

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

APRIL 15, 2025

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

Members present during the roll call were John Giovagnoli, Donald Papae Lori Gee, John Eickman, Richard Campbell, Ed Miyoshi and Sarah Bledsoe.

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

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b. Mr. Eickman announced the **Upcoming Meeting Dates are:
May 20, 2025 & June 12, 2025-Thursday.**

c. **Approval of Minutes of Meeting Held: March 18, 2025**

**MOTION made by Richard Campbell, seconded by Sarah Bledsoe,
to approve the Minutes of Meeting Held March 18, 2025.
Voted and carried unanimously.**

Town Professionals and Consultants present were: Michael Cunningham, Esq., Town Attorney; Michelle Robbins, AICP-Town Planner and Scott Bryant, Town Engineer.

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

ADJOURNED PUBLIC HEARING:

1. **#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. **Applicant asked for an adjournment.**

Mr. Eickman announced that this matter was adjourned, and the applicant has requested a further adjournment to the next meeting.

MOTION made by Lori Gee, seconded by Richard Campbell, to adjourn the Public Hearing for Landmark Union to May 20, 2025.
Voted and carried unanimously.

DISCUSSION:

2. **#2025 – 098 – Valley Christian Church**, 1072 Route 82 (6458-04-688075/678055)

Applicant is applying for an amended site plan to add 31 additional parking spaces to the existing site plan. The site currently contains 142 spaces. The proposed amendment to the site plan would remove 1 space and add 31 spaces for a total of 172 spaces.

Stephen A. Whalen and Alex Alamo, Whalen Architecture PLLC and Dan Gilman, on behalf of Applicant, were present.

Alex Alamo began, stating that he would give the background of what had been going on. Currently there is a stop-work order on the property, and he said they are trying to alleviate that. Basically, he said their plan is to put a new parking lot in the rear of the lot, where there is currently a cliff. Trees were cleared, which he said triggered the stop-work order. They were allowed to do

1 some test pits with an excavator to find out what kind of rock is there and, if they can, excavate to
2 get it down to a grade where there could be a parking lot. In order to alleviate the situation, he said
3 they drew up a plan and got on this agenda. He said the display board was not working but the
4 Board had the plan in front of them, showing the 31-car parking lot, which he said was very
5 preliminary. There will not be final engineering on this until they actually start to excavate to know
6 how far they can come down off the top of the hill. If it is too steep and cannot be excavated at all,
7 and the rock is too hard, he said the backup plan would be to landscape a green space. However,
8 they would like to get a parking lot there.

9
10 Mr. Papae asked if the plan was to excavate down to the level of the rest of the parking lot. Mr.
11 Alamo replied No, not the whole thing. He said he had some pictures, and his estimate is that they
12 would have to excavate about 10 ft off the top; it appears to be loose shale, and they could get to
13 it with the test pits. Permission is needed to get a bigger excavator up there so it can be seen if they
14 can actually get down. The final design of the parking lot is going to be contingent on how far they
15 can get down, how much pitch there will be on the parking lot, the lighting, and buffer zones that
16 are required. Mr. Papae asked, if this gets down to the 10 ft, what would be the elevation off the
17 existing parking. Mr. Alamo responded that he thinks it is 15 to 20 ft. He said he had pictures, with
18 the topo. There is a ramp up the hill and he proceeded to show Mr. Papae, the pictures, for him to
19 pass along to the Board Members. He said they are trying to get on top of where the rock bases
20 are, and it would be about 10 ft of excavation. If they can only get 5 ft, he said they would pitch
21 the parking lot to make up for that. Mr. Papae asked what the pitch of the driveway would be,
22 roughly. Mr. Alamo responded that it is not yet resolved, but it is pretty steep. He said the pictures
23 show the sign where there is a natural ramp up to where they have to get; he is not sure of the pitch
24 off the top of his head.

25
26 Dan Gilman came to the podium, stating that he works at Valley Christian Church and it is believed
27 the highest point is 10 ft high, not the whole thing. There are spots where they have to scrape back

1 and try to level off so that they understand what they can build. Some exploratory work was being
2 done so that an engineered plan could be put together to present to the Board. He said he takes full
3 responsibility for starting it; he did not realize that could not be done. He explained that they would
4 like to continue the exploratory work so that a plan can be presented to the Board that would have
5 the pitch, drainage, lighting and the exact number of parking that they can get.

6
7 Ms. Gee asked how pedestrians would get there; would there be a stairway, a sidewalk. Mr. Gilman
8 responded that, basically, they are thinking of a sidewalk along the roadway and a stairway coming
9 down from it. The exploratory work needs to be done so they know where everything is and what
10 can be done.

11
12 Mr. Alamo stated that a staircase is shown on the preliminary plan, coming down from the parking
13 lot. There is a pretty steep cliff there and he said that is something they will have to resolve for
14 some way for pedestrians to get down from there.

15
16 Mr. Miyoshi said he assumes there will be some type of protection along the ledge, so no one falls
17 over. Mr. Gilman said there would definitely be a guard rail; it just needs to be figured out.

18
19 Mr. Campbell questioned, when the term “exploratory” is used in him figuring this out, did they
20 have an engineer to do a site plan with what they are looking to do as an end result. He said there
21 is obviously a stop-work order, and the term “exploratory” work is being used. He said there is
22 obviously work that has taken place that was beyond the scope of what they were permitted to do.
23 He asked the gentlemen at the podium if an engineer had been engaged to come in and try to
24 understand the exact situation now, where they want to be; one who would be able to produce an
25 engineered plan that the Board can look at, not an exploratory. Mr. Alamo replied Yes, and before
26 they go ahead and pay for the engineering, they want to know how much they can dig to see if this
27 is even feasible. Mr. Gilman said they had an engineer come out to the hill and a good hour was

1 spent with him. He is the same one who helped them with the other parking and those
2 modifications. Mr. Alamo said the engineer is retained but can't start the work yet. Mr. Campbell
3 commented, in his opinion, that this is putting the cart before the horse. The engineer would have
4 to come in, understand the current, existing condition. Then he would put together a plan that
5 would fit what they have as a current, existing condition and present it to the Board so that the end
6 destination can be understood. He said he, personally, would not be comfortable going off on this
7 exploratory journey, which he said is open-ended.

8
9 Mr. Bryant added that this is like going in for knee surgery without an MRI. He questioned if
10 anyone would do that. He said he recommended a geotechnical drilling pro, drill as much as they
11 want to drill, or bring in an air track and determine the amount of rock they even have to see if the
12 project is even viable. The path they are going down now would create a mess back there and he
13 said this is not the way to proceed with a project like this.

14
15 Mr. Campbell told the gentlemen that he did not know how the rest of the Board felt, but he thinks
16 they kind of overstepped a boundary. He believes a permit was issued to do a certain bit of work.
17 Mr. Bryant said they were issued a permit for the parking lot improvement, which was completed.
18 Mr. Campbell said then they moved beyond that. Mr. Bryant said this was far exceeded.

