

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

AUGUST 19, 2025

Planning Board Chairperson John Eickman called the meeting to order.

CHAIRPERSON COMMENTS:

Members present 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:
September 18, 2025-Thursday & October 30th-Thursday**

c. **Approval of Minutes of Meeting Held: July 17, 2025**

**MOTION made by Richard Campbell, seconded by Lori Gee, to approve
the Minutes of Meeting Held July 17, 2025.
Voted and carried unanimously.**

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

Staff present were: Jackie Keenan, Planning Board Clerk, Danielle Angyal JR., Town Planner, and
Dave Palin, Fire Advisory Board.

Comprehensive Master Plan Recommendation to Town Board

Mr. Eickman stated that the Planning Board had three (3) separate Public Hearings for the
Comprehensive Master Plan and it wants to make a recommendation to the Town Board. He
said he would read a letter so it would go into the official record, after which the Planning Board
would vote. The letter is dated August 19, addressed to Town Supervisor Nicholas D'Alessandro
of the Town Board. He read the letter as follows:

Dear Supervisor D'Alessandro:

The East Fishkill Planning Board conducted public hearings on the Draft Comprehensive Master Plan at its regular meetings on April 15, 2025, May 20, 2025, and June 12, 2025. A less formal workshop inviting public comments was conducted at the community center on June 11, 2025, and the results were communicated at the July 12, 2025 regular meeting. During each Public Hearing, the public was invited to submit written questions to the Planning Department at any time during the subsequent 30 days, which would be incorporated into the official record.

In addition, several Planning Board Members provided comments during these meetings, which are summarized by the bullets below. In general, the Planning Board is very supportive of the plan's vision and the goals presented in the document and offers the following comments for consideration:

- ° It is important that future zoning be written and implemented to capture the intent and vision of the Comprehensive Plan, for retaining the rural charm and suburban convenience of the Town.
- ° Public info input has been important to the creation of the Plan. In order to be able to respond constructively, the Board prefers direct communication via public hearings, informal workshops and emails to comments on social media.
- ° During the implementation process, perhaps a way can be found to open the form to people who are unwilling or unable to attend meetings but wish to participate from behind their computer screens.
- ° The Plan itself is aspirational and the true work and measure of the Plan's effectiveness will happen during implementation. In particular, an example was given that the Plan's goals around supporting arts in East Fishkill. How the Town works to put into practice these goals will be critical in measuring the progress and ultimate success of the Plan.

Based on the review of the Plan by the Members of the Planning Board and the results of the above public sessions, the Planning Board recommends approval of the Comprehensive Master Plan by the East Fishkill Town Board, without reservation.

Respectfully submitted,

By: John A. Eickman, Chairman
East Fishkill Planning Board.

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2 Mr. Eickman asked if there were any questions or comments from the Members of the Planning
3 Board and there were none.
4

5 **MOTION made by Richard Campbell, seconded by Lori Gee, for the**
6 **approval of the Comprehensive Master Plan recommendation letter and its**
7 **delivery to the Town Board.**
8 **Voted and carried unanimously.**
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14 ***PUBLIC HEARING:***
15

- 16 1. #2025 – 100 – Shady Creek Rd Subdivision, Hillside Lake Rd. (6458-01-364647) Applicant
17 is applying for a 3-lot subdivision on a 5.6 acres in a R1 zone.

18 Brian Stokosa, P.E, Day & Stokosa Engineering, P.C., was present.
19

20 **MOTION made by Lori Gee, seconded by John Giovagnoli, to reopen the**
21 **Public Hearing for Shady Creek Rd Subdivision.**
22 **Voted and carried unanimously.**
23

24 Mr. Stokosa said he was present for this 3-lot subdivision. It is an existing parcel located off of
25 Hillside Lake Road, and just a hair over 5 acres in size. Three (3) new single-family lots are
26 proposed. This meets the one (1) acre zoning, so he said there is the one (1) acre zone threshold.
27 There are two (2) lots that are standard lots, and he said the third lot is a flag lot. This is along a
28 County Road, and he said they have been in contact with Dutchess County Department of Public
29 Works. The entrances have been reviewed with the County, and they found them acceptable The
30 only question the County had was just that, with any development that is done, water is not pushed
31 towards the County Road right of way. The driveways have been graded inward, and he said some
32 spot elevations are provided to show that there will be no water directed towards the County Road

