

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
MARCH 17, 2026**

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

Members present:

John Giovagnoli, Donald Papae, John Eickman, Richard Campbell, Ed Miyoshi; Sarah Bledsoe; Michael Cunningham, Attorney; Sinead McLoughlin, Attorney; Scott Bryant, Engineer; Michelle Robbins, Planner; Danielle Angyal, Assistant Planner; Dave Palin, Fire Advisory Board; Staff: Jackie Keenan, Clerk.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Chairperson Eickman stated that the upcoming meetings are Tuesday, April 21, 2026, and Tuesday, May 19, 2026.

APPROVAL OF MINUTES:

January 20, 2026, and February 17, 2026

MOTION made by Donald Papae, seconded by Richard Campbell, to accept the minutes of the January 20 and February 17, 2026, meeting. Voted and carried unanimously.

ADJOURNED PUBLIC HEARING:

2025-099 – Ridges at Stormville Mountain Subdivision, 20 Stormville Mountain Road (6656-00-536587)

Applicant is applying for a 10 lot subdivision on 41.19 acres in a R2 zone.

Amy Patane and John Curota were present.

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

Ms. Patane stated this is a 12 lot subdivision in the R2 district. It involves 20 Stormville Mountain Road, 15 Van Brook Drive, and 25 Van Brook Drive. The proposed subdivision is 12 lots, but 10 new lots for single family, residential use served by septic and well and two modified, existing lots. The lots sizes for the new lots range from just over two acres to five acres. Since the last time they were before the Board, they have received and responded to the comments. One of the changes they did make was adding to the bulk table for the area for impervious surface for storm water. They did address concerns regarding the sight distance for Lots 2 and 3 by shifting the houses and the driveways slightly. There was a concern regarding cars being parked in either driveway blocking or impairing the sight distance.

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

Chairperson Eickman asked if there were any questions or comments from the Town professionals. He also asked if they had a chance to confirm the changes for the sight distance concerns. Engineer Bryant stated they have looked at it. Lot 3 requires a sight distance easement across most of the front yard of Lot 2. This is a pretty considerable area. They have never seen anything of this extent in the past, so it remains a concern. He is hoping the applicant can continue to try to work through that issue.

Chairperson Eickman asked if there were any other comments or questions. There were none. He stated he believes this is something they can deal with in the future. He stated at the last meeting, they did pass a resolution to approve limited tree clearing to allow them to begin the work on the sight distances. This also allows them access to Lots 2 and 10 for wells. This Public Hearing had been adjourned but re-opened tonight. He asked if there were any members of the public to speak for or against this application. There were none.

Ms. Patane asked if the hearing could be closed. Engineer Bryant stated the next step was to iron out the sight distance issues.

MOTION made by Richard Campbell, seconded by Donald Papae, to adjourn this Public Hearing to a date to be determined.

Ms. Robbins stated she believes there were some public attendees last time who were confused as to when the next meeting would be held as there was no specific date. She would prefer to adjourn this to a set meeting date to avoid further confusion.

MOTION amendment made by Richard Campbell, seconded by Donald Papae, to adjourn this Public Hearing until April 21, 2026. Voted and carried unanimously.

Mr. Curota asked if there was anything that they should do. Engineer Bryant stated they would schedule a meeting with the applicant and their professionals.

DECISION:

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

Applicant is applying to amend the approved site plan and replace the approved storage facility with a 21,000 sf building comprised of 3,500 sf of restaurant space, 8750 sf of retail space, and 8750 sf of office space with a retaining wall at the rear of the parcel.

Brian Stokosa here.

Sarah Bledsoe was recused.

Mr. Stokosa stated they are hoping for a resolution tonight. They did submit to the Board of Health for their water design and their septic design, both which will be onsite. It is under review now. They are expecting to receive a few comments this week.

Chairperson Eickman asked if there were any changes to the plan since their last meeting and Mr.

Stokosa said no. The only change is that the underground septic is configured slightly different. The original plan in front of the Board was a sewer pump station. They have transferred that to on-site with subsurface infiltrators. It will all be below grade, and not visual to the eye.

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

Chairperson Eickman asked if there were any questions or comments from the Town Professionals. Ms. Robbins stated that in February 2025 the Board declared their intent to be lead agency but never declared lead agency. They did circulate but they will have to declare lead agency tonight.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to declare lead agency. Voted and carried unanimously.

Chairperson Eickman stated there was a negative declaration for this application. The name of this application is the Stormville Square (retail plaza with on-site septic). The proposed action is the construction of a new 21,000 sf one-story retail building including potential restaurant space and one hundred and nineteen (119) parking spaces on a site with an existing commercial building on the west side of the site. An existing curb cut on Route 216 that currently services the commercial building will be eliminated and a new curb cut will be created to service both the new building and the existing commercial plaza. It is in an unlisted SEQRA action. A full EAF, Supplemental Part III Information and Storm Water Pollution Prevention Plan (SWPPP) were analyzed. The analysis of the issues identified included:

1. land-use and zoning
2. visual character
3. historic and archaeological resources
4. plants and animals
5. transportation

6. others

The proposed project would not be expected to result in any significant adverse impacts to land-use, zoning, or public policy. Based on a review of 6NYCRR 617.7, there appear to be no other significant adverse environmental impacts.

