

**TOWN OF EAST FISHKILL  
PLANNING BOARD MEETING  
SEPTEMBER 17, 2024**

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

***Members present:***

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

The meeting began with the Pledge of Allegiance.

**CHAIRPERSON COMMENTS**

Chairperson Eickman stated that the upcoming meetings were Tuesday, October 15, 2024, and Tuesday, November 19, 2024.

**APPROVAL OF MINUTES:**

**August 20, 2024**

**MOTION made by Richard Campbell, seconded by Ed Miyoshi, to accept the minutes of the August 20, 2024 meeting. Voted and carried unanimously.**

**LEAD AGENCY:**

**2024-081 – Woodland Estates (Twin Creeks), (6457-18-344225, 343206, 300180, 398229, 406146, 473057, 402041, 355141)**

Applicant is requesting that the Planning Board Declare Lead Agency, make a SEQR Determination and set Public Hearing for Scoping Session for the proposed residential development that would include 24 multi-family buildings with a total of 468 units of

various sizes in the PRD

**Terri Hahn and David Cooper were present.**

Mr. Cooper stated they are proposing a residential development of 468 units on a 100-acre parcel along Route 376 under the name Woodland Estates. This will be 23 multifamily buildings and a clubhouse. They were here before this Board a few months ago and at that point this Board declared its intent to serve as Lead Agency. The applicant is here tonight to move forward with some procedural steps to start the SEQRA process. They are asking the Board to take three steps tonight. The first is to declare Lead Agency as the 30 days are past. The second item is issuance of a Positive Declaration, which would require an EIS under the PRD regulations. They do anticipate that the EIS is required, so they will be preparing one. For them to start doing that the Positive Declaration has to be issued. The first step in the SEQRA process would be to prepare a scope which is a table of contents for the EIS. That requires a Public Hearing on a draft scope. The third item they are asking for is the board to schedule that Public Hearing for the scope. They are requesting a November date. They should be able to get a draft scope to the Board by October for them to review it and then be ready for a November Public Hearing.

Chairperson Eickman asked if anyone from the board or professionals have any questions or comments. There were none.

**RESOLUTION  
DECLARING LEAD AGENCY, ADOPTING A POSITIVE  
DECLARATION, AND SETTING PUBLIC SCOPING SESSION FOR  
WOODLAND ESTATES  
PB Project #2024-081**

**WHEREAS**, the Town of East Fishkill Planning Board has received an application for a residential development in the Planned Residential Development (PRD) district that would include up to 468 units of various sizes and a clubhouse in 24 buildings; and  
**WHEREAS**, an Environmental Assessment Form (EAF) Parts 1 to 3 was filed with the East Fishkill Planning Board to initiate the environmental review as required by 6 NYCRR §617.6 (a) (2) of the State Environmental Quality Review Act (SEQRA) for the Proposed Project; and

**WHEREAS**, the Planning Board declared their intent to be Lead Agency for a coordinated review under SEQR on 7/16/2024; and

**WHEREAS**, the Planning Board has reviewed the EAF, PRD Master Plan, and other supplemental information submitted with the Planning Board application; and

**WHEREAS**, per the Planned Residential development (PRD) zoning, a PRD application requires the preparation of an environmental impact statement (EIS); and

**WHEREAS**, issuance of a Positive Declaration and subsequent preparation of a Draft Environmental Impact Statement (DEIS) are intended to provide the East Fishkill Planning Board, the public, and involved and interested agencies with an understanding of the type of environmental impacts that may be associated with the Proposed Action; and

**WHEREAS**, based on the Planning Board’s initial review of the Action Pursuant to Part 617.4 (b) (5) of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Proposed Action would meet the following Type 1 thresholds:

- 1) construction of new residential units that meet or exceed the following thresholds:
  - (iii) in a city, town or village having a population of 150,000 persons or less, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;

**NOW THEREFORE, IT IS RESOLVED**, that the Planning Board hereby classifies the action as a Type 1 action under SEQR as such term is defined in 6 NYCRR §617.2 and declares Lead Agency for purposes of conducting the SEQR review of the Action; and

**BE IT FURTHER RESOLVED**, that the Planning Board authorizes a Positive Declaration and Notice of Intent to Prepare a Draft Environmental Impact Statement for the Woodlands Estate Project and sets a Public Scoping Meeting for the Draft Environmental Impacts Statement (DEIS) for Tuesday, November 19, 2024 at 6 PM at the East Fishkill Town Hall, 330 Route 376, Hopewell Junction, NY 12533.

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

Resolution Seconded by Planning Board Member: Richard Campbell

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

Chairperson Eickman stated along with the resolution is a Positive Declaration:

The name of the action is Woodland Estates. The proposed action would result in the development of approximately 100 acres located in the Town's Planned Residential Development (PDR) District consisting of 468 units contained within 23 multi-family buildings and a clubhouse. This is Type 1 SEQR action. A Public Scoping Meeting for the Draft Environmental Impact Statement has been scheduled for Tuesday, November 19, 2024 at 6 PM at the Town Hall. Written comments on the Draft Scope Document will be accepted until 4 PM on December 2, 2024. As per the PDR zoning a PRD application requires the preparation of an Environmental Impact Statement pursuant to part 617.4 (b)(5) of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law. The proposed action would meet the following Type 1 thresholds:

1. construction of the new residential units that meet or exceed the following thresholds: (iii) in the city, town, or village having a population of 150,000 persons or less, 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works.