1 right of way. The lots will be served via individual well and septic. There is an existing well onsite
2 that will serve as the test well when they work with the Board of Health for approvals of the well
3 and septic onsite. Mr. Stokosa continued, saying soil testing is with the Health Department. There
4 is an active application with the Health Department that is under review right now. He said, as they
5 go through the process with that agency, they will make any amendments to the plan that are
6 required. On the site, he said there is sand and gravel, so it is a well-drained site and there are
7 inground septic systems. The project will require a SWPPP, which is an erosion sediment control
8 plan, provided to the Town. Since it is under the 5 acres threshold, he said it is just an erosion
9 sediment control plan, the details of which are provided in the plan set. When construction comes,
10 he said they will be on site and monitored by the Town.

11 One of the things Ms. Robbins had mentioned at the last meeting, he said, was to provide a couple
12 trees on the site, near the entrance, and toward the back where the flag lot is. He said they have
13 provided ten (10) evergreen trees, spaced throughout the project along the frontage and along the
14 boundary between Lots 1 and 2, and the flag lot. Other than that, the wetlands have been delineated
15 by Mike Nowicki, of Ecological Solutions LLC and the flags have been picked up on the plan. A
16 demarcation zone has been provided, to not go within 100 ft of the wetlands towards the rear of
17 the parcel. Those are standard 4 x 4 posts, and he said they are spaced every 25-30 ft. It will
18 demarcate “do not go in that area”, which is the standard practice that they’ve done on subdivision
19 plans before. He reiterated that there are three (3) lots being created for single family homes.
20

21 Mr. Miyoshi told Mr. Stokosa that he said it is under the 5-acre limit and that the 3-lot subdivision
22 is on 5.6 acres. He questioned if he meant that it is under 5-acres per lot. Mr. Stokosa replied that
23 the lot is under 5 acres, 5.6 acres, and the DEC is in a different threshold for stormwater
24 management, when greater than 5 acres is disturbed. He said right now it is just a hair over 2 for
25 site development, so this falls within the zone of 1 to 5 and requires a different set of detail plan
26 notes and report, to support development.
27

1 There were no further comments or questions from Board Members. Mr. Eickman asked if there
2 were any questions or comments from the professionals.

3 Ms. Robbins stated that the habitat assessment done on the site indicated that there is the potential
4 for habitat for the Indianan Bat, as well as Blandings Turtles, which are endangered species. She
5 said that, essentially, the habitat assessment describes that disturbance to the site would impact the
6 soils on the site that are used by Blandings Turtles and areas of water withdrawal that would occur
7 as a result of the septic and wells that could potentially impact some of the habitat. Additionally,
8 she said the tree removal could impact some of the habitat. She just wanted to make the Planning
9 Board aware that these species, while not specifically located at this site, the habitat assessment
10 done by the applicant did describe that the habitats do exist. She said they would be somewhat
11 disturbed as a result of the proposed project. The areas that are most sensitive would be the wetland
12 areas that are not being disturbed as part of the project; they are staying away from the wetland
13 areas. However, she said, where the turtles move to cannot be controlled and they will often go
14 outside of the wetlands to mate and reproduce. Some of the areas where soil disturbance will occur
15 could, potentially, be used by the turtle. She said there is a whole host of mitigation measures that
16 the applicant is proposing as part of their habitat assessment. She told Mr. Stokosa that there are a
17 lot of notes on the plan already, and a few are missing; she realizes it is probably tough to get them
18 all on. She said they need to all be on the plan so that anyone purchasing the lot will understand
19 their responsibility, because some of the notes include educational materials for the people
20 purchasing the lot. When purchasing the lot, she said they are then aware that there could be
21 endangered species using their property. She said this is all spelled out in the Negative Declaration
22 and referenced in the Resolution of approval. She also had sent the habitat assessment directly to
23 the NYS DEC at the end of June and said she has not heard from them. Ultimately it is their
24 responsibility to issue a permit, if they so choose, with regard to this. She said the Board does not
25 have jurisdiction over threatened, endangered species. The only responsibility that the Planning
26 Board does have, as Lead Agency, is determining whether there are significant adverse impacts to
27 the proposed project. She said that it cannot be mitigated or avoided, and this is where they are at.

