

***STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
FISHKILL SELF-STORAGE FACILITY - 1292 ROUTE 9D
SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN
FINDINGS STATEMENT***

Pursuant to Article 8 New York State Environmental Quality Review Act (SEQRA or SEQR) of the Environmental Conservation Law (ECL) and 6 NYCRR Part 617, the Town of Fishkill Planning Board, as the Lead Agency, makes the following findings.

Name of Action: Fishkill Self-Storage Facility - 1292 Route 9D, Special Use Permit and Site Development Plan, PB Application No. 22-005

Project Location: 1292 New York State Route 9D, Beacon, NY 12508 (postal address)
The property is located in the Town of Fishkill

Tax Map Parcel No.: 5955-04-882288

Applicant/Owner: 1292 Realty, LLC

Lead Agency: Town of Fishkill Planning Board
Jonathan Kanter, Planning Board Chair
Town of Fishkill, 807 Route 52, Fishkill, NY 12524

Lead Agency

Contact: Town of Fishkill Planning Board
Debbie Colonna, Planning Board Secretary
Town of Fishkill Town Hall, 807 Route 52, Fishkill, NY 12524
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SEQR Status: Unlisted action; Coordinated Review; Lead Agency (Planning Board) accepted Final Environmental Impact Statement (FEIS) on August 14, 2025.

Description of Action:

The proposed action, Fishkill Self-Storage Facility Special Use Permit and Site Development Plan, was initiated by 1292 Realty, LLC (“Applicant”) who is the owner of the 4.7-acre site located at 1292 New York State (NYS) Route 9D in the Town of Fishkill, Dutchess County, New York (“Project Site” or “Site”). The Project Site (Tax ID: 5955-04-882288-0000) is located on the east side of NYS Route 9D between Van Ness Road to the south and Interstate 84 (“I-84”) to the north and is located within the Town of Fishkill’s RB (Restricted Business) zoning district. The Applicant is seeking certain approvals from the Town of Fishkill Planning Board (the “Planning Board” or “Lead Agency”) in order to develop the Project Site as described in the Final EIS or FEIS (the “Proposed Action”) with a two-story (30-foot-tall) approximately 51,500 gross square foot (GSF) self-storage facility with approximately 333 self-storage units and associated improvements, including signage, parking (26 spaces), loading areas, lighting/landscaping, and stormwater management features (the “Proposed Project”).

The Project Site is located in the Town's RB, Restricted Business District, Zoning District ("RB District"). Refer to the Code of the Town of Fishkill, Chapter 150 Zoning, section 150-8 Classes of districts. A "self-storage facility" is not listed as a Permitted Principal Use or a use permitted by a Special Use Permit in the RB District as set forth in Zoning in the Schedule of Regulations for Non-residential Districts. Refer to *150 Attachment 2*, Schedule of Regulations for Nonresidential Districts, which table is appended to Chapter 150 Zoning after the last page of Zoning text. The Applicant is seeking a Special Use Permit for the proposed self-storage use in accordance with Zoning Code Section 150-19 Uses permitted and prohibited., subsection B. Wherein if an applicant meets all of the criteria of 150-19, B, (1)(a) through (d), the use may be allowed by Special Use Permit. Therefore, the Proposed Project would require a determination by the Town of Fishkill Planning Board (with input from the Building Inspector) that the proposed use is "substantially similar" to other uses listed in the RB District and consistent with the stated purposes of the RB District (pursuant to Section 150-19, B.) of the Town of Fishkill Zoning Code). For ease of reference, the entirety of Zoning section 150-19 is provided below:

150-19 Uses permitted and prohibited.

- A. Any use not permitted within this chapter shall be deemed prohibited except pursuant to the provision § 150-19B. herein. Any list of prohibited uses contained in any section of this chapter shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis, and to illustrate, by example, some of these uses frequently proposed that are deemed undesirable and incompatible in the particular district and that are thus prohibited.
- B. When a use is not specifically permitted in this Zoning Ordinance as either a use permitted by right or by special use permit, it shall be understood that the use may be allowed by special use permit of the Planning Board if it is determined by the Planning Board with input from the Building Inspector that the use is substantially similar to other uses listed in the district and is consistent with the stated purposes of the district. [Amended 7-14-2021 by L.L. No. 3-2021]
 - (1) This section establishes the Planning Board's special use permit authority pursuant to Article XI of this chapter to compare a proposed use and measure it against those listed in the applicable zoning district for determining substantial similarity. In determining substantial similarity, the Planning Board shall make all of the following findings prior to approval:
 - (a) The proposed uses shall meet the intent of, and be consistent with, the goals, objectives and policies of the Comprehensive Plan.
 - (b) The proposed use shall meet the stated purpose and legislative intent of the district in which the use is proposed to be located per the legislative intent of given district regulations, or those given in § 150-13.
 - (c) The proposed use shall not adversely impact the public health, safety and general welfare of the residents.

