knew there had been some concerns with the parking, when this was last before the Board a couple of months ago. It was making sure there was adequate parking for the existing uses and the proposed uses on the site. One of the things requested by the Town consultant was that an inventory be provided of what is existing, what makes sense, what is proposed and how it impacts that, what modifications that need to be made to the parking terms itself. In the last submission, he said a parking analysis was prepared, based on what is there. The proposal is for 30 new spots, based upon their numbers, Mr. Gillespie pointed out the proposed parking area on the displayed plan, saying they had some room in front of the batting cages and additional spots have been provided there, to make the count work. He said that is the extent of the last submission made, to address the comments. He said he did receive another comment letter this evening regarding some further concerns. Since the Board did not have the current comments, Mr. Eickman asked Mr. Gillespie to read the comments, as well as his response.

Comment: “Parking for the existing proposed site appear to be reasonable.”

1 Response from Mr. Gillespie: “He feels they are good with this.”

2 Comment: “A filed site indicates that a lot requires appropriate grading around the outer
3 perimeter to achieve the proposed layout. All parking spots must be delineated with parking
4 blocks, or approved delineation, in order to ensure an orderly parking lot.

5 Response: Mr. Gillespie asked Mr. Knopf to speak to this, saying that he recently picked up a
6 number of railroad ties. Mr. Knopf stated that he purchased used railroad ties that had been
7 delivered. He got all of them for a cheap amount. He said he did not move them, as he didn’t
8 know if he was allowed to and didn’t want to bring in a machine to move them, but they are there
9 and ready to go. He said they did the delineation of separating the parking lots so that people
10 know they can park on both sides. It had been a problem with people just parking in the middle
11 and took up spots. He said they did the work that the Board told him a couple months ago that he
12 could do and it is done. The railroad ties will give more spots on the other side, so people can see
13 it and he told the Board that he needed to show it is a spot. Mr. Eickman asked Mr. Knopf if the
14 plan was to cut the ties up so they look like parking blocks. He responded that they are 8-10 feet
15 and that he would cut them in half and put them on the spots. He said they are not there now, but
16 in a pile at this time. Mr. Eickman told him he could report to him that, since this was last before
17 the Board, 3 of the members had been out to the site to take a look at the site to see if it was a
18 problem or not. In all cases, which was at least 4 visits, he said they found no more than 20-25
19 cars at any one time and that on one visit there were young ladies, about 30 kids practicing
20 softball in the dome and a dozen adults, with no apparent parking problems. He told Mr. Knopf
21 that, with what he plans to do and their analysis, he thinks they are probably able to do this well.
22 He referred to the Board for their comments or questions.

23

24 Ms. Gee stated she agreed and that she was able to visit the site 3 or 4 times since this was last
25 before the Board, and even this evening driving by. She said it can be seen that there are plenty of
26 spots, the parking lot is maybe ½ full. She was there on the weekends, both morning and

1 afternoon and, like Mr. Eickman said, there were no issues seen. Mr. Papae stated there is no
2 issue with parking. Mr. Campbell agreed, stating he had visited the site on 3 different occasions,
3 both at times in the morning and sometimes in the afternoon. He did not see an overly amount of
4 cars using spaces and said he felt comfortable with this.

5
6 Mr. Fitzgerald told Mr. Knopf that had 2 more comments. One is about the handicapped parking,
7 and whether there would be a loading/unloading zone. He wasn't sure of the requirement,
8 thinking it is 8. Ms. Robbins said it is not that many; this is 105 spaces, for a total of 4
9 handicapped spaces. Mr. Fitzgerald told Mr. Knopf and Mr. Gillespie it is at their discretion and
10 if they think they are needed. Mr. Gillespie said there are 8 and, with the 4, can always translate
11 them to standard parking spots. Mr. Fitzgerald said that makes sense, and the bulk of the new
12 parking is the fields, and that it may be advantageous to put a couple of spots at the other end,
13 near the field. Mr. Knopf asked if they are bigger, and Mr. Fitzgerald said it is an unloading area
14 and they have to be signed. Mr. Knopf responded that he knows that, but asked if the spots need
15 to be bigger, wider. Mr. Fitzgerald said No, he thinks they are the same size; it is just the
16 unloading area. He suggested putting more detail on the plan, indicating the signs. Mr. Gillespie
17 stated there is not a lot of loading, unloading, but he was sure they could get on there somewhere.

18
19 Ms. Robbins said she knew this was 95 spaces and asked if there are now 105 spaces now in
20 total. Mr. Gillespie replied that 73 exist and he was able to layout 105 spaces in there. Ms.
21 Robbins said if it is 105 spaces, then there are 5 handicapped. If under 100 spaces, then it is 4
22 handicapped spaces. Mr. Fitzgerald stated that the other thing that might affect the spaces is if all
23 the parking is not needed or wouldn't be utilized. In the event that it is, he said he thinks there is
24 a need to be able to get a fire truck in there and around the lot. At the far end of the lot, he knows
25 there is a light pole and a couple spaces on the end might need to be eliminated so that the fire
26 truck can go in the entrance, go around the outer, and back out again. Mr. Gillespie said that can

1 be laid out on there; they did get an ok from the Fire Department. He said it sounds like, based
2 upon the parking that is now existing is close to what is being proposed and maybe they can
3 afford to eliminate just a few to make that work.

4
5 Mr. Campbell stated he thinks that it needs to be delineated where the Fire Department would
6 want egress. He said he believed there wouldn't be parking on the drive through entrance, and it
7 would be self-policed, but suggested it could have some "no parking" there in between, where
8 driving in. Mr. Knopf stated that the existing is where it is coming in and going out. Mr.
9 Campbell said that now there is no operation there and, again, people like to pull up to the like
10 path. Mr. Knopf told Mr. Campbell he understands, and they shouldn't do it; he understands
11 don't let anyone park there.

12
13 Mr. Eickman asked if that was the total of the comments and Mr. Fitzgerald responded Yes.

14
15 Ms. Robbins wanted to comment that the number of ADA spaces is in the resolution and asked if
16 that would be brought down to 5, assuming that they do not need to do 8. Mr. Gillespie said 5 is
17 fine. She said this would need to be modified when the Resolution is read.

18
19 Mr. Eickman asked if there were any comments from the Fire Advisory Board.

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21 Mr. Gillespie asked about the location of the No Parking signs. Mr. Campbell said it is when
22 driving into the complex, off of Route 52; the softball fields are going to be on both sides. Mr.
23 Knopf said No, the other side is the Fire Department. Mr. Campbell said sometimes people will
24 have a tendency to park. Mr. Knopf told him he understood what he was saying and he thought
25 he meant the middle. Mr. Campbell said no, he was sorry, and meant literally, when turning off
26 of Route 52 into the entrance. Mr. Fitzgerald said it makes sense not to park along where the

1 fields are, not wanting people to back into another car. Mr. Knopf said it is for both places; they
2 shouldn't park. Mr. Campbell said there is plenty of parking at this stage; it is mapping it out so
3 that people understand when they pull in there, where to park and where not to park. Mr. Knopf
4 said, when he put the middle barrier up, it changed the whole game of where to park; they used to
5 park right in the middle and when he went out there one day after he did that, it was like a totally
6 different place. He said he agrees with this and the signs are easy.

7
8 Mr. Eickman asked if there was anyone present from the public to speak for or against the project
9 and no one responded. He confirmed that there were no further comments or questions from the
10 Board Members or Town Professionals.

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12 **MOTION made by Richard Campbell, seconded by Lori Gee, to**
13 **Close the Public Hearing for J.F.E. Associates.**
14 **Voted and carried unanimously.**
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19 **AMENDED RESOLUTION OF SITE PLAN APPROVAL**
20 **AND**
21 **OUTDOOR RECREATION SPECIAL PERMIT**
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24 **NAME OF SITE PLAN: JFE Associates**
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26 **NAME OF APPLICANT: Empire State Huskies c/o John Knopf**
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28 **LOCATION: 2528 Route 52**
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30 **GRID NUMBERS: 6456-02-885563**

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32 Resolution Offered by Planning Board Member **John Eickman**
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1 **WHEREAS**, the applicant is applying for a minor site plan amendment and an Outdoor
2 Recreation Development Special Permit to install two practice softball fields on the golf dome
3 site; and

4 **WHEREAS**, the existing site plan shows 83 spaces and the proposed site plan shows 105
5 including a minimum of five (5) handicapped parking spaces; and

6 **WHEREAS**, the parking requirement for the proposed uses totals 164 spaces; and

7 **WHEREAS**, per the special permit § 194-67. **Outdoor recreation developments**, the
8 Planning Board may grant relief from the parking requirements; and

9 **WHEREAS**, the applicant has provided information to the Planning Board to demonstrate
10 that the proposed 105 parking spaces provided is sufficient for the site and shall not adversely
11 affect the traffic, safety and welfare of the residents of the Town of East Fishkill; and

12 **WHEREAS**, the applicant will provide a temporary backstop and temporary bench barrier at
13 each field to prevent balls from leaving the field of play; and

14 **WHEREAS**, the Planning Board held a public hearing for the proposed practice softball
15 fields on May 21, 2024, June 18, 2024, and closed the public hearing on August 20, 2024; and

16 **WHEREAS**, the Planning Board determined that the proposed project is a Type II project
17 under SEQR and no further SEQR review is required; and

18
19 **BE IT FURTHER RESOLVED**, that the Planning Board hereby grants an Outdoor
20 Recreation Development Special Permit and Amended Site Plan Approval, as shown on the
21 “Minor Modification Site Plan for JFE Associates,” prepared by M. Gillespie & Associates, LLC
22 and dated May 31, 2023 and last revised 7/31//24 subject to the following conditions:

- 23 1. Applicant to provide 105 parking spaces
- 24 2. A minimum of five (5) ADA compliant handicapped parking spaces marked and
25 signed.
- 26 3. A 20-foot utility easement along the front of the parcel.
- 27 4. The softball fields shall be used for practice only. No games or tournaments shall
28 be held on the practice fields.
- 29 5. Special permit must be renewed by August 20, 2025 one year from the date of
30 issuance to allow for review of parking and operations. The special permit may be
31 extended if the Planning Board finds the operation of the softball fields does not
32 adversely affect the traffic, safety and welfare of the residents of the Town of East
33 Fishkill.
- 34 6. Escrow must be replenished prior to site plan signature.

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

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

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

PUBLIC HEARING:

2 #2024 - 084 – Gabriella Rose (Flory's Gas Station), 1997 Route 52, (6356-04-635231)

Applicant is applying for an amended site plan to install a new vacuum station, air station, and outside cooler as well as to gain approval for an existing propane gas exchange station and ice chest.

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

MOTION made by Richard Campbell, seconded by Lori Gee, to Open the Public Hearing for Gabriella Rose (Flory's Gas Station). Voted and carried unanimously.