MOTION made by Richard Campbell, seconded by Ed Miyoshi, to approve this Negative Declaration. Voted and carried unanimously.

RESOLUTION AMENDED SITE PLAN APPROVAL

NAME OF SITE PLAN: Amended Site Plan Stormville Square
(retail building with on-site septic)

NAME OF APPLICANT: Stormville Square Corp.

LOCATION: 194-198 Route 216

GRID NO: 6657-03-064313

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the applicant originally received site plan approval on June 21, 2022 for a previous application on the site also titled “Stormville Square,” which envisioned a 35,946 SF one-story climate controlled indoor storage facility and was represented on a map entitled " Stormville Square,” prepared by Day & Stokosa Engineering, P.C., dated 7/28/21 and last revised May 27, 2022; and

WHEREAS, the applicant subsequently amended the site plan to modify the proposed building from a one-story 35,946 sf climate controlled indoor storage building to a two-story 35,000 sf climate controlled indoor storage building; and

WHEREAS, the applicant received amended site plan approval on September 19, 2023 for the two-story Stormville Square storage facility as represented on a map entitled “Stormville Square” prepared by Day & Stokosa Engineering, P.C., dated 3/16/23 and last revised 9/18/23; and

WHEREAS, as part of this site plan the existing curb cut on Route 216 that currently services the existing commercial plaza was eliminated and a new curb cut was created to service both the new indoor storage building and the existing commercial plaza; and

WHEREAS, the applicant also received approval by motion from the Planning Board on 9/17/24 to install a retaining wall along the western perimeter of the property; and

WHEREAS, in December 2024, prior to construction of the approved storage facility, the applicant withdrew the previously approved application for a storage facility and submitted a new application for a 21,000 sf one-story retail/commercial/office building including potential restaurant space, a proposed sewer connection and pump station, and one hundred and nineteen (119) parking spaces including six (6) handicapped spaces; and

WHEREAS, the proposed project is an unlisted action under SEQR and a long form EAF was prepared; and

WHEREAS, the Planning Board declared intent to be Lead Agency for the retail building on December 17, 2024; and

WHEREAS, the Planning Board declared Lead Agency on 2/18/25; and

WHEREAS, a public hearing for the retail building was opened on 2/18/25 and closed on 2/18/25; and

WHEREAS, the proposed retail building was reviewed and approved by the ARC on March 6, 2025; and

WHEREAS, subsequently, the applicant amended the plan to have the proposed building serviced by on-site well and septic rather than public sewer connection; and

WHEREAS, due to the minor nature of the proposed changes the Planning Board waived the requirement for a public hearing for the revision to the planned septic infrastructure; and

WHEREAS, the Planning Board determined the proposed retail building would not be expected to result in any significant adverse impacts and the Planning Board adopted a negative declaration on 3/17/26; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves the amended site plan for Stormville Square as represented on a map entitled " Amended Site Plan Stormville Square," prepared by Day & Stokosa Engineering, P.C., dated 12/31/24 and last revised 1/30/26 subject to the following conditions:

- 1) Resolution of comments in Rennia Engineering review letter dated 2/12/26; and
- 2) The applicant shall be required to fund an escrow account for an environmental monitor during construction; and
- 3) The applicant shall install all lighting and landscaping as shown on the site plan and as per the agreement with MEK Industries, the adjoining property owner to the north;
- 4) Approval from Dutchess County Board of Health; and
- 5) Applicant shall obtain all necessary approvals and permits from NYSDOT for the driveway.

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

Resolution Seconded by Planning Board Member:

Rich Campbell

The votes were as follows:

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

Ms. Bledsoe returned.

DISCUSSIONS:

DISCUSSION:

2026-117 – TEG Federal Credit Union, 839 Route 376 (6358-02-939516)

Applicant is applying for site plan approval for a 6,512 sf. 2-story bank in the B3 district.

Brian Stokosa and Don Zeller were present.

Mr. Stokosa stated this will be located right across from the Van Wyke Junior High School and the Blue Fountain Restaurant. He was involved with this application a few years ago when they were in front of the Board with a restaurant and commercial retail proposed. This had the building in the back and parking in the front. It was coordinated with his office next door with parking easements. This is almost the same configuration. They did spend a lot of time with the DOT with the site plan for the old configuration having the entrance across from the Blue Fountain restaurant. They have refreshed it with a new applicant who will be the TEG Bank. It will be a two-story building. They do have a few rentals that they would like to consolidate and own the building. There would be teller space and typical credit union action downstairs. The 2nd floor would be a mortgage office and employee offices. They have followed their same motif as other sites for their architectural style. They have tried to update their architectural plans based upon a meeting with the Town Planner with the new architectural guidelines. They have already done a lot of legwork with the Town and the applicant trying to get this together. This is their initial presentation. They