1 She told the Board that she has given them the information and their job as Lead Agency is
2 weighing the project, versus the potential for impacts. Also, the applicants' mitigation that they
3 proposed is extensive, but it is ultimately up to the Board with regards to the Negative Declaration.
4

5 Mr. Campbell wanted to again clarify that they do not exist there now, but that there is proximity.
6 Ms. Robbins replied that they are saying the habitat exists there now; she does not believe they
7 found any species when they were there. It is one day showing up, and the species are not
8 necessarily found. They are saying the potential for habitat exists there. It is actually saying that
9 the habitat exists there for the Blandings Turtles, the exact situation they require to exist on the
10 site. However, the part of the mitigation measures are during construction and first of all, to avoid
11 removing trees during the times when they may be traveling on the site. There is specific timing
12 as to when the foundation can be put in, there is fencing to keep animals that may be using the
13 wetlands offsite, from getting onto the property. She said there are also pretty specific requirements
14 for construction workers when they are out there, to be educated on how to recognize the Blandings
15 Turtle, what to do if there is one on site, to call the DEC, etc. She said it is all spelled out in the
16 document.
17

18 Mr. Campbell said, then basically if they are able to get approvals on the project, that being the
19 case for anyone coming in to build a home there. They would come in for a permit but would have
20 to be beholden to what the criteria is inside here. Mr. Eickman said all of that is on the plan that
21 they are using and Ms. Robbins said Yes. There is also a requirement called the Blandings Turtle
22 Encounter Plan. She read that it talks about providing education materials for all contractors to
23 inform the potential for Blandings Turtle encounters – and what to do if a turtle is encountered.
24 She said there is a whole description of what has to be done and that will also be included. She
25 said, prior to construction, a pre-construction meeting could be added where the Town provided
26 those materials to the contractors to make sure they have them. Mr. Campbell asked if it would be
27 up to the Building Inspector once that process is underway to make sure they were meeting the

1 measures. Ms. Robbins replied that another Condition in the Resolution is to have an
2 Environmental Monitor on the site, monitoring, and they would be partially responsible for making
3 sure the fencing is up properly, among other things. Mr. Stokosa said there are notes on the plan,
4 indicated on Sheet 1, that describes the mitigation measures. A lot that is seen for the Indiana Bat
5 is that there is a certain time when trees can be cleared. The same thing holds true for the turtles;
6 there are certain times that there can be construction during the turtle mating season. He said there
7 are notes, restrictions are on the Plan, and to refer to the last sheet on the plan set, where the
8 construction phasing is talked about and the standard turtle pamphlet is on there. He said the main
9 thing for the turtles is the loose loamy sand, gravity loam, which is half of East Fishkill, and where
10 the turtles move, to the sand and gravel for mating. He reiterated that the notes are on the plan and
11 the map will be filed with the County Clerk. When this goes into actual physical building, he said
12 a plot plan is done. He explained that the plot is really a mini site plan, as shown here, but it is on
13 a per lot basis. All of the notes, restrictions that Ms. Robbins had mentioned, from pre-construction
14 will be transferred over to the individual plot plans. This ensures that what is discussed here
15 actually makes its way into construction, and also that the builder is aware of it. Mr. Campbell said
16 then this includes the environmental monitoring. Mr. Stokosa said that will be part of the
17 Resolution and be triggered as part of a building permit when they go to apply for the permit.

18
19 Ms. Bledsoe asked what the responsibilities – or restrictions would be of a homeowner, once the
20 house is built and someone owns it. Ms. Robbins responded that she was not really an expert on
21 how the endangered species law is applied, but she thinks there is very little responsibility.
22 Attorney Cunningham stated there would be very little responsibility once the house is built, unless
23 a subsequent owner comes in and applies for something else; there would not be ongoing
24 monitoring. Ms. Robbins said if someone was to purposefully harm a turtle and someone saw it
25 being done, there is the DEC and there would be an issue. Mr. Stokosa added that, when there is
26 the seal on the house and final As-Built survey, the area would be demarcated Not to Enter. There
27 will be postings there, physical, fence posts, at 35 ft to indicate a zone not to go in. He said the

1 visual presence is there, 20 years down the line with ownership. The way the process is now, he
2 said a lot is captured in the floodplain, the plot plan is captured in the final survey, and these are
3 available online, so there is a lot of information.

4
5 There were no further comments by the Board Members and Mr. Eickman opened the hearing up
6 to the public, asking if there was anyone present to speak for or against the project.