19
20 Ms. Gee noted that it was a green area on the last plan

21
22 Mr. Bryant stated that another thing to think about, with the cart before the horse, is they are adding
23 30 more parking spaces, which implies more people. DOT may have some say, in terms of the
24 entrance onto route 82 and whether or not an improvement is necessary. He questioned why they
25 would go down this path of digging it up, not even knowing what it will be.

1 Mr. Campbell stated there would be an incredible amount of impervious surface added and there
2 would be runoff onto the neighboring properties. Mr. Alamo replied that it would be caught on
3 this property with drainage that the engineer designs. Mr. Bryant said it is hard to deal with, when
4 there is rock through drainage.

5
6 Mr. Gilman explained that, up on the hill, there were a lot of weeds and trashy natural stuff that
7 they could not even walk through. That is why it was decided to clean it all out so that they, the
8 engineer and architect could go up there to try and strategize, to see what they would be able to
9 do.

10
11 Mr. Campbell said he has been by this site, and it looks to him like it has been clear cut and nothing
12 left there. Mr. Gilman responded that there is a lot of tress and stuff on the right side and what was
13 cleaned out was basically the tick infested overgrowth. Some trees were taken down, but he said
14 it is not like 30 trees were taken down. It was cleaned up to better understand what they had. He
15 understands the point that it is being looked at as putting the cart before the horse, but, on the
16 assumption that they would be able to do something there, he said they needed to clean it up to see
17 what they could do. Then they would be able to present an engineer's plan. He said they did engage
18 an engineer and the architect, and it was not like they were just doing this "willy-nilly" or without
19 any kind of engineer involvement. Mr. Campbell told Mr. Gilman the end result was that it got a
20 stop-work order issued and obviously there was that type of sentiment with regard to it. There is
21 no engineered plan to go by and he said he goes back to the exploratory comment he had made,
22 which he did not want him to take personally. When one goes to do something like this, and there
23 is no actual plan in place, he said this is the end result of that. Mr. Gilman apologized if he's
24 ignorant of how this goes and reiterated that they were basically just cleaning it up so it could be
25 seen what was there. He said it was difficult to see, and it is not like their intention was to get half
26 of it done.

1 Mr. Bryant said this was going around in a circle. He told the gentlemen that, if they want to move
2 forward with the project, as he had stated previously, they should get a geotechnical assessment of
3 what is there, how hard the rocks are, whether there would be the need to blast. He said there are
4 people who can provide all this information so there is no guessing. To go in and start digging is
5 what was done 50 years ago, but he said they have come a long way. Mr. Gilman responded, saying
6 with all due respect, if they got a machine up there and peeled away what they could, there will
7 not be blasting; that is not an option for them. He said it is too close to other people and too many
8 variables to worry about blasting. He said he would not recommend blasting at all; he would rather
9 not have the parking. He would suggest getting a bigger machine up there so that they can peel
10 back at the highest point, not the whole thing. Mr. Bryant said, to do that, there is the stump, doing
11 that, a big machine to try and dig down 10 ft. He told Mr. Gilman that what he is describing is a
12 significant amount of disturbance, without an endgame. He questioned what would be done if it
13 did not pan out and how would it be restored, putting the dirt back, planting trees. He asked if they
14 would wait until then to figure out what they are going to do. Mr. Gilman responded that he knows
15 “exploratory” seems like a bad word. Mr. Bryant told him they should be drilling, finding out the
16 limit of the rock and the hardness of the rock and should bring someone in who is knowledgeable
17 of whether or not it can be dug. Mr. Alamo said there is no guarantee that it can be dug, it is just a
18 pro. Mr. Bryant said it is better than what is had now. He said when he does his jobs, exactly that
19 is done before. To do a job to put pipe in the ground, he said they go and drill and find out if there
20 is rock, how far it can be dug, and they don’t wait to start digging before they find out if they can
21 do a pipe job. Mr. Gilman replied that what rock is there is known; it is not like there is granite
22 there that would surprise them. He said it is shale, and it has been there the whole time; it can be
23 seen. Mr. Bryant told him then to come up with a plan to dig the shale, come up with the elevations,
24 the slope, the drainage and go dig the shale. He said it is once they have an approved site plan. Mr.
25 Alamo responded that, if they can’t do that, then the site plan will have to be revised again. Mr.
26 Bryant asked, what happens if there is a 10% grade on the driveway, they need to go down 10 ft
27 and can only get 7; what would they do then. There is 7 ft of rock already dug out, 3 ft more is

1 needed, and they can't get it, what is the plan then. Mr. Alamo responded that there is always the
2 fill-in, retaining walls. Mr. Bryant told them that won't help them get down through 3 ft of hard
3 rock. Mr. Gilman responded that they could hammer it if they don't have to blast, and he feels it
4 is fair to ask. Mr. Bryant told them if they can hammer it, do the work. Mr. Gilman said they need
5 to know the work they need to do to get the plan requested. Mr. Bryant replied to them to get a
6 drill rig or just get an approval to start digging and hammering, with an approved plan. He told
7 them they are opening up a can of worms here. Mr. Eickman told the gentlemen he thinks the
8 Board would agree with that approach, that there is no more tearing things out and that they really
9 need to do what the Town engineer has suggested. Mr. Gilman said OK, so then they drill down
10 and yes, there is shale. If an extra fee is incurred to drill down the stone that they know what it is,
11 he is still trying to wrap his head around what the benefit to this is. He said they would be able to
12 answer the Board's question, yes it's shale, down 20 ft., what then. Mr. Bryant replied that they
13 are committed to get down to a certain elevation, no matter how hard the rock is. Mr. Gilman said
14 No, that's the whole point. Mr. Bryant told him that is the whole point of the drilling, to answer
15 his question, is going to tell if they can dig or not. Mr. Miyoshi told Mr. Gilman that he thinks, if
16 he can get down to where they want, then the ramp will have to be steeper than what is permissible
17 and that is going to be a problem. Mr. Gilman said he thinks they are close now. It is not the whole
18 hill that is being taken away. Mr. Bryant told him this is going back and forth; either it can be
19 done, or it cannot.

20
21 Mr. Whalen came to the podium and, after introducing himself, stated he could see what is going
22 on; it is going around in circles. He asked if it will appease the Board if they go back to the civil
23 engineer for him to come up with a basic plan, with some of the drainage, with the grading, the
24 spot elevations that have to be met to comply with a parking lot. This is without the lighting and
25 maybe even without the drainage; it would be like a grading plan of what they are trying to achieve.
26 They would go out and see if they could meet those elevations. If they can't, Plan B is to reclaim
27 the land, put it all back, plant trees, plant landscaping and bring it back to a green space. He said