will still have parking in the front, offices upstairs, and the retail/teller aspect downstairs. On the backside there will be two drive throughs. One will be for the ATM and one for a teller. There will also be an escape lane. They did have some kind of a wall featured along the front and after speaking with the Town Planner, they will make a sidewalk provision along the frontage of the property. One of the big things that they were focusing in on was DOT and traffic as it relates to the school and the intersection. While the Town was in a moratorium, they took the opportunity to contract Colliers Engineering and over the course of the last year, and with some initial involvement with the Town Planner, they went ahead and performed a traffic study of the site as it is proposed. They did do this in May to capture school traffic counts before school let out for the summer. Colliers also worked with the DOT. There were three submissions that have gone back and forth over the course of the year. As the moratorium was ended in 2025, DOT came back and said they were happy with the entrance as shown. Some of the modifications that are shown on the plan have to do with sight distance looking left out of the site. They have been asked to keep any landscaping below 30 inches maintained to keep the visual sight line. There will be a warning sign placed on Route 376 as you approach the school advising that there is an intersection approaching on your right. They sent that traffic study in for review. HVEA came back with some comments. Based on DOT's comments in January of this year that they were happy with what they saw, they are moving towards a Highway Work Permit. They will be connecting to central water. They'd like to work with the Town Water Department, as the water line runs right down the frontage and turns the corner into Dogwood. The thought process is to tie into central water there. They will be working with George Cronk or the Water Department to see if sprinklers are an option for the building and if the pressure can sustain it. These are some things that are in process. As far as architecture goes, the architect put together elevations that were presented to the Board. It maintains the TEG's features as the rest of their building styles, and they have tried to incorporate some of the local architectural features as well. The total height is 32 feet high. The first floor is 2800 square feet. The upper floor is slightly bigger because there are areas above the entrance and above the drive through area to make it approximately 3500 square feet. They are doing cultured stone across the bottom and a standing seam roof. They have some architectural finger shingles and some EIFS on the lower level. The hope was to get some input from the Board tonight on the

site plan, architectural style, and ultimately getting the recommendation to the ARC to get input from their Board. Then they hope to be able to come back to this Board in the near future and advance the project forward. In regard to stormwater, they will be under one acre of disturbance. They will be doing a subsurface stormwater treatment in the front parking lot. Septic will be on site with a small pump chamber and some infiltrators.

Chairperson Eickman asked if there were any questions from Board members. Mr. Campbell asked if they had any of the comment letters or information regarding the traffic study. Mr. Stokosa stated HVEA did review the traffic study and came up with a series of comments. They have been forwarded to Colliers Engineering for their input. If you look at what the DOT said, the traffic study that was submitted had three revisions, so it was reviewed 3 times over the course of the last year before they got to this point. They did do their legwork to make sure this would be a viable project for the applicant to continue into contract. He did not prepare the traffic study, but they have forwarded it. Colliers has informed him that they are preparing a response. He is unsure what will be brought up from this in regard to minor in nature or technical in nature. They do still need to work through it. Mr. Campbell asked if the overhang in the back of the building was for the drive through. Mr. Stokosa said yes. Mr. Campbell asked if there was accessibility for fire apparatus to access the building all the way around. Mr. Stokosa stated there is an escape lane on the side that is 12 feet wide and 15 feet clear. It is the standard clearance for a commercial access. If they want the ability to drive the fire truck all the way through there, they will probably have to expand that slightly, but it can handle a pickup truck, sedan, or that type of vehicle. Mr. Campbell stated that would then impede the buffer zone. Mr. Stokosa stated that was correct. Mr. Campbell stated those would be his two points of issue. He stated that intersection is very difficult when school is in session, between the bus traffic and the parental traffic dropping children off. It seems like there are a lot of parents that drive their kids to and from school. If you get caught in that traffic in the morning it's unbelievable. Mr. Stokosa stated the good thing about this applicant is that their peak hours will be slightly different than the school, especially in the morning. This is like a 9:00 AM morning operation. Bus traffic through there is mayhem at around 7:00 AM.

Mr. Palin stated they did submit their recommendations. One of them was being able to fully access all the way around the building. The others were in regard to sprinkler systems and a Knox box. Mr. Papae asked if there was a requirement for a sprinkler system. Mr. Palin stated it is based on how the building is constructed internally. There are ways to do without a sprinkler system, but it means more robust firewalls and that type of thing. Engineer Bryant stated that will all get addressed during the building permit process.

Mr. Campbell asked what the square foot of the total building was and Mr. Stokosa stated it is just over 6500 square feet.

Chairperson Eickman asked how many employees would be in the building. Mr. Stokosa stated they showed a max of 10 at one time. They do provide 20 to 25 parking spaces. Those employees will be parking more towards the attorney building leaving the front spaces for patrons of the site. Mr. Campbell stated this will be an active banking facility so there will be customer parking.

Mr. Giovagnoli asked if upstairs was going to be rental space and Mr. Stokosa said no. It will be bank space.

Chairperson Eickman asked if there were any questions or comments from the Town Professionals. Engineer Bryant asked if it was a request from the fire department to have full access circulation around the building. Mr. Palin stated yes, because depending on where the fire is, it would dictate how they approach the building and where they would put the ladder truck up. Engineer Bryant asked if Mr. Stokosa could speak to the modifications that would be required to meet that. Mr. Stokosa asked if it was sprinklered would they still need full access around the whole building. Mr. Palin said yes because there are times when sprinklers don't work at controlling the entire fire. For rescue purposes they may need access to the rear for roof ventilation so they like to get as much access as they can all the way around any building. Mr. Stokosa stated he does believe they can find a way to protect the buffer to the residential component to the South and provide the access requested.