7
8 Fran Caracappa spoke, suggesting that the map (as displayed on the easel), be turned around for
9 the audience to view. She said it is a public meeting, it is difficult to see and suggested that a flash
10 drive be used in the future for displaying. Ms. Caracappa then asked where the trees were going to
11 be placed. Mr. Stokosa turned the easel around for the audience to view. He pointed out the north
12 side of the plan, stating this is on the south side of Hillside Lake Road. He showed the one (1) lot,
13 the house location, the second house and where Ms. Caracappa's house is located. He said the
14 driveways will be coming out and in between Jennifer Drive and Crown Hill and showed the flag
15 lot in the back He explained where the trees were to be planted, focusing the development in the
16 center of the property to shade the neighbors, since there are residences on both sides of the
17 property, to the east and west. There are trees planned as a little bit of a buffer between two (2)
18 neighbors, and four (4) trees are planned for each lot, along the frontage of two (2) units. He
19 pointed out where the wetlands are delineated in the back, and the edge of the pond area. The 100
20 ft buffers are shown and along the 100 ft buffer where the folks keep what the buffer area is.

21
22 Karen Carroll and James Carroll, 5 Flanders Road, came to the podium. Ms. Carroll stated that she
23 is one of the residents who will face the new homes. She is hoping there will be trees to block this.
24 Looking to Mr. Stokosa, she asked him, and he replied that there are no trees proposed in the back.
25 Ms. Carroll said they have turtles in their yard and turtle eggs were laid this year; they are on
26 Flanders Road and in the pond. Mr. Carroll had photos and Ms. Carroll said they face the turtle
27 towards the pond. Mr. Eickman asked if this was intermittent or was it an annual event. Mr. Carroll

1 replied that it is an annual event. Ms. Carroll showed Ms. Robbins the pictures, saying turtle babies
2 were in their driveway the other day, which her son pushed towards the pond. She said they've
3 had them for years there. Ms. Robbins said she thinks they are Snapping turtles. Mr. Carroll said
4 the holes can be seen that they dig and the shells when they are breaking out. Mr. Eickman stated
5 it is good to know that this happens in their yard and as long as they are not disturbed, they do
6 what they do. Mr. Carroll said there are also swans, and he has lived there for over 40 years.

7 Mr., Carroll additionally had a question about paving, black top and run off water. Mr. Stokosa
8 returned to the podium to speak to the paving and run off, saying that, because this is under the 5-
9 acre threshold, discharge is allowed right into the ground. He said it is a gravelly loam situation
10 and on a flat piece of property. The DEC rules allow discharge directly on the ground in this project
11 and if it was a bigger subdivision, such as 40-50 lots, and bigger lots, then they would be in more
12 of a disturbance area. It would trigger stormwater ponds, piping, and catch basins. But, for
13 development under 5 acres, he said they are allowed discharge to sandy gravel. He said the DEC
14 regs actually promote groundwater recharge, so they want the water to get back into the ground.
15 Typically, with a construction like this, he said the grass acts like a filter strip and they want the
16 water to run off the asphalt from the driveway. They want it to get into the grass; to filter naturally
17 and then get into the ground. He said that is why it is not contained and held; they want it to spread
18 and get into the ground.

19
20 Mr. Carroll returned to the podium, stating that he wanted to express more about the water and
21 runoff. He has seen with one of his neighbors, just before the big pond, the leeching fields totally
22 engulfed, so that is one of his main concerns. He also asked if the property lines would be
23 distinguished, as far as the surveys go. Mr. Stokosa returned to the podium and spoke to this,
24 saying that it is a standard subdivision and that there will not be any demarcation of property lines
25 as part of this process. If the builder goes in and builds a house, and the homeowner wants the
26 property line staked or pinned, that is something usually done with the builder during the process.
27 He said, as far as making sure they are in the right location, and things are getting built the right

1 way, that is where the plot plan process comes in. Individual site plans are developed based upon
2 the plan template. When a foundation is put in the ground, he said the surveyor goes out and stakes
3 it. When a septic field is required to go in, a surveyor goes out and stakes it as per the plan. He
4 said the septic systems were talked about; they have to meet Board of Health requirements for
5 design and, part of that is the perk test, the ground deep test pit. When they went out with the
6 Health Department, they dug down 7 ft to see where the rock or water elevation is, which
7 determines if any fill needs to be brought in. He said they have gone through that process, and the
8 systems are under review by the Health Department now. With some of the older applications or
9 some older subdivisions, he said standards have changed over the course of time. But, with a
10 subdivision that is current, he said with current regulations, there is a checks and balance to make
11 sure they are designed and not inundated with water like there may be on a neighboring piece of
12 property. Mr. Eickman thanked Mr. Stokosa.

