

**NOTICE OF PUBLIC HEARING
TOWN OF FISHKILL ZONING BOARD OF APPEALS
BASIS INDUSTRIAL ROUTE 9D**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Fishkill will continue the Public Hearing on **Tuesday, September 17, 2024, commencing at 7:00 PM or as soon thereafter as possible in the Francois R. Cross Meeting room located in the lobby of the Town of Fishkill Town Hall, 807 Route 52, Fishkill, NY** to consider the following area variances for the redevelopment of 4.98 ± acres of the property that is located within the GB (General Business) Zoning District - no construction activity is proposed within the R-15 Zoning District. The redevelopment shall consist of the demolition of the existing Red Pepper Diner and Orange County Transit buildings for the construction of a 112,584 SF two-story self-storage facility with a lower (basement) level of storage and loading area, a 2,276 SF fast food establishment and a 3,045 SF car wash. The existing Sunoco Station and Food Mart shall remain. Additional Project improvements will include parking, drive aisles, lighting, landscaping and associated amenities:

1. **Floor Area Ratio (FAR) Variance** - a 0.18 FAR where 0.40 FAR is the maximum allowed. Said variance will result in a 0.58 FAR. Said request is in violation of Town Code Section 150 - Attachment 2 (5). Schedule of Regulations for Nonresidential Districts.
2. **Boundary Setback for Drive-Through Facility** - a 17-foot boundary setback where a 150-foot boundary is required from the boundary of any residential zone. Said variance will result in a 133-foot setback boundary from the R-15 Zoning District. The request is in violation of Town Code Section 150 - Attachment 2 Schedule of Regulations for Nonresidential Districts, Permitted Uses - 6 (n).
3. **Off-Street Parking** - a variance of 99 parking spaces where 156 parking spaces are required for the proposed uses on the project site. Said request will result in 57 parking spaces. The request is in violation of Town Code Section 150-160 (A) - Schedule of Off-Street Parking Requirements.
4. **Off-Street Loading** - a variance of five (5) Loading Spaces where seven (7) loading spaces are required for the proposed uses on the project site. Said variance will result in two (2) loading spaces. The request is in violation of Town Code Section 150-162(A) - Off-Street Loading Requirements.
5. **Maximum Building Height** - a variance of ½ story where the maximum height permitted is 2 ½ stories/35 feet Said variance will result in a 3-story/33-foot, 4-inch high self-storage building. The request is in violation of Town Code Section 150 - Attachment 2 - Schedule of Regulations Nonresidential Districts.
6. **Monument Sign** - a variance of one (1) monument sign where one (1) monument sign is the maximum allowed. Said variance will result in two (2) monument signs. The request is in violation of Town Code section 150-43(G)(2)(a) - Signs, Permanent Signs within other districts, RB, PB, PSC, GB and PI Districts.

The lands affected by this application are shown generally on the following Tax Maps in the Town of Fishkill:

- Section 6055 Block 01, Lot 030608, located at 1456 Route 9D, consisting of .49 acres in the GB Zoning District; and
- Section 6055 Block 01, Lot 032579, located at 8 Ninnie Drive, consisting of 2.00 acres in GB & R-15 Zoning Districts.
- Section 6055 Block 01, Lot 050614, located at 15 Ninnie Drive, consisting of 2.00 in the B & R-15 Zoning Districts; and
- Section 6055 Block 01, Lot 085590, located at 16-28 Pappas Lane, consisting of 6.58 acres in the GB & R-15 Zoning Districts; and
- Section 6055 Block 01, Lot 053482, located at 16 Ninnie Drive, consisting of 8.21 acres in the R-15 Zoning District.

This is a continuation of the public hearing that was opened by the Zoning Board of Appeals at their regularly scheduled meeting on July 16, 2024.

All interested persons will be heard by the Zoning Board of Appeals of the Town of Fishkill at the public hearing as stated above.

BY ORDER OF THE ZONING BOARD OF APPEALS OF THE TOWN OF FISHKILL, NEW YORK
DEBBIE COLONNA, SECRETARY