

**TOWN OF EAST FISHKILL  
PLANNING BOARD MEETING  
FEBRUARY 20, 2018**

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Planning Board Chairperson Lori Gee called the meeting to order. Members present were Michael O'Brien, Jason Paraskeva, John Cutler, Craig Smith, Steve Caswell, and John Eickman. Alternate Member Ed Miyoshi was present and acted for Jason Paraskeva until he arrived at the meeting at 7:10.

Town Consultants present were: Michelle Robbins, Planner AICP and Scott Bryant, Town Engineer.

Pam Baier, Planning Board Clerk, and Kathleen Mahodil, Meeting Secretary, were also present.

**CHAIRPERSON COMMENTS**

Ms. Gee began the meeting with the Pledge of Allegiance. She reminded the Board that the Planning Board meetings are now monthly and that meetings would be held on the first Tuesday of the month, if necessary. The Upcoming Meeting Dates are: March 20, 2018 and April 17, 2018.

**APPROVAL OF MINUTES OF MEETING HELD DECEMBER 19, 2017.** The Approval was held over to a future meeting.

**DECISION:**

*Heritage Acre, 2 lot subdivision, East Hook Road.*

Tom Cerchiara from TEC Land Surveying, on behalf of Scenic Hudson, Michael Knutson from TEC Land Surveying, and Christine Chale, attorney for Scenic Hudson, were present.

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2 Ms. Gee said this matter was just on for a Decision this evening and that it was not a public  
3 hearing.

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5 Mr. Cerchiara said that they are seeking approval of a 2 lot subdivision on East Hook Road. Ms.  
6 Gee asked him if there were any changes made since the Board last saw this at the Public  
7 Hearing and he replied No, it is the same map.

8  
9 Ms. Gee asked Ms. Robbins and Mr. Bryant did not have any questions or comments. Mr.  
10 Miyoshi questioned the right-of-way access and where Lot 1 would come in. Mr. Cerchiara said  
11 it is a condition noted in the Resolution and on the map, as well.

12  
13 Ms. Gee said, since there were not additional questions, there was a Negative Declaration dated  
14 this evening. She read the Description of Action:

15       The proposed action would result in the combination and subdivision of two lots totaling  
16       322.329 acres on East Hook Road in East Fishkill, New York. The proposed action would  
17       combine tax parcels 6355-00-600050 and 6355-00849187 together while subdividing  
18       parcel 600050 into 2 new lots. The acreage of the newly divided Lot 1 would be 217.173  
19       acres and the acreage of the newly subdivided Lot 2 would be 105.156 acres for a total of  
20       322.329 acres.

21 As stated on the Negative Declaration, she said it is an Unlisted Action for SEQR and it is a  
22 subdivision. A Short Form EAF, survey and subdivision plans have been reviewed. In the course  
23 of review and the Public Hearing, the Planning Board did not identify any environmental factors  
24 that would require any mitigation, She reiterated that it is just a subdivision and there is no  
25 proposed development. Any additional development on the parcels would come back before this  
26 Board, however, that is not planned right now, or intended for the future.

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2 MOTION made by John Cutler, seconded by Craig Smith, to approve the Negative  
3 Declaration. Voted and carried unanimously.  
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6 There was discussion about Lot #1 and the conditions in the Resolution. Mr. Cerchiara pointed  
7 out and read the note on the displayed plan and it was confirmed that it would not be a separate  
8 conveyance at this time.  
9

10 Mr. Bryant commented that there would be a second condition, and it would be regarding the  
11 drainage easement.  
12

13 Ms. Chale questioned the easement, saying that she thought it had already been resolved. Mr.  
14 Bryant said it would be subject to Town approval, the Town Attorney was not present and that he  
15 did not have a record of it with him. Ms. Chale asked if he had the text of the easement and Mr.  
16 Bryant said Mr. Cerchiara had just read it on the map. Ms. Chale said it is 2 different things and  
17 he was talking about the right-of-way. Mr. Bryant said that was condition #1 and this would be  
18 #2, which is not listed, the purpose being for the culvert.  
19