13
14 Mr. Carroll returned to the podium, saying he had another question. He has neighbors with huge,
15 big trees along the fence line that are all overgrown and on their property. He asked if anything
16 could be done about it. Mr. Eickman asked if the trees are on this project, the 3-lot subdivision.
17 Mr. Carroll replied that they go right on his property line. Looking to the professionals, Mr.
18 Eickman asked, if someone has trees impinging on his property, who would they come talk to. Ms.
19 Robbins asked if those were trees that would be removed as part of this project. Mr. Stokosa replied
20 No. Ms. Robbins questioned if they were back further on the site. Attorney Cunningham stated
21 that generally something like this wouldn't make it to the town because someone would just cut
22 any overhanging branches on the property. He said there is something the Board could consider,
23 is to add a condition that any branches that overhang onto adjacent properties, the applicant would
24 have to cut those branches down. Mr. Eickman said he was not clear on if the trees are on the
25 property being represented. Mr. Carroll replied No, they are borderline, and they are Mr. Sheehy
26 (7 Flanders Rd) and himself. Mr. Campbell asked Mr. Carroll if they were on his property and Mr.
27 Carroll replied that they are "right there". Mr. Campbell questioned Mr. Carroll if the trees were

1 on his property and he replied No, they are on their property, the fire department's. Ms. Gee said
2 the branches overhang then and Mr. Carroll said they are afraid they are going to fall. Mr. Eickman
3 said, since the map was turned around, it was hard for him to envision this. He asked Mr. Stokosa
4 to add some clarity to this and give some of his thoughts. Mr. Stokosa returned to the podium and
5 pointed out on the plan where he thinks the trees are hanging down. He said at one point this site
6 was used as a former business, 30-40 years ago, and a large portion of this property has already
7 been cleared. There is a tree line towards the back of the property, and he said they are not really
8 going near that. He thinks they will be going in the center of the property a little bit and installing
9 a well. If there is a tree here or there that may need to be removed, he said that would probably be
10 the case. Any tree of significance would not necessarily be taken down. There could be some
11 scrub-brush or some smaller diameter trees. Ms. Robbins asked if the trees in question were in the
12 wetland area. Mr. Stokosa replied that it looks like it may be close Mr. Eickman said if it is in the
13 wetland area, it is something they would not want to disturb. He told Mr. Carroll that the answer
14 to his question is that those probably won't be disturbed because they are in the wetlands area, or
15 very close.

16
17 Mr. Carroll had an additional question about the land clearing and position of the wells, other
18 people's septic tanks with the leeching fields and, looking to Mr. Stokosa, he had said they would
19 be Board of Health approved. Mr. Eickman said that is correct and there is the Planning Board's
20 approval. Mr. Carroll asked if they had to be 100 ft away. Mr. Eickman responded that he was not
21 sure what their rules are, but the Planning Board's approval is always subject to Health Department
22 approval. Mr. Miyoshi stated it is 100 ft between a septic and a well. Mr. Carroll said he thought
23 it was between leeching fields and a well. Mr. Eickman told Mr. Carroll he is not sure but that he
24 could assure him he has confidence in the Health Department that they will make certain this is
25 laid out properly. He said he also has confidence in Mr. Stokosa. Mr. Carroll said that is great and
26 he is happy that a home is being put up.

1 Cecelia Bulinski, 3 Flanders Road, came to the podium to speak. She said she does not have those
2 big trees and does not want to face a road coming in. She asked if a couple of pine trees could be
3 put in; that is her backyard. Mr. Stokosa explained that a road is not being put in. He said the first
4 two (2) homes will probably be located 120 ft off Hillside Lake Road; they are pushed up towards
5 Hillside Lake Road. Then the third lot, which is the flag lot, that house is pushed up towards the
6 back property line of Lots 1 and 2. He said that the third flag lot home is probably going to be
7 about 450 ft off Hillside Lake Road. Ms. Bulinski said Crown Hill is right by her backyard. Mr.
8 Stokosa replied that those homes are going to be pushed in, and not towards her house. Ms.
9 Bulinski said she would like to retain a little privacy, just in case. Mr. Stokosa asked if eight (8)
10 pine trees would be enough, and she replied that would be fine.