- (d) The proposed use shall share characteristics in common with, and not be of greater intensity, density, or generate more environmental impact, including but not limited to having no greater adverse effects upon traffic, noise, air quality, parking, or any other reasonably relevant attribute than those uses listed in the zoning district in which it is to be located.

Upon a finding that the use is “substantially similar,” the Proposed Project would also require Site Plan and Special Use Permit approvals from the Town of Fishkill Planning Board, as well as the issuance of a “Certificate of Appropriateness” by the Planning Board pursuant to Section 150-137, C. of the Zoning Code. As part of Site Plan review, the Applicant is also seeking a 50 percent waiver from the Planning Board for the required number of parking spaces. Lastly, an interpretation, or in the alternative, an area variance from the Town of Fishkill Zoning Board of Appeals for minimum lot size will be required.

Final Environmental Impact Statement (FEIS) Accepted: August 14, 2025

Final Environmental Impact Statement (FEIS) Filed and Circulated: September 4, 2025

This Findings Statement is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Fishkill Planning Board, as Lead Agency, hereby makes a finding that the proposed action described below will have a significant impact on the environment and that a Findings of Significant Impact (FOSI) is required.

A. FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION

This Findings Statement has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act (“SEQRA” or “SEQR”) and its implementing regulations set forth in 6 NYCRR Part 617. It has been prepared by the Town of Fishkill Planning Board (the “Planning Board”), the Lead Agency for the coordinated environmental review of the Proposed Action. This Finding Statement relies on the information and analysis contained in the Draft Environmental Impact Statement (DEIS) accepted as complete on July 11, 2024, and the Final Environmental Impact Statement (FEIS) accepted on August 14, 2025.

B. DESCRIPTION OF THE PROPOSED ACTION

The owner of the property and also the applicant, 1292 Realty, LLC, has requested a determination by the Planning Board, citing the Code of the Town of Fishkill, Chapter 150, section 150-19, B., to permit a self-storage facility in the RB zoning district.

The need for the determination under section 150-19, B., is related to the fact that, among the numerous uses permitted as principal uses or permitted as special use permit uses in the RB, Restricted Business, zoning district, self-storage is not permitted.

Refer to the Code of the Town of Fishkill, Chapter 150 Zoning, *150 Attachment 2*, Schedule of Regulations for Nonresidential Districts, the row for the RB Zoning district. Specifically, the uses permitted or allowed by special use permit as listed in the Schedule of Regulations for Nonresidential Districts, in the RB, Restricted Business zone include 10 uses. Additionally, by reference in the RB district to the Schedule of Regulations for Residential Districts, for uses permitted in the R-15 One Family Residence District, there are 21 more uses permitted in the RB zone.

The Applicant has also submitted applications, materials and plans for Special Use Permit and Site Development Plan approvals for the proposed self-storage use.

Other required approvals and permits must be obtained, including the following:

- Area variances from the Town of Fishkill Zoning Board of Appeals (ZBA) for lot area, and possibly other variances for setbacks or other dimensional and bulk requirements;
- Certificate of Appropriateness from the Town of Fishkill Planning Board as per Zoning section 150-137 Historic structures and sites regulations;
- New York State Department of Transportation (NYSDOT) for all road and traffic appurtenances;
- Stormwater Pollution Prevention Plan (SWPPP); and
- Dutchess County Department of Behavioral and Community Health (DCDBCH) related to the potential need for a subsurface sewage disposal system (SSDS or septic system) and connection to the municipal water system.

Existing Conditions

On the site of the proposed action, there were three older structures, including a large residential structure with two chimneys, a barn building, and a shed with lawn and brushy areas and extensive wooded areas, which structures were removed on or prior to 2019. The property has access to municipal water supply, yet would require a private subsurface sewage disposal system (SSDS or septic system). The site has frontage, with sidewalks, on Route 9D on its western side, with access into the site via dirt or gravel driveways.