The proposed action described may have a significant impact on the environment, a draft environmental impact statement will prepare in accordance with section 167.10 of the SEQRA implementing regulations, including the consideration of significant adverse environmental impacts, alternatives, and mitigation.

Ms. Hahn asked if Ms. Robbins could send her a copy of the Positive Declaration and Ms.

Robbins said yes.

Mr. Eickman stated that the Public Scoping session is different from the Public Meeting. They have already received a letter from the school district with possible concerns. People can ask questions or make comments. Mr. Cooper stated there will be a Public Hearing later in

November as well.

**DISCUSSIONS:**

**DISCUSSION:**

**2024-061 – Sprainbrook Meadows, 50 Townsend Road (6456-04-955335)**

Applicant is applying for an 8-lot subdivision on an existing 99.15-acre lot.

**Charles May was present.**

Mr. May stated this property is located on Townsend Road. The property consists of 99+ acres. The majority of the property is in wetland area. The wetland area has been delineated and they have a delineation plan. There are some areas of flood zoning as well. The project is located in the R1 zone which is 1 acre. They have submitted a site layout plan which indicates that they can meet the side yard, front yard, and rear yard setbacks. The project has been before the Board on previous occasions. They have had several meetings with the Town Engineer regarding the flooding on Townsend Road. Under the direction of the Town Engineer, they met with the Highway Superintendent. They have delineated an area where there would be no development on Townsend Road. There is a portion of the site that floods at certain times of the year. They delineated the actual flood area on the road and it is located on the plan by two numbered telephone poles. It is in the area that is almost in the middle of the property. The only development that they would have is on the ends of the property where there is no flooding. They do have a LOMA, a determination of the actual lowest flood elevation at which the elevation is 283. They have sent out their surveyor to determine where the safest elevations would be to have driveways for the site. They have provided two driveways which are available at the elevation of 283 so you can access the site. They have created three shared driveways under the Town's Zoning Code 194-67c stating you are allowed to have three lots on one driveway. On the upper right-hand corner of the property they have three lots on one driveway. They also have three lots near the center. They have supplied this information to the Town Engineer along with the Flood Zone information on the plans. They have submitted the lot designs and they feel as though they are in compliance with the shared driveways.

All of the lots are actually at least 2 acres so they feel they have met the greater than 1 acre requirements for the lot designations. Previously they have a lot of information on the site that was presented to the Board. They have information on the deeps and some of the percs that were done. They have taken actual locations from the previous plan and have located the sewage disposal systems in that location. They feel that by developing both ends of the site and leaving the middle of the site void of any ingress and egress they will only have eight lots and the original plan was for 14 lots.

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

Dave Palin asked if the applicant received the comments from the Fire Advisory Board regarding the northernmost roadway entrance. It does not appear to meet the turning radius for the fire trucks. Mr. May stated they could make it wider. They did receive that on the comments from Mr. Rennie. Mr. Palin stated that the office does have the turning radius measurements for all of the fire equipment.

Chairperson Eickman asked if there were questions or comments from the Professionals. Mr. Rennie stated they did have many comments in their letter. He asked what will happen with the remainder of the undeveloped portion of the lot. Mr. May stated that they did have a discussion with the applicants a while ago and that determination has not been made yet. It is an area that really can't be developed but he cannot second-guess what the applicant's intentions are at this point. Mr. Rennie stated they would have to determine who is going to own it and if there's going to be any sort of easement. Mr. May stated there is an attorney involved with this project so he is sure they will come up with some sort of agreement.

Mr. May stated that the maintenance of the drainage on the site is going to be privately maintained. There is an actual declaration that the owner has made so that the Town of East Fishkill will not have any reason to go in and maintain any of the storm water discharges or anything along the lines on each of those properties. That note is filed with his narrative.

Ms. Robbins stated that Lots 3, 4, and 5 show a shared driveway. She stated that if this is the case, the Planning Board would need to issue a Shared Driveway Special Permit. One of the requirements of the Shared Driveway Special Permit is that the applicant has to prove to the satisfaction of the Planning Board that they can actually get a driveway onto each lot, even though they are choosing to share driveways. She asked if the applicant was able to prove that out. Mr. May stated they have looked at it and they could probably refine it. It would probably be an elaborate driveway to get over the wetlands, but they will definitely be entertaining getting a Special Use Permit from the Planning Board. Ms. Robbins stated on Lot 2 there appears to be drainage or something that goes alongside of the septic area and onto Lot 3. She asked for an explanation as to what that was. Ms. Robbins stated that the site has a long area, and the buildable area is very tight. The wetlands are pretty close to the backyards. Many of these houses have the wetland line very, very close. Typically they require some sort of demarcation of the wetland line, so people are not going into it. If the Board were to require a split rail fence along that line it might look kind of funny. Chairperson Eickman stated that has been their practice on the number of projects that are like this. It is likely they will want some sort of demarcation.