11
12 Mr. Carroll returned to the podium, noting what Ms. Bulinski was talking about with the lighting,
13 cars pulling in and out and questioned if the lights would be pointing across to the other lady's
14 house across the street. He said one of his other neighbors brought up another issue that, when
15 looking down to pull out, there is a curve in the road. He said the people do 45-50 miles an hour
16 there. He asked if that could be looked at, to see what could be done there. Ms. Robbins responded,
17 explaining that the road is a County Road and the County has been contacted. They are reviewing
18 the driveway location and will look to make sure that the sight distances work. Also, she said, in
19 the Resolution there will be a Condition of subdivision approval, that Dutchess County approved
20 the driveway location. She said it would have to be permitted, and they will not permit this if it
21 does not meet sight distance requirements. Mr. Carroll emphasized that, when they pull out of
22 Flanders Road, they have to look once, twice and again because those driving north are flying.

23
24 There were no further comments from the public, members or professionals.
25
26

27 **MOTION made by Richard Campbell, seconded by Lori Gee, to close the Public**
28 **Hearing for Shady Creek Rd Subdivision. Voted and carried unanimously.**

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3
4 Mr. Eickman stated there was a Negative Declaration and a Resolution for this.
5

6 In the interest of time, he summarized the Negative Declaration information, which he said is a
7 great deal, particularly with regards to the Environmental impacts of the Blandings Turtles and
8 Indiana Bats.
9

10 Attorney Cunningham asked if the Board wanted to add a Condition about trimming the tree
11 branches that overhang neighboring properties. Mr. Campbell said the issue is whether they are in
12 the wetland area and that he guesses they can't be disturbed. Attorney Cunningham responded that
13 it is not cutting the whole tree down; it is just trimming the branches off. Mr. Miyoshi asked if it
14 is within his rights to trim the trees; could he do it as the owner. Mr. Campbell said he would have
15 to be granted permission to do it. Attorney Cunningham said that anything overhanging can be cut.
16 Mr. Eickman asked Mr. Stokosa if he was familiar with what was being talked about. He asked if
17 it is a real issue here, or something where a Condition could be made to review this with the Town
18 Planner and to make a determination at that point. Mr. Stokosa said that was ok and he would like
19 to get a bearing on it. Ms. Robbins would like to see where the survey line is too, and she could
20 go out there. Mr. Eickman stated that a Condition could be added that this is subject to the approval
21 of the Town Planner, if that works.
22

23 Mr. Eickman then proceeded with reading the summary of the Negative Declaration, stating that
24 this is an Unlisted Action.

25
26 The Environmental issues identified as relevant are:
27

28 **Land Use and Zoning**
29 **Visual Character**
30 **Wetlands, Plants and animals**

1 **Transportation**
2 **Other**
3

4 On all but the **Wetlands, Plants and Animals**, he said this comes out just fine. In the case of **Land**
5 **Use and Visual Character**, the proposed lots are Residential use, this is in a Residential Zone,
6 and so forth, and is consistent with the character of the area.
7

8 The **Wetlands, Plants and Animals** – he said there has already been a summary heard of the
9 issues there, given by Ms. Robbins. She also reviewed with the Board the fact that there are a
10 number of protections and things to do in the event that turtles are encountered, that there are going
11 to be requirements of this approval but, most importantly, contained on the plans so that it survives
12 forever. Any other owner will be aware of these things.
13

14 **Transportation and Other-** They are not expected to generate any significant new traffic and
15 there are not any other potential significant impacts.
16

17 Ms. Gee asked Ms. Robbins if there would be a requirement for an Environmental Monitor during
18 construction to help ensure that these Conditions are being enforced. Ms. Robbins said that it could
19 be considered as part of the mitigation. Ms. Gee said, especially during construction, when they
20 are going to have the most exposure to those species, potentially. Ms. Robbins said she would take
21 note of this and revise the Negative Declaration to include the Environmental Monitor, as part of
22 the mitigation. Accordingly, with that adjustment being made, Ms. Gee proceeded to make the
23 Motion for Approval.
24