The existing uses surrounding the site include:

- Interstate 84 (I-84) right-of-way (ROW) and business, congregated care and residential uses to the north;
- I-84 ROW to the east and north;
- An extensive single-family residential neighborhood to the south with extensive residential neighborhoods to the south and southwest in the City of Beacon; and
- Route 9D, sidewalks, a golf course, and a recreational trail, the Trail of Two Cities along the site's frontage, a Hudson River Valley Greenway trail, connecting Fishkill and Beacon with views of the Hudson River to the west.

The existing zoning districts surrounding the site include:

- R-15 (One-Family Residence District) and RB (Restricted Business) zoning districts to the north;
- R-15 (One-Family Residence District) to the east;
- R-15 (One-Family Residence District) to the south with R1-7.5 zoning in the residential neighborhood to the south in the City of Beacon; and
- R-15 (One-Family Residence District) to the west.

The self-storage facility site is proposed to be located in the RB (Restricted Business) Zoning District. In the RB zone, the principal permitted uses include any use permitted in the R-15 Residence District, as is summarized below:

- residential, community, or religious uses;
- private schools, day nurseries, public libraries, museums, and art galleries;
- hospitals, nursing homes, convalescent homes, medical and dental clinics;
- tourist homes or boarding houses;
- Designed multiple-use developments (subject to § 150-71);
- Conversion of buildings constructed prior to 1960 to a two-family or multifamily use under certain conditions; and
- offices or studios of physicians, artists, architects, engineers, surveyors, lawyers, public accountants, real estate, insurance or other brokers under certain conditions.

The RB zone also permits the following uses, subject to a special use permit:

- “Motels, hotels, resorts, recreation and cultural activities, and restaurants or other places serving food or beverage, but not to include fast-food establishments.”
- “Professional offices, including medical and dental clinics in accordance with § 150-123.” and
- “Congregate Care Facilities in accordance with § 150-127.”

The Restricted Business zoning district does not include “self-storage facility” as a permitted principal use or a special use permit use.

The logic of the Code of the Town of Fishkill is part of the existing conditions of the proposed action, which should guide any review and decision-making. For example, the following are noted:

- Chapter 150, presents a logic for the establishment of zoning districts in Part 1 General provisions, including a statement of purposes. In section 150-1., A., which is “To guide the future development of the Town to ensure the most beneficial and convenient relationship among the residential, commercial, industrial and public areas of the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends and development and changing modes in living, ...”. While all of the purposes count, subsections E. through I., L. and M. are most pertinent.
- The “Classes of districts” listed in section 150-8, begin with the lower density residential districts from One Family Residence with R-4A (4 acres per lot) progressing to the higher density residential districts with R-MF-5 (not to exceed 8 density units per acre).
- The classes of districts continue similarly with the more restrictive nonresidential districts, starting with the LHC (Local Historic Center) district and the RB (Restricted Business) district and

progressing to the more intensive and less restrictive nonresidential districts GB (General Business) and PI (Planned Industry) districts. The LHC and RB allow smaller scale, hamlet or lower intensity businesses such as professional or business offices, banking, or hotels and restaurants. The less restrictive nonresidential districts allow more intensive and larger, or highway-scale businesses such as automobile sales, places of amusement, including self-storage facilities. Self-storage facilities are permitted as either permitted principal or special use permit uses in the PSC (Planned Shopping Center), GB (General Business) or PI (Planned Industry).