Mr. Stokosa displayed the plan and stated that this gas station is near John Jay (high school) on Route 52. He said they were present for a couple of reasons, one being for an air station located in the back of the parcel, next to the refuse enclosure. The applicant would like to bring this to the front of the property, along Lake Drive, with the air station and vacuum, station. In doing so, he said he is ensuring parking would be free in that area to put up a limited parking time of a

1 couple minutes to make sure those spaces are open. While that amendment to the site plan was
2 being made, he said it was noted that there is an existing ice chest and propane cabinet along the
3 Northern property line. He said those 2 items did not have a permit associated with them and they
4 had to go through the process of applying for a permit. In doing so, a couple of variances were
5 required. Accordingly, he said this is a coordinated review with the Zoning Board. The opening
6 of this evening's public hearing he said is for comments related to this project. A couple of
7 notations have been put on the plan since the last meeting when this was before the Board. There
8 are now bollard locations around the dumpster, ice chest and propane cabinet. In the ZBA
9 presentation for the public hearing, there was a concern about maintaining some of the grass
10 behind the dumpster enclosure and the notation was added to the site plan to ensure the grass is
11 maintained there. Another concern heard at the ZBA's public hearing was with regard to parking
12 on this busy site. He said there is some parking that is occurring along Lake Drive, where people
13 park temporarily, run into the store and come back out. There are no parking signs there and he
14 said the applicant is asking people not to do that to follow the regulations that go along with the
15 original site plan. He said he talked do the applicant today, who is actively seeking to work with
16 business owners on both sides of the street, to lease additional spaces if possible. He said he
17 believes there is an agreement with the property owner to the North, for a couple spaces. It is
18 realized that parking is an issue during their peak periods, and he said he believes there is some
19 influence from the parcel to the West, with the construction that was going on. Temporarily, he
20 said, parking in that area is not a problem, but it is during the peak period of which the applicant
21 is aware. He said that no site revisions have been made to the plan, other than the bollards and
22 the maintenance of the grass area and that is the real update.

23

24 Mr. Eickman told Mr. Stokosa that his statement about the bollards he thinks resolved an issue
25 raised by someone that sent an email as part of the public hearing. It is from Mr. & Mrs. Alfred
26 Cardinale, who could not attend the meeting. They had a concern about the propane cage being

1 so close to a parking area separated only by fence with slats in it. He said he takes it that the
2 bollards Mr. Stokosa indicated will save that area and Mr. Stokosa replied Yes.. Mr. Eickman
3 asked him if there was still the employee parking that he told the Board about, being 6 or 7
4 spaces and if it was a fairly long-term arrangement. Mr. Stokosa nodded, saying Yes, and, if
5 there is the ability to do so, they would like to seek additional spaces too, as it is known that
6 parking is a premium there. For the record, Mr. Stokosa said that no retail space is being
7 increased with this project; it remains the same. This was just to add some additional cooler
8 space for the frozen goods because of the way the building is configured with Dunkin Donuts.
9 Sharing with the gas station is relatively confined and he reiterated that retail area is not being
10 increased.

11
12 Mr. Miyoshi asked Mr. Stokosa if anything was being done to reduce the flow issues in the site
13 with the traffic there, especially if there is a gas delivery at that place which, he said is a
14 nightmare at that point. Mr. Stokosa replied that they spoke to the applicant to try to have
15 deliveries staggered off peak to try and improve that situation during unloading periods, so the
16 applicants are aware of this.

17
18 There were no further comments or questions from the Board and none from the Town
19 Professionals or the Fire Advisory Board. Mr. Eickman confirmed that no one was present from
20 the public to speak for or against the project.

21
22 **MOTION made by Richard Campbell, seconded by Lori Gee, to Close**
23 **the Public Hearing for Gabriella Rose (Flory's Gas Station).**
24 **Voted and carried unanimously.**
25

26 Ms. Robbins noted that the Intent to Declare Lead Agency was made at the last meeting and now
27 there needed to be the declaration to do so.

28

1 **MOTION made by Richard Campbell, seconded by Lori Gee, for the**
2 **Planning Board to Declare Lead Agency for Gabriella Rose (Flory’s**
3 **Gas Station).**
4 **Voted and carried unanimously.**
5

6 Mr. Eickman asked if this could go forward with the Negative Declaration and Resolution this
7 evening. Ms. Robbins responded Yes, if the Board so desires. Attorney Cummingham stated that,
8 if there is the Resolution, the Board should have a provision in place for the applicant to come up
9 with an off-site parking plan for employees, subject to the satisfaction of the Town Attorney’s
10 office and the Town Engineer’s office. Mr. Stokosa responded that this was acceptable.
11

12 **NEGATIVE DECLARATION - Gabriella Rose (Flory’s Gas Station)**
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14 Mr. Eickman read that this is an unlisted action and summarized the Negative Declaration,
15 stating:
16

17 This is an Amendment to the Site Plan to install a new vacuum station, air station and outside
18 cooler at an existing gas station and convenience store on Route 52 and to gain approval for an
19 existing gas propane station and ice chest.
20

21 The proposed action would require several area variances but would not be expected to affect
22 neighborhood character, or the visual character of the site, or the immediate area.
23

24 The proposed action would not be expected to result in any significant adverse impacts on the
25 environment for the following reasons:
26

- 27 1. *It will not* generate a significant amount of additional vehicles, noise or emission levels.
- 28 2. *It will not* significantly affect rare or endangered species of animal or plant, or habitat of
29 such species.
- 30 3. *It will not* result in any impacts to historic or archeological resources.
- 31 4. *It will not* result in any impacts related to hazardous materials.
- 32 5. *It will not* result in a significant effect on air, water quality or ambient noise levels for
33 adjoining areas.
- 34 6. *It will not* be subjected to unacceptable risk of flooding or major geological hazards.
- 35 7. *It will not* have a substantial aesthetic affect.
- 36 8. *It will not* adversely affect any surface water or groundwater.

- 1 9. *It will not* allow for improper uses within specified zoning districts.
- 2 10. *It will not* result in adverse cumulative impacts.
- 3 11. *It will not* result in adverse growth-inducing impacts.
- 4 12. *It will not* conflict with the Town’s Comprehensive Plan
- 5

6 Authorized at a meeting of the Planning Board of the Town of East Fishkill held on August 20,
7 2024.

8 **MOTION made by Richard Campbell, seconded by Lori Gee, to**
9 **approve the Negative Declaration for Gabriella Rose (Flory’s**
10 **Gas Station).**

11 **Voted and carried unanimously.**

12
13 **Discussion During the Reading of the Resolution:** Ms. Gee asked the number of parking
14 spaces required and Attorney Cunningham responded that this will be reviewed when Mr.
15 Stokosa submits the plan. Ms. Gee asked if it would be all employees off-site and Mr. Stokosa
16 replied he would coordinate with the Town Attorney & Town Engineer, but he believes the rear 3
17 spaces right now are designated as employee, which reverts back to the original site plan. Mr.
18 Campbell asked the maximum number of employees that would be there at any given time. Mr.
19 Stokosa replied that he would talk with the applicant and coordinate that number directly with
20 the Town Attorney and Town Engineer.

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23 **AMENDED RESOLUTION OF SITE PLAN APPROVAL**

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26 **NAME OF SITE PLAN: Gabriella Rose**
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28 **NAME OF APPLICANT: Gabriella Rose Ltd**
29
30 **LOCATION: 1997 Route 52**
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32 **GRID NUMBER: 6356-04-635231**
33

1 Resolution Offered by Planning Board Member **John Eickman**

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3 **WHEREAS**, the applicant is applying for a site plan amendment to install a new vacuum
4 station, air station, and outside cooler and to gain approval for an existing gas propane exchange
5 station and ice chest; and

6 **WHEREAS**, to gain amended site plan approval the following area variances from the
7 Zoning Board of Appeals would be required:

- 8 1. 76 foot front yard variance for the vacuum station
- 9 2. 3 foot side yard variance for the vacuum station
- 10 3. 67 foot front yard variance for the air station
- 11 4. 6 foot side yard variance for the air station
- 12 5. 10 foot side yard variance for the cooler
- 13 6. 10 foot side yard variance for the ice chest
- 14 7. 10 foot side yard variance for the propane exchange cage
- 15 8. 12 percent maximum lot coverage variance

16
17 **WHEREAS**, the Planning Board declared Lead Agency for unlisted action on August 20,
18 2024; and

19 **WHEREAS**, the Planning Board adopted a negative declaration for the proposed action on
20 August 20, 2024; and

21 **WHEREAS**, the Planning Board open and closed a public hearing for the proposed action on
22 August 20, 2024; and

23 **BE IT FURTHER RESOLVED**, that the Planning Board hereby grants an Amended Site
24 Plan Approval, as shown on the “Gabiella Rose, LTD Amended Site Plan” prepared by Day &
25 Stokosa Engineering, P.C., and dated March 28, 2024 and last revised 04/30/24 subject to the
26 following conditions:

- 27 1 Zoning Board of Appeals approval of the required area variances listed above; and
- 28 2 Property owner shall submit an off street parking plan for employees subject to
29 approval by the Town Attorney’s office and the Town Engineer.

30
31 **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of
32 this resolution, the Chair or other duly authorized member of the Planning Board shall cause a
33 copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.
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35 Resolution Seconded by Planning Board Member **Rich Campbell**

36
37 Board Member Lori Gee
38 Board Member Ed Miyoshi

Aye
Aye

1	Board Member Sarah Bledsoe	<u>Aye</u>
2	Board Member Richard Campbell	<u>Aye</u>
3	Board Member Donald Papae	<u>Aye</u>
4	Board Member John Greenan	absent
5	Chairperson John Eickman	<u>Aye</u>
6	Alternate Board Member John Giovagnoli	<u>Aye</u>
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PUBLIC HEARING:

3 **#2024 – 086 – Shenandoah Lake Estates (Russo)**, Appalachian West,
(6454-01-117808)

Applicant is requesting a revision to an approved subdivision plat for an increase in fill.

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

**MOTION made by Lori Geel, seconded by Richard Campbell, to
Open the Public Hearing for Shenandoah Lake Estates (Russo).
Voted and carried unanimously.**

Mr. Stokosa displayed the plan and stated that he would give the Board and the public a brief overview of the project. He said this project had been before the Board for a number of months and the Shenandoah Lake Estates had been created back in the late 70’s. During the filed map, he said the level of detail is not what it is like for today’s subdivisions. There were 10 ft contours, setbacks and houses were not shown and just well and septic locations were shown. Fast forward to 2024, he said the process is a little different, specific to plot plan generation and as it relates to fill import, per the Town Code. He said the way the Tow Code reads is 375 cubic yards of material is allowed to be brought in per site, per calendar year. With this site and dealing with the

1 Health Department and lots in the last 15-20 years, there were errors on the original subdivision
2 map specific to the septic development and septic design. As each individual lot came up for an
3 extension of approval with the Health Department for their well and septic, he said they were
4 asked to look at new designs, new soil tests to verify that the information on the original filed
5 map was accurate. In doing so, he said this lot was subject to a redesign. The original filed map
6 had 2 ft of fill for the septic. With the latest Board of Health approval, he said that 4 ft of fill is
7 required. In incorporating that design change as it relates to the original filed map, he said the
8 grading is different. In talking to the Town Planner, he said they wanted to update the subdivision
9 map to show the increased grading, which is related to the Board of Health. Referring to the
10 displayed map, he said, as they work their way up towards the house site, the lot does fall off
11 from Appalachian West, towards the South, and there is a pretty significant drop to 30 to 40 ft; it
12 drops about 10 ft in elevation. In doing so, he said the house was designed to have a full walk-out
13 basement, so the house is actually stepped down as it follows grade. The house has been limited
14 to a 3-bedroom max, and he said the fill import is limited, as they are sensitive to the neighbors
15 and truck traffic. In working with this Board, he said, in the last revision the grading was
16 tightened up around the house and the foundation walls were extended down. There is not as
17 much fill coming in around the walk-out area and he said the total import around the house area
18 is 876 yards. Looking back to the septic area of the original design, he said it was about 1,000
19 yards and, with the Board of Health update it is around 1,300 yards. Mr. Stokosa's understanding
20 is that the fill for the septic area is not part of the 375 yards to be brought in. He said they were
21 present this evening to update the original subdivision map to show the new grading scheme and
22 that current standards are being met with the Health Department.