25
26
27 **MOTION made by Lori Gee, seconded by Richard Campbell, to approve the**
28 **Negative Declaration for Shady Creek Rd Subdivision. Voted and carried**
29 **unanimously.**

RESOLUTION OF SUBDIVISION APPROVAL

NAME OF SUBDIVISION PLAN: Shady Creek Subdivision
NAME OF APPLICANT: Shady Creek Road, LLC
LOCATION: Hillside Lake Road
GRID NO: 132800-6458-01-364647

Resolution Offered by Planning Board Member: John Eickman:

WHEREAS, the Applicant is proposing to subdivide a 5.6-acre lot into three building lots including one flag lot; and

WHEREAS, the Planning Board declared its intent to be Lead Agency for the SEQR review of the proposed subdivision on June 12, 2025; and

WHEREAS, the Planning Board declared Lead Agency for the coordinated review of the proposed subdivision on July 17 2025; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) Resource Mapper showed the site contained potential habitat for Indiana bat (*Myotis sodalis*) and Blanding's turtle (*Emys blandingii*) and a field assessment was completed on June 17, 2025 to determine whether suitable habitat for these species is present on the site; and

WHEREAS, the site was determined to be within range of known instances of the Indiana bat a state and federal endangered species and the wooded fringe of the site contains suitable trees for use by this species for roosting and foraging; and

WHEREAS, there is potential core habitat for the Blanding's turtle located in a pond just south of the site boundary which is associated with the forested wetland fringe on the site; and

WHEREAS, the open meadow area of about 2 acres where development is proposed is mapped as Hoosic soils which is generally associated with turtle nesting when covered by low growing sparsely vegetated upland meadow/agriculture area (*Figure 2*).

WHEREAS, several mitigation measures to avoid impacts to Indiana bat (*Myotis sodalis*) and Blanding's turtle (*Emys blandingii*) are proposed; and

WHEREAS, the mitigation measures include tree removal restrictions, soil conservation and dust control best management, practices, temporary measure during construction,

WHEREAS, a public hearing was opened and closed on August 19, 2025; and

WHEREAS, a negative declaration was adopted by the Planning Board on August 19, 2025; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants subdivision approval for the above project as represented on a map entitled "Shady Creek

Subdivision" prepared by Day & Stokosa, Engineering P.C., dated May 29, 2025 and last revised July 31, 2025, subject to the following conditions:

1. Approval from Dutchess County Board of Health; and
2. Recreation fees in the amount of the \$13,000 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
3. Applicant shall fund an escrow in the amount to be determined by the Town Engineer for an environmental monitor during construction; and
4. Applicant must follow NYSDEC tree clearing restrictions and soil conservation and dust control best management practices related to the protection of the Indiana bat; and
5. All required mitigation measures for the Indian bat and Blanding's turtle as presented in the Threatened and Endangered Species Habitat Suitability Assessment Report prepared by the applicant's consultant, Michael Nowicki of Ecological Solutions and dated June 25, 2025 must be included as notes on the plan; and
6. Satisfactory resolution of all comments in the Rennia Engineering Review memo dated August 15, 2025; and
7. Satisfactory resolution of all comments in the HVEA Review memo dated July 11, 2025; and
8. Applicant must provide driveway permit from Dutchess County approving driveway or a letter approving the driveway as shown on the approved plans dated May 29, 2025 and last revised July 31, 2025.
9. Applicant must obtain any required permits from all involved agencies including but not limited to NYSDEC and Dutchess County.
10. Applicant shall complete a Tree Trimming review subject to the approval of the Town Planner.

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

Resolution Seconded by Planning Board Member Rich Campbell

Board Member Lori Gee
Board Member Ed Miyoshi

Aye
Aye

1	Board Member Sarah Bledsoe	Aye
2	Board Member Richard Campbell	Aye
3	Board Member Donald Papae	Aye
4	Board Member John Giovagnoli	Aye
5	Chairperson John Eickman	Aye

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11 ***DISCUSSION:***

- 12
13 2. #2025 – 101 – Mama Mia Restaurant LLC, 901 Route 376, (6358-02-768532) Applicant is
14 proposing to build a 960 sf detached garage.