Ms. Robbins asked if the applicant was going to be getting an Excavation and Special Fill Permit. Mr. May stated he does not know yet as they have not worked out the cut and fill yet. Mr. Rennia has requested that they come up with cut and fill calculations, so they are in the process of starting that. Once they get that determination, they will be able to address the question. Ms. Robbins stated they would need to advertise that as it is another special permit. She stated they need to make sure they can meet all of the requirements for the shared driveways.

Mr. Eickman asked if they have determined how the shared driveways were going to be maintained such as who was going to be responsible for snow plowing and things like that. Mr. May stated that declaration was submitted with the narrative. All of the snow plowing can be included in with the declaration for the storm water and maintenance that he submitted. He stated this was based on a model supplied to him by Clerk Keenan that is filed in the Town of East Fishkill.

Ms. Robbins stated that he is showing adjacent area at the front of the lots. Because of the New York State DEC wetlands across the street, it is resulting in an adjacent area being along the frontage of these lots. She is not sure what they will do with that. She does know the road exists between where the wetland is on the other side of the road and the front of the lots. She asked if the applicant had any conversations with the DEC regarding this yet. He stated that everything is set back. Ms. Robbins stated that the houses are but the driveways go through it. Mr. May stated they are waiting for New York State DEC to come out and re-delineate the wetlands. The surveyor has been out there and flagged everything but there has been no mention made of the adjoining wetlands across the road. Ms. Robbins stated they need to clarify with DEC how that is going to be handled. Mr. May stated they did speak to DEC about it.

Chairperson Eickman stated there are still a few things that need to be determined. This is a complicated project because of the wetlands. He stated it would be helpful to the Board if the applicant could bring in a few sets of plans so they could look at. Mr. May stated he will bring his board as well. He can also have larger 11 x 17 or full-size maps brought for them.

Mr. Jodlowski asked if there were concerns regarding flooding in the basements. Mr. May stated they have done depth testing to 2 feet. They have not had much water at that depth. He is also not sure if these homes will have basements. He stated they will be doing deep testing as they move forward as well. He stated above the flood elevation the water is not as bad as if they were lower in the elevation of 283. He stated they also have a delineated map that shows all of the property above the elevation of 283 that can actually be developed. That would give them a clearer idea of where they could go with this piece of property.

Ms. Robbins stated she was looking at one of the lots and Lot 6 looks very close to only being 1.15 acres and it needs to be 1.5 acres in order to have a shared driveway. Mr. May will do that. He did thank Engineer Bryant for all of his help on this project.



**DISCUSSION:**

**2024-091 – Ravel Convenience Store, 905 Route 376 (6358-02-761568)**

Applicant is applying for an amended site plan and change of use at the former A-1 Mower site to establish a 765 sf convenience store in the existing 2,152 sf two-story building. In addition, the building would also continue to house a 1,316 sf storage space, a 71 sf office, and an approximately 1,000 sf three-bedroom apartment on the second floor.

**Jason Lichwick, Mr. & Mrs. Ravel were present.**

Mr. Lichwick stated his client purchased this property a few years ago for the sole purpose to open a convenience store. The reason she chose this property is that the previous use was a retail establishment. It used to be A1 Lawnmovers. They had a 600 square foot retail space in the front, a 1600 square foot warehouse storage area on the ground floor and a second floor existing three-bedroom apartment. When they purchased the property, they thought because it was already a retail establishment, their plan would be to open a convenience store. When they applied to the Building Department, they were advised they had to come before the Planning Board for site plan approval. They're looking to use the property as is. They will use the same 600 square feet as retail space that is already there and looking to use the property just as it is. They received comments from the engineers. They can definitely look at the parking. They were looking to use the parking that was there. There are more than enough spaces for the use for the convenience store and the accessory dwelling unit above. They need 6 to 7 spaces, and they have 16. It is a little tight for the aisles. If they remove the parking spaces along Route 376, they still have 11 spaces, which is more than enough for the tenant upstairs and the convenience store. They do have an issue with lacking site lighting so they could propose site lighting because the convenience store will be open at night. They would like to stay out of the DOT right-of-way for any improvements as time is of the essence. They are trying to open the store as soon as possible and another project he has in front of the DOT has been there for four months just to get a curb cut. There are existing curb cuts there already and they would like to use the parking as it is. They are not making any changes to the

building itself. The apartment upstairs that is now rented out to tenants is going to be used as a caretaker apartment for the person who's going to run the convenience store. That will be only one parking space instead of the two that is required.

Mr. Papae questions the square footage. Mr. Lichwick stated that the retail space is 600 square feet. Mr. Campbell stated that the paperwork says the apartment is a three-bedroom but it was only going to be used for one person having one car. It could potentially be used for more. Mr. Lichwick stated the apartment is 1624 square feet. The warehouse below is 1624. The total square footage is 3848 square feet.