- The Town’s zoning provides opportunities and possible sites for storage facilities in the 3 more intensive of the 6 nonresidential zoning districts. Yet storage uses are not permitted in the least intensive 3 of the 6 nonresidential zoning districts, LHC (Local Historic Center) district and the RB (Restricted Business) and PB (Planned Business).
- Zoning sections 150-12 Order of restrictiveness.; and 150-13 District intent., clearly state this logic, noting for the RB district that it is “Intended to include residential uses in a nonresidential zone with limited business, institutional and recreational uses which are appropriate adjacent to residential areas.”
- By comparison, in section 150-13, the description for the GB zone notes that it is “Intended for the development of local convenience commercial and business uses where such uses do not impact residential uses also permitted in the district.”
- Article IV, Application of Regulations, section 150 -16 and 150-19 Uses permitted and prohibited., include the following language:
 - In 150-16 Conformance required., subsection A., states: “No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located.”
 - In 150-19 Uses permitted and prohibited., subsection A., states: “Any use not permitted within this chapter shall be deemed prohibited except pursuant to the provision § 150-19B herein (see above). Any list of prohibited uses contained in any section of this chapter shall be deemed to be not an exhaustive list but to have been included for the purposes of clarity and emphasis, and to illustrate, by example, some of these uses frequently proposed that are deemed undesirable and incompatible in the particular district and that are thus prohibited.”
 - It is noted that self-storage facility is a use that is permitted within Chapter 150 Zoning. Accordingly, it is not prohibited in Chapter 150. However, the use “self-storage facility” is not permitted as either a permitted principal use or a special use permit use in the Restricted Business zoning district.

C. SEORA REVIEW AND PROCEDURAL HISTORY

The New York State Environmental Quality Review Act (6 NYCRR part 617) requires the agencies considering discretionary actions, such as the proposed action assess potential adverse environmental impacts that could result from the given action. The following SEQR procedural steps have been taken:

Draft Environmental Impact Statement (DEIS) Accepted: July 11, 2024;

Draft Environmental Impact Statement (DEIS) Public Hearing: September 12, 2024

DEIS Comments Accepted through: September 23, 2024, extended to October 3, 2024

Final Environmental Impact Statement (FEIS) Accepted: August 14, 2025

Final Environmental Impact Statement (FEIS) Filed & Circulated: September 4, 2025

D. SUMMARY OF IMPACTS AND SPECIFIC FINDINGS

The relevant environmental impacts, facts and conclusions disclosed in the Final EIS are set forth below. Please refer to the Final EIS (FEIS) for more information.

PLANNING, LAND USE AND ZONING

1. As set forth in the Brief Description of the Proposed Action above, the basis for the Planning Board's consideration of whether the proposed action can be permitted is by obtaining a Special Use Permit for the proposed self-storage use in accordance with Zoning Code Section 150-19 Uses permitted and prohibited, subsection B. Where an applicant meets all of the criteria of 150-19, B, (1)(a) through (d), the use may be allowed by Special Use Permit. The first criterion is 150-19, B, (1)(a), which states "The proposed uses shall meet the intent of, and be consistent with, the goals, objectives and policies of the Comprehensive Plan."

The proposed use is not consistent with the 2009 Comprehensive Plan that "The street is our most important public space...", which is emphasized in CPL's DEIS Comment D-10. Comment D-10 also states, "Allowing the self-storage use in the RB zone would adversely impact the existing uses and character of the area near the project site, including enjoyment of the street as a public space and its corresponding pedestrian and bicycle options." Reference is made to the 2009 Comprehensive Plan throughout the Comprehensive Plan Update (CPU) adopted in 2023.

The first Goal stated in the Comprehensive Plan Update (CPU), Goal A., "Connect People and Places" expresses the importance of road networks, sidewalks, pedestrian paths and bicycle trails and lanes for connecting neighborhoods, businesses and other public spaces. CPU objectives express the need for extended and connected sidewalks and pedestrian crossings to "provide continuous, safe pedestrian access from and to residential and nonresidential (business, service, community, etc.) uses in these settled areas". Other CPU objectives speak to connecting neighborhoods, shopping areas and regional trails; intermunicipal coordination for sidewalks and pedestrian crossings; public spaces that are safe for pedestrians and cyclists; and expanded bike lanes including commuter needs.

The CPU's second Goal, B. "Promote Good Design of the Built Environment" emphasizes the communities desire to foster an attractive community, stimulate private investment while emphasizing smart growth including walkable neighborhoods, and communities with a strong sense of place. The first two CPU goals clearly state the importance of the street as a public space and the importance of walkable and bicycle-friendly places.