20 Mr. Knutson asked for come clarity of the condition and noted further that the drainage easement  
21 was not located on the parcel; it is located on the adjoining parcel, with the access. He pointed it  
22 out on the map. Mr. Bryant questioned if it was all part of this action. Ms. Chale said that she did  
23 not think that it was - and showed Mr. Bryant the drainage easement that was provided by the  
24 current owner. Ms. Gee asked if it was an already filed easement. Ms. Chale said it was provided  
25 by the current owner to clear up the ditch; it is filed with the Town. Mr. Bryant asked how it  
26 would be incorporated back into this and what guarantees that it would be filed. Mr. Bryant  
27 questioned why there would be an objection to it and said it could be referenced in the

1 Resolution. Ms. Gee suggested it could say it was subject to the filing of the proposed drainage  
2 easement. She said it will always say subject to the Town Attorney's review, unless the Town  
3 Attorney has already reviewed it. Ms. Robbins said it could be attached as an exhibit. Ms. Chale  
4 said there is another easement that is attached and a separate one provided by the current owner.  
5 She said it was for the Town Board's consideration because it is their easement.

6  
7 Ms. Gee said, since it is in process, it should be subject to approval until it is actually filed and  
8 she does not mean to recommend that any changes were needed. She said it looked like it had  
9 already been prepared. Mr. Bryant said there was nothing from Mr. Wood, Town Attorney saying  
10 it needed to be edited. Ms. Chale was not certain if it had been presented to the Town Board, but  
11 said it was provided to the Town Attorney.

12  
13 Both conditions would be subject to the approval of the Town, and it was not certain if this  
14 meant approval by both the Town Attorney and the Town Board, or just the Town Attorney.

15  
16 Ms. Chale said she did not know where Mr. Wood was with this; that they wanted to get the map  
17 filed and not held up. Mr. Bryant said he would review this with Mr. Wood the next day.

18  
19 Ms. Gee suggested proposed language for the condition, saying it would be subject to the Town  
20 attorney and if the Town Board, the Town Supervisor would sign off on this; it is nothing  
21 unusual. Mr. Cerchiara said the map has to filed within 60 days of the process. Ms. Gee said it  
22 was already submitted to the Town Attorney in correct form and that she would guess that this is  
23 close to the approval.

24  
25 There was no one present from the Town to speak for or against the matter.  
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**RESOLUTION OF PRELIMINARY AND FINAL APPROVAL**

**SUBDIVISION:**                                **HERITAGE ACRE LLC**  
**DATE OF ORIGINAL PLAN:**        **OCTOBER 20, 2017**  
**LOCATION:**                                    **EAST HOOK ROAD**  
**TAX MAP NUMBER:**                    **6355-00-600050 and 849187**

Resolution offered by Planning Board Member John Cutler

**WHEREAS**, the above referenced applicant has applied to the Town for a two lot subdivision; and

**WHEREAS**, Scenic Hudson is working with the applicant on this subdivision and acquisition of the property; and

**WHEREAS**, Scenic Hudson has presented to the Planning Board its intentions for use of the property proposed for subdivision in furtherance of its organizational conservation purposes; and"

**WHEREAS**, the Planning Board held a Public Hearing on December 19, 2017; and

**WHEREAS**, the Planning Board has reviewed the narrative and plan submitted and taken into account the comments made at the Public Hearing as well as the comments from the Town consultants; and

**WHEREAS**, the action is considered to be an unlisted action under SEQR, for which a coordinated review was not undertaken; and

**WHEREAS**, the Planning Board determined the proposed would not have any adverse environmental impacts; and

**WHEREAS**, a negative declaration was adopted on February 20, 2018; and

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**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board approves the proposed subdivision plan prepared by TEC Land Surveying, dated October 20, 2017 and last revised November 28, 2017, and

**BE IT FURTHER RESOLVED**, that the approval is subject to the following conditions:

1. In the event of any future conveyance of Lot 1 separate from Lot 6355-00-640370, an access right-of-way shall be reserved across lot 6355-00-640370 to benefit Lot 1, which right-of-way shall be subject to the approval of the Town Attorney.
2. Filing of the proposed drainage easement subject to the Approval of the Town Attorney.