23

24 Since this is an older subdivision, and has homes around it, he said he tried to give everyone the
25 perspective by providing a colored overlay. He magnified the displayed plan to shows where the
26 houses will be in perspective to the house to the North and South. The frontload garage was

1 pushed all the way up to the front setback line and the construction is shown moving back. It
2 shows that this is almost in line with the existing homes there. The grading is shown in red to see
3 where it would fall in relation to the existing home sites. He said he thinks this gives a good
4 representation of the home development. He knows people are sensitive to drainage and runoff,
5 especially with the increased intense storms. A fully engineered swale has been designed to carry
6 any runoff away from the project site and down to the lowest part of the lot. The engineered
7 swale will be riprap and have check dams to slow down the velocity. As far as construction goes,
8 he said this will work from the bottom of the lot to the top and the sequence of events is the
9 septic system would be installed first. As the septic is being installed, he said the side slopes
10 would be lined with a jute mesh to ensure that, once it is completed, or during construction as
11 they work their way up the hill, it is stabilized, to be sensitive to the neighbor. Once the septic is
12 stabilized, he said they would move up to the house site and begin construction around the
13 footings and foundation walls. He said there has been a fair amount of coordination with the
14 Town Engineer on how to develop this site and that sediment control guidelines are followed.

15

16 Mr. Eickman asked for questions or comments from the Board Members.

17

18 Ms. Gee asked Mr. Stokosa what the elevations were for the houses on either side. She sees that
19 the houses are in line and questioned if they were the same height, lower or higher. He replied
20 that all of the sites drop off from the Town road and from Appalachian West all the homes sit
21 lower because of the falling off on grade. As far as elevation, he said they are probably 5 ft to 7 ft
22 lower than Appalachian West, which is in line with the neighbors to the North and South. He
23 believes the neighbor to the North is 5 to 6 ft below the Town road and as one goes up
24 Appalachian West, the grade actually starts to come up a bit. Ms. Gee said then it is not out as far
25 as a height perspective and Mr. Stokosa said they should fall in line. She said it is the same for
26 the backyard where the septic is, and asked if it would be mounded, compared to the neighboring

1 yards. Mr. Stokosa responded that he believed the neighbor to the South may have had a fill
2 system that was feathered in to look like not much of a mound. He said it looks like the neighbor
3 to the North is more of an inground or feathered in fill area and that this is going to be more of a
4 pronounced mound system, which is from the Health Department.

5
6 Ms. Bledsoe asked where the fill comes from, and Mr. Stokosa replied that the fill comes from a
7 local quarry and would be a specific sand and gravel mix that is Health Department approved.
8 The fill for around the site would be local and he said, in these circumstances where there are
9 larger fill imports, it is usually coordinated with the Town Engineer as to the chain of custody
10 and where they are getting the material. He said there is usually a pre-application meeting with
11 the applicant and Town Engineer where it is discussed where the fill would be from and to make
12 sure it is approved. He reiterated that it is to have some kind of chain of custody so that there is
13 no construction debris coming in. Mr. Miyoshi asked how many truck loads this would be and
14 Mr. Stokosa replied that it is about 800 yards for the house, over the course of time, and figures
15 are 20 yards per truck. He said it is the same for the septic, at 1,300 yards. It will be brought in
16 over the course of time. He said the applicant is also the homeowner and he would be moving in
17 with this family and he has a vested interest to be sensitive to the neighbors and truck traffic,
18 since they are going to be living there. The truck traffic would most likely be during the day and
19 he said there would be a couple of trucks coming in. He said, just the way the lot slopes and is
20 situated a ton of fill cannot be brought in all at once and it would need to be spread, shaped,
21 stabilized as they go; and he reiterated that it will be over a course of time.

22
23 Mr. Campbell asked about the foreseeable cutting of trees and said it looks like the one neighbor
24 is completely clearcut. He noted that the neighbor to the above looked like he was able to
25 maintain the woods. He asked Mr. Stokosa if he had any idea what they may or may not do there.
26 He replied that, in the area of the septic, the areas of grading, will be cut. He is assuming that

1 vegetative buffers are always important, especially when coming into an existing subdivision and
2 that, again, the applicant is also the owner. The limits of disturbance are usually kept tight along
3 the property lines and he said they could have flagging of that limit of disturbance, prior to tree
4 clearing, just to ensure that the buffer is maintained best they can.

5
6 Engineer Rennia stated that Mr. Stokosa did a good job trying to fit everything in and to meet the
7 regulations on this lot and his biggest concern is with the construction. He said his comments are
8 generally related to the items just talked about. He said he is requesting that, along the side
9 property lines, a construction fence be put up right in the beginning so that encroachments do not
10 have to be dealt with across the property line. Then, there are a few more areas to be identified,
11 like the matting, that he would like to see on the plan so that the contractor has a picture of that.
12 He said it is found to be easier during inspections where they can point out on the plan, saying
13 where it is supposed to be put and not just to put it where he thinks, Then, at the bottom of lot,
14 the existing swale that is talked about, does drain the other lot. He said he would like it to ensure
15 that it always stays open and the contractor is not in that messing around, as that would create a
16 drainage problem for the neighbors. Mr. Stokosa said that is fair enough and that this is standard
17 stuff.

18
19 Mr. Eickman asked the total amount being brought in and Mr. Stokosa replied that they started at
20 2,800 and now it is 2,179. Since the initial presentation, he said he thinks it was reduced by over
21 700 yards.

22
23 Mr. Eickman asked if there was anyone present from the public to speak for or against the
24 project.

25

1 Steven Aciutto (20 Appalachian West) came to the podium and stated that he lived in the house
2 to the South. He referred to the last plot of land with no house on it and said it has a lot of
3 wildlife on it because of the woods. He said there is a very large slope down and asked about the
4 analysis for that as well as impact to wildlife and said there could be significant drainage issues
5 with the lake below the line. Mr. Stokosa returned to the podium to respond, stating that, when
6 this initially was begun with the Town, and developing the plot plan, the site obviously had some
7 grade to it. They went ahead and did a drainage analysis contributing to this home site area,
8 taking into account the off-site properties, the areas associated with it, and how the drainage
9 flows work its way across this property. This was all taken into account and the swale designed,
10 which meet DEC guidelines as far as design, capacity. In doing so, he said the DEC speaks to
11 controlling velocities, because soil removal is what starts to destroy sites. He reiterated that the
12 swale designed is riprap lined, with check dams to slow the water down and, as the Town
13 Engineer said, this is a very detail-oriented plot plan, where every step is identified. He said it
14 started down below and stabilized and, as they work up the hill, he said it is stabilized. To be
15 sensitive to and not make any impact on the neighbors. He said a typical plot plan may be 1 or 2
16 pages, and this one will be upwards of 5 pages with all the details of how to install the matting,
17 how to install the check dams, and the spacing behind those measures.

18
19 Mr. Eickman asked Mr. Stokosa if there was anything he could say with regard to the wildlife
20 issues raised by the gentleman from the public. Mr. Stokosa replied that, specific to wildlife, this
21 project is an existing lot that went through the SEQR process and the subdivision process back in
22 1978. He said there was a review of this property in front of the Planning Board, which created
23 the subdivision. An analysis done by the Health Department, making sure this lot could support
24 the home construction. Specific to wildlife, he said this is an existing lot and they are sensitive to
25 the natural features on the site. In order to preserve as much as possible while developing this
26 piece, he said they are limiting the disturbance line and making sure it is flagged prior to

1 disturbance, which is the best way they can ensure that what is shown on the plan actually
2 happens on the field. Mr. Miyoshi asked if there were any endangered species, such as the turtles
3 or bats here and Mr. Stokosa replied that nothing had come up in the analysis. It is an individual
4 plot plan and he said it is not subject to, as when there is a subdivision, where there is a bigger
5 development plan where things are looked at in a much closer level. Ms. Gee told Mr. Stokosa
6 that, if there is tree clearing, she would assume he would follow whatever the guidelines are to
7 prevent any bad issues. Even if it is a single lot with clearance, she said the same guidelines are
8 to be followed. Ms. Robbins stated that, technically, they are supposed to.

9

10 Mr. Eickman asked if there were any further comments or questions from members of the public.

11

12 Gonzolo Quintana (24 Appalachian West) came to the podium, stating that he lived in the other
13 house and his concern is the drainage and how it will affect the bottom of his property. He asked
14 if there would be blasting done, because it is very rocky there. He also asked how long it would
15 take to bring all the fill in. He said this is a cul-de-sac and his concern is with all the truck traffic
16 through there. Mr. Campbell said Mr. Stokosa already addressed some of the issues and asked
17 Mr. Quintana if he was familiar with the nomenclature used with regard to the drainage. He
18 replied that he had a hard time hearing this. Mr. Campbell explained that it was mentioned riprap
19 would be used and it would be lined with stone, then damming, as they go down. He said that,
20 more than likely, it sounds like this will be an improvement over what was there, but he was sure
21 Mr. Stokosa would address this. Mr. Quintana said that is fine and, otherwise, he would welcome
22 the new neighbors.

23

24 Mr. Stokosa returned to the podium, stating that this is not something just pulled out of a hat as
25 to how these are designed and there are state guidelines that have to be followed. The NYS DEC
26 has a stormwater manual that keeps growing, and he said this lot follows the guidelines within

1 the manual, i.e. how to control runoff, how to control drainage, and how to design it. He said this
2 plot plan and this development follows these guidelines. Specific to blasting, he said there is no
3 blasting proposed. He reiterated that this lot falls off and that is why the walls were extended
4 down. He said the grade for the basement would have to be brought up slightly because there is
5 such a large drop-off. No blasting is anticipated or proposed, but there may be hammering for the
6 water line because the well is located just North of the house, and he is not sure just how deep
7 the rock is there. He said there may be some soil there, but typically water lines require 5 ft of
8 fill, of cover, so if they have to hammer to put in the well line, he assumes that would be the only
9 hammering. If there is rock encountered, he said there would likely be pinning to it with the
10 foundation.