Mr. Campbell stated that if you look at the building from the roadway there is a garage to the left. He asked if it went with this property and Mr. Lichwick said yes. One of the comments that they received was asking what it would be used for. Right now it is just a little garage. He is not sure what it will be used for. Mr. Campbell stated he has seen it occupied. There is some type of operation taking place out of that and he asked if parking for the garage was adjacent to the parking lots for this or is it separate. Mr. Lichwick stated there is some grass area but there are no parking spaces down by the garage. Mr. Campbell stated that the garage is in addition to the 3848 square feet. They will need to understand what it is going to be used for. It is all one site so they have to understand the full site. Mr. Lichwick stated he thought it was just a two-car garage there and was unaware of anything happening out of it. He asked if it was used as a garage. Could it be used as parking for the tenant. Mr. Campbell said absolutely but the square footage adds up onto the whole site plan and estimate the town requirements for parking. Ms. Robbins stated they had to be in compliance with their site plan and the site plan shows it as a garage. They do not think it is being used as a garage at this point. That use would need to be identified on the site plan and parked for. Mr. Campbell stated they need to comply with the Building Code for the total amount of spaces required by the amount of the building that they have. They will need to delineate on the retail requirements and the apartment requirements for the parking. Ms. Robbins stated that she believes they need to provide a narrative listing all the uses on-site in the parking requirements for each. They did not provide parking requirements for the garage working as a business for that space.

Mr. Campbell stated he was not sure if the Fire Advisory Board had had a chance to review this and if they had any issues with access to the building. Mr. Palin stated they can get to the building from the Street. They did have some questions about what was going to be stored in the warehouse portion. He stated that he drove by there the other day and there were materials being taken in and out of the garage there were no cars parked in there. Ms. Robbins stated as long as they are doing a site plan they might as well drawer out everything that is on-site and it will be approved by the Planning Board, assuming it's a use that can be approved.

Mr. Greenan asked exactly what square footage was for the portion behind the retail space. Mr. Lichwick stated it was going to be storage space. Mr. Campbell stated that is not inclusive of the garage as well.

Ms. Robbins stated it looks like there is some encroachments from the adjacent property onto this property. There are bollards that may belong to the adjacent property on this property. There might also be a container in the back that she is not sure who owns it. Mr. Campbell asked if there was still an existing propane refill station there as well. Mr. Lichwick stated the propane tanks have been removed and the fence is the only thing remaining. Mr. Rickett stated that the tanks have been removed and there is nothing there but an empty slab. Chairperson Eickman asked if there were any underground storage tanks on the property and Mr. Lichwick stated not that he is aware of.

Chairperson Eickman asked if the applicant had any plans to do improvements to the front of the building for the landscaping. Mr. Lichwick stated not at this point. They were hoping to use the building as is and get the business open. After it is open and starts to flourish then they will do some improvement. Chairperson Eickman stated they would like to see an overall lighting plan and landscaping plan. They need to take a look at what the exterior front will look like. It's a great corner location so they are interested in seeing the entire plan come together.

Mr. Rickett stated the fencing that is existing is also falling down in certain areas. There is also a gazebo that is in rough shape. Mr. Lichwick stated he will discuss this with the owner.

Mr. Ravel stated that he got a phone call from Mr. Randy Ross, who said he was from the Town, asking if Mr. Ravel would be interested in donating the gazebo. They are interested in doing that. Mr. Rickett stated he does not know who that individual is. Mr. Ravel stated that there was a tenant in the garage on a month-to-month basis. They can empty it out and use it for parking of their own cars. Mr. Rickett asked what that tenant was doing in there now. Mr. Ravel stated he brings the doughnuts and stuff like that to the convenience stores. They were doing this just to get some income from the site. He stated that in regard to the neighboring property is a pizza guy who has been there for forever. He uses that section of land all the time and Mr. Ravel does not say anything because he does not want to be that neighbor. Ms. Robbins stated they do not have legal counsel tonight, but she can ask that question a later time to see if there is some type of agreement between neighbors that is required or not. Mr. Ravel stated that it is their intent to make the corner very beautiful but they really need to get started to get funds rolling in. It will be one family in the upstairs apartment. Ms. Robbins stated if they want to use the garage as a rental space, they can apply with this site plan right now for whatever the use is. They will have to figure out if it is an allowed use and if the building is suitable but that would be part of this review. Mr. Ravel stated they would like to do that. If they can get an income out of it, that would be great. Their main purpose is to open a convenience store. He stated they will definitely get the fence next. They do want the gazebo gone and then be able to do everything else at the same time.

Engineer Bryant asked if there would be any cooking on site. Mr. Ravel stated no. Mr. Renna stated they are asking for a narrative because there is a difference in use between if they are selling potato chips and making hot dogs and sandwiches. That also helps them understand the water and wastewater needs. Mr. Ravel stated there would be no cooking at all. Mr. Renna asked him to write it up in a narrative and adjust the water and wastewater needs.