**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 Michael O'Brien.

Votes were as follows:

Board Member Jason Paraskeva	Aye
Board Member Michael O'Brien	Aye
Board Member John Cutler	Aye
Board Member Craig Smith	Aye
Board Member Steve Caswell	Aye
Board Member John Eickman	Aye
Planning Board Chair Lori Gee	Aye

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**PUBLIC HEARING:**

*Metzger – 27 Orchard Place Special Permit for Office, Orchard Place.*

Dennis Lynch, from M.A. Day Engineering was present.

MOTION made by Michael O'Brien, seconded by Jason Paraskeva, to open the Public Hearing. Voted and carried unanimously.

Mr. Lynch displayed the plan. He said this is a 0.4, 6 acre site, currently consisting of a 2-story single family home, and the applicant is looking to convert the existing building to an office. He said this is allowed by Special Use in properties that are adjacent to industrial properties, which this one is. It is proposed to pave the existing driveway and provide 5 parking spots: 4 regular stalls and 1 ADA, and a walkway to the rear of the building. The operation will consist of 3 employees, with the hours of operation to be weekdays, from 7:00 A.M. to 5:00 P.M.

Ms. Gee referred to Ms. Robbins' comment letter from November 13th, asking if there was anything to be called out. She said she knew there were conditions for the Special Permit and asked if this application met those conditions. Ms. Robbins replied Yes. She said there was curbing proposed on Orchard Street that just needed to be synced with the Highway Superintendent. Mr. Bryant did not think it was the curbing, but that widening would be done for parking. Mr. Lynch said originally there was curbing, but it had been removed at the request of the Highway Superintendent. Mr. Bryant asked about the lot line encroachment. Mr. Lynch said there is the existing gravel driveway and showed where it encroaches on the property line. It is a gravel parking lot and over time, he said, it had crept over. He showed where the paving would be done and grass restored. He said having it paved would delineated it. Mr. Bryant said then the encroachment would be removed and he asked if it was detailed on the plan. Mr. Lynch showed

1 the hatched area detail also the area where it is top soil, grass and seeded. Mr. Bryant asked if  
2 there was a survey so the exact property line is known and markers. Mr. Lynch replied there is a  
3 survey as part of the application, and said Yes to the markers. Mr. Paraskeva asked if the  
4 blacktop would be right to the property line and Mr. Lynch replied it would be about 1 FT - 1 1/2  
5 FT off of it.

6  
7 Ms. Gee asked if there was a setback required for pavement and there is not and not a concern.  
8 Ms. Robbins did not have any further comments from her letter, but suggested some language be  
9 added with regard to the encroachment being removed on the Site Plan, as part of the Resolution.

10  
11 Mr. Bryant did not have any further questions or comments.

12  
13 Mr. Paraskeva was viewing aerial Google Maps and said there were a lot of trees along the  
14 property line. He asked, when this is mitigated, and ground pulled up, would there be trees taken  
15 down. Mr. Lynch said there would not be. He said it is basically a gravel parking lot and the  
16 gravel would be moved, and top soil and seeded, so no trees would be removed. Mr. Paraskeva  
17 said there are a lot of trees per the aerial. Mr. Caswell said the trees are to the left and to the rear.  
18 Ms. Gee asked to see the trees as they are oriented on the map, and when viewing the plan, asked  
19 if the trees were on this property or the adjacent property. Mr. Lynch said they are not on this  
20 property but on the adjacent, and pointed them out. Ms. Gee said sometimes the overlays are off  
21 a little on the tax maps. Mr. Paraskeva said they are going on the other property to remove the  
22 gravel off it and, if there is a line of trees between the 2 properties, he is just wondering if they  
23 would stay or not. Mr. O'Brien said it does mention that it is bounded by businesses. Mr.  
24 Paraskeva said there is a business next door.