1 Plan A is the parking lot and Plan B would be the green space. He asked if the Board would accept
2 something like that, where they are not fully invested with geotechnical engineering, but there
3 would be engineered drawings. Mr. Bryant replied that one requirement would be a bond, and a
4 restoration bond would need to be in place, to be discussed. He added that they still need to get to
5 the DOT to make sure there are not other requirements set forth by DOT, before anything else is
6 done. He said this cannot be done with DOT without an engineered plan. He said the other part is
7 they have to look at the drainage; they cannot kick this down the road. Mr. Whalen said they could
8 have assumed drainage right now as it is not known. Mr. Bryant replied it would be assumed but,
9 ultimately, they have to make sure the drainage works. Mr. Whalen said this was reviewed with
10 the civil engineer when on the site. They want to work with the Board and he said this is a good
11 problem to have with this church. Mr. Campbell asked if the civil engineer was willing to stamp
12 the plan, and whether it is functional. Mr. Whalen replied that he would give them a design that
13 works, and explained it is all dependent on how far down they can go. Mr. Campbell said then he
14 comes in, gives his stamped, approved plan of what, potentially, could function. He asked how
15 they would find out if they can get to the grade level that is needed to get to and that is why it
16 seems like this is going around in circles. To him, he said there has to be some type of geotechnical
17 test done, to understand that this is going to get to the elevation. He said he thinks the Board may
18 be open to giving some type of conditional, for them to be able to do that to understand if they are
19 able to get there. He asked if they are able to get there, if that is possible. Mr. Eickman stated, in
20 the event they are unable to get to that point, then there would be a bond put up to guarantee this
21 would be completely restored to a green space. Ms. Bledsoe questioned if there would be fill issues
22 at that point. Mr. Bryant replied that he thinks this would have to be stepped back to the previous
23 site plan, in terms of what buffering was required to better understand. The question would be to
24 restore it or mitigate it.

1 Mr. Whalen stated, to give a little history, when the original parking lot expansion was done, they
2 did hit rock, but they plowed through it easily. The hope here, he said, is that there are the same
3 veins of rock and that this material can be removed.

4
5 Mr. Bryant commented that he has a gentleman in Wiccoppee now who bought a piece of property,
6 saw it was rock, started digging a lot. Now, \$100,000 later, he has almost given up hammering it
7 because it turns to powder rock. He said it is like “fools’ gold”, one can dig, it gets hard and then
8 it is impossible. He said that is where the bores come in; they could dig down the 7 feet and the
9 last 3 feet they are just making powder. Mr. Whalen replied even that could be a gamble; they
10 could dig and have a core done. Mr. Bryant said he doesn’t want to be in the middle of that tough
11 spot. Mr. Whalen said that is true and that is why they have come up with a Plan B; they may not
12 be able to get down like another foot. Mr. Bryant told him they could spend lots of money taking
13 all that material out. Mr. Campbell asked if they had explored the cost of what it would be before
14 the test run. He explained that the Board makes a decision, and part of it is that there is a budget
15 that everyone has. He suggested speaking with a professional to understand the cost, as it may be
16 worth doing that instead of a “B” plan that states it has to be restored, and a bond needs to be
17 posted. He said if the cost to do that is understood may help to get exactly where they want to be,
18 rather than having to go in reverse, by taking away this whole thing and then having to restore it
19 back. He said the other part also to understand if the end result is, if they are able to do this project
20 completely, is it going to fit the renewed site plan. He said there are a lot of moving parts and he
21 suggests personally that they go out and explore the cost to do the test for them. If it is prohibitive
22 to their budget, he said, instead of going backwards, then it may be said they just don’t have the
23 ability to put this in. Mr. Gilman replied, saying if it is maybe \$1,000 to hire this company, they
24 drill and affirm what they were thinking, that it is shale and should peel apart, and not a problem.
25 He questioned the Board, asking at what point does the Board say Yes, that is the case and, based
26 on the drawing put together, they can do this. According to the rules that he said he knows nothing
27 about, in his mind, it is not known what to even present to them. He would rather have more

1 information to present. Then he could say No, this isn't going to work because they are using up
2 too much, there's the drainage. Mr. Bryant responded that, not only are they going to drill down
3 from where the Top of the Rock is through the rock, to whatever elevation the engineer says they
4 have to go down to. It will tell them the type of rock, whether or not it can be hammered, or if it is
5 to be blasted. He said they will get a report, which can be given to the contractor, can get an
6 estimate, not here to manage the job for them He said it is a normal process to see if this falls
7 within their budget or not. He added that they could have all the data and not know; right now they
8 are flying blind. Mr. Gilman said they are one step past that. Mr. Bryant showed with his hands
9 what the elevation would be, the positions of the slope and drainage, the DOT says it is ok, here's
10 the landscape. It does not matter how long it takes to hammer; it is according to their budget. He
11 told the gentlemen they are looking at \$10,000 to \$15,000 to do this. Mr. Gilman asked, if they
12 come back with an engineered plan, is this something the Board will allow, or is it something
13 where the Board will look at it and say No, it cannot be done. He said this is what he is wondering.
14 Mr. Bryant said there is drainage to deal with.

15
16 Ms. Gee told the gentlemen that their engineer will look at the Town's Code, making sure they do
17 not run out of impervious surface, drainage, or the slopes are not working. She said that is what
18 the engineer should do for them and will look at the code to make sure of the Town Code
19 requirements, that it will work for them, and at any other laws or regulations.

20
21 Mr. Campbell told the gentlemen he thinks it will save them a lot of time, money and aggravation
22 by listening to what is being said here and, as it is going now, they are kind of in uncharted
23 waters and they are trying to stay within a budget. The way it is being done by them, he said they
24 could get completely taken off guard of what would have to be done to restore what they are doing,
25 if they were allowed to just go off on this journey.

1 Ms. Robbins said, to answer part of their question, once the Board sees the plan to make sure it
2 complies with all the Codes and zoning, there will likely be some landscaping required. This is
3 especially so the property owners behind there don't have any visibility of the parking area is,
4 depending on where the grade lands, and what is up there. She said that is something that could
5 potentially be on the site plan when it is provided. Mr. Campbell said it is a simple buffer. Mr.
6 Gilman said he has half of the hill as well, which is full of his trees, and they are not messing with
7 any of his stuff. Mr. Gilman told the Board he appreciated their time.

8
9 Mr. Alamo then asked, if they were to go ahead with a drilling program, they would take that,
10 bring it to the engineer, and the plans, would they be allowed to do the drilling – or do they need
11 something special. Mr. Bryant responded that he would like to have a heads up if they are just
12 doing the drilling exploratory work, in case there are any calls from neighbors, who will hear the
13 noise and just think they are back to what they were doing. Mr. Alamo said then that is permissible,
14 but they cannot excavate up there with an excavator. He said then they would take the plans,
15 engineer them based on the findings of the drilling. Then design a plan, the full 9 yards, with the
16 engineering drainage, lighting, buffering, then present that plan here. He asked if that is the way
17 to alleviate the stop-work order at that point. Mr. Bryant suggested he call his office in the morning,
18 and said they will work with them\ in that regard. Mr. Alamo said it is not a big deal, but one
19 hurdle.

20
21 Ms. Bledsoe asked Mr. Bryant if they would have to secure what is taken off, as far as runoff and
22 mud. He replied nothing that jumped out at him. Mr. Campbell said there is the silt fence. Mr.
23 Bryant said it runs back to their part and not to any adjoining neighbors, that he could see but he
24 would do a revisit, and it is something that he will work with them on when the stop-work order
25 is cleaned up.