11
12 Mr. Eickman asked for the timeline for the project. Mr. Stokosa replied that it would probably be
13 9 months to a year, knowing the building season and the weather is approaching. He said they
14 will likely start with the septic first and get that stabilized. If weather and timing permits, they
15 would try to get the foundation in this year; Mother Nature dictates that schedule. Ms. Gee asked
16 if the timing was for the entire project or 6 to 9 months for the truck traffic. Mr. Stokosa replied
17 that it would be over the 12 months; there will be different phases. When the project first starts,
18 he said there would be truck traffic related to installing the septic. As they work their way up the
19 hillside, there will be the installation of the foundation. When this is done, he said the finish
20 grade would not be done right away. They will want to make sure the walls reach capacity and
21 then there is more towards the final phase. He said in the spring he would assume there will be
22 the resurgence of truck traffic as the final grade is done around the site. This would not be all at
23 once but spread over time.

24
25 Mr. Campbell asked how accessible the site is, if guys were to start working at doing some site
26 work and if they are able to pull off the road. Mr. Stokosa replied that the grade does drop off and

1 there is probably 30-40 ft as the ample staging area to make sure there are no trucks on the road
2 and the machines can work their way down the site. Mr. Campbell said then this would not
3 impede people’s ability to pass by. Mr. Stokosa said this is a frontload garage so the front would
4 be open and exposed. The width of the entire front yard would be for staging and having vehicles
5 there. With that, he said there are construction entrances put in and heavy riprap put in right off
6 the edge of pavement to protect the pavement and also to keep the spoil off the road. There will
7 be mechanisms in place to ensure that soil does not make its way onto the road. Typically, as
8 shown in the plans, it is made sure at the end of every day that the road does not have soil built
9 up on it and it is kept clean.

10
11
12 **MOTION made by Richard Campbell, seconded by Lori Gee, to**
13 **Close the Public Hearing for Shenandoah Lake Estates (Russo).**
14 **Voted and carried unanimously.**
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24 **RESOLUTION OF AMENDED SUBDIVISION PLAT**

25
26 **NAME OF SITE PLAN: Russo-Shenandoah Lake Estates**
27
28 **NAME OF APPLICANT: Ryan Russo**
29
30 **LOCATION: Appalachian West,**
31
32 **GRID NUMBERS: 6454-01-117808**
33

34 Resolution Offered by Planning Board Member **John Eickman**

1
2 **WHEREAS**, the applicant is applying to amend the existing subdivision plat for Shenandoah
3 Lake Estates to allow for an increase in fill material as required by the Dutchess County
4 Department of Behavioral & Community Health (DBCH) to construct a septic system; and

5 **WHEREAS**, the applicant is proposing 2,179 cubic yards of additional fill; and

6 **WHEREAS**, to minimize the amount of additional fill brought to the site the proposed new
7 house will be a maximum of three bedrooms in size; and

8 **WHEREAS**, the applicant will provide a sediment and erosion control plan for the site
9 satisfactory to the Town Engineer; and

10 **WHEREAS**, the applicant will provide a chain of custody for the proposed fill material; and

11 **WHEREAS**, the Planning Board determined that the proposed action is a Type II action
12 under SEQR and no further SEQR review is required; and

13 **WHEREAS**, Planning Board opened and closed a public hearing for the proposed
14 subdivision amendment on August 20, 2024; and

15
16 **BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Amended
17 subdivision approval as shown on the amended subdivision plat titled “Shenandoah Lake Estates
18 Subdivision Lot 18 (Russo),” prepared by Day & Stokosa Engineering, P.C., dated October 8,
19 2023 and last revised June 28, 2024 subject to the following conditions:

- 20 1. The bedroom count of the proposed house is limited to three (3) bedrooms; and
- 21 2. No more than 2,179 cubic yards of fill may be brought to the site; and
- 22 3. Applicant to provide chain of custody for the proposed fill material; and
- 23 4. Applicant to provide a sediment and erosion control plan for the site prior to
24 construction satisfactory to the Town Engineer; and
- 25 5. An escrow in the amount of \$5,000 shall be established for an environmental
26 monitor during construction.
- 27 6. Approval of Dutchess County Department of Behavioral & Community Health
28 (DBCH)

29
30 **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of
31 this resolution, the Chair or other duly authorized member of the Planning Board shall cause a
32 copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.
33 Resolution Seconded by Planning Board Member **Lori Gee**

34	Board Member Lori Gee	<u>Aye</u>
35	Board Member Ed Miyoshi	<u>Aye</u>
36	Board Member Sarah Bledsoe	<u>Aye</u>
37	Board Member Richard Campbell	<u>Aye</u>
38	Board Member Donald Papae	<u>Aye</u>

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

[DISCUSSION: As announced by Mr. Eickman at the start of this evening’s meeting, Treetop Development was deferred to a future meeting.]

- 4. **#2023 – 053 – Treetop Development**, Donovan Drive, Lime Kiln Road, E. Hook Cross Rd. and Griffin Lane (6455-00-400593, 301596,540732,330505)
Applicant is proposing to build a 665,000 sf and a 100,000 sf warehouse on four adjacent parcels totaling 137.7 acres in the I-1 zone.

DISCUSSION:

- 5. **#2024– 082 – Landmark Union**, 793 Main Street (Route 82), (6457-01-210545)

Applicant is applying for site plan approval for a bank with a two-lane drive thru in the B-2 district on the former William Tell property.

Daniel L. Steinhagen, Attorney, Beattie Padovano LLC in Montvale New Jersey, Matt Checca, Site Engineer and David Jaffe of Ware Malcomb, Project Architect were present. Also present was “Jessica” from Chase.

Mr. Steinhagen began by introducing himself, stating that this was before the Board in May for Sketch Review. The application has been submitted and he said this is now before the Board for a Declaration of Completeness. They are asking the Planning Board to declare itself as Lead Agency for the project. He introduced Mr. Checca as the site engineer and Mr. Jaffe, the project architect, and said they were present to answer any questions. He asked Mr. Checca to the podium to go through where they are and explain as to what they are doing. He said some review

1 letters had been received in the past couple days and he wanted Mr. Checca to run through the
2 plan.

3
4 Mr. Checca referred to the displayed aerial to give some context of where the site is and he said
5 he was sure most everyone knew where the site was. He said it is in the Hamlet of Hopewell
6 Junction, fronting the Main Street, which is the New York State right of way of State Route 82.
7 To the East of the site is Pizza Village, to the West of the site is the old hot dog stand and to the
8 rear it is like a forested, wooded area. Existing today it is a vacant site, with just old building
9 foundation remains and an old parking lot that is mostly overgrown with what he called
10 “advanced shrubbery”. To the rear of the lot itself he said there is a small pergola that they
11 propose to remove, as well as all the foundations and asphalt components that are there today.

12
13 Mr. Checca swapped the display to show the site plan, stating that the proposal is for a 4,100 sf
14 Chase Bank, with 22 parking stalls, a bypass lane and a drive-up ATM for that use. The existing
15 curb cut will stay there, it will remain, based on some of the feedback from the Board and
16 Professionals. It is noted that, because this is a state Route, the DOT’s approval is needed to do
17 the work and he said that submission had already been made proactively to the DOT. He said the
18 Dot came back with a positive recommendation for the project. He said they can review the curb
19 cut, detectable warning strips and crosswalks but they are reviewing the plan in more detail,
20 specifically the stormwater. They approved what they are doing and funding the property, which
21 includes the curb cut itself. He said they are improving that, based on the State requirements, and
22 are proactively improving the sidewalk directly in front of this as well. As can be seen, he said
23 the site is fairly narrow and they are adding all the amenities that Chase likes to have, as to the
24 ADA stalls, the trash enclosure and full circulation around the site, etc. With doing so, however,
25 he said that they will need to seek some relief, based on the 25 ft front yard and 10 ft wide side
26 yard buffer requirements to give the site constraints. He said it is challenging to provide all the

1 amenities while meeting those criteria, so it is something they will seek relief for, from the
2 Zoning Board. He said there is the opportunity to plant a lot of plants here and there are various
3 plants shown on the western side of the site, in the front yard, around the building foundation and
4 then some green space in the rear of the facility as well.

5
6 Mr. Checca said he knows lighting was a discussion and, specifically for this site being a Chase
7 Bank, New York State security lighting comes into play. Typically, they are more aggressive than
8 local municipal requirements, but Chase takes this very seriously when providing security
9 standards for their branches. Accordingly, he said even though they are not meeting the Town
10 requirements, they are meeting the State requirements to provide security lighting for the main
11 entrance where there will be access 24 hours for an ATM in the vestibule, as well as the drive-up
12 ATM. Per the State, they are required to have the foot candles and photometrics, as such. With
13 that, he said additional relief is being sought from the Zoning Board for the maximum 5 ft
14 candles on the property and 0.1 property candles on the property line. Measures are taken to limit
15 the spillover on the property adjacent to this and they have provided some additional plantings and
16 a fence to limit that spillover.

17
18 Mr. Checca continued, saying they can get into the more technical questions about utilities or
19 more aggressive conversations about lighting, should the Board or Professionals want to go any
20 further. But, he said, before he turns this over to the architects to present the building, he wanted
21 to mention that this gives the opportunity to redevelop this site that has been vacant for quite
22 some time. He said they are excited to put something in front of the Board and work with the
23 Professionals and the Town to make something a little more attractive than what is there today,
24 so the neighborhood is a little more developable.

25

1 Mr. Steinhagen suggested to Mr. Checca to mention the comments received last time with regard
2 to parking and the cross-access issue. Mr. Checca said they saw the cross-access plan to connect
3 everything together, which makes sense, but specifically for this site, he said the required parking
4 is 17 and 22 are being provided, which is the bare minimum required by Chase for their
5 branches. This is due to employee parking, as well; he said 22 is their bare minimum. If they
6 were to introduce an additional curb cut on the Northwestern or Northeastern side of the site, he
7 said it would limit the amount of parking and circulation around the site. They do not want to
8 lose spaces as part of that development; it is something that they are considering. He said there is
9 a lot in the memos that they will work with the Professionals and Board on, but that is one thing
10 about the cross-access that they were reviewing internally, and after the Sketch Plan conversation
11 back in May. Mr. Steinhagen said there was a question as to whether or not they were
12 overparked.

13
14 Mr. Campbell questioned, being that the site is so narrow, if they had considered the 360°
15 accessibility for the fire access and safety equipment to be able to make its way around the site.