25



1 Ms. Gee asked if it was just the gravel parking that is encroaching, or is there something else.  
2 Mr. Lynch said there is the existing fence and pointed it out on the plan. Ms. Gee confirmed that  
3 it was not their encroachment to be corrected. Mr. Paraskeva referred to the fence next to the  
4 garage and asked about its removal. Mr. Lynch said they were not removing the fence. Mr.  
5 Paraskeva asked if that was where the driveway was going. Mr. Lynch viewed the aerial map and  
6 confirmed that the fence was no longer there.

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9 There were no further questions or comments from Board Members and there was no one present  
10 from the public to speak for or against the matter.

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12  
13 MOTION made by Michael O'Brien, seconded by Steve Caswell, to close the Public  
14 Hearing. Voted and carried unanimously.  
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16 Ms. Gee said it was a very minor action in terms of the Permit and there are minor Site Plan  
17 changes, there was a Resolution that could be offered.

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21 **RESOLUTION OF FINAL APPROVAL**  
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24 **NAME OF PROJECT: 27 ORCHARD PLACE**  
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26 **NAME OF APPLICANT: CREEKSIDE HOLDING CORP**  
27  
28 **LOCATION: 27 ORCHARD PLACE**  
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30 **Resolution Offered by Planning Board Member Michael O'Brien**  
31

1           **WHEREAS**, the Town Board passed a Local Law on August 26, 2016 allowing limited  
2 commercial uses on residential parcels that abut an industrial district by Special Permit to  
3 provide for a better transition between industrial and residentially zoned properties; and

4  
5           **WHEREAS**, the Applicant applied for a Special Permit to construct a professional office  
6 in an existing residential house located in a residential district abutting an industrial district, and

7  
8           **WHEREAS**, the action is considered to be an unlisted action under SEQR, for which a  
9 coordinated review was not undertaken; and

10  
11           **WHEREAS**, the Planning Board held a Public Hearing on February 20, 2018, and

12  
13           **WHEREAS**, the Planning Board has determined that such final plan meets the Town's  
14 requirements for the Special Permit subject to the conditions set forth below;

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16           **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby issues a  
17 Special Permit to allow a professional office in an existing residential building located in a  
18 residential district, subject to the following conditions:

- 19
- 20           1.     Compliance with the conditions requested in the FAB's minutes of November 7,  
21                   2017.
  - 22           2.     Compliance with the conditions requested in the Town Planner's letter dated  
23                   November 13, 2017.
  - 24           3.     Removal of the encroachment of the gravel parking area on the adjoining parcel.  
25                   No additional disturbance on the adjoining lot should occur. The disturbed area  
26                   should be replaced with topsoil and seeded as shown on the site plan dated  
27                   December 15, 2017.

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**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 John Cutler

The votes were as follows:

Board Member Michael O’Brien	Aye
Board Member Jason Paraskeva	Aye
Board Member John Cutler	Aye
Board Member Craig Smith	Aye
Board Member Steve Caswell	Aye
Board Member John Eickman	Aye
Chairperson Lori Gee	Aye

**PUBLIC HEARING:**

*Hunter’s Ridge Amended Subdivision Plan, 4 lots, Devon Farms Road.*

Brian Stokosa, from Gillespie & Stokosa was present.

MOTION made by Jason Paraskeva, seconded by John Cutler, to open the Public Hearing. Voted and carried unanimously.