PUBLIC HEARING:

3. Receive Public Comments on the Draft East Fishkill Comprehensive Plan currently under review by the Town Board.

Mr. Eichman announced that the Comprehensive Plan was presented to the Town Board on April 10th and that tonight was the first Public Hearing for the Plan. He asked Ms. Robbins, the Town Planner, to start this off.

Ms. Robbins stated that she would do a quick introduction and get into the public comment as soon as possible. She explained that the Comprehensive Plan is important to a community and it's purpose, which she thinks makes it easier to read through it with that thought in mind. A Comprehensive Plan is required if a community has zoning. The last time this community went through a comprehensive plan process was 2002, so it has been a long time since one was created. Ideally, she said, a comprehensive plan would be done every 10 years, but most communities are not able to do that since it is costly and takes a long time. She said they are often seen running anywhere between 10 and 20 years. This is a little longer than that, but the process was completed, having started it about 1 ½ years ago. Now there is a draft document, with the most intensive writing part completed. She explained:

Why is it important to have a compressive plan?

It provides a vision for the community, establishes the framework's specific goals and the policies necessary to achieve the vision. It helps to coordinate local decision-making by providing specific goals and policies for the community and giving the various town boards and staffs a vision to align future projects. It provides guidance to property owners, developers and investors about the types of projects that are supported by the community. It provides background data such as demographic information and types of land uses which establish a baseline for the town and informs future land use decisions, meaning like changes of zoning. It incorporates the recommendations and views of a broad range of stakeholders and public participants, and it helps

1 to grow a stronger community through the public process that is an essential part of the
2 development of a comprehensive plan.

3
4 Ms. Robbins continued, saying that she just wanted to start with the vision and then she would go
5 through the document quickly. She stated that the Comprehensive Plan Committee was appointed
6 by the Town Board, and it came up with a vision and a tagline. The tagline is that East Fishkill is
7 the junction of community commerce and country, and everything in the document is supposed to
8 bring one back to the vision and ultimately lead to completing this vision. She said this document
9 has a lot of words, text, some existing conditions, and background on a lot of the things going on
10 in the town. But ultimately, she said the meat of the document is in the goals and the policies,
11 which are at the end of each chapter. She said those goals are what they are hoping to achieve. The
12 vision is achieved through development and meeting those goals.

13
14 Ms. Robbins read from the document: “The vision is to develop a thriving and sustainable
15 community with an economy that nourishes agriculture, cutting edge manufacturing and
16 technology and serves as a social and economic hub, offering a variety of engaging local businesses
17 and entrepreneurial opportunities. It is to preserve and honor cultural heritage by protecting
18 historic structures and offering vibrant cultural events, scenic open space and recreational assets
19 that attract both residents and visitors alike. It is to create an inviting, safe and secure community,
20 which prioritizes the well-being and peace of mind of all those who call East Fishkill home.”

21
22 Ms. Robbins continued, stating that “The document is divided into multiple chapters, including
23 community character and land use economic development, housing, agriculture and natural
24 resources community services, infrastructure, transportation. At the very end, there is an
25 implementation chapter, which is really a matrix that is supposed to keep track of how well they
26 are achieving their objectives and goals. It is a way to track how they are doing and that things are
27 being completed in a timely fashion.”

1
2 Ms. Robbins said that is how the document is structured. She did not believe a lot of time would
3 be spent this evening going through each of the individual pieces, wanting to be able to open this
4 up for public comment first. She said if anyone had questions, or wanted a copy of the document,
5 they can come see her in the Planning Office. The document is also online, as well and she said if
6 one Googles “East Fishkill Comprehensive Plan”, it will bring one to the website with the draft
7 document on it. She explained that the Planning Board was taking public comments this evening
8 and that the Town Board had not yet opened it’s public hearing. The public comments will be
9 taken this evening and then another public comment period with the Town Board that was not yet
10 scheduled at this point. She told the public in attendance that there is a lot of time to make
11 comments.

12
13 Mr. Eickman told the public that, whether they had lived in the Town their entire lives, or were a
14 brand-new resident, he recommended that they read the plan. He said one doesn’t have to read the
15 whole thing in one sitting; 150 pages is a lot of reading. He suggested taking one chapter at a time
16 and that it is easier to take bite-sized chunks of it. He said the plan synthesizes all of the current
17 information about virtually everything one wants to know about the Town. He said it then has the
18 challenges and the opportunities at the end of each chapter telling where they think they would
19 like to go and what the current thought process is, as to the direction to meet the vision. He said
20 he would accept a motion to open the Public Hearing.

21
22 **MOTION made by Richard Campbell, seconded by Lori Gee, to open the**
23 **Public Hearing for the Draft East Fishkill Comprehensive Plan.**
24 **Voted and carried unanimously.**
25

26 Mr. Eickman asked the Members if they had any comments before opening this up to the public,
27 knowing the Members had a chance to see the document earlier. There were none. He then opened

1 it up to those in attendance from the public who wished to speak, asking that they come to come
2 to the podium, sign in and state who they are.

3
4 William Bracey, 4 Mockingbird Court was the first to speak. He stated that he is a relatively recent
5 resident and that this is his retirement home. He said he had not read the entire thing
6 (Comprehensive Plan) but had been to both of the public meetings. Referring to the
7 Implementation section, he said the only thing that has teeth to force this to do in a different
8 direction is changes in zoning regulations. He commented that the descriptions are very vague,
9 reading “we should ensure that zoning regulations help to maintain community character, planning
10 and zoning staff”. Which he said goes on in that sort of vein. Without specific recommendations
11 as to how the zoning regulations should change, he said it is absolutely meaningless to him. He
12 said his question is if there can be a better idea of what, specifically zoning regulations. He said it
13 is not to have to follow what they say, but what they recommend you change in the zoning
14 regulations. He wanted to add another point, which his wife insisted on, asking if the building of
15 storage units could be stopped. They live near Clove Branch Road and Route 82 and are watching
16 the building of new storage units, which his wife hates; in trying to make the Town look prettier,
17 they make the Town look uglier.

18
19 Looking to Ms. Robbins, Mr. Eickman said he thinks it can be seen in the implementation section
20 the recommendation for a zoning change committee be formed. It is to take a look at all of the
21 information in the plan. Then they will make recommendations that will come before the public
22 yet again. Ms. Robbins said Yes; there are 2 different ways with Master Plans. Master Plans will
23 include zoning a lot of times. In this case, she said a Master Plan was adopted and then it will go
24 into a zoning process. This is, in part, because both take a lot of time and because the zoning code
25 has not been redone in a really long time. It is a huge undertaking, and she said they wanted to get
26 the Master Plan completed before going into the zoning code changes. With regards to being more
27 specific, she said she thinks they tried to lay out the vision as to how they wanted to see the town

1 develop. Then, the zoning would have to be, basically, in line with the vision that was established,
2 the goals and strategy that are included in the document. Specifically, whether or not they are going
3 to increase setbacks, or whether or not they are going to reduce the acreage of lots, that will have
4 to come at the time they are doing the zoning. Suffice to say that the vision right now, as was heard
5 loud and clear though the survey, was that open space is super important. She said that it will have
6 to be taken into consideration. People are feeling that there are some diversity of housing that
7 needs to be addressed. At the committee level, she said folks are concerned that they look at
8 housing in the extent that they have a lot of single-family housing. There is very little multi-family
9 housing, and the community is in real need of what is called middle housing, which is what is in
10 between multi-family and single family. They would like to look at this in a very strategic and
11 calculated way because the concern is about over-growing and adding to many housing units. They
12 are looking more at like infill and more apartments above stores, rather than very large multi-
13 family developments. He said those are the things that the plan outlays. The zoning is supposed to
14 make sure that they are meeting the vision they are speaking about and speaking to in the goals
15 and the strategies.