A community that includes places for people to go that is in or near their neighborhood is an important factor of the role of a street as a public space. The stated purpose of the RB, Restricted Business zoning district is "Intended to include residential uses in a nonresidential zone with limited business, institutional and recreational uses, which are appropriate adjacent to residential areas." For example, other existing RB (Restricted Business) zones are developed with: a professional/medical office, a rehabilitation/long-term care facility, and a catering/event venue. There are many uses that are permitted in the RB zoning district that would be more suitable in the site's context and more consistent with the street as public space than the proposed action. As discussed in CPL PFEIS Comment 6, the project site could be developed per the uses permitted or allowed by special use permit as listed in the Schedule of Regulations for Nonresidential Districts in the RB, Restricted Business district (10 uses) and by reference the Schedule of Regulations for Residential Districts, for uses permitted in the R-15 One Family Residence District (21 uses). Many of these uses would be feasible on the site, as long as they are properly scaled to the site and compatible with surrounding land uses and the neighborhood.

The proposed self-storage use is not consistent with the 2023 Comprehensive Plan Update (CPU) goals discussed above and the 2009 Comprehensive Plan. Based on the comments above and elsewhere in the Final Environmental Impact Statement (FEIS), the proposed self-storage use does not meet the intent of, and is not consistent with the goals, objectives and policies of the 2023 Comprehensive Plan Update, so this aspect of the test for substantial similarity at 150-19. B. (1)(a) is not met. Since the proposed action would be inconsistent with the 2009 Comprehensive Plan and 2023 Comprehensive Plan Update, the Planning Board finds that it would have a significant adverse impact on planning and land use, which impact has not been mitigated to the greatest extent practicable by the Project Sponsor. Specifically, the proposed action is not consistent with the Town's adopted land use plans and is not in conformity with Zoning sections 150-16. A., regarding conformity with all regulations, requirements and restrictions; and is not in conformity with Zoning section 150-19, B, (1)(a) regarding the intent and goals, objectives and strategies of the Comprehensive Plan.

2. As set forth above, the basis for the Planning Board's consideration of whether the proposed action can be permitted is by obtaining a Special Use Permit for the proposed self-storage use in accordance with Zoning Code Section 150-19 Uses permitted and prohibited, subsection B. Where an applicant meets the criteria of 150-19, B, (1)(a) through (d), the use may be allowed by Special Use Permit. The second criterion is 150-19, B, (1)(b), which states "The proposed use shall meet

the stated purpose and legislative intent of the district in which the use is proposed to be located per the legislative intent of the given district regulations, or those given in section 150-13.”

In the FEIS at PFEIS Comment 24 to PFEIS Comment/Response 54: The Applicant’s preceding response 54 is a repeated PFEIS response indicating that “the planning board does not have the authority to suggest a specific use to a private landowner”. The response ignores the zoning language of 150-19., B.(1)(b) which states “(b) *The proposed use shall meet the stated purpose and legislative intent of the district in which the use is proposed to be located per the legislated intent of given district regulations, or those given in Section 150-13.*” In fact, the Applicant made an application submittal to initiate the process, which requires the Planning Board to evaluate a proposed use according to this and three other criterion. So, the Planning Board is required to consider the stated purpose of the RB (Restricted Business) district as stated in Zoning Code Section 150-13, which is “*Intended to include residential uses in a nonresidential zone with limited business, institutional and recreational uses which are appropriate adjacent to residential areas.*” Comparison of the proposed action with the uses listed in the RB zone is a logical way to proceed since the permitted uses would be consistent with the RB district purpose.

Related public comments at “Comment 54” are about a residential street with single-family homes, which are actually permitted in the RB zoning district in which the site is located. Specifically, the first use, and the only as-of-right use listed in the Schedule of Regulations for Nonresidential Districts, in the row for the RB zone, is “Any use permitted in the R-15 Residence District, as regulated therein.” All other RB uses listed are nonresidential and allowed by Special Use Permit. Single-family detached dwellings is one among many other uses detailed in the Draft Environmental Impact Statement (DEIS), at Table 2-3, entitled “Comparative Analysis of Proposed Project Pursuant to 150-19(B)(1)(d)”. Please refer to the Comparative Analysis table, enclosed with the FEIS, which presents aspects of the uses allowed by site plan or special use permit approval in the RB (Restricted Business) zoning district in which the site is located. Although the proposed development scenarios presented in the Comparative Analysis table may require scaling back, these uses would generally be potentially consistent with the purpose of the RB zoning district. The examination of potential RB zone permitted and special use permitted land uses in the context of the site is part of a necessary comparison of the proposed self-storage use to the RB zone uses and related to the 150-19., B.(1)(a) through (d) review process.