Mr. Stokosa began by saying this is a 4 lot subdivision that used to be an 8 lot subdivision, with a Town road, about 650 FT in length. It had disturbances associated with the construction of a Town Road and 8 lots and, with the economy, the applicant and he were able to secure a

1 potential developer to purchase the lots. They filed it back and are doing only 4 lots now, with 4  
2 individual driveways with access from Devon Farms. In looking at Lots 2 and 3, he said the  
3 driveway entrances come to a point on Devon Farms Road to minimize the curb cuts along  
4 Devon Farms. With this layout, he said the disturbance envelopes are being held from the  
5 previous application so they could hold Board of Health test well locations that were done  
6 previously. This was done to try and recover as much work as they could. He said this is  
7 basically a scaled down version of what had been previously proposed.

8  
9 Ms. Gee said there had been a comment from the FAB recommending that pull offs driveways  
10 for Lots #1 & #2 face each other in the event of an emergency. She asked if that was on the plan  
11 now. Mr. Stokosa said it was something that had been discussed with Mr. Bryant after this was  
12 submitted but they are amenable to doing this. He said there would need to be a barrier in  
13 between and Ms. Gee asked if it would be something like a mountable curb. Mr. Stokosa said it  
14 maybe some kind of rip rap so the fire trucks can cross if they need to, but it can be done. From  
15 the original plan, he said there is a conservation area on the top where the knoll is, and there are  
16 no structures or disturbance. On the rear side, along Eder, he said they previously had a 25 FT  
17 no-cut zone, which still remains on the plan and it would be maintained as well. As far as  
18 stormwater goes, he said this is under the threshold and there would be individual treatments,  
19 rain gardens, vegetative swales.

20  
21 Ms. Robbins commented that the proposed plan is actually now less disturbance and, as far as  
22 SEQR is concerned, there is no impact to this. She added that, essentially, all the potentials for  
23 impacts were analyzed during the Negative Declaration approval.

24  
25 Mr. Bryant said there is a well casing adjacent to Lot #2 driveway and he asked if the plan was to  
26 abandon it. Mr. Stokosa said No, it will be maintained. He said the driveway is shown

1 graphically in the center of the lot. The driveway will probably be swung it over slightly to avoid  
2 the well casing. He said there are a lot of boulders on the site to use. Mr. Bryant said it can be  
3 physically navigated on the well and still maintain the driveway. He added that, last time there  
4 had been discussion about the timing of getting the grading done along the road, and a driveway  
5 culvert, if necessary. This was discussed as being done prior to the signing of the map, and he  
6 said the plan would need to be finalized for that. Mr. Stokosa said more information would be  
7 provided for that as they move through the process. Since there are 3 driveway cuts along Devon  
8 Farms, to avoid the cavernous effect, the applicant would like to be able to go onsite while in the  
9 Preliminary Approval stage to excavate back slightly to form a pitch, instead of the cavernous  
10 effect. They would like to do this before Final Approval but, he said, obviously while in the  
11 Preliminary stage. Mr. Bryant explained that this was something that was done on another  
12 application where sight distance was needed and the site work was done before the map was  
13 signed. Ms. Gee asked if this was for all 4 lots or was it just the 3 curb cuts. Mr. Bryant and Mr.  
14 Stokosa said it would involve the 4 lots. Mr. Stokosa said it was to avoid temporary easements  
15 and additional attorney time and they would like it be handled onsite. Mr. Bryant asked if there is  
16 an erosion control plan that currently incorporates that, and Mr. Stokosa replied that he would  
17 forward it to him. Ms. Gee asked Mr. Bryant to describe the work so it could be added as a  
18 condition in the Resolution to allow the applicant to move forward with the work before signing  
19 of the plan. He replied that there is uniform grading of the frontage to provide adequate sight  
20 distance and proper slope, access to the individual lots. He said the grading would be within the  
21 right-of-way for access to the roads. Mr. O'Brien asked Mr. Stokosa to point out this area on the  
22 map and he confirmed with Mr. Bryant that this is what he was talking about. Mr. Stokosa said,  
23 if one looks at where the right-of-way is, it is back about 25 FT into the property. Ms. Gee  
24 summarized the language to read: " Applicant may regrade the frontage of the 4 lots to provide  
25 uniform slope, sight distance, grading and access to the parcels." Mr. Bryant added that there  
26 should also be "seed and mulch", to get it established. Mr. Stokosa said he would detail it on the