16
17 Adam Tinter, 11 Tamarack Drive spoke next, stating it was in regard to zoning and the zoning
18 committee that is going to be formed. He referred to a 2019 study on the industrial land use
19 recommendations for the Town. He was curious if the Zoning Board and Master Plan were taking
20 into account the already existing study. Ms. Robbins responded, saying that a couple land use
21 studies were done in the last 10 years or so. She said there is a Route 52 study, an industrial land
22 study. Ultimately, she said, it was determined that they really had to take a look at the Town's
23 Comprehensive Plan, because all of these things were being looked at narrowly. They wanted to
24 get a more comprehensive view of that and yes, all of those documents were considered in the
25 development of the Comprehensive Plan. She said the Comprehensive Plan was a larger focus
26 because they knew that sometimes they could not just look at industrial lands without looking at
27 everything. There has to be a location for industrial lands and, if they were only looking at the

1 industrial lands and needed, for example, they were going to expand where industry would be
2 allowed or reduced. She said they had to look at the Town as a whole and not just individually.
3 Ultimately, that is what they decided to do and that is why they did the Comprehensive Plan. Mr.
4 Tinter responded that he understood that it was part of the Comprehensive Plan. He asked if the
5 non-formed Zoning Board, the Zoning Board, would be formed for the Comprehensive Plan to
6 identify areas in the Comprehensive Plan, for zoning.

7
8 Attorney Cunningham stated, for clarification, that there is the Zoning Board of Appeals, which is
9 the official Board, where someone is denied a permit, based on setback issues, that is a Zoning
10 Board issue. Mr. Tinter said he was talking about current and future use and recommendations.
11 Ms. Robbins said it had not been set up yet. Mr. Tinter said he is sure the committee will be formed
12 of Town members and Town Council members. He asked if that was going to be this plan, that
13 was already studied in 2019 and would the guidance in this plan be taken into consideration and/or
14 that was already paid for as a study of industrial lands, if that is in fact what will be done. He
15 understands that a committee is needed to implement the particular study which he said he had in
16 his hand, from 2019. He asked if it would be utilized. Ms. Robbins responded that the study was
17 used by the committee when cultivating balance. She said the new Comprehensive Plan took some
18 of the recommendations from that plan, and also the Route 52 study, and tried to incorporate it
19 into this new Comprehensive Plan. But, it was in looking at those recommendations based on the
20 Town as a whole, rather than those individual locations where they were more narrowly focused.
21 She said those were used in developing this plan. Mr. Tinter said then this plan was used as part
22 of building out the Comprehensive Plan, in addition to public commentary that people filled out
23 online in building this 150-page document. Ms. Robbins said Yes, that is correct.

24
25 Mr. Eickman wanted to add that, even though it can't be said the recommendations will be
26 implemented, the study is part of the appendices to the existing plan. He told Mr. Tinter, if he goes
27 online, there are actually another 100 pages, and that study is included in that. M. Tinter said the

1 study he had was approximately 51 pages. Mr. Eickman said there is that and some other studies.
2 Mr. Tinter said he is not apprised of every single component of what the Town's working on. He
3 said, obviously, his concern is around this particular use because, the industrial lands, whether they
4 expand or decrease, is going to impact residents. At the end of the day, he said that is his context
5 and perspective for this. His additional question was if there was another document that talked
6 about immediate midterm, short-term. He said he thought it was part of the Master Plan but was
7 not sure of the page, but it outlines several projects already existing, or recommendations already
8 made, which are short-term, mid-term and some are immediate. He said some of the projects he is
9 concerned with happen to fall under immediate concern. His bigger question around some of those
10 immediate projects. Ms. Robbins said it is in the Implementation Section. Mr. Tinter asked where
11 the responsibility lies in terms of these zoning regulations. He asked how the recommendation is
12 mitigated that was already made and already existing, ongoing projects or ownership that is now
13 taking place for those not implemented. He asked how that would change existing projects that are
14 already ongoing, in that scenario. Ms. Robbins replied that there are currently existing projects
15 underway in Town and she asked Mr. Tinter if he is wondering how the Comprehensive Plan
16 policies might impact those projects. Mr. Tinter said that is right, because some of the
17 recommendations in the particular study as part of that plan, are countered to the projects that are
18 ongoing. He said he understands that an owner sells property under an existing zoning, and an
19 investor, buyer, contractor, whomever, has a right to purchase that property under the existing
20 zoning, and proceed with a project purchased, it is theirs. However, he said some of those projects
21 do not fall in line with the recommendations actually made preceding some of those ownership
22 changes and project applications. Looking to Attorney Cunningham, he asked if there was
23 something the Town could do in those situations, or would do, at a reasonable cost to implement
24 some of those zoning recommendations to already existing projects in place. He said, to take it
25 from the other side, one can say they bought the property, under the auspices of it being one thing
26 and they are not happy, the Town residents are not happy, and no one is really happy. He asked
27 how that is mitigated; what is the plan for that. Attorney Cunningham responded that there is

1 already a moratorium in place for a lot of different proposals He thinks that is one way to allow
2 the Master Plan to play out. For a lot of the projects that have already received permits, SEQR
3 determinations, those projects would be largely unaffected by the Town's Master Plan, he said
4 quite honestly. The Master Plan will largely affect future projects. Mr. Tinter said he was looking
5 at, specifically, Donovan Drive, Lime Kiln project, where it talks about Zone 7/ Lime Kiln,
6 Industrial Zone – changing the zoning of that from heavy industrial to commercial, changing it
7 from warehouse to corporate park say, medical offices, etc., things of that nature. He asked if there
8 is anything the Town can do as part of that, to mitigate an ongoing project. He said it hasn't been
9 built yet either, to take into consideration as well. Ms. Robbins said it is a complicated answer, and
10 it is 2 things. One is that it has to meet current zoning, because it is an active application in front
11 of the Board right now, so they are under the current zoning. But, she said, they have not finished
12 SEQR yet; they haven't started the SEQR process and are in the midst of that right now. She said
13 the Board has not seen any documentation yet. Once the impacts are seen and impacts for traffic,
14 the Planning Board, as the Lead Agency, would take that information. They would then be able to
15 make suggestions about how to modify the site plan, in order to make the project have less impacts
16 to the community. With regard as to whether or not it couldn't happen at all, she said that is
17 something where they are under the current zoning. Even under the Master Plan right now, if it
18 was to rezone to residential, they wouldn't be able to do that. Attorney Cunningham said it depends
19 too on factual determination of whether a current applicant has vested rights to continue the project.
20 He said it is doctrine invested rights where it says the government cannot come in and regulate a
21 project away, in one sentence. He said it is very fact intensive and it depends on the project, but it
22 is one of those things where, it has to be the balance between new and new regulations and not
23 necessarily want to be subject to a lawsuit and pull the rug out from under. Mr. Tinter said he got
24 that and like he said, if he was on the other side, if he purchased this, it is his intention, this is how
25 he bought it, this is his plan. For the Town to change the rules of the game in the middle, he said
26 he would definitely get his attorney involved; he gets that. His question is, what if that project
27 comes to a stall and that project applicant says he will no longer seek this project; it is too cost