15 Jose Cardoso, applicant, was present. Mr. Cardoso introduced himself, saying that he owns Mama
16 Mia Restaurant and that he had been before the Board before. Due to circumstances, he said he
17 backed away and withdrew the application. He is now before the Board to put up a 3-car garage
18 on his property, in the back of the restaurant. He said it has nothing to do with the restaurant, it is
19 for the residential, for his house, just to put his cars in it.

20
21 Mr. Eickman said he understands some variances may be required by the Zoning department. Mr.
22 Cardoso said Yes, it is because of the size of the garage. It is 960 SF, bigger than his house, and
23 he needs a variance for that. He said he has the map plan, and he guesses he has everything that is
24 required and that he has an appointment with the Zoning Board the coming Tuesday.

25
26 Mr. Eickman said this is similar to some other projects that have been before the Board. A
27 coordinated review will be done, and a Public Hearing that serves both the Zoning Board's actions
28 as well as the Planning Board's action. He said he would accept a motion for this Board's intent
29 to be Lead Agency.
30

1
2 **MOTION made by Richard Campbell seconded by Lori Gee, to declare**
3 **the Planning Board's intent to be Lead Agency for Mama Mia Restaurant.**
4 **Voted and carried unanimously.**
5
6

7 Mr. Eickman then said he would accept a Motion to refer this applicant to the Zoning Board.

8
9 **MOTION made by Richard Campbell seconded by Ed Miyoshi, to refer the**
10 **Mama Mia Restaurant application to the Zoning Board.**
11 **Voted and carried unanimously.**
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14

15 Ms. Robbins wanted to clarify if the public hearing would be at the Zoning Board or with the
16 Planning Board, because a public hearing would be needed for the Zoning Board. Attorney
17 Cunningham told the Board that he thought it would make the best sense, since the Planning Board
18 is Lead Agency, to have the Public Hearing with the Planning Board, rather than at the Zoning
19 Board; it would then just be one (1) Public Hearing. Ms. Robbins said then the applicant would go
20 to the Zoning Board, get sent back to the Planning Board for the Public Hearing, then this would go
21 back to the Zoning Board. Attorney Cunningham said he thinks all can see that there is not a whole
22 lot to this application. He suggested that this Board set the Public Hearing for their next meeting;
23 it is basically giving the SEQR circulation timelines and would not necessarily be able to approve
24 it. But, he said, at least it would get the Public Hearing requirement over with.
25

26 Mr. Eickman confirmed with Mr. Cardoso that he would be available for a Public Hearing to be
27 held with the Planning Board at the next meeting, September 18th, which is a Thursday. He told
28 Mr. Cardoso to see Jackie in the Planning Office, and that she would help guide him as to how to
29 send out notices, and things of that nature.
30

1 **MOTION made by Richard Campbell seconded by Lori Gee, to schedule a**
2 **Public Hearing on September 18, 2025, for the Mama Mia Restaurant**
3 **application.**
4 **Voted and carried unanimously.**
5

6 Mr. Cardoso thanked the Board, and as Mr. Eickman also thanked hm, he told him the Board
7 would look forward to seeing him back.
8
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11
12 ***ADJURNED PUBOLIC HEARING***
13

- 14 **3. #2025-098 Valley Christian Church, 1072 Route 82**
15 (6458-04-688075/678055) 1072 Route 82 (6458-04-688075/678055)
16 Applicant is applying for an amended site plan to add a 2-way drive and 24
17 additional parking spaces to the existing site plan. The site currently contains 142
18 spaces. The proposed amendment to the site plan would remove 2 spaces and
19 add 24spaces for a total of 164 spaces.
20

21 Mr. Eickman announced that Valley Christian Church was originally scheduled for an Adjourned
22 Public Hearing to be held this date. He said he would accept a Motion to further adjourn this to
23 the Planning Board's September 18th meeting.
24

25
26 **MOTION made by Richard Campbell seconded by Lor Gee, to further**
27 **adjourn the Public Hearing to be held on September 18, 2025, for the**
28 **Valley Christian Church**
29 **Voted and carried unanimously.**
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3 Mr. Eickman confirmed that there was no further business to be conducted this evening.
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10 ***ADJOURNMENT***
11

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13 **MOTION made by Richard Campbell, seconded by Lori Gee, to adjourn**
14 **the Planning Board meeting. Voted and carried unanimously.**
15

16
17
18 **Respectfully submitted:**

19 _____
20 **Kathleen Mahodil, Meeting Secretary**
21 **East Fishkill Planning Board**
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