1 plan provide the erosion control plan to Mr. Bryant for review. Mr. Bryant asked if the intent was  
2 to put in driveway aprons at this time or just rough grading done. Mr. Stokosa said it would be  
3 just the rough grading and probably would not happen until it is the actual germinating season.  
4 Mr. Bryant said that was fine, and best. Mr. Bryant asked if the material from the excavator was  
5 going to be stored onsite or moved and Mr. Stokosa replied everything would be onsite and  
6 stabilized. Mr. Bryant said then there would be a construction entrance for that purpose, and seed  
7 and mulch for stockpile. Ms. Gee read that she added "All disturbed area to be seeded and  
8 stabilized and the Town Engineer will review the regrading plan prior to any work being started."

9  
10 Ms. Gee confirmed with Mr. Stokosa that there was nothing further to be done, or expected to be  
11 done.

12  
13 There were no further comments from the Board Members. Ms. Gee asked if there was anyone  
14 from the public to speak with comments or questions for the matter.

15  
16 Fran Milanes, 602 Eder Road spoke that she owned the house on the rear side of the property  
17 and she was at the last Public Hearing where the conservation zone was created to the swale and  
18 25 FT. She sees that the conservation zone is still there and that the swale is apparently not  
19 necessary now that this is down to 4 private lots. The concern that she said she still has is water.  
20 The lots were cleared in January, 2015 when a big clearing of the lots was done to the line of  
21 disturbance. Since that point, she said she has been getting water in her basement. It is not water  
22 that is coming off the slope, but actually coming up from underneath. She said she did not know  
23 if there was any resolution, She put in a sump pump after getting water in 2015 and 2016. There  
24 was no water in 2017, but they did get it in the pump hole this year, which is usually when there  
25 are heavy rains and when the ground is frozen. Her concern is that there will be more clearing  
26 and she doesn't know how much vegetation will soak it up. She said there is really great

1 groundwater and when the well was put in, the water could not be timed as it was a gusher. A lot  
2 of vegetation was taken down that is not absorbing the water and she said she does not know  
3 what can be done about that, as far as engineering. She referred to surface water, saying there  
4 wouldn't be the swale, but her biggest concern is the driveways that are going up to the top part,  
5 that the driveways do not slope down to her property. She said that right now, her house is  
6 downhill, then it goes to her neighbor; it is like a little valley. There is a deed restriction on her  
7 property for the water that comes from the opposite side of the road and she had to put in a 4 FT  
8 culvert pipe, because the water comes down and drains to the other side. When it rains, the water  
9 comes down and there is a "V" in her backyard where it is drained down, away from her house.  
10 Her concern is that this may be stronger and there has been some puddles have started in the front  
11 part of the property. She said it is not a big deal in that they do not use that part of the property.  
12 However, she asked if there is something that could be restricted so that when the driveways are  
13 put in for this project, they drain down the driveway and down Devon Farms, so it is away from  
14 her house and the property. She said she did not know if it is going to be blacktopped right away  
15 or dirt driveways and she heard there would be a mound between the 2 driveways. She  
16 questioned if they could be built up so the water drains away. Mr. Bryant said he believed they  
17 had to be paved because of the slopes. Ms. Milanese said then the water would rush down faster  
18 and asked if there is something that could be stated that, when the driveways are put it, it could  
19 go down and she assumes Devon Farms has drainage systems that should be able to handle it. Mr  
20 Bryant said he did not know if draining to Devon Farms was the answer, but it would certainly be  
21 looked at to see what they can come up with .Ms. Milanese said the sump pump has been handling  
22 the water . Mr. Bryant asked if she had always had the sump pump and she said No, it was put in  
23 in 2017. It is not a sump basement and this is an installed sump. She said it started in 2015 and  
24 the water could be seen coming up on the wall. It is only in the utility room and she is able to  
25 vacuum and keep up with it until the rain stops. Mr. Bryant asked Ms. Milanese to point to the  
26 location of her house on the map. Mr. Paraskeva asked if she was on Devon Farms Road and she