1 intensive, time intensive, etc., does not see the return in the investment, doesn't know what to do
2 with the land. If the application is pulled, he is questioning, is that something at that point in time
3 that the Town, i.e. the Town, the Zoning Board or the Planning Board, whichever has the authority,
4 will say since the project is now dead, they will go back and implement the guidance given, and
5 they are going to change the zoning on that. There is no active project, and he asked if that is a
6 possibility. Attorney Cunningham responded that it may be a possibility; it is a very hypothetical
7 question, and he told Mr. Tinter he did not want to give him a firm answer, one way or the other;
8 he cannot tell him for sure. Mr. Bryant said that is why there are lawyers – they have lawyers and
9 the Town has lawyers. Mr. Tinter asked what the motive of the Board would be, more like in terms
10 of following the Comprehensive Plan, where they would take the vigor of saying this is the vision,
11 this is the plan, the project is dead, and let's move forward and explore that. from a legal
12 perspective. He said that is the master plan perspective, the Comprehensive Plan. He asked if that
13 would be an option; would they do it. Mr. Eickman told Mr. Tinter he thinks that is an option, but
14 it is more important too, to understand that any of these actions he is talking about, whether it is
15 approving a project, or approving an alternate type of project, changing the zoning, all of those
16 things still require a lot of public comment, a lot of public input. He said, as Ms. Robbins alluded
17 to, even the project that currently has an application before the Board hasn't really even gotten
18 very far into the whole SEQR process. The Board has not gotten involved in identifying all the
19 potential environmental issues that need to be identified. He told Mr. Tinter that all the questions
20 are, in a sense, premature. He said he can assure him that there will be plenty of time for public
21 comment as the Board proceeds down the road, whether it is on that property or any other large
22 project, or any alternative project.

23
24 Louis Mejias, 16 Glen Ridge Road spoke, saying that the other gentleman was talking about the
25 Treetop project. He asked what studies the Town was doing with regard to the noise levels from
26 that place. He said they are right behind his house and when he hears one chainsaw, it is loud. The
27 other night he said he was woken with truck traffic on Lime Kiln Road and he is assuming it was

1 going to the Amazon project. With this project right behind his house, he said he cannot imagine
2 what the noise will be like. He asked the Board if they had conducted any noise studies and
3 questioned where that project was. Attorney Cunningham responded, saying that it is up to the
4 applicant to conduct noise studies, which would be reviewed by the Town's own consultants as
5 well; they don't just take what the applicant says as gospel. He told Mr. Mejias that the project had
6 not gone very far yet. Mr. Mejias said there is a tremendous amount of work going on in that piece
7 of land right now. Attorney Cunningham asked if there was testing being done. Mr. Mejias said he
8 did not know, but chainsaws are going like crazy, as well as backhoes. He asked Attorney
9 Cunningham what they are doing, and he is asking him. Mr. Bryant said his understanding is that
10 they are not doing anything for the past month or more. Mr. Mejias said he suggests someone go
11 back there and look, because the chainsaws are running. Mr. Bryant asked Mr. Mejias when the
12 last time was that he heard a chainsaw and he replied that it yesterday afternoon. Mr. Bryant said
13 okay, fine. Attorney Cunningham told him to call code enforcement, the Building Department. He
14 said they will go out and investigate and, if they are doing work they are not supposed to be doing,
15 they're going to stop working. Mr. Mejias said if one chainsaw is so loud, he cannot imagine what
16 a million square feet of tractor trailer noise will be 24/7.

17
18 Ms. Robbins told Mr. Mejias that a noise study will be required as part of the SEQR documentation
19 that they would have to do and are currently working on. There is a noise study included in the
20 Scope that they will have to address. Mr. Mejias asked when that would be conducted, and Ms.
21 Robbins replied she did not know; they haven't submitted anything yet. Mr. Mejias asked if they
22 noise level readings would be done now with just one chainsaw going like crazy. Ms. Robbins said
23 they are not supposed to be using chainsaws back there right now and Mr. Bryant told Mr. Mejias
24 his understanding is that this is on pause and an environmental monitor is there and he is telling
25 him that is not the case. He said there would be somebody out there tomorrow morning. Mr. Mejias
26 said he did not want to trespass on their property, but certainly there is something going on there.

1 Attorney Cunningham told him that, as soon as he hears something, to call the Building
2 Department.

3
4 Toni Taylor, 6 Wonderland Drive spoke, saying that there is ongoing tension between landowner
5 rights and community “rights”. She asked if there is something in the Master Plan, or the Town
6 Code somewhere, that would discuss how those conflicts are remedied. In her mind, it would go
7 in the Implementation Section; she has not gotten through all the 145 pages. Her sense is that there
8 is something written ahead of time to provide guidance, or even high-level framework, since that
9 is all the plan is., a high-level framework and kind of a decision support mechanism. She said there
10 could be some way to articulate in a section that explains sometimes it is the property owner saying
11 they are going to develop this property, and they don’t care what the adjacent concerns are. She
12 said she gets that this committee would handle that, but her sense is that there is a communication
13 lapse, or not clear guidance at the beginning where it would say you are the landowner and here is
14 what you have to do. If you are an effective community member, here is what the process is to
15 push back, or have influence on the process.

16
17 Ms. Robbins responded that, ultimately, that is something that could be modified. She said the
18 Zoning Board has public hearing requirements that, if a project is proposed, there are documents
19 one has to submit, there is a public notice 20 days ahead if time. If there is something else that the
20 community identified that they thought was necessary to understand the project better and get more
21 information for a project before it was built. Then, that could potentially be added to the zoning,
22 understanding that there are legalities to that. There are certain things that can and cannot be
23 required by the Board. She said it is certainly worth looking at how the current site plan regulations
24 are written to see if there is anything to help property owners understand the process better, and
25 know when the best place would be to make public comment and when they could hear about
26 projects coming in. One of the important things she said was talked about a lot in the committee
27 was between the 2010 census and the 2020 census, when East Fishkill went from essentially