Mr. Jodlowski asked what the plans for the storage area were and Mr. Ravel said nothing at this

point. They purchased the building because it's a great location and they wanted the convenience store portion.

Mr. Palin asked if there was a fire or smoke detection system in the building. Mr. Ravel stated he is unsure. The gentleman that owned it before him was there for forever and did everything to the letter of the code. Mr. Palin stated it may have been grandfathered in before code. The building has been there since 1973.

Ms. Robbins stated she has the traffic comments. He is suggesting making only one access permitted on each of the abutting roads. That way on route 376 there could be one way in and one way out. They would need to put up signage. Mr. Ravel said he would do that. Ms. Robbins asked if there was any ADA parking spaces marked. Mr. Ravel stated he will make one space if that is what is required. Ms. Robbins asked where the existing sign was. Mr. Ravel stated there is one of the building and one on the street. Ms. Robbins stated the one that is in the corner is technically in the DOT right-of-way and they would need a Use and Occupancy Permit to keep it there. In order to change out the sign in that area they will need to get that permit first.

Mr. Lichwick stated there is no CO for the apartment upstairs. They do have to go before the ZBA. He asked if there was a way to run public hearings at the same time and if they could get their referral to the ZBA as well.

**MOTION made by Richard Campbell, seconded by Ed Miyoshi, to refer this applicant to the Zoning Board of Appeals. Voted and carried unanimously.**

Ms. Robbins stated the Zoning Board would probably request a coordinated review for SEQRA so the Planning Board should declare intent to be lead agency.

**MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to declare intent to be Lead Agency. Voted and carried unanimously.**

**DISCUSSION:**

**2024-092 – SWF2 Fulfillment Center, 76-112 Patriot Way (6356-04-606028,6355-00-501905)**

Applicant is applying for an amended site plan to make safety and accessibility improvements to the pedestrian route between the warehouse building and the guardhouse entrance at the Amazon Facility. The improvements will include new side walk, re-pavement of existing sidewalk to comply with ADA slope requirements, new railing at the new ADA ramps, two crosswalks along the route, and a new retaining wall.

**Peter McCabe and Rob Stout were present.**

Mr. Stokosa stated he is here for Amazon who is the tenant at 76-112 Patriot Way pursuant to an approved special permit and site plan. This application is a proposed site plan amendment relative to the installation of an accessible route pursuant to Amazon's policies. This is in excess of what is required by the Americans With Disabilities Act. The application entails the construction of a new sidewalk and replacement of a portion of the existing sidewalk. No alterations or modifications are proposed to any building or structure. He believes it is worth noting that there are no significant changes being proposed to any of the things that are on this Board's typical review criteria for site plans. There's nothing relative to conformance with the building, nothing materially relative to access for circulation, consistency with the neighborhood, architectural features, natural features, and utilities. They think this is something that typically would be the subject of a site plan amendment review, but this has been requested, so they are doing it. Other than addressing the minor comments received by the Town Engineer, they believe they have provided the Planning Board with everything that it needs as part of this application.

Mr. McCabe stated that the site is out of the Hudson Valley Logistics Center on Route 52. There is a guard shack on the north side and south side of the building. There is a parking space that is a handicap accessible parking space right next to the guardhouse. Amazon has decided that it wants to, in accordance with their standards and how they provide accessible routes, create an accessible

route from the South guardhouse all the way to the building. This will make use of some existing sidewalk. Some sidewalk will need to be replaced to bring it into compliance with ADA route. There will also be some addition of sidewalks. They were able to work it out without a big switch back but there are some that are at one on 12 and require a railing for some length. Then there are proper landings, and it is all designed in compliance with ADA. In order to do the grading in one section there is a 4-foot-high wall for approximately 75 linear feet. There are crosswalks across the paved areas to get you to the building. They are fully painted pedestrian crosswalks. They propose pedestrian lights that are activated when they are in the area and there will be flashing lights. This is due to the nature of the operation there. The total disturbance is approximately a quarter of an acre. There are soil erosion measures that they have proposed on the plan. There is a ramp proposed to get from the loading dock level to the doors. It crosses to an existing sidewalk that comes along some of the trailer parking and then it crosses again near a trailer parking paved area, then it crosses again using a new sidewalk and then it loops down to the driveway and to the guard shack. The site is landscaped and there are a few plantings, and they will remain as they are except for three that will be relocated.

Ms. Robbins asked if the main purpose of this was to get people from the guard shack to the warehouse and Mr. McCabe said yes. Ms. Robbins asked if this was mostly truck parking or if it was employee parking. Mr. McCabe stated employee parking is in the front, this is mostly trucks. Mr. Campbell asked if there was a spot for the guard to park at the shack and Mr. McCabe said yes. It is behind the shack. Chairperson Eickman stated this all seems like a very positive move to be proactive with ADA requirements.

Chairperson Eickman asked if there were any questions or comments from anyone.