1 replied that she is on Eder Road. She said the water came up enough to a point where it made  
2 holes in the blocks where it was like a little spout coming in For 2015 and 2016 she said it was  
3 vacuumed when it rained and then decided to put in a sump pump. There are footing drains  
4 around the house and she said the sump pump is working, but more may need to be done because  
5 of how the water drains. The sump pump picks it up in this one area, but does not where the  
6 water is going to the front of the house. Ms. Milanese said her biggest concern is that more water  
7 will be created.

8  
9 Ms. Gee asked Mr. Stokosa to return to the podium. He showed on the map the area that had  
10 already been cleared and said a berm could be created to direct the water that sheds off the  
11 hillside away from her property. Ms. Gee asked if it would pick up the additional water from the  
12 disturbance of the 4 lots, especially with the 2 houses. Mr. Stokosa said the driveways aren't  
13 going to be paved because of their length and slope and the impervious increases for the  
14 driveways has to be treated and bio-retention areas right off and along the side of the driveways.  
15 He said the water is treated before it goes into the ground and the plants absorb it. It is a natural  
16 filtration and will reduce the flow coming down. Ms. Gee said if there is a heavy downpour, the  
17 berm would be there to help. Mr. Paraskeva asked where the berm would be and he showed him  
18 on the map. Mr. Bryant asked if the intent was to provide an easement across the other lots to  
19 preserve and the swale. Mr. Stokosa said they would do it if that is what has to be done. Mr.  
20 Bryant said it has to be done, there is the neighbor and if it doesn't work, it can just be filled in.  
21 Mr. Stokosa believes the easement description is already there, as there was an easement over  
22 that area before. Mr. Bryant suggested they get together to discuss if that is the best solution, or  
23 some bio-retention further up and said it would be figured out.

24



1 Mr. Paraskeva asked how far the berm would be from the Milanes house and Mr. Stokosa  
2 pointed it out as about 100 FT. Mr. Bryant said she made a good point and told Mr. Stokosa to  
3 take a look at Lots #3 and #4 so they are not impacted. Mr. Bryant will be going out to the site.  
4

5 Ms. Gee told Ms. Milanese that a condition would be added to the Resolution. The applicant and  
6 Town Engineer would work together to make sure of the best way so that the water does not  
7 come onto her property and there are different ways that water can be diverted. As Mr. Stokosa  
8 was saying, she said the water can be captured and treated before it leaves the property. Mr.  
9 Bryant said, in the end, some easements may need to be provided and some property lines  
10 tweaked, but they will work through this. Ms. Gee asked Mr. Bryant if this is something that  
11 should be worked out first, before closing the Public Hearing, or was he comfortable with closing  
12 the Public Hearing with a condition of the Resolution that they cannot move forward until this is  
13 resolved. Mr. Bryant said he is comfortable with there being a condition in the Resolution.  
14