16 Mr. Checca responded Yes that he and Mr. Steinhagen had a conversation a couple days ago. He
17 requested the information from Ms. Keenan, and she provided the turning movement for the
18 truck. He said they are working on it internally and he does have a truck turn for a standard fire
19 truck, not an ALL apparatus that circulates the site. He wants to get more information from the
20 Fire Advisory committee so that it can be graphically shown more presentable, if that is needed.
21 They have spoken that, if that circulation does not seem feasible, there are other options such as
22 entering the facility and just backing out or fighting the fire on the street. They do not want to get
23 too close to the building, but he said this is something they have to talk through and work
24 through. He said they have the turning movement that circulates the site, it is just that they have
25 to meet the requirements for the fire advisory. Mr. Campbell said, based on this comment, is

1 there an overhang extending where a car drives up to the drive-up window. He asked if this is
2 just one car space width. Mr. Checca turned the podium over to the Project Architect, Mr. Jaffe.

3
4 Mr. Jaffe introduced himself and displayed the photos of the ATM drive-up. He said there is a
5 canopy over the ATM at the other end and at the front of the building. Mr. Campbell asked if it
6 comes out the equivalent of a parking width of a car, or less. Mr. Jaffe replied that there is also a
7 bypass lane and the movement that they were reviewing internally in the office, before the
8 meeting, it utilized the bypass lane, and it would be clear of the overhang. He asked Mr.
9 Campbell if that answered his question, and he replied Somewhat; they would have to understand
10 the distance. There was a discussion about the width of a bypass lane being 12 ft and the
11 overhang wouldn't protrude all the way so the other lane could be used as well. There is the
12 setback and the overhang. Mr. Checca said there is 22 ft of pavement width, minus the 2 or 3 ft,
13 is 24 ft for the 2, so it is plus or minus. The overhang is not that big and that is why. Mr.
14 Campbell said he was just curious about if it is a car width. Mr. Jaffe said it is only for the person
15 who is rolling through, for weathering. Mr. Campbell said he understands.

16
17 "Jessica" with Chase spoke that it is a total of 2 lanes; one lane has a canopy that comes over and
18 that is for customer interactions/transactions. She said the bypass lane is not covered. There is a
19 little bit of an overhang, which is about a foot or 2 and she said that is pretty much it; the bypass
20 lane would be access. Mr. Campbell said he understands, but he is trying to establish how far the
21 overhang comes off the building and into the single space. Mr. Jaffe said it is a single space of 2
22 or 3 ft North of 20 ft to the sky; no island in between. The height of the overhang from the
23 bottom of the canopy is 10 f and there is the cement. Mr. Palin said a truck is 10 ft 8 inches. Mr.
24 Jaffe said it is in that range and he does not think the canopy will protrude out, but they will look
25 at this. Mr. Checca showed Mr. Jodlowski and Mr. Palin the diagram pictures, saying it is only a
26 bit of the concrete pad area and where the overhang shows it is about 5 ft plus, to be

1 conservative. Mr. Palin said, for the Board’s information, the concern with the turning radius is
2 when this is faced from Route 82, the right rear corner. He said it seems to be a very sharp turn
3 there. Mr. Eickman told Mr. Palin that they would ask the applicant to spend some time with
4 him, prior to the next meeting, to make sure the concerns are met. Mr. Palin said they are
5 welcome to attend the fire advisory meeting too. Mr. Campbell stated they want to make sure the
6 fire equipment is going to make its way around the site.

7
8 Mr. Fitzgerald told Mr. Eickman he thinks most of his comments were touched on, but one of the
9 things is the current condition of Route 82 now, with the 2-way left turning lane.in the center. He
10 stated that, where this driveway is located, if a car was traveling westbound into that lane to
11 make a left to go into the bank, it effectively seals off the driveway to the bagel place. One of his
12 suggestions in his comments is that they should look at considering putting the entrance to the
13 East of the lot and leave the exit on the West of the lot. He said it would get rid of the problem
14 and he thinks it would improve the circulation for the fire apparatus; it might solve 2 problems in
15 one shot. Mr. Checca said these are just spitball ideas and they are obviously open to any
16 suggestions to make things workable for all departments and parties. The problem he sees with
17 that is dead end parking is created and then there are spaces lost. If the entrance is moved further
18 North or East, they would want to maximize the parking, adding stalls to the left. Then a dead
19 end is created because the bypass is there. A do not enter is created but space is not maximized,
20 and they would have to back out and do a K turn out of the site. About 6 parking stalls would be
21 lost in doing that, which he said comes close to the actual requirements that are needed, which is
22 17. Mr. Fitzgerald questioned if that many spaces would be lost and said he would like to see that
23 on paper. He said Route 82 is a textbook example of poor access management and for the Town
24 to have the opportunity to make an improvement to that access, it has to be looked at pretty
25 carefully. He said the area is a high accident matter and he questioned if the DOT asked them to
26 look at accidents there. He said it has to be looked at closely and, if there is a trade-off between a

1 parking space, he thinks it is something the Board can consider. He reiterated it needs to be
2 looked at, since it definitely creates a conflict. If it is compounded by not being able to provide
3 adequate access for the fire apparatus, it might actually solve 2 problems.

4

5 Mr. Eickamn asked the Architect if he'd had the opportunity to be introduced to the Town's
6 design standards, recently developed. He replied "Yes". Mr. Eickman asked him if it is
7 something he would be looking at with regard to the exterior. He replied that they looked at the
8 Town's design standards and Chase's design standards and he said it is felt that this building is
9 close to the contemporary style for a new build, per the Town's guidelines. He said sustainable
10 materials are being used, such as wood, stone, flat roofs, He said the parrot majority is at 17 ft
11 throughout the building. Sustainability is very important for this client, and he said they would
12 be pursuing a lead certification for this project, which is important to them. With regard to the
13 style, he said they went through the dos and don'ts. Mr. Fitzgerald asked Mr. Jaffe if this is the
14 same architecture as the Chase building that was built in the "Paneras" Plaza. He replied that the
15 Chase 5 lots down it is an older contemporary style, but it doesn't really fit with the planning
16 guidelines that they see today. They are going closer to the materials and the look and feel of the
17 Town. Ms. Bledsoe said, to be clear, the Chase building 5 lots down is not remaining, and Mr.
18 Jaffe said No. She asked if this one was to open, would there be an overlap. "Jessica" from Chase
19 spoke from the audience that there would not be an overlap. When an existing branch is being
20 relocated, they make sure that when an existing branch is closed down, the other one is up and
21 running. To answer the question, she said there is no overlap. Mr. Myoshi asked the number of
22 parking spots, saying it does not look like there are enough; it doesn't seem like anywhere near
23 the amount that is being proposed here. "Jessica" from Chase said, just as the Town's standards
24 have changed over time, theirs have also, and that is where they are at regarding parking
25 requirements. She said the comments have been received and they will be going back to the
26 drawing board to look at this again to see what they can work out. Mr. Steinhagen mentioned the

1 difference in the sizes of the buildings. Mr. Jaffe stated that the difference is the existing branch
2 is 2,000 sf, plus or minus and the proposed one is almost double that, so there are different
3 parking requirements for the 2 sides. Mr. Campbell asked if it was known how many were at the
4 existing site and Mr. Jaffe replied 8 or 9.

5

6 Mr. Eickman asked the Town Professionals for any comments.

7

8 Ms. Robbins said there was a request for the Board to declare its intent to be Lead Agency so that
9 this can be circulated for SEQR.

10

11

12 **MOTION made by Richard Campbell, seconded by Lori Gee, for the**
13 **Planning Board to Declare Lead Agency for Landmark Union.**
14 **Voted and carried unanimously.**

15

16

17 Ms. Robbins said they had met a while back and that this is a very significant site, and it is one of
18 the only sites in Hopewell to be redeveloped. Since she has been in Hopewell, she said there have
19 been 2 significant projects done. One was the Chase parking lot and the other a gas station. She
20 said this is really the first new build in Hopewell. This is considered a gateway location to the
21 Hamlet, so the architecture is very significant for the Town. She said she shared some of the
22 proposals for traffic improvements that would likely be coming online in the next several years,
23 which includes a roundabout very close to the entrance of the bank and a bypass road and
24 connection to the plaza behind this site. She said it is expected that some sort of easement be
25 granted because it is known that a road will be going through there at some point. They are trying
26 to connect the parking lots because once there is a roundabout, it would be very difficult to get on
27 and off unless able to connect through. One would have to go all the way around the roundabout
28 to get to the location. They are trying to anticipate that this is what is coming and to plan

1 accordingly. She said they will want to see connections through wherever possible. This may
2 require a meeting to talk about this and to share some of the future plans that are likely to happen
3 here. She reiterated that, in regard to the architecture, this is being looked at as a Gateway
4 location. She told the parties that, just as their standards had changed, so had the Town's and
5 they are looking to improve the aesthetics of the hamlet. She said this is one of the first buildings
6 that will have been modified in a long time and the Town will be looking for the aesthetics that
7 will set a tone for the revitalization. She added that this would need to be referred to the ARC
8 (Architectural Review Council), which the Board will do, and that this can be spoken to offline
9 and with the ARC.

10

11 Ms. Robbins continued with her comments, stating that there is a concern with parking. Ideally,
12 she said there would not be parking in front of the building and she understands some of the
13 constraints. This is something she said that could be talked about how the parking lot would look
14 and the aesthetic, some of the landscaping. The lighting plan is also being considered and she
15 said 5 ft candles is the ATM standard requirement for safety law. She told those at the podium
16 that this is also a Greenway Compact community which has lighting standards that she thinks
17 they should look at. She understands they have to meet New York State guidelines, but the Town
18 is trying hard to work with gas stations and other locations in the Town to lower their lighting
19 levels, which has been done pretty regularly. The 5 ft candle is maximum, and she believes that
20 would also be the standard here, and only where it absolutely needs to be, such as in front of the
21 ATMs and possibly the vestibules where one first enters. She said they would also be looking at
22 lowering the temperature from what is stated as 4,000 Kelvin, down to 2,700-3,000, around that
23 range, with the LED lighting.

24

25 Ms. Robbins said she had just received comments from Dutchess County Planning the day before
26 and Mr. Steinhagen said they had received them also.

1
2 Ms. Robbins noted that some sort of signage plan had been submitted, which she said would be
3 done as part of the site plan review. Mr. Checca said he thinks there was also additional relief in
4 the engineer’s report with regard to signage and it is something that will be considered as well.
5 Ms. Robbins said that they can work with them for the signage, especially if it has to do with way
6 finding as it is necessary and actually helps with traffic flow. She said the signage is something
7 else that can be discussed offline for them to explain, if that is something they want to talk about.

8
9 Ms. Robbins said, when this initially came in for a pre-meeting, there was some discussion about
10 what changes the Town hopes to see in the Hamlet. Creating more mixed-use buildings was
11 talked about and she knows that the second story is something that they never do with their
12 banks. However, the Town wants to see architecture that helps to get to the goals with regard to
13 what is being done with the revitalization of the Hamlet. Mr. Steinhagen asked Ms. Robbins to
14 speak more to this, as there was something in the County letter about residential. Ms. Robbins
15 said she thinks that had been addressed previously and she understands where this is going, and it
16 is that they are looking for the architecture. Mr. Jaffe stated that they wanted to keep the main
17 parrot in scale with the lots that are adjacent. But they also did some highlight pop-ups in and out
18 to highlight the entrances and corners of the buildings to give some sort of scale to the building
19 as it relates to the others. She told him that they are not as concerned about matching the
20 architecture of the existing buildings; they would have to speak with the ARC. Mr. Jaffe replied
21 No, it is the scale as the building’s main features increase over the man parrot. It can carry
22 throughout, to the adjacent lots regarding second floors. Ms. Robbins said there is zoning in
23 place now that will allow second floors, and they are seeing applications that have come in for
24 taller buildings.