Mr. Campbell asked if the shape of the building was by design because of their requirements as to what they want it to look like. Mr. Stokosa stated he believes that is their brand and their style and they are trying to blend it with the architectural standards that the Town has just developed. Mr. Eickman asked if they generally have the blue roof on other branches as well. Mr. Zeller stated that the prior branches have a green metal partial roof. The Credit Union President has asked the architect to incorporate their company color blue, if possible, into the roof. The aesthetics of the building are a continuation of the prior branches. They would like their look on the two sides of the building as it is a three way intersection.

Chairperson Eickman asked about screening to protect the neighbors towards the South. He asked what kind they were proposing. Mr. Stokosa stated they have a series of evergreens mixed in along the existing buffer. There is a tree line along there, so they are trying to not impact that as much as possible. Within the voids of that tree line, they will start spacing some evergreens. They will do whatever they can do to make the Board happy and provide any additional screening.

Ms. Robbins asked how wide of a buffer was there. Mr. Stokosa has stated he believes it is 25 feet. Ms. Robbins suggested he check section 109, 194, and 116 to make sure they are in line with those. She did ask for more information regarding the uses as it is a pretty large building. She is trying to understand how to evaluate the parking. Mr. Stokosa stated that upstairs will be where they will be doing their mortgages so the mortgage department will be upstairs. Ms. Robbins stated they will need multiple spaces for closings because they will have attorneys and additional people coming. Mr. Campbell stated it will also be an active branch so there will be customer traffic as well.

Engineer Bryant stated that HVEA had approximately a page or so of comments to be addressed. They have not been privy to any comments or correspondence from the DOT. They will be following up on that. Mr. Stokosa stated he will be forwarding all correspondence because he spoke with Colliers today and asked them to send it.

Ms. Robbins stated she did look over the lighting plans. She did not see anywhere on the plans that showed what she would consider ATM level lightings. She does know that there is a requirement for that. She asked where that would be located. Mr. Stokosa stated it would be under the drive through area. They are playing around with different lights in that area. That is one of the areas they will need to refine a little bit more, but the objective was to keep it under the overhang. Ms. Robbins stated they do want to see as low as possible and they don't want to see indoor lighting levels under that canopy that spill out everywhere. She would like to review that once it is provided. She also stated that the fire department may be getting a new truck and she wanted to verify they had the dimensions of that. Mr. Palin stated the information has been turned into the office. Mr. Stokosa stated they would run the turning radius with that to make sure it is all cleared.

Ms. Robbins stated they will have to refer this application to the ARC, and they should declare their intent to be lead agency.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to declare intent to be lead agency. Voted and carried unanimously.

MOTION made by Richard Campbell, seconded by Sarah Bledsoe, to refer this applicant to the ARC. Voted and carried unanimously.

Ms. Bledsoe stated in regard to the aesthetics of the building there are a lot of residential houses in that area. The school across the street is going through a massive renovation. She would like to see a much more neutral feel to the building. She believes it should be aesthetically matching some of what is going on in that general area versus a loud and bold color scheme if possible. Ms. Robin stated the applicant will probably get those comments from the ARC as well. Mr. Zeller stated he did review the ARC guidelines, and they did incorporate horizontal siding on the second floor, there is cultured stone and stucco EIFS finishes and an earth tone light tan finish. He believes it will look good with the junior high school and the Blue Fountain across the road. They're both tan tones as well. If there are any renderings of what the junior high will look like he would be more

than happy to review them. Ms. Bledsoe stated she did not believe they were available.

DISCUSSION:

CORRESPONDENCE:

Request from Woodland Estates to update Board regarding preparation of draft EIS and on-site well testing.

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

Consider Correspondence request from Woodland Estates. Woodland Estates is a proposed residential development that would include 23 multi-family buildings and a clubhouse with a total of 468 dwelling units of various sizes in the PRD district.

David Cooper, Terry Hahn, Rich Williams, and Paul Scholar were present.

Mr. Cooper stated they are here to give a brief update on where they are with the DEIS. They did see NPW’s memo today and they anticipate that that is the focus of the Board's questions. The question is why are they well testing now. The answer is that in the SEQRA scope that this Board adopted page 22, number 4 under water quality supply asks the applicant to “evaluate or prepare an analysis that the proposed wells will not adversely impact the neighboring municipal well field and/or any residential wells”. He does believe that comment was inserted into the scope after the public scoping session when people brought up the concerns about whether or not hooking up more residential units to the water table would impact existing wells. This is a study that both the applicant and the Town wants to be undertaken because they want to know how much water capacity is in the ground. The Town's consultant, WSP, has projected there is somewhere between 525 to 575 gallons per minute of water. That is more than just what will be used by 468 units. There may be some excess to the Town, which would be a benefit as well. The applicant does want to do this testing now. He did notice in the MVP memo that provision in the scoping document isn't cited as to why they are going forward with the testing now. For the

record, which is why they are moving forward, they do recognize there was a question as to the methodology and how they were going to get to the site to actually perform the well testing. They did review MPV's memo and they do not believe it captures the actual proposal accurately. They're not building a road or removing a significant amount of trees. They're using an existing pathway to the site from Mark Lane and then there is a pathway on the site already. This site had development started on it in the 1980s and there are already pathways on the site to the wells. They are digging in areas where they will be excavating where the Town's consultants have said that is where they should be digging. He does believe it will only be 5 or 6 trees to be removed out of the entire property. This is not a lot of disturbance. The applicant has been going back and forth with the Town's expert consultant and the Town staff and County on this testing protocol. The last five to six months the applicant has been spending money and preparing plans and going back and forth getting approvals to do this. This has been a highly vetted plan. They are here to inform the Board they would like to move forward with this to get this information to the Board. They do understand MVP's memos suggests they should do it later, but they don't want to do it later. They feel this information is necessary to move this process forward.