Please refer to other related responses in the FEIS, including:

- Planning Board Chairman Comment about Comment/Response 10, Incorrect Statement (3), regarding residential and “limited business, institutional and recreational uses” near residential areas (FEIS pages 2-11 – 2-12);

- CPL PFEIS Comments 3 and 4 related to PFEIS Comment/Response 10 about Potential site development for single family dwellings, “restricted” and “limited” business, community character, land use aspects of by zoning subsection 150-19., B.(1)(b) and preceding comments by the Planning Board Chairman (FEIS pages 2-12 – 2-15);
- CPL PFEIS Comment 5 to PFEIS Comment/Response 11 about considering zoning purposes at Zoning section 150-1, particularly subsections A., E., E., I., L., and M., regarding The relationship of land uses in the town, relationship between land use and circulation of traffic including pedestrians and bicycles, obtrusive land uses, aesthetic aspects of natural and man-made elements, preservation of community character, location of recreation activities, phased conformity of uses with the adopted town comprehensive plan to minimize conflicts between uses (FEIS pages 2-15 – 2-16); and
- FEIS Comment 13 / DEIS Comment C-4 discusses the term “limited business,” originally discussed in the Applicant’s DEIS, which was clarified in the discussion of how the Town’s zoning districts progress from less intense to more intense. Specifically, the zones progress from the less intense and more restrictive nonresidential districts (LHC, RB and PB) to the more intense and less restrictive nonresidential districts (PSC, GB and PI) to allow more intense uses in the PSC, GB and PI zones. Refer to FEIS page 2-18 (bottom) through 2-19; bottom of page 2-20 to 2-21; and bottom of page 2-53 to top of page 2-54.

Regarding the finding required by zoning subsection 150-19., B.(1)(b), the proposed self-storage use is not consistent with the stated purpose of the RB (Restricted Business) district as stated in Zoning Code Section 150-13 “*Intended to include residential uses in a nonresidential zone with limited business, institutional and recreational uses which are appropriate adjacent to residential areas.*” Accordingly, the proposed self-storage use is not consistent with the intent of the RB zoning district. Based on the comments above and elsewhere in this FEIS, the proposed self-storage use does not meet the intent of the RB zone, so this aspect of the test for substantial similarity at 150-19. B. (1)(b) is not met.

Since the proposed action would be inconsistent with the stated purpose of the RB (Restricted Business) district, the Planning Board finds that it would have a unmitigated significant adverse impact on planning and land use, specifically, inconsistency with the Town’s zoning, which is based on and supported by the Town’s adopted land use plans. Specifically, the proposed action is not consistent with Zoning sections: 150-13 regarding the specific purpose and intent of the RB (Restricted Business) zoning district as stated herein above; and 150-16, regarding conformity with all regulations, requirements and restrictions. Accordingly, the proposed action is not consistent with zoning section 150-19, B, (1)(b) regarding the stated purpose of the zoning district in which it is proposed to be located (see above).

3. As set forth above, the basis for the Planning Board's consideration of whether the proposed action can be permitted is by obtaining a Special Use Permit for the proposed self-storage use in accordance with Zoning Code Section 150-19 Uses permitted and prohibited, subsection B. Where an applicant meets the criteria of 150-19, B, (1)(a) through (d), the use may be allowed by Special Use Permit. The third criterion is 150-19, B, (1)(c), which states "The proposed use shall not adversely impact the public health, safety and general welfare of the residents."

In the FEIS at CPL PFEIS Comment 25 to PFEIS Comment/Response 56 (FEIS page 2-73 to 2-74), the several residents' comments grouped together under "Comment 56" express concerns about existing traffic safety and hazard problems along their residential neighborhood streets and environs including the intersection of New York State Route 9D and Interstate 84 (I-84). The residents' comments primarily focus on Route 9D, the intersection of Route 9D and I-84, and the several neighborhood streets located off of Route 9D (Barrett Place, Chiappardi Place, Cross Road, Dogwood Lane, Dutchess Terrace, Rockhill Road, Roman Road, Van Ness Road, Verplanck Avenue). The Applicant's response describes rerouting traffic via a map provided to self-storage customers and adding signage as mitigation. However, this approach would not address the core problem of inexperienced drivers driving large rental trucks to transport materials to their self-storage units, as discussed below. Also, while following a map through an unfamiliar neighborhood area, wrong turns might be made, requiring turnaround maneuvers in narrow neighborhood streets.