25

1 Engineer Rennia stated that, after the comments this evening, they will have to shake out after
2 any changes of layout, circulation, whether they get the variances and then attack the engineer
3 comments after that. Mr. Checca said he agreed and there could be the conversation to review
4 anything in the letter that is needed.

5
6 Mr. Fitzgerald stated to the team at the podium that if there is any correspondence from the DOT,
7 to provide that to the Town, and who those contacts were. Regarding the crosswalks and
8 detectable warning fields, he said those are details that can be worked out. He said there are
9 project designs going on further down Route 82 where the same aesthetic is being created for the
10 Hamlet, the same facilities too. He said if they are not going to use detectible warnings at certain
11 driveway crossings, and there are not crosswalks maybe in the driveways, then they won't have
12 to be put in for this site, and this is something that can be worked through. He said the driveway
13 configuration needs to be looked at and he agrees with Ms. Robbins that it may be worthwhile to
14 have a working session to review and give some more in-depth understanding of the vision that
15 the Town has with the roadway network and how this site might integrate into this. He stated that
16 he thinks this would be very beneficial.

17
18 Ms. Robbins told the team at the podium that she did not know if they were aware, but the Town
19 is updating its Master Plan and that there may be some things towards the beginning of next year
20 in final form, which may address some of the design issues as well.

21
22 **MOTION made by Lori Gee, seconded by Richard Campbell , for the**
23 **Planning Board to refer the Landmark Union project to the ARC.**
24 **Voted and carried unanimously.**
25
26

1 Mr. Eickman stated that the front and side yard variances would be taken up by the Zoning
2 Board. Mr. Steinhagen said it sounded like the Professionals wanted that to happen before. Ms.
3 Robbins said she did not want to refer this to the Zoning Board too early, in case there are some
4 changes to this. Mr. Eickman said it may be a little bit premature. Ms. Robbins suggested that
5 they have the meeting with the Town Professionals first, as she did not want them to go there,
6 and have to go back and forth.

7
8 Ms. Gee said she understands that there is a set look and feel for the branches and asked if there
9 is a layout that is 2-story.” Jessica” from Chase, returned to the podium stating that this is not
10 something they typically do. There are branches in New York City, but they are existing and 2-
11 story, maybe with a first floor and lower level.

12
13 Ms. Bledsoe stated it is not being suggested that the second floor be used now, and, to Ms.
14 Robbins’ point, she told them they have driven down Main Street, and the Town is not looking
15 for that. The way that it looks right now is not what they want to continue to do. If something is
16 going to be built that is more traditional in style, or even more modern in style, but doesn’t look
17 like that, the goal would be that the rest of Main Street will feel the need to improve. If
18 something is going to be built like what is already there, but a more modern version, she said the
19 Board is not going to approve anything necessarily. But she told them, if they are willing and
20 able to meet the Town’s Master Plan in terms of goals, such as second story, something much
21 more welcoming, updated, modern, friendly, Main Street-like, then the Town has the ability to
22 improve more down the rest of Main Street. She added that it is not that they need to build a
23 second floor that is something usable today but, maybe in the future, if they decide to move on
24 from this location then, with planning, use can be made of that space. Or maybe there is a way in
25 the future for them to make use of that space. To break free of the current look and feel of Main
26 Street to continue to improve, make it feel more welcoming and like a Main Street.

1
2 Ms. Gee noted that, in doubling the size of the branch, they would not have to necessarily have
3 the footprint and there would be a lot more space to move the parking around if this went to a
4 second floor. Whether it is used or not, she suggested that this is something to look at. Mr.
5 Campbell said it is condensing the footprint and raising it up.

6
7 Engineer Rennia stated, based on what he is hearing, a compromise may be a story and a half,
8 faux windows, or something like that. It is not usable at all but gives the appearance from the
9 street to give it a little softer Hamlet type feel, and with maybe a little metal roofing mixed in,
10 which could soften that. A lot could be done with a little more roof structure to it.

11
12 Mr. Eickman confirmed that there was nothing further for this item this evening and thanked the
13 applicant for the presentation.

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19 **DISCUSSION:**

- 20
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22 **6. #2024 – 089 – Mama Mia Restaurant LLC, 901 Route 376, (6358-02-**
23 **768532)**

24
25 Applicant is proposing to build a 960-sf detached garage.

26
27 Jose Cardoso, Applicant, was present.

28
29 Mr. Cardoso stated that he was looking to put a 3-car garage in the back of his property for
30 personal use and told the Board members that he believed they got the paperwork on this. Mr.

1 Eickman responded that they did and confirmed with him that this is for personal use. Mr.
2 Cardoso said it was so that he could put his cars in it.

3
4 Ms. Robbins stated, as an introduction, that this is a business-owned site, however, there is a
5 residence and a business on it. She said this proposed garage would be used as part of the
6 residential use on the site.

7
8 Mr. Campbell asked if the existing site had a garage at all and Mr. Cardoso replied that he was
9 informed by Mr. Rickett that there was a 2-car garage back in 1971. He bought the property 31
10 years ago and he has never seen a garage. He had the map with him that the original owner gave
11 him and there is only a little shed. When he bought the property 31 years ago, the shed was
12 falling apart. His plow person knocked it down and all it contained was mason materials it was
13 demolished. There was never a garage in the 31 years he has been there. Mr. Campbell asked him
14 if he lives in the home and Mr. Cardoso replied Yes, and the restaurant is right next door.

15
16 Because this is an amendment to the site plan, Mr. Eickman said that it will require that the
17 Board send the applicant to the ARC. Looking to Ms. Robbins, he asked if it was correct that this
18 will require a public hearing. Ms. Robbins stated that, technically, it is an amended site plan and
19 typically it would require a public hearing. It depends on if the Planning Board would consider
20 this to be a minor site plan amendment or if they would like to see a public hearing be held with
21 the structure. She said it is a busy location of Town. She is not sure if it is visible from the road.
22 Mr. Miyoshi and Mr. Campbell said it won't be seen from the road. Mr. Cardoso said it would
23 not be seen from the road because, where he wants to put it, from the gravel to the garage, it is 40
24 ft. Then, from there to the road it is about 280 ft. Mr. Campbell asked if the front would face 376
25 and Mr. Cardoso said Yes, to the parking lot, 376.

26

1 Ms. Robbins stated that this needs to be referred to the ARC, however, because it is in a business
2 district. Regardless of whether or not it is determined that this needs a public hearing, she said if
3 it is a minor site plan amendment, the public hearing can be waived. It still needs to go to the
4 ARC.

5
6 **MOTION made by Richard Campbell, seconded by Ed Miyoshi, for**
7 **the Planning Board to refer the Mama Mia’s Restaurant LLC matter**
8 **to the ARC.**
9 **Voted and carried unanimously.**

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Mr. Rickett commented that a 210-sf variance would be needed from the Zoning Board, due to
its size. Mr. Campbell asked if it was greater than for 3 cars and more space. Mr. Rickett replied
that it is 960 sf, but the footprint of the residence limits the size that he can have. It is the greater
than 750 sf or 60% of the footprint of the dwelling and it will require the extra variance. He
wanted to add this for the referral also.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe,
for the Planning Board to refer the Mama Mia’s Restaurant LLC
matter to the Zoning Board.
Voted and carried unanimously.

Regarding the question about the public hearing, Mr. Eickman stated that it appeared to be minor
amendment to him, but he wanted to hear from the members of the Board as to whether they
thought the Public Hearing could be waived. The Members agreed with Mr. Eickman. Attorney
Cunningham said that there would be a public hearing with the ZBA as it could not be waived by
them, so either way they are going to have public hearing for this.

1 Ms. Bledsoe asked if there were any houses next to this. Mr. Cardoso replied that next to him is
2 the old Schwartz shop and then the nearest house from him is maybe 400 ft or longer. He said
3 there used to be Kachi, the A1 mowing which is also 400 ft; they won't even see the garage
4 because there are trees all around the property line and the property is all landscaped.

5
6 Mr. Eickman said it is the consensus of the Planning Board that a Public Hearing would not be
7 required from the Planning Board perspective. He told Mr. Cardoso that it is understood he will
8 be doing that with the Zoning Board.

9
10 Ms. Robbins noted that there was the Lead Agency declaration.

11
12 **MOTION made by Lori Gee, seconded by Richard Campbell, to**
13 **declare the Planning Board's intent to be Lead Agency for the Mama**
14 **Mia's Restaurant LLC matter.**
15 **Voted and carried unanimously.**
16

17
18 Ms. Bledsoe asked about the garage, saying it looked like it had only one door. Mr. Cardoso
19 responded that it is going to have 3 doors. She said it is existing now. Mr. Rickett explained that
20 it is not his, it is A-1 Mowing and Mr. Cardoso said it was like that when he bought the property;
21 it was grandfathered in. Mr. Rickett said he had seen that too, and it is about 3 ft off his property.

22
23 As Mr. Cardoso thanked the Board, Mr. Eickman thanked him and wished him luck with going
24 to the other committees/Boards.

25
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28 **DISCUSSION:**
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1 **7. #2024 – 090 – I Park Warehouse Development & Water Tank Relocation,**
2 **East Drive, (6456-03-073123,127232,169074)**

3
4 **Applicant is applying for an 870,139 sf warehouse on 71.33 acres of**
5 **undeveloped land witin the ipark Campus and relocate a water tank from**
6 **Lot 6 to Lot 7.**

7
8 Lynne Ward, principal for iPark, Haley Bigando, Associate Civil Engineer, Labella Engineering,
9 George Distephano, Architect, and Michael Finnegan, Environmental counsel were present.

10
11
12 Ms. Ward introduced herself and the members of her team present for this matter and stated that
13 she wanted to get straight to explaining the status and background.