Mr. Williams provided a map of the area on the site that they would be working on. The full site is 100 acres. The cul-de-sac for Mark Lane is not actually the end of the cul-de-sac. There is a gravel extension that goes to their property line. He outlined the well access path that they have been working with the Town to utilize. They felt this was the most non-impactful way to enter the property. They do have frontage on Route 376, however it is separated from this portion of the site by the Shenandoah Creek and a large DEC wetland. There is an existing bridge crossing, however the area between the bridge and Route 376 has revegetated and reestablished as DEC adjacent area. That would require clearing and working through that area to be able to access the bridge. They would also have to vet whether or not that bridge is structurally sound. Based on its age and lack of maintenance they are unsure of that. There are a lot of environmentally sensitive lands to cross that way, so they did not feel it was a feasible route to explore. They did note that there is an existing trail that comes off of the end of Mark Lane that comes down through the site and around this area of the property. The topography of the area has boxy shapes because that is

where the original foundations were excavated and those are the topographical remains of that. Along the southern and eastern end of that where it starts to run north there is an existing dirt access road that was built in the 80's or 90's when construction was underway. That is what they are proposing to use. They will have to regrade a couple of sections of it. It will need to be widened a little bit in certain areas. That will make it safe and accessible for a well rig. The idea is to be as minimally invasive as possible. They are thinking it will only be 5 or 6 trees that will need to be removed along the entire route. They have taken a look at the route and distances to neighboring properties. From one house to the access trail is just over 500 feet. From another property line to the access trail is about 275 feet from one corner and 430 feet to the area that will have a slope on the access road that they are looking to reduce. That will make it easier to traverse and less erodible as they start moving around on the site. This is an operation where they will bring a well rig in. They will be bringing supplies to the rig with smaller equipment. Once the well rig is set up, it does not come in and out. It comes in, drills the well, and then it leaves. They have worked through erosion controls. They have made sure their disturbance stays under one acre. They really believe that being able to use existing features on site will be the least impactful as possible and still get the information that is helpful for the Town and the applicant to know. That way they will know the well tests done decades ago are still accurate and adequate.

Chairperson Eickman asked them to walk through a timeline of what will occur by day with regard to this project and what kind of equipment and vehicles would be coming in and off the site. Mr. Miyoshi asked what would happen to that road afterwards. He does know that a lot of neighbors were upset about potential traffic going through the neighborhood. Mr. Cooper stated as part of the ultimate proposal that would be an emergency access. It will be gated and will not be a through street at all. Mr. Miyoshi asked if that meant there would only be one exit coming in and off of Route 376. Mr. Cooper said yes. Mr. Miyoshi asked how far back into the site it goes because he believes there was some sort of regulation regarding requiring a second entrance if you go so many feet in. Mr. Cooper stated this would be the second entrance, but it is just an emergency entrance. That is not what they are here for tonight. That is part of the impact

analysis. The immediate issue is that they are mobilized and ready to go. They have been working with the County and the Town to start this so they can get the DEIS before the Board and they need the OK tonight to move ahead.

Mr. Scholar stated for the drilling first thing would be clearing the road and setting up sediment and erosion controls. The driller would be coming into the site, and it would be there one to three days. At that point the drill rig would leave. Along with that rig would be probably 2 pickup trucks and a larger pickup with a trailer load of well casing. That would be the only vehicles entering other than consultants in personal vehicles. After the well is drilled there is pumping tests. There would be a step drawdown test to show the rate of the well and then the 72 hour test. The first test would have the driller come in with a crane truck and put up a temporary well pump. He would be there for one day to do that test and then they would move into the 72 hour test. Beyond the drill rig, which is the only semi sized vehicle that will be in there. Everything else will be pickup truck sized. Engineer Bryant asked him to speak regarding the work required to get the road in to get it in condition for the well rig to use it. He stated he has walked that road and a fair amount of it requires an ATV. Not even a pickup truck can get through it currently. It is flat where the houses were started to be excavated but the stretch back towards Mark Lane is a goat trail at best. He asked them to describe how much work would be required. He heard about a hammer having to come in to hammer rock. Mr. Scholar stated he did not believe they were planning on hammering rock. Mr. Williams stated there is one area of steep slope. He stated that the engineer has walked this path with his staff and they have been there numerous times. Engineer Bryant stated he has only walked to the site one time. Mr. Williams stated the plan has been in front of them for five or six months. He believes that they felt they were very close to getting the OK to drill. There is an existing 8 foot wide, in most places, dirt and gravel road. They will be widening it to 10 feet for the majority of it. There will be an area of regrading and that is the area that is 430 feet from the nearest property line. It will just be regrading of that slope. They will not be making it completely level just reducing the slope so the well rigs can get in and out. Chairperson Eickman asked if they would be bringing in construction equipment to do the grading and then some construction material for the roadway. Mr. Williams said yes. They