Engineer Bryant stated that they did ask for photo metrics. Mr. McCabe said they will be using the half foot candle lights that are currently there. It is not their intent to install any additional lighting. Engineer Bryant told him to add that to the plan sheet. He stated they have also asked for the location of the concrete washout area and how they will handle it. He stated there are also

housekeeping issues at the site. There is a litter problem that needs to be addressed. There are also some problems with trucks not following 84 to Lime Kiln Road to South Drive and Patriot Way. Those are some outstanding issues they would like to see cleaned up. Mr. McCabe stated they are working with additional signage and instruction to the drivers. The applicant is willing to cooperate with that. Engineer Bryant asked about implementing a parking lot sweeping procedure. Mr. Stout stated there is a robust ordinance that the Town adopted and incorporates by reference from the state property maintenance code into the Town Code. It has some enforcement provisions including notice, opportunity to be heard, unilateral enforcement rates for the town if the property owner/operator does not address the issue so they think that is the appropriate way of addressing the situation. They certainly understand what the comments are coming from in terms of implementing a daily sweeping protocol. Their concern there is that it could be ambiguous if the property is swept to the degree that the Town thinks it is appropriate or it's not swept at a certain interval or time every day. It seems easier to work within the confines that the Town already has an enforcement mechanism pursuant to the property maintenance code. Engineer Bryant stated that puts the onus on the Town for policing it. He stated any sweeping is better than no sweeping. Mr. Stout stated he believes they can come up with something on a daily basis. Engineer Bryant stated that people go out to their car and eat their lunch and then throw the garbage out of the windows. Mr. Stout asked if it was a matter of needing more trash receptacles. Engineer Bryant stated he did not know of trash receptacles would help. When the garbage is blowing off-site onto Patriot Way and over to the school and then the school complains. It is a problem. Mr. Stout stated he believes the initial goal is to have a mechanism implemented that prevents that and it is also uniform so it's unambiguous what the applicant has to do and what the operator has to do and what triggers enforcement if it is not done. Mr. McCabe asked if they meant running a sweep truck through and Engineer Bryant said yes. Mr. Stout stated they could discuss that with the client.

Chairperson Eickman asked if there were any other questions or comments. There were none.

Chairperson Eickman asked if this is something that could be approved on a motion with conditions that they meet the Engineering Department's satisfaction for the requirements for the



photo metrics and a sweeping plan. Engineer Bryant stated that part of the concern is that this is such a large site and there has been an impact to some degree in that area. They have identified some issues that they want to see cleaned up, but they may want to give the public an opportunity to speak to see if there are things that they are not aware of. Since they are amending the site plan they want to catch everything. Chairperson Eickman asked if that should be done by a public hearing and Engineer Bryant said yes.

**MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to schedule this application for a Public Hearing on October 15, 2024. Voted and carried unanimously.**

**DISCUSSION:**

**2024-093 – The Flower Cottage, 1103- Route 82 (6458-04-689164)**

Applicant is applying for a change of use/minor site plan amendment for a new flower store.

**Brian Stokosa was present.**

Mr. Stokosa stated the applicant purchased this property that was a real estate office. They would like to run a flower shop out of it. When they were looking into things they found there was no CO issued for the building. They have been working through getting everything up to par with the applicant and the Building Department and the Planning Department. They have cleaned everything up and have come up with an amended site plan that codifies everything.

Ms. Robbins stated this was an old use that never had the proper paperwork. They did clean up the site. There had been an existing refuse container that was at the corner of route 82 and they moved it and enclosed it. They put it on the site plan. These are all minor changes to the site plan, but basic improvements and they did codify what is actually out there.

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

**AMENDED RESOLUTION OF SITE PLAN APPROVAL**

**NAME OF SITE PLAN:**     **The Flower Cottage**

**NAME OF APPLICANT:**   **Chris Valenti**

**LOCATION:**               **1103 Route 82**

**GRID NUMBER:**         **6458-04-689164**

Resolution Offered by Planning Board Member John Eickman

**WHEREAS**, the applicant is applying for a change of use from a realty office to a flower store; and

**WHEREAS**, the applicant proposed minor changes to the site plan and prepared an amended site plan for the proposed flower store; and

**WHEREAS**, no public hearing is required for the minor site plan changes; and

**WHEREAS**, the action is a TYPE II action under SEQR and no further SEQR review is required; and

**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Amended Site Plan Approval, as shown on the “Flower Cottage Amended Site Plan” prepared Day & Stokosa Engineering, P.C., and dated May 1, 2024.

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

Resolution Seconded by Planning Board Member Sarah Bledsoe

Board Member Lori Gee

Absent

Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Richard Campbell	Aye
Board Member Donald Papae	Aye
Board Member John Greenan	Aye
Chairperson John Eickman	Aye
Alternate Board Member John Giovagnoli	Aye

**DISCUSSION:**

**2024-094 – Stormville Square, 194-198 Route 216 (6657-03-064313,066295)**

Applicant is applying to amend the approved site plan for a climate-controlled storage building to include a retaining wall at the rear of the parcel.