14
15 Ms. Ward stated that this started out as “LIDL”, the major food retailer who are desirous of
16 having a large warehouse facility to support the 436 supermarkets that they are rolling out in the
17 Northeast of the U.S. She said it began over 2 years ago, it got off to a late start and then very
18 good progress was made with the Town. Everything was falling into place and all their
19 consultants were retained. She further explained that LIDL had moved to discussions with the
20 DEC over the wetlands that are on the site. Those discussions meandered all over the board, and
21 2 years have gone by. There was no conclusion as to exactly where various monitoring wells
22 were to be placed, and how the wetlands would be handled. At that point in time, she said LIDL
23 had reached their time and budget mark and they sought to withdraw. Ms. Ward said they looked
24 at the situation as iPark; so much effort had gone into this from the point of view of the Town
25 and themselves. She said this was pretty close, they are sitting around, watching it, and if they
26 can deliver close enough and, in particular they think they have cracked the DEC nut. If this can
27 be delivered, she said it is a high value project and they will be back, which she said is the best
28 move for everybody. She explained that this is why she is present this evening, in anticipation
29 that they will manage to get through this, having already accomplished the DEC component, of

1 which she said Mr. Finnegan would talk more to it. In anticipation, she said this would take a
2 little while longer, but they will be able to get this done. She believes that then they (LIDL) will
3 come right back to the table. She stated that this is the exact status of the project. Once she took
4 over, she said they stepped into the SEQR process again. In fact, one of the engineering
5 consultants to the Town made the suggestion that, since there was already an application in for
6 moving the water tank, that both of these applications be put, for simplicity into one and she said
7 that is precisely what has been done. A long form EAF has been submitted, they took a new look
8 at the traffic, and they know that the engineer consultant would not have had the opportunity to
9 look at it because the traffic study was only recently submitted. A new look was taken at the
10 traffic AKRF did for them, a generic traffic study. She said the wetlands have also been dealt
11 with. She turned the podium over to Environmental Counsel Finnegan to discuss that aspect of it,
12 since this took so much time to resolve. After him, she said she would return to discuss the other
13 intricacies of the application,

14
15 Mr. Finnegan approached the podium, stating that this had gone on for a very long time. He said
16 there are a myriad of issues involved there with the wetlands, which is where this started. He said
17 the process began with the thought that maybe the stormwater could be managed offsite, which
18 was a request of the Town, He said this was taken to the DEC and rejected. Another proposal
19 was taken to the DEC that was rejected as well. There have been a number of iterations with
20 regard to the wetland's issues on this site. He said, where this sits today, there is only about 1/8
21 of an acre of the entire site that is now within the buffer zone. There is no building within the
22 wetlands area, the mapped wetlands area. He said he would not speak for the DEC, but what they
23 have gotten from the DEC to date is that they have no further issues with the proposal, with
24 regard to wetlands. Once there is a fully completed application, he said there are no issues
25 expected with regard to the wetlands on the site He knows the Board has received all sorts of
26 communication with regard to RCRA he said that is a whole different issue and a can of worms

1 that they are working their way through and think they may have a path to work through it. He
2 said it is complicated because there is a consent order and deed restrictions on the site in the
3 name of IBM. These RCRA considerations have to be unpacked and unpack the various pieces of
4 the existing monitoring plan and the RCRA permit that is in the name of IBM. Insofar as
5 everyone has requested a coordinated review, he said that, to date, they have been coupled with
6 IBM as part of an application process, per the request of the DEC. He said, where this is today, is
7 that it will perhaps forward with IBM as a joint applicant on that permit renewal and
8 modification thereto for his purposes, or perhaps will be separated. It is his understanding that
9 there is a meeting involving the Town and the DEC to be held right after Labor Day that is the
10 subject of the meeting. He said he expects there will be a favorable outcome. Beyond that, he
11 said he did not have much more to comment on the RCRA permit and he is certain that the Board
12 has received all the communications, so he believes there is not much more to comment about at
13 this point.

14
15 Mr. Campbell asked Mr. Finnegan, when he states that he could be doing a joint application with
16 IBM, is that because of the environmental concerns there. Mr. Finnegan said, again, it is rather
17 complicated and that he would make it as simple as he could. He said there is an existing consent
18 order which wraps in the old deed restrictions. Those deed restrictions are subject to renewal, and
19 they are actually, at this moment in time, expired. The DEC requested that his application as a
20 companion to the required IBM application for renewal of the permit. He said it seemed to be a
21 reasonable request, but it's gotten thorny, with a conflation of issues with regard to that. He said
22 this applicant's issues are different to theirs. There is a way forward here and he said he thinks he
23 has identified that. But he does not want to speak to it since it is a function of the Town to be
24 dealing with. Mr. Campbell asked if there is test well monitoring on that particular plot. Mr.
25 Finnegan and Ms. Ward said there are. Mr. Finnegan stated that there is a significant reduction in
26 the test wells. Ms. Ward thanked Mr. Campbell for asking that question, since that is where this

1 is going, to say that 44 wells become 20, becomes 8 and that is where this is going. Mr. Campbell
2 asked if any of them would fall within the footprint of the building. Mr. Finnegan replied No.
3 There was one well that did exist on what was the old landfill site that would be eliminated. Ms.
4 Ward added that there will be no further wells inside the building. Mr. Campbell had another
5 question regarding LIDL, if stepping away from the table, and what would happen if LIDL did
6 not come back. Ms. Ward responded that they have made an application for a generic warehouse.
7 It is not believed that this is something that is going to happen. They have obviously looked at
8 activity and she said she thinks that situation could be resolved. She said it is not that they have
9 anything they are trying to promote, and they are trying to get LIDL back to the table. It is a
10 significant economic driver and a German corporation with a large number of jobs and they are
11 wanted. Mr. Campbell told her then it is like they are taking the baton and Ms. Ward said yes, “to
12 get them to the finish line, and then stand there and give them the medal”. She called Engineer
13 Haley Bigando to the podium to address the project specifically.

14
15 Ms. Bigando approached the podium and introduced herself and stated that this application was
16 for the water tank relocation and an 870,139-sf warehouse. She said the warehouse would be
17 located on Lots 4 and 6 and the water tank would be relocated from Lot 6 to Lot 7. She said that
18 Lot 7 was shown on the plan on the lower portion of the displayed page, with the parking lot.
19 Once the water tank is relocated, she said the parking lot would be reconfigured to accommodate
20 the storage tank and the fencing and landscaping around that. The total disturbance for the
21 warehouse project would be around 48 acres. She knows there were comments on the SWPPP on
22 how more than 5 acres of disturbance would be considered and that a 5-acre waiver would be
23 requested. They would follow Region 3’s requirements for all of the cut and fill, sediment traps,
24 and all other requirements for that waiver. There is a total of 148 truck loading spaces, 129 truck
25 parking spaces and 340 car spaces. She said that this is in the light industrial zone, so warehouse
26 and distribution is an approved use. It also lies within the Economic Development Overlay

1 District. Ms. Bigando continued, saying that her company was tasked with looking at the open
2 consultant and Town comments, specifically for the landscape and stormwater comments. She
3 said it is believed that in reviewing the Bohler plans and the Bohler SWPPP, those comments can
4 be addressed by adding 25 ft minimum buffers on the West and Southern area. Adjacent to Lime
5 Kiln there would be a portion that would be 20 or 10 ft minimum, and then allowing 20 ft, where
6 possible. She stated that they are proposing that the employee parking lot have additional islands
7 for landscapes. And trees to be planted in there, to meet minimal requirements. Instead of adding
8 tree islands in the trailer parking area, she said a tree buffer is proposed around the perimeter of the
9 trailer instead of interrupting that flow of traffic. She said it is believed that the landscaping and
10 stormwater comments could be addressed and that all other comments could be conditions of
11 approval.

12
13 Ms. Bigando changed the displayed plan page to show the Stormwater management. She stated
14 that the most important comment seen for stormwater was that the minimum required water
15 quality volume wasn't being met in Bohler's SWPPP and that Bohler can convert some of their
16 underground detention systems into infiltration like they have in other areas of the site. She said
17 that would come along with testing to make sure that there are existing infiltrates on the site. She
18 asked the Board Members if there were any other questions.

19
20 Mr. Eickman asked if they are using LIDL's studies or their architecturals or does all of this have
21 to be original information being developed themselves. Ms. Bigando said they were reviewing
22 LIDL's and Bohler's reports for their SWPPP. They have provided comments and are asking, if
23 this gets approved, LIDL comes back and Bohler is their engineer, that LaBella's comments and
24 all the open comments from the Town would be held as their site plan approval conditions that
25 need to be met.

26

1 Ms. Gee asked Ms. Bigando if the changes being recommended are just not impactful to LIDL’s
2 original plan, so it does not disrupt their site circulation, it doesn’t disrupt their plan for the
3 buildings. Ms. Bigando replied that the landscaping, for example, would be along East Drive
4 instead of putting the landscaping on the property and minimizing the width of their drive aisle or
5 location of a retaining wall. She said LaBella’s landscape architect department recommended that
6 the trees be planted withing the East Drive right of way so that it wouldn’t impact the site plan at
7 all, or traffic flow. For the stormwater, she said there were already areas drawn out. For the
8 detention, she said they are saying to convert the detention into infiltration, so that it is all
9 underground systems already being developed in that area. She said there are no further
10 disturbances or improvements. Ms. Gee stated that she was not sure about putting trees in the
11 right of way was something that would be done, so there may still need to be some tweaking in
12 looking at this. Ms. Bigando said that was just on the one portion of the site and was just a
13 suggestion. Ms. Gee told her essentially it is preserving their original intent and original purpose,
14 and it is not changing anything. Ms. Bigando said that was correct. She explained that one of the
15 bigger differences is that they used to have 8 trailer parking spaces on the Eastern side that
16 further disturbs the 100 ft wetland buffer and those 8 spaces were eliminated, which minimizes
17 the disturbance in the 100 ft buffer there. Mr. Giovagnoli asked what the overall disturbance was
18 now and she replied that it is about 1/8 of an acre.

19
20 Someone present in the meeting stated that the DEC was not aware of that improvement and Ms.
21 Bigando responded that she wanted to clarify that the East Drive right of way is private, it is
22 iPark in East Fishkill and not a Town road.

23
24 Mr. Campbell referred to the footprint of the building and Ms. Bigando stated that the footprint
25 of the building has not been changed.

26

1 Ms. Wards returned to the podium, stating that it can be seen what they are trying to do; they are
2 trying to preserve major elements, so that the baton can be handed over.

3
4 Fire Advisory: Mr. Palin said he understands that it is wanted that this gets handed back to LIDL
5 but asked what if they don't want it. He also asked if the function of the warehouse would
6 change; would it not be food storage, but something else. Mr. Campbell added that it possibly
7 would not be built. Mr. Palin said if it is not built, it would not bother him; or what if it ends up
8 not being food storage, but chemical storage. Mr. Jodlowski said it is the assumption and not
9 known what would be there, it might be groceries, it might be lithium-ion batteries, so it is a
10 major concern for them. Mr. Palin stated that all comments made before were based on it being
11 groceries. Ms. Ward said she thinks this should proceed on that assumption and it is the only
12 assumption she can make at this stage. Mr. Jodlowski said there are 2 different positions here and
13 that the DEC will certainly also have comments. Ms. Robbins said she thinks there could be a
14 condition in the Resolution that states if there are any changes, it would have to come back to the
15 Planning Board for review and potential further supplemental study if it is warranted.

16
17 Mr. Campbell questioned if LIDL had come into the offices here at the tail end as to some of the
18 things that were disconnected and then this is what they were.