will be bringing in a little bit of item 4 for the areas where they are going from 8 to 10 feet and they will also see what they can use that is on site as they cut the fill to try and regrade that small area. Prior to the well rig there will be a small backhoe and maybe a small bulldozer coming in. Mr. Campbell stated they refer to the width of the existing trail as being 8 feet wide And they want to bring it to 10 feet and Mr. Williams said yes. Mr. Campbell asked if they would be removing any fill from the site and Mr. Williams said no. Mr. Campbell verified that they would only be removing 5 or 6 trees and Mr. Williams said yes. At the end of Mark Lane there is a lot of secondary growth; barberry, and things like that. To get through that they will have to cut through but there are no significant trees there. He stated they are not clear cutting forest or taking down large swaths of woods. Where they will do the drilling is on a very remote section of the property. There is an existing water storage tank and an existing building so there is already quite a bit of disturbance down there. Engineer Bryant stated that was all constructed via the bridge, not off of Mark Lane. Mr. Williams stated he believed the original construction was done from an access off of Route 376. It is in a portion of the property they are not disturbing right now. Mr. Campbell asked if that entrance has been marked as unusable. Chairperson Eickman stated he thought the applicant had stated they had not determined whether or not the bridge was able to support what they were trying to do. Mr. Williams stated they have not done structural evaluations on the bridge. They have not asked DEC. He feels if they tell DEC there is a viable alternative that avoids the buffer DEC will tell them to go that route. Mr. Campbell asked where the access to this development would be if it comes to fruition. Mr. Williams stated it will not be where the original access was.

Chairperson Eickman stated that the applicant has stated they have been working on this for some time. This Board has only seen this presentation a few days ago for the first time. Mr. Williams stated in the months of their discussion, coming to the Board was not proposed to them. It wasn't until they were just about told they had the go ahead to move forward that it was suggested they come before this Board otherwise they would have done it a lot sooner. He brought up a map showing where all of the existing foundations were graded and where the existing water storage tank and water building are located. The proposed access point for the

actual project is outside of the DEC wetland buffer and wetlands. It will have local Town regulated wetlands around the Shenandoah Creek at that part but not DEC wetlands. Depending on the final bridge design and the disturbance, they may or may not trigger Army Corps permitting. He believes in the EAF they checked that they did. That will be for the permanent access. If they were to come through and use the bridge that is centrally located in the DEC wetland they would have to clear through a large portion of the property as well as taking down all of the woods in that area. Engineer Bryant asked if there was already a road there and Mr. Williams said yes but there is a bunch of overgrowth through that road. It is not as usable as where they are proposing and Engineer Bryant stated that was a matter of opinion. Mr. Williams stated that would also be disturbing at large swath of property that they are not intending on touching in the final plan. Mr. Cooper stated that they are trying to use presently disturbed and to be disturbed areas and not use an area that they want to preserve as part of this cluster development. If they come off of Route 376, they have to get permits and they also have to clear areas that aren't going to be cleared for the development. It would be excess development. This is a thoroughly vetted plan, and they are trying to do it in a way that they are providing the least amount of disturbance. Engineer Bryant stated he does not believe the access path to the well field follows the access road in its entirety. He asked if there was an overlap where they come off of Mark Lane on the emergency access versus their access to the well. Mr. Williams provided a 2004 aerial that showed the construction that previously occurred on the site more clearly. He stated the original trail does bow up a little bit and they are coming in a little straighter. They do believe that is better than the original trail path. Then they are working their way through what is less dense forest and picking up the existing trail following the existing foundations all the way in. Mr. Campbell stated they are blazing a new trail. Mr. Williams stated they are deviating off of the original path and working through and around trees. Mr. Campbell stated again they are blazing a new trail. Mr. Williams stated it was just for the first, short section. They can go right down the existing trail. He does not believe that is the right idea. Ms. Bledsoe asked why that was not the better way to go. Mr. Williams stated he believes they would end up taking down more trees that way. He also thinks it would create a visual corridor. Ms. Bledsoe stated if they were given access off of Mark Lane, does this not open a whole can of worms for future site

work to be accessed from there because it is easier and effectively cheaper than accessing the site the proper way. In her opinion, by avoiding the proper access off of Route 376, they are just opening the door for them to access the site this way for the entirety of all of the site work and beginning of construction. Mr. Cooper stated that is the purpose of the EIS. Part of that is studying the construction. If they were to propose sending everything down Mark Lane the Board, as lead agency, can declare that as an adverse impact and in order to mitigate it they need to go off of Route 376. They are not at that point yet. This is just for the testing that this Board told them to do. He stated in his over 20 years of SEQRA practice, he has never had an applicant come to a Board and state that they want to do a test and the Board said no, don't do it. Ms. Bledsoe stated she did not believe they were saying no to the test. She does believe the issue is the access off of a very long and windy neighborhood road off of a cul-de-sac that is not ever intended to actually access the site. She personally does not have an issue with taking down 5 trees or with brush clearing on the property. Her problem is heavy machinery traffic, which has now become road equipment, pickup trucks, and drilling machines just for one portion of this testing. They will be traveling miles down very windy, neighborhood road and that has not been studied. Mr. Cooper stated it will be 3 days of testing with once in and once out. Ms. Bledsoe stated they are also talking about the path and fixing the path and making the path wider and adding a new section of the path and bringing in item 4, which is probably not one truck worth. It is all of the little things that are now compounding and they don't want access off of this windy very private cul-de-sac. She stated for her personally, she did not want to see this access off of Mark Lane for any of the project. Mr. Cooper stated if that is the case they are asking the applicant to disturb wetland. He does believe that DEC will tell them they can't go that way if there is a different viable way to get in. He stated they were trying to figure out the right way to do this so there is the least amount of impact just to get the testing done. If you go through the other way you are going straight through wetlands. Typically, this Board would not tell people to go disturb wetlands. Mr. Miyoshi asked if they were planning on going that way once they start construction. Mr. Cooper stated it would be after they get the proper permitting and the proper mitigation. They're not going through the State wetland area, but they would have to go through that for the well testing. Engineer Bryant stated that once upon a time, this project was started