1 categorized as a rural community to what is categorized as a suburban committee; it is based on
2 demographics. She said what East Fishkill is facing now is what Westchester faced maybe 40 years
3 ago. It was a community that used to have a lot of rural land and people were building their homes.
4 They weren't really bothering people; there weren't that many people around them. Now, various
5 conflicts are seen more and more because of the higher density here. She said this is becoming
6 more suburbanized here and is a community that people want to live in, but it starts to be difficult
7 because of conflicts such as noise, lighting and things that are more typical in a more urbanized
8 environment. In particular, she said people who have not lived here for a very long time are not
9 used to seeing this. A lot of times, in response to that, she said it is to regulate and there are pros
10 and cons to that as well. She said it is talked about and that is why they have the title "Cultivating
11 Balance", and trying to understand what to balance, how to balance, and where to go with that
12 balancing. She said she can assure that this was talked about quite a bit at the committee level, and
13 she thinks there is a clear understanding that they are at sort of a precipice now with the
14 community. There were lots of concerns about maintaining community character and also enabling
15 them to move forward, still have economic development, and make sure they still prosper. Those
16 things were definitely discussed, and she said they tried to address those in the goals and policies.
17 She told Ms. Taylor that, if she feels there is something missing or she feels they need to speak
18 stronger on, she should absolutely make those comments. Then they can go back to the Town
19 Board with those comments, and they may make more specific recommendations if it is something
20 they feel strongly about. Ms. Taylor said her background tends to be communications marketing,
21 which is sometimes a good thing and sometimes bad. She told the Board that, in one sense, by the
22 time the community comes to this kind of meeting, people are talking to the Board and not talking
23 to the other side of the particular issue. This is versus someone stating they are the property owner
24 who wants to put a warehouse on their farm because they are done with farming; there are adjacent
25 neighbors who don't want that to happen. She said some type of working groups outside this
26 official moderated, recorded session. She said record the session by all means but she is curious if
27 there is some consideration for different communication modalities, more collaborative modalities.

1 This is rather than the Plan is almost done, it is going to be implemented and goes live in June;
2 implementation begins slowly but surely. But there are questions about enforcement of things; she
3 gets that there is code enforcement, zoning enforcement and that is all there. She said there might
4 be some consideration of community working groups, an extension to and in addition to these
5 official groups. She asked that the committees consider this and thanked the Board.

6
7 Annette Galloway, 4 Fishkill Hook Road, spoke that she lives in historic Wiccoppee and told the
8 Board she knows part of their program is to protect historic districts. She said they have been
9 working on Save Wiccoppee, the gas station issue with Stewart's and the general store was saved.
10 She stated that the effects of Amazon have been really quite large for the community. One of the
11 problems is that there are 18-wheelers consistently on Fishkill Hook Road. She knows there are
12 signs that say "no large trucks", which is completely disregarded and police called. Several people
13 are aware of this, and she said several 18-wheelers went down. They get lost sometimes from
14 Amazon, they don't know exactly where they are going and they go around the island that is there,
15 going out Hook Road. She said there are a couple of problems with this, one is the vision to save
16 historic districts, but traffic plays a big role in house preservation. Two years ago, she had her
17 whole stone foundation taken apart and rebuilt, to the tune of tens of thousands of dollars. She said
18 she is not talking about a little bit of money, it is a lot of money, and most people would have just
19 tried to get rid of the house, run the other way and not deal with it. She believes in preservation
20 and said she had lived there a long time, since 1987. Several engineers who worked with them
21 specifically said that the traffic and vibrations from heavy traffic in historic districts literally shake
22 the foundations because they are stone, right underneath these homes. Once these foundations go,
23 she said a lot of money is needed and it is very hard to save these homes. Her personal feeling, she
24 said, is that Fishkill Hook Road, one of the visions, is that people would have access to see what
25 the hamlet looks like. She said it is basically completely preserved. She said unfortunately 2 houses
26 were lost in the last few years. What is very important is that Fishkill Hook Road should be closed,
27 and she said students could walk without being hit by a car or truck. To see these historic homes

1 that they have and are being preserved, and, in her case, she said lovingly preserved, for almost 40
2 years now. She said it is not a light topic; when these trucks come by, the vibrations are felt, and
3 the engineers are telling them the foundations shake. She said she reinforced everything now and
4 it is over time that this happens; these old homes won't be preserved any more, under these
5 situations. She wanted to speak into this and yes, Amazon is done, everyone dealt with the lighting
6 issues, the pollution issues, and all of that. But, she said, this issue is another piece of a finished
7 project. She said the gentleman was speaking about the noise level; it is very noisy and so much
8 more traffic on Route 52 than there was 40 years ago. She reiterated it is extremely noisy, the trees
9 were all cut down, it is right there; she was happy when the trees grew but said that was another
10 situation. She wants the Board to really think about the Comprehensive Plan. They have been
11 trying to get historic Wiccoppee sign that fell down 3 years ago; she has it in her shed for someone
12 to come and pick it up. There is no historic Wiccoppee sign, she cuts the grass on the green space,
13 and it is not her property; she has been trying to buy it for many years. She told the Board, if they
14 are really serious about historic districts, the support of the Town is really needed to help preserve
15 them. She said they are not going to be preserved by just one individual or a few people who live
16 on the block, no matter how much money they have. There are other larger, urban type problems
17 that creep in and can't be controlled. She wants it considered, now that Amazon is built and said
18 this is a trickle-down effect of all of that. She then thanked the Board for their time and listening.

19
20 Dyaami D'Orazio, 11 Hamilton Road spoke that she just moved to the Town recently and thanked
21 the Board for having her. She said she had a couple of things to suggest and that she was one of
22 the youngest in the room. She had a question about the timeline of the zoning committee and knows
23 she is young, with a lot of time, but said there is so much urgency in climate change and all of the
24 things happening all over the world. She is curious about the timeline for the zoning committee
25 and how effective it is, questioning if they are making sure they have an ample number of resources
26 to facilitate those conversations. She suggested investing in conflict resolution, maybe getting a
27 facilitator, mediator to help smooth the differences and tension that people were naming earlier.

1 She said the more populated a place gets, the more opinions there are and the more people feel
2 entitled to contribute to the vision of something. She said this rubs up against what the first or
3 second gentleman was saying about how current projects actually implement the future. If the
4 Comprehensive Plan is not going to take effect until 2030, she said climate change is right on
5 backs right now and how is that helping anyone. A lot of flooding issues, wildfires have already
6 been seen and this is a volunteer fire department, she said to distribute some of the police
7 department budget to help the fire department, which she said is wild to her that they are
8 volunteers, but she said she is young and maybe there are reasons behind that. The other important
9 piece to her in the line of climate change is the green infrastructure. How is it encouraged, and
10 zoning actually created. She gave an example, that on her big, beautiful block where she lives on
11 $\frac{3}{4}$ acre, it is an enormous amount of land for one human being. She said people are not out on their
12 lawns, they don't use it for playing, no kids playing soccer or throwing a frisbee; there is literally
13 no one out there ever. She said making lawns smaller needs to be considered, and mandating
14 meadows with flowers, trees and shrubbery, because the fake American perception of lawns is the
15 way to be, cannot continue. She said it is a very old perception of what green space means.
16 Everyone is referring to noise and all she hears in the summer months is the cutting, mowing and
17 mowing; it is carbon emissions, point blank. She said she wanted to emphasize the importance of
18 being considerate of what people want to do with their land where they live and wake up every
19 morning and the needs of the future generations to come, including pollinators, agricultural land
20 for people to grow their own food and eat well. She said she knows all of those things are important
21 to all. Ms. D'Orazio concluded by thanking the Board and saying she looked forward to the rest
22 of the conversations.