**Brian Stokosa and Pat Gigliotti were present.**

Mr. Stokosa stated they have an approved site plan. They were doing a two-story storage facility that was a steel structure within a 18,000 square foot footprint. It was two stories. The lower floor was accessible in the front and was two stories exposed. When you drove around back, it went up the hill and there was one story exposed in the back. They were using the building as a retaining wall, and they could meet ADA accessibility requirements from both the front and the back of the building. In going through the financial aspect of the project and looking at the work that goes on to the structure the applicant started looking at different grading and layout ideas. They are going to be presenting an updated site plan that shows a wood framed one-story building. It will be in the future submission next month. That will substantially reduce the square footage of the building. The steel and concrete costs were a little bit high. It will be less of an impact overall. The grading should look better on site. What they are here for tonight is that instead of using the building foundation as a retaining wall they would like to push back with a Unilock retaining wall along

the backside of the property. The hope was that that would soften the front of the building, and it will be more economical as a wood frame structure. It will be a modular block wall. It will be basically the same exterior. It will be grayish Unilock. In the beginning they have wall heights of 16 to 18 feet. With this latest version they're looking at approximately a 9-foot retaining wall around the backside. They are here to present that wall concept to the Board. There will be a lot of aspects of the original site plan that will be incorporated into this plan to include the landscaping, the lighting, the agreements with the neighbors specific to plantings and shading from the two property owners that were here last meeting. They have taken all of those things into consideration with this last revision and are refining a little bit more. The applicant will be having a slow period coming up with his laborers, and his thought was to discuss the wall with the Board tonight to see if there would be the opportunity to start construction on that wall as the fall season dries up other work that they have. That way they could start doing some grading and site cleanup as well as construction of the wall. They will be back next month with a full submission detailing everything he just spoke about.

Chairperson Eickman asked if we had those changes, do they need to refer the applicant to the ARC. Ms. Robbins stated they don't have anything to refer yet. Mr. Stokosa stated this will be similar architecture but will be smaller. Instead of two stories it will be one-story. The building will be set a little bit lower so it will have a large visual presence. Instead of using the foundation as a retaining wall they will have an actual retaining wall moved back a little bit so they can push the structure down so it will not be as high from a visual standpoint. Mr. Papae stated it will be smaller by 50% if they are eliminating the entire second floor. Mr. Stokosa stated they are eliminating the second floor but they may stretch the footprint to 21,000 feet instead of 18,000. Ms. Robbins verified that the applicant is asking for permission to start construction on the retaining wall not for them to schedule the Public Hearing to move things along. Mr. Stokosa stated they will take whatever the Board will allow. They just know that this will be a slow time for his laborers so starting the wall could keep them working for right now. Ms. Robbins asked if the current site plan that they have is signed. Clerk Keenan said yes. Ms. Robbins stated it is up to the Planning Board to consider this a minor amendment or a more significant amendment. If they

determine that it is a minor amendment that will waive a Public Hearing. She stated there were folks that came out to discuss the retaining wall and then it was removed. Now it is being added back in. Mr. Stokosa stated with the two-story plan the first-floor walls were 12 feet high. This revised plan the whole site shrinks some. The parking requirements are less. The original retaining wall was 12 to 18 feet high and now they are talking about a 9-foot-high wall. A lot of these changes were financed based. It will be the small Unilock blocks use right along the backside of the property where their grading was shown previously. All the landscaping and agreements that they made with the neighbors will hold and fencing requirements and fall prevention things that they spoke about with the three other site plan approvals will all be in place. Mr. Gigliotti stated at this time all he is looking for is approval the wall itself. They will come back for everything else but he is just trying to keep his employees working during the slow time. Mr. Campbell stated the original plan was for a one-story with a retaining wall. Mr. Campbell asked if there was any way to make an approval based on his original plan. Ms. Robbins asked if they signed the original site plan. Clerk Keenan said yes. Ms. Robbins stated now he has a completely different approval so technically he would have to amend the site plan to do it again even though at one point he did have approval for something that is very similar to what he is proposing now. Mr. Campbell asked if he had anything to submit based on what he was asking for right now. Mr. Stokosa stated they did do a sketch wall plan showing outline and the material and a conceptual footprint of the building. Mr. Campbell asked if there was any grading done there as of yet. Mr. Stokosa said yes. Engineer Bryant asked if the first-floor elevation was being held. Mr. Stokosa stated they will be adjusting it slightly. They will be bringing it up slightly from the existing grade. The material that the wall is going to retain is going to be peeled back. The site was always balanced from a cut fill standpoint. They have always discussed taking some of that material from the hillside and wrapping it around where the building is going to go. Mr. Campbell asked if the building that was approved is going in the same location and if the wall is in the same perimeter location. Mr. Gigliotti stated it is very similar but it is moved back a little. When they come back to show the Board the actual plan of the building it will show the building in the same spot. It will drop in elevation approximately 12 feet and the wall will be behind it. It will sit there much nicer. Mr. Stokosa provided a picture that shows it is very similar to the shape they had before. It is the same

configuration in almost the same location as the previous approval. They always had grading coming down from the neighbors' property. There is a fence on top of the wall and plantings along the slope. They will coordinate any kind of vegetation improvements required by the neighbors to the east and the north. The location is very similar to where it was in the first plan. It is at a height of approximately 9 feet. Chairperson Eickman stated he believed there were some fencing requirements as well. He asked if they were doing the same thing with this. Mr. Stokosa stated all of it would carry over. Mr. Miyoshi asked if they would still have the rear road in the back. Mr. Stokosa said the building will have 360° access for the fire department. Mr. Campbell asked how similar this was to the original wall. Mr. Stokosa stated the bridge wall was using bigger block. These are smaller with geo-grids.