and a big tank was constructed. There is a building fully constructed and foundations were constructed. There are storm manholes out there and a lot of work was done. A road was built off of Route 376 that has a gate. The applicant hasn't even gone to the DEC to say they are trying to resume this project. An investment was made and work was started. Disturbances were previously made. He asked what would they do if they did not have Mark Lane. Then they would have to have that conversation with the DEC. Mr. Cooper stated he does not believe that is a good faith position for the Town to take after sitting down with them for five months and knowing that this is the proposal. At the end of the day the DEC is not going to permit this for a temporary water test. He stated they told the first applicant tonight to go and do his testing. Engineer Bryant asked if they were going to need a permit to take the bridge down. He asked if they would need a permit to access that bridge to take it down. Mr. Williams stated they are not touching that area. Mr. Cooper stated that bridge was created by prior owners. Engineer Bryant stated it is on this property and could potentially impact the flow of the creek, so it is something that needs to be looked at. They would need permits to do that. DEC might tell them since they are going to have to access that bridge anyway, the applicant should push for that and do their well test and on the way back out take the bridge out. Mr. Williams stated if, during the site plan or the first EIS process, they have a discussion about the bridge and they decide it has to come out they are going to have to figure out how. That doesn't mean blazing a road or clearing a road straight through this portion of the site necessarily. That may mean building their access in an area where there are no DEC wetlands they could get permits for Army Corps if they are needed and get the local permits for the local wetland disturbance. They will need those. They could take the bridge out from the other direction where it is least impactful on the wetlands. The other thing he does not want to dismiss is that there are neighbors on that side as well. The distances for using the existing trail puts them hundreds of feet away from neighbors. If they were going in through the old entrance they would be 100 feet away from the neighbors. And that is an area they are not planning on touching otherwise. If they do end up having to remove the bridge, if it does come up through the EIS process, the shortest route and what DEC would make them to do would be to be as least impactful as possible. It would probably be backing it out through their site. They would not want the applicant to come in off of Route 376 to do it. Engineer Bryant

stated he feels that is a conversation that has to be had with DEC. Mr. Cooper stated that is a different issue than what is before the Board tonight. The way that NPV phrased it was do they do it now or do they do it at the FEIS. Testing has to happen.

Ms. Bledsoe asked at what point is an adverse impact get triggered before they determine the other adverse impacts. Between the traffic and the construction vehicles just being the first part of this site study. There are other reasons for them to have to access this site before they can put in their access from Route 376. Mr. Cooper stated the legal issue is if this is an action. From a SEQRA perspective the question is – is the testing an action. There is no permit needed. They have gone through the process to get the methodology approved. He stated they did not go through the SEQRA process with the first applicant to get the approval to go and test or to go clear trees. The issue here is what is the best way to approach this to answer a question that this Board put into its scope. Attorney Cunningham stated that the Board has already determined there's potential for significant adverse environmental impacts. That is why they positive declaration to it. Now they are studying whether or not they can mitigate these potential adverse environmental impacts or whether there are any actual potential adverse environmental impacts. Ms. Bledsoe stated she does believe the well testing is absolutely necessary. She asked if they were able to access the site off of 376 from their proposed new access. She stated she is asking this because this will not be the last time they will access this site going forward after the well testing for preparations before construction and before they even get approval. Mr. Cooper stated he is sure there is a way, but they have to approve the project first. They can't build what is being looked at until they complete SEQRA and there is a finding statement. In order for them to determine whether or not there is a significant adverse impact with respect to water usage and water capacity, they have to test. Ms. Bledsoe asked if Mark Lane is not an option, how would they be accessing the site. Mr. Cooper stated it is an option. Mr. Williams stated they legally have frontage on Mark Lane.