15 Ms. Gee told Ms. Milanese that the requirement for the applicant is that the map cannot be filed  
16 until there is a plan so that the water doesn't exit their property in anywhere except an appropriate  
17 location, whether it be a culvert, or directly to the stream. Mr. Stokosa told Ms. Milanese that he  
18 is right across the street. There was no one else present to comment or ask any questions  
19 regarding the matter. Ms. Gee said the pull offs would be approximate 500 FT for driveways of  
20 Lots #1 and #2 to face each other, for the FAB comments. She said the frontage of the 4 lots  
21 could be regraded to provide uniform slope, sight distance, grading and access to the parcels,  
22 with the condition that all disturbed area to be seeded and stabilized and the Town Engineer will  
23 review the regrading plan prior to any work being started. The additional condition is that the  
24 drainage be reviewed on the easterly side of the property and assure it is properly attenuated both  
25 at the driveways and prior to existing property so it does not impact adjoining lots on Eder Road.  
26

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2 MOTION made by Michael O'Brien, seconded by John Eikman, to close the Public  
3 Hearing. Voted and carried unanimously.  
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9 **RESOLUTION OF FINAL SUBDIVISION APPROVAL**

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11  
12 **NAME OF SITE PLAN: HUNTERS RIDGE**

13  
14 **NAME OF APPLICANT: IRIT HOLDINGS LLC**

15  
16 **LOCATION: DEVON FARM ROAD**

17  
18 **Resolution Offered by Planning Board Member John Cutler**  
19

20 **WHEREAS**, the Applicant had applied for and gotten final approval for a 9 lot  
21 subdivision, and

22 **WHEREAS**, the action is considered to be an unlisted action under SEQR, for which a  
23 coordinated review was not undertaken; and

24 **WHEREAS**, the Planning Board granted preliminary approval on October 7, 2008 and  
25 extended thereafter; and

26 **WHEREAS**, due to the economic climate, the applicant has had a difficult time selling  
27 the lots in the subdivision, and

28 **WHEREAS**, the applicant would now like to amend his plan to be a total of 4 lots, and

1           **WHEREAS**, the applicant has now submitted a 4 lot subdivision plan, and the Board  
2 determines that such final site plan meets the Town's requirements for final site plan approval,  
3 subject to the conditions set forth below;

4           **NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby issues final  
5 site plan approval for the above project as represented on a map entitled "HUNTERS RIDGE  
6 SUBDIVISION PHASE II, prepared by GILLESPIE AND STOKOSKA CONSULTING  
7 ENGINEERS, PLLC, dated November 30, 2017, and

8           **BE IT FURTHER RESOLVED**, that this approval is subject to the following  
9 conditions, which must be completed before the plan is signed by the Planning Board Chair:

- 10           1.     The modifications set forth in the Town Engineer's letter of December 11, 2017.
- 11           2.     The plat will contain the written approval of the DCHD before it is signed by the  
12           Chairperson.
- 13           3.     Pull-offs at approximately 500' between the driveways of Lots 1 & 2 to face each  
14           other, per FAB recommendation on December 5, 2017.
- 15           4.     Applicant may regrade the frontage of the 4 lots to provide uniform slope, sight  
16           distance, grading and access to the parcels.
- 17           5.     The Easterly drainage on the property will be reviewed by the Applicant and the  
18           Town Engineer to assure it is properly attenuated both at the driveways and prior  
19           to exiting property so it does not impact adjoining lots on Eder Road.

20  
21           **BE IT FURTHER RESOLVED**, that within five (5) business days of the adoption of  
22 this resolution, the Chair or other duly authorized member of the Planning Board shall  
23 cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the  
24 Applicant/Owner.

25 Resolution Seconded by Planning Board Member Michael O'Brien

1 The votes were as follows:  
2 Board Member Michael O'Brien Aye  
3 Board Member Jason Paraskeva Aye  
4 Board Member John Cutler Aye  
5 Board Member Craig Smith Aye  
6 Board Member Steve Caswell Aye  
7 Board Member John Eickman Aye  
8 Chairperson Lori Gee Aye

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**ADJOURNMENT**

**MOTION made by John Cutler, seconded by Jason Paraskeva to adjourn the  
Planning Board meeting. Voted and carried unanimously.**

Respectfully submitted:

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Kathleen Mahodil, Meeting Secretary  
East Fishkill Planning Board

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