Mr. Jodlowski stated he does have concerns with a wooden frame storage facility. Mr. Gigliotti stated right now he's doing a study. If they can hook up to the sewer it will probably not be a storage facility. If he can get this wall put up and grade the property, then they will come back to the Board and show exactly what they will have to. It will be this building, but it may not be a storage facility. But he cannot answer that until they figure out what is going on with the sewer. They thought they were going to get it with the Montage project, but that does not look like it's panning out. The storage building was their only option at that point. He is pursuing hopefully another option but he would like to get the wall in first to get the whole property graded. It will still be a building like what is proposed but he is not sure exactly what will be inside. If it continues to be a storage facility, it will not be wood structure.

Chairperson Eickman asked if there were any objections by Board members to approve the wall. The construction of the wall will be totally at the risk of the developer. Should there be comments that come back from the engineers or the ARC that require something different it will be at the risk of the developer. If there were any public comments that need to be addressed they would also be at the risk of the developer. It will be up to him to make any corrections to any objections. Mr. Gigliotti stated he understands that. Engineer Bryant stated they will still need a building permit for that wall as well.

**MOTION made by John Eickman, seconded by Ed Miyoshi, to amend the Site Plan to permit only the construction of the wall being totally at the sole risk of the developer. In the event that for any reason it is not subsequently approved, it is at the developer’s risk. It must meet all necessary requirements of the Building Department. Voted and carried unanimously.**

**EXTENSION:**

**2022-037 – Firas Bridges Subdivision, Eder Road (6656-00-819763)**

Applicant is requesting a 3-month extension for the approved subdivision plat.

**Brian Stokosa was present.**

Chairperson Eickman asked if they knew the reason and status of the overall process that they are at right now. Mr. Campbell asked if they had issued an extension already and Ms. Robbins said yes. She asked if they were still waiting for Health Department approval. Mr. Stokosa stated they do have Department of Health approval. The applicant is working with the engineering department specific to a swale that has to be installed. He does believe they are getting close after a couple of iterations, but they just need a little bit more time to complete that. They have to make sure that Attorney Cunningham is okay with the easements. The swale is the biggest part. Engineer Bryant stated it is progressing. Ms. Robbins asked if that was part of correcting encroachments in the right-of-way and Mr. Stokosa said yes. Mr. Stokosa stated they wanted the swale complete before they filed map and that took a little longer than they thought.

**RESOLUTION EXTENDING FINAL SUBDIVISION APPROVAL**

**NAME OF SUBDIVISION PLAN:** Firas Bridges Subdivision (3-Lot)  
**NAME OF APPLICANT:** Firas Bridges  
**LOCATION:** 520 Eder Road  
**GRID NO:** 132800-6656-00-819763

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

**WHEREAS,** the Firas Bridges Subdivision was granted final approval for a 3-lot

subdivision on April 18, 2023 and was granted a three-month extension through July 18, 2024 with an additional 30 days through August 18, 2024 contingent upon the applicant providing a plan to the Town Engineer that satisfactorily addresses and corrects the existing encroachments in the Town right-of-way by the applicant; and

**WHEREAS**, the applicant is awaiting approval from the Department of Behavioral and Community Health (DBCH); and

**WHEREAS**, the applicant is requesting an additional three month extension through November 18, 2024; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby extends final subdivision approval through November 18, 2024 for the above project as represented on a map entitled "Bridges Subdivision" prepared by Day & Stokosa, Engineering P.C., dated May 23, 2022 and last revised March 30, 2023 subject to the following conditions:

- 1) The submission of a plan to the Town Engineer that satisfactorily addresses and corrects the existing encroachments in the Town right-of-way; and
- 2) All conditions contained in the original resolution of subdivision approval dated 4/18/23 must be met; and
- 3) Recreation fees in the amount of \$12,500 due to the Town of East Fishkill prior to the signing of the subdivision plat in final form by the duly authorized officer of the East Fishkill Planning Board; and
- 4) The applicant addresses the comments in 2/15/24 memorandum from the Town Engineer to the satisfaction of the Town Engineer.

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

Resolution Seconded by Planning Board Member Ed Miyoshi

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



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

ADJOURNMENT

**MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to adjourn the Planning Board meeting. Voted and carried unanimously.**

Respectfully submitted:

\_\_\_\_\_,  
Julie J. Beyer, Meeting Secretary  
East Fishkill Planning Board