Mr. Eickman asked Attorney Cunningham if there was any way to get through this process without them doing the well drilling right now. He does understand the applicant does not want

to delay their process. But he also did not hear them say they could not delay. Engineer Bryant stated it is not as if the water is an unknown. In many cases, there are no test wells that have been drilled. There is a history of test wells. They're looking to see if there is additional capacity as the Town has adopted a redundancy requirement, but they will need to meet. There is nothing in all of the productions to indicate they are not going to have enough water for this project. This is more of a confirmation than a real true exploration to see if there is water. Chairperson Eickman stated if they did not have the capacity they were looking for then he presumed they would just drill another well. Mr. Cooper stated if this Board is telling them that they don't have to satisfy three and four of the SEQRA Scope now in order to prepare a DEIS that would be complete in their eyes he needs that on the record, and they need it in writing. He can guarantee that when there is a DEIS hearing and people start asking about the well capacity they will say that the applicant just assumed they had enough water. They can use the assumptions that WSP indicated which was 525 to 575 gallons per minute. They do believe that is a good assumption and will be providing a lot more water for everyone. They just don't want to be before the Board in a few months and someone from the public says they didn't do what they were asked to do and then have the Board say that it's not complete. Mr. Williams stated that could happen because they were all sent letters to participate in the testing. Ms. Robbins stated they could ask that the well testing be done as part of the final. Mr. Campbell stated the issue he is addressing is having this Board say that it is not complete and refusing to put them up for public hearing. Ms. Bledsoe asked if that solves the problem of the impact. That is essentially kicking the can. Ms. Robbins stated it would determine when they are getting the information about the water essentially. If it gets kicked until the final they may have other information about other impacts on the site before they get that information. Attorney Cunningham stated after they submit their draft environmental impact statement then there will be a public hearing. He's assuming that there will presumably be a lot of comments from the public. Then the applicant would go back and answer all of the questions and resubmit for the final environmental impact statement. Sooner or later, they are going to want to perform this test. The Board could determine that the draft environmental impact statement is complete without the testing, but eventually they're most likely going to have to do this testing. Sooner or later the Board is going to have to make a

decision about access for this testing. Chairperson Eickman stated considering the fact they have only had a few days as a Board to even review some of this correspondence he for one would like to put this off until the next meeting. He is very uncomfortable in approving this access from Mark Lane because he thought they had an understanding with the public that that would only be used for emergency vehicles and never for any construction equipment. Even though they are only removing 5 trees, the first time a chainsaw is revved up it is going to cause a lot of concern. Construction traffic and trucks with item 4 are going to cause concern. There are a lot of things he believes they need to think about. With regard to any action along the lines of kicking this down the road by putting this approval for some time later he believes they need to take it up with counsel over the next few days and determine what all the options are and what the best course of action is. Mr. Cooper stated that is not the request nor is that what SEQRA permits for what he believes the law permits. There is nothing in SEQRA regulations that say once this scope is adopted with respect to methodology, with respect to testing, that the applicant has to come back to the Board every single time to get any sort of approval from the Board before they can do the testing . If the Board is saying we want to look into this issue, so they don't want to have the applicant do the testing now so be it. He does not believe they can be kept on the agenda for that. Then the answer would be they would do it at the FEIS stage. As long as when someone comes up and says it is not a complete EIS because the testing wasn't done everyone would need to be on the same page that they are not doing the testing because today the Board wasn't comfortable with it. Chairperson Eickman asked if the applicant was amenable to giving the Board until the next meeting to make that determination. Mr. Cooper stated that he understands this is the first time this Board is seeing this. If they had been told in September to come before the Board and talk to them they would have been here. If he goes back to his client tonight and says they've been pushed again another month he does not believe it will be acceptable. If the issue is that the Board wants to talk to counsel and whoever they want to talk to about the access then they will do the testing during the FEIS process. They want to get this EIS to the Board and get the public review started. Attorney Cunningham suggested the Board adopt a motion to be part of the minutes that any sort of hydrological testing can be completed as part of the FEIS stage of the SEQRA process. Ms. Bledsoe asked if that addressed site access going

forward and Attorney Cunningham said no. That issue will come up again. There will be another public hearing and that access could be discussed at the public hearing. Mr. Williams stated if they go in with shovels that will also be a subsurface work approval for that as well. He believes the issue is vehicular access not if he were to come in with just a shovel. Engineer Bryant stated they're not opposed to a shovel.

Mr. Miyoshi asked if taking down the trees would impact the Indiana Bats. Ms. Robbins verified that the trees would need to be cut before March 31st. Attorney Cunningham stated there are also certain thresholds and it does not sound like they would be meeting those. Ms. Bledsoe asked if any proposed motion could state that they cannot access off of Mark Lane. Mr. Cooper stated that if they are not doing the well they have no reason to come in with any equipment. The issue would just be when they are going to do it. Mr. Campbell stated it is their property so they can pull up to it and access it on foot. Mr. Campbell stated they did speak about non-motorized equipment being in the motion as well. Mr. Williams stated they will probably do some percolation or infiltration testing as part of the stormwater. They may do some deep test pits, but they can use shovels on that. Engineer Bryant stated if they needed to come in with one small excavator or machine on a tag along trailer that could traverse what is there right now without having to build a road, he doesn't believe that would be an issue. They would be in and out in one day.

MOTION made by Richard Campbell, seconded by Donald Papae, to allow any subterranean testing needing to be completed by motorized equipment to occur during the Final Environmental Impact Statement (FEIS) process rather than during the Draft Environmental Impact Statement (DEIS) process other than percolation tests. Voted and carried unanimously.

Chairperson Eickman asked if there were any other questions or comments from Board members. He thanked the applicant for their time.

Chairperson Eickman stated since there was no other business to come before the Board he wished

everyone a happy Saint Patrick's Day

ADJOURNMENT

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

Respectfully submitted:

Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board