19
20 Ms. Robbins asked Ms. Ward what they were looking for from the Board at this point and she
21 knows this is before the Town Board for an Economic Redevelopment Special Permit

22 Ms. Ward responded that they would like the architect to have a moment since the topic arose,
23 and that they were present to try to put this back on track. She added that they are trying to do
24 this as fast as they can, while they still have them in the game. Ms. Robbins stated that LIDL had
25 been before the Board a couple of times and that the last time she believed that they were getting
26 close to scheduling a Public Hearing. She said the Public Hearing is the architectural Public

1 Hearing, so this needs to get to the Architectural Review Council (“ARC”). She told Ms. Ward
2 and the team that this could potentially be scheduled for October. That way, they would have
3 already met with the ARC and then they could come back and advertise. Ms. Ward responded
4 that they are seeking a speedy path to a Public Hearing. Attorney Cunningham stated to Ms.
5 Ward and the team that, as the plan is developed a little further, and they have all the studies,
6 they can speak with staff internally about what needs to be updated, and what the staff needs to
7 review between now and October.

8
9 Mr. Eickman asked if the Planning Board would be Lead Agency and Ms. Robbins replied that
10 the Town Board would take the role, since they are issuing the Economic Redevelopment Special
11 Permit. Mr. Eickman asked if an October Public Hearing would work well within the rules and
12 regulations. Attorney Cunningham stated that he did not see any issue with it and that this will
13 have a Public Hearing with the Town Board in just 2 days.

14
15 Ms. Robbins said she did not recall if LIDL had been referred to the ARC and questioned if the
16 ARC had seen this submission. She knows they have not seen the revised one. Ms. Keenan said
17 yes. Ms. Robbins said then this should probably go back to the ARC and told Ms. Ward and the
18 team that they would help to try to get them in front of the ARC.

19
20 Ms. Ward told the Board that it was appreciated that they were working with them on this and
21 that it is not a situation that she has ever encountered before.

22
23 Engineer Cronk had a comment, stating that he had not heard the words “intrusive work plan “
24 which he said is part of the soil requirements for the site, with the DEC. He asked if there was a
25 meeting coming up with them shortly and said he would certainly hope they were going to make
26 that part of the conversation. He said it is for the entire property and not just specifically for this.

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**MOTION made by Richard Campbell, seconded by Lori Gee, for the Planning Board to refer I Park Warehouse Development & Water Tank Relocation to the ARC.
Voted and carried unanimously.**

Mr. Eickman confirmed with Ms. Ward and the team that the date of October 15, 2024 would work for them for a Public Hearing to be held.

**MOTION made by Richard Campbell, seconded by Lori Gee, for a Public Hearing to be scheduled on October 15, 2024 for I Park Warehouse Development & Water Tank Relocation.
Voted and carried unanimously.**

SKETCH PLAN:

8. #2024 – 090 – Duane Hampton, 2543 Route 52, (6456-02-915642)

Applicant is proposing a wellness center in a former realtor’s office building located in a B1 Zone.

Duane Hampton and wife, Jean were present.

Mr. Hampton introduced himself and his wife, saying they have been nurse practitioners for over 40 years. He said they were present to get approval, or at least get an idea of whether they are able to put a wellness place at 2543 Route 52. He said they have lived in Hopewell for 10 years and love the community. They are wellness mental health practitioners and are trying to bring

1 that to this new location. Currently they are in contract and, before they move forward, they want
2 to make sure that they can put a wellness center in Hopewell Junction. He said, as all know,
3 mental health is a big issue all over the world. They do mostly virtual so the services will be
4 virtual. He said they will do some IV Drips, Men’s wellness, Women’s Health, but most of their
5 services will be virtual. He said most people have probably seen Heritage Square on Route 52.
6 Ms. Robbins said it is the old real estate office, in front of Heritage; it has been renovated.

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8 Mr. Campbell asked if this is a change of use. To give some background, Ms. Robbins explained
9 that this was originally a real estate office that was going to a chiropractic office, who was mainly
10 going to do their business admin things out of there. She said it is a little tight on parking and
11 now it is being sold to the applicant. She had Mr. Fitzgerald look at the parking, it is a relatively
12 low parking requirement. Her only concern is for their particular use, and this would be a
13 condition on the Resolution of approval. If the use were going to change at all, such as to
14 medical, she said this would have to come back to the Planning Board for review because it is a
15 little tight for the parking.

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17 Mr. Campbell said, then technically, they would be wanting to utilize this as offices, as it was,
18 and that really this is just a parking issue. Ms. Robbins said, typically with a change of use, what
19 almost always brings things back to the Planning Board is parking. For Relux, she said that is
20 what is happening here. It is a change of use, and they want to make sure that the Planning Board
21 is comfortable with the parking. She asked the Hamptons if the second floor was being used as
22 an office or was it for storage. They both responded it is for storage. Ms. Robbins said then this
23 has actually more square footage than one would expect, but the upstairs is storage right now.

24
25 Mr. Campbell asked the number of parking spaces and Mr. Rickett responded that he had gone
26 out there this day and it is 10 spaces, plus one handicapped, an aisle for the spaces. Mr. Fitzgerld

1 commented that some space may need to be created for the handicapped spaces and that, right
2 now, the building is not accessible. He said there are no sidewalk connections to the parking lot.
3 To the North side, where parking goes up along the building, he said it is at a pretty steep grade,
4 and it would not be permitted to be a handicapped spot, because of the grade. Mr. Hampton
5 questioned if he had a copy of the sketch plan and went over to Mr. Fitzgerald to discuss the
6 grade. Mr. Fitzgerald told him that he thinks the grade for the spot along the building are not
7 correct but told Mr. Hampton he could check on this. Mr. Fitzgerald thinks the grades are too
8 steep to be for handicapped. He pointed out on the top, where it is more level, and said he might
9 be able to just extend it forward, connect up the sidewalk. He said it can't be stairs, and the only
10 connection to the driveway is a set of stairs. For this handicapped space to be accessible, he told
11 Mr. Hampton he would have to connect the sidewalk up, then make one door or both doors to
12 make them accessible. He thinks that would be the only modification that he will have to make.
13 He told Mr. Hampton he needs this facility to be handicapped accessible and, in order to do that,
14 he said there used to be a garage with a high step on it. He suggested a ramp be put there to make
15 it accessible, or the front door, and there needs to be the one. In order to have this sidewalk come
16 all the way out to the parking area, he said the parking spot itself has grade requirements for it.
17 He said it cannot be too steep as someone in a wheel chair could just slide down the hill there. It
18 has to be a level area for where the spot is going to be put, and the pavement will need to be
19 extended a little forward to put a handicapped space there. Mr. Hampton told him if they take
20 care of this, then they should be good.

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22 Mr. Eickman asked if this meets the Town's minimum requirements for use as parking, the
23 number of parking spaces. Ms. Robbins replied that she asked them to look at the use and Yes, it
24 would, as long as the use does not go into traditional medical. She said that is when the parking
25 requirement really increases and that is why there needs to be a condition put on their building
26 permit, or if they were coming back for a site plan. She said it sounds like they may have to come

1 back for a site plan because they are modifying the parking. Mr. Rickett said if they have a good
2 meeting here for the Sketch Plan, they will come back to do a site plan, because there is not one
3 now. Attorney Cunningham explained that it seems to be a permitted use and what most
4 applicants do is to hire a professional engineer who can design the parking. He said it does not
5 seem too intense of a new site plan really. It is making sure of the circulation and parking in
6 place. Then, any sort of internal changes that are to be made would require a building permit. Mr.
7 Hampton said he needs an ok for the permitted use. Attorney Cunningham asked if an official
8 determination was needed, and Mr. Hampton responded that they don't want to buy the property
9 and then not be able to use it the way they want to use it. He said that is why they did not do a
10 site plan yet because it costs about \$3,500 and they did the Sketch Plan. Then, after speaking
11 with this Board, if they have the ok, he said then they can do a sketch plan with an architect and
12 everything. Attorney Cunningham said that part of it is the wellness center as described is
13 generally permitted. But it is how the number of parking spaces is impacted and how they are
14 actually using the wellness center, and more details about that are needed. He knows a lot of it is
15 virtual and that there may be some IV drips, some patients coming in. Mr. Hampton said it would
16 be 2 or 3 at the most and Ms. Hampton added that they are the only providers. Attorney
17 Cunningham asked if there were any other employees and Mr. Hampton replied that everything is
18 virtual. Mr. Fitzgerald told them they just need to write that down; there are 2 employees, you,
19 and the number be of patients anticipated. Ms. Hampton said that is all there and Mr. Hampton
20 said they have been back and forth. Attorney Cunningham asked if there was a full letter
21 narrative and Ms. Hampton replied that it is not a full letter narrative, but just like where there is
22 a patient. Attorney Cunningham said he understands that they want to make sure this is permitted
23 use before closing on the site. So, the next step is, before a civil engineer is hired, they should put
24 a full narrative together, stating the total number of patients per day, that it is only the 2 of them
25 there, and it will be where they actually can pay a fee at this point and get a determination. He
26 said he does not know the fee off hand, but it is reasonable and not \$3500. He told the Hamptons

1 that is the next step and then they would have more comfort for the actual use and closing. Mr.
2 Hampton said he understands they would have to write a narrative and will bring it to Ms.
3 Kennan. He asked when they would come back. Ms. Robbins responded, telling them that, the
4 only time they would have to be seen again at the Planning Board would be when the building
5 has been purchased and making changes to the parking area. Then, she said, the Board needs to
6 see the site plan. Mr. Eickman asked if lighting and landscaping or those types of issues would
7 need to be discussed. Ms. Robbins replied that it would be on the site plan. Mr. Rickett said there
8 is no lighting in the parking lot today. There are 2 lights on the building and one chandelier at the
9 entrance way. So, he said, the parking lot is not very well lit and Mr. Eickman added that it is
10 something that would need to be included in the site plan. Ms. Robbins added that it is any
11 signage as well. If there is a sign that is going to be located, such as out on the road, she said the
12 Planning Board determines the sign location. If there are any changes to that sign location, she
13 said it would need to be shown on the site plan. If it is being left where it is, then she said to just
14 state that. Me. Hampton asked then what, when the paperwork is submitted to Ms. Keenan.
15 Attorney Cunningham responded that it would be reviewed by staff internally to make a
16 determination. Mr. Rickett asked them what the timing was, is it 30 days. Ms. Hampton replied
17 that the closing is hopefully the end of September. They are in contract right now and they want
18 to make sure they are doing everything possible so that they don't get to the end and then find
19 out. Attorney Cunningham told them to submit the narrative quickly and it would be reviewed
20 quickly. Then, if there is a favorable determination, he said they can go for the site plan or some
21 further detailed plan and come back in, at the September meeting as well. Mr. Hampton asked if
22 they had to come back with the site plan before September 30. Attorney Cunningham said that is
23 only if they want to. He said some people want to have a fully approved site plan before closing
24 on property and it all depends on the contract. He said he is happy to speak with the attorney who
25 is working on it as well.

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1 The Hamptons thanked the Board, and, in turn, the Members wished them good luck.

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5 Mr. Eickman confirmed that there was no further business this evening to be addressed.

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ADJOURNMENT

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**MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn the
Planning Board meeting.**

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Voted and carried unanimously.

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Respectfully submitted:

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

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