23
24 Fran Caracappa, 24 Harrigan Road, spoke that she is a resident of East Fishkill. Sometimes she is
25 proud of that and sometimes she is not. She was asking if there could be more than the 2 Public
26 Hearings for the Plan. She was at the Town Board meeting and said they were going to have a
27 hearing in May or June. She said it is not fair to the community to have just 2 sessions. She said it

1 has to be broadened, broadcast it on the electronic board; it is not publicized enough, and it is
2 unfair, unjust to have only 2 public hearings. She was asking the Planning board to urge the Town
3 Board to open it up more. It has taken 20 years to get here to have only 2 public hearings, which
4 she reiterated that it is unfair to the residents. Ms. Caracappa thanked the Board.

5
6 Mr. Eickman told Ms. Caracappa that he agreed with her. He told her this public hearing will be
7 adjourned until the next meeting, which would give everyone the opportunity to come back into
8 the next meeting. Written comments will be received. Anyone who has additional comments and
9 who prefers to send an email, rather than speak, he said to send them in.

10
11 Adam Tinter returned to the podium and stated that he had heard some questions being
12 hypothetical and premature, and wanted to clarify a question he had. He asked if the Town is going
13 to make provisions for, as projects either become complete, and they move over, or don't. He said
14 there are several projects that meet resistance in the Town right now and he understands that there
15 are community rights, neighbor rights versus landowner rights as the Town becomes more densely
16 populated. He said he did not grow up here, but grew up in a densely populated area, so is well
17 versed in those issues. He asked if the Town, collectively, makes provisions so that projects that
18 meet resistance, that may not come to fruition, that there is change to those things and no repeat
19 the same cycle again of another investor coming in with more money, more ability to move
20 forward. He said the same process is kind of repeated. The Town repeats the same process on their
21 end, having to hear other similar plans from a new person. The Town's citizens become equally
22 upset that this is occurring again. As projects come to fruition and move on, there can't be anything
23 done about those, i.e. Amazon – or projects fall off. He asked if provisions are made so that they
24 aren't repeated, because it obviously received the Town's resistance. That person, that investor,
25 that landowner, didn't have the resources to move forward, so the cycle isn't repeated. He said he
26 thinks his question is clear – are provisions made or plans for that.

1 Attorney Cunningham responded, saying he would give an example of that and referred to the
2 Twin Creeks matter. A specific example is that decades ago, there was one zoning in place. Then
3 the zoning changed, and they are back with a new proposal. He said it is a “friendly disagreement”
4 between the Town and the developer, about what exactly they are entitled to. He said they want to
5 be under a prior zoning and the Town doesn’t think it necessarily falls the way they think it falls.
6 He said the Town does think about these sorts of issues and has thought about it for decades and
7 they, unfortunately, keep getting messier and messier. Mr. Tinter replied that it was a great
8 example where they had one zoning, during their ownership the zoning changed. He said, in theory,
9 the Town does have some leverage there to implement the Master Plan that they have all answered
10 questions on, come to meetings to show concerns about it. He said what he is hearing is actually
11 positive and what he was getting at. He thanked Attorney Cunningham for citing that as an
12 example.

13
14 Ms. Robbins stated that, when a parcel is actually zoned, it will depend on whether it is going to
15 be part of the Master Plan process. She said it will not depend on an individual site or an individual
16 application. She explained that it is trickier when there is an application before the Board and they
17 are looking to rezone an area. There are multiple tools and ways that the zoning can be written to
18 potentially accommodate a use and still maintain other uses for the area surrounding it. However,
19 she said, it all has to be done in compliance and following the policies that are set forth in the
20 Comprehensive Plan. She gave an example. If someone comes in and there is an application, they
21 are in the process of constructing something. The Board decides that this use is a really difficult
22 use in that location, and the properties around it, which are zoned the same thing as that particular
23 site, for example. The Board may say it is not a good idea to have. It is easiest to use an industrial
24 land-use there because it is really close to a lot of residential property. Then maybe it is something
25 where a transitional zone would be created there, or rezoning it altogether, or creating some zoning
26 regulations that might add buffering to a site, or something like that. She said that an absolutely be
27 done but, as the attorney was saying, it depends on where the project is, or where in the process

1 the project is. This is whether or not the actual site can actually be impacted that the project is
2 happening on. Mr. Tinter responded that is totally understandable, but his question was not saying
3 that. He explained that he understands these projects, heard this evening about the parking lot; it
4 is a lengthy, expensive project. He said these applications do not guarantee that investors get the
5 usage that they anticipate they want, to get a return on their investment; he gets that. His question
6 was more geared to, as those things either come to a stall and that person is not proceeding, as he
7 himself is a resident, as somebody familiar with some of these things, it is just a matter of time
8 before the next person comes in with more money, more resources and decides that they are going
9 to fight. Then, he said, all the people here who have been upset by that project, the whole process
10 is repeated all over again. He does not think it is a good use of anybody's time. Mr. Miyoshi stated
11 he does not think that, legally, the Board can stop someone from trying to do that. Ms. Bledsoe
12 said it is important to note that the Board does not have endless applications coming before them.
13 Nor, she said, do they have the ability to pick and choose the applications that they want to come
14 before the Board. The best that the Board can do at this point, she said, is to zone and target what
15 the Board thinks would be the best development, redevelopment, infill for certain areas Then it
16 would be to have them come to the Board. Mr. Tinter said he is 100% in agreement; he understands
17 and comprehends the whole thing. His question is referring to existing plans, whether it is Twin
18 Creeks, Treetop, or whatever, In the case of Twin Creeks, does he look to implement zoning
19 changes, if a project is already an application is no longer forward in application; that is clarifying
20 his question. He is asking the Board if they have made provisions and plans for that; the question
21 is answered. He said he does not think he needs to clarify anything else, and he does not think he
22 needs anything clarified to him. He thanked the Board and said he appreciated them. Mr. Eickman,
23 in turn, thanked Mr. Tinter.

24
25 Mr. Eickman asked if there were no other comments or questions from the public. He said, if not,
26 and as he had indicated earlier, this Public Hearing would be adjourned to the May 20th Planning

1 Board meeting. He stated to the public that, in the meantime, the Board will accept any written
2 comments or questions they may have.

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5 **MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn**
6 **the Public Hearing for the Draft East Fishkill Comprehensive Plan.**
7 **Voted and carried unanimously.**
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11 Mr. Eickman told the public that he appreciated all the comments from everyone present this
12 evening and that he looked forward to seeing them again.
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1 There was no further business to be conducted this evening.

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4 **ADJOURNMENT**

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7 **MOTION made by Richard Campbell seconded by Ed Miyoshi, to adjourn**
8 **the Planning Board meeting. Voted and carried unanimously.**
9

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11
12 **Respectfully submitted:**

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