The Applicant's response also refers to "Responses to Comments 80 through 83 below". In these sections, the rental trucks driven by self-storage customers are compared to typical delivery trucks "known to already be traveling along the area neighborhood roadways". The implication is that similar truck traffic is already occurring in these neighborhoods. This is a misleading response that fails to note that the delivery trucks are driven by professionally trained drivers. In contrast, the rental trucks would be driven by self-storage customers, who likely have very little experience and probably no training driving rental trucks. Also, the rental truck drivers are not likely to be familiar with the local street network. This section fails to acknowledge the serious potential impacts and hazards to the residents of these neighborhood areas that would be caused by rental trucks, driven by inexperienced and untrained drivers, utilizing residential neighborhood streets as a result of the proposed self-storage facility.

CPL PFEIS Comments 28 and 29 about PFEIS Comment/Response 80 (FEIS pages 2-107 – 2-108) provide details about the actual sizes and lengths of the rental trucks (27' and 35') often used to transport items and materials to self-storage facilities. The maneuverability of these larger, longer trucks being driven by untrained drivers presents the potential for serious accidents on local neighborhood streets and NYS Route 9D. Public commentary appropriately included expressed concern about children riding their bicycles and also playing in and walking along ordinarily quiet neighborhood streets. Similar to Route 9D, local neighborhood streets would also be viewed and

used as public spaces, which would be used by people of all ages, including senior citizens, young parents walking with strollers or carriages or with young children in carriers or riding their tricycles. Comment 83 included the public's and Planning Board Chairman's and Vice Chairman's expressed concerns about U-turns and maneuvers for re-routing involving local streets and roads (FEIS pages 2-110 to 2-112).

In addition, the larger trucks driven by untrained drivers would be passing through these neighborhood streets at irregular hours. The residents would not be able to predict when such truck traffic would occur, making it difficult for residents to alert their family members, children and visitors about possible safety hazards. The uncertainty of such truck traffic may cause undue stress to residents, the increased potential for accidents and generally adversely affecting the health, safety and welfare of families living in these neighborhoods.

In addition to the safety hazards resulting from trucks driven by inexperienced drivers in a neighborhood area, the increase in rental truck traffic would have a cumulative effect, being added to existing delivery traffic. The cumulative self-storage and delivery truck traffic would also result in cumulative effects on noise, air quality, quality of life and the character of the neighborhood.

The proposed self-storage use will have an unmitigated significant adverse impact on the public health, safety and general welfare of the residents as well as community character. Accordingly, this aspect of the use is not substantially similar to other uses listed in the RB district. Based on the comments above and elsewhere in this FEIS, the proposed self-storage use is likely to have an adverse impact on the public health, safety and welfare of the residents, so this aspect of the test for substantial similarity at 150-19. B. (1)(c) is not met.

As discussed above about sections of the FEIS, the proposed action will have an unmitigated significant adverse impact on the public health, safety and general welfare of the residents of nearby neighborhood areas; and would also result in cumulative effects on noise, air quality, quality of life and the character of these neighborhoods. Because of the impacts and cumulative effects, the Planning Board finds that it would have a significant adverse impact on planning, land use and zoning. Specifically, the proposed action is inconsistent with the Town's zoning; with nearby neighborhood land use patterns; and the Town's adopted land use plans emphasizing the importance of road networks, sidewalks, pedestrian improvements and trails, and bicycle trails and lanes for connecting neighborhoods, businesses and other public spaces. Specifically, the proposed action is not consistent with Zoning section 150-19, B, (1)(c) as the location of the proposed self-storage facility will "adversely impact the public health, safety and general welfare of the residents."

4. As set forth above, the basis for the Planning Board's consideration of whether the proposed action can be permitted is by obtaining a Special Use Permit for the proposed self-storage use in accordance with Zoning Code Section 150-19 Uses permitted and prohibited, subsection B. Where

an applicant meets the criteria of 150-19, B, (1)(a) through (d), the use may be allowed by Special Use Permit. The fourth criterion is 150-19, B, (1)(d), which states “The proposed use shall share characteristics in common with, and not be of greater intensity, density, or generate more environmental impact, including but not limited to having no greater adverse effects upon traffic, noise, air quality, parking, or any other reasonably relevant attribute than those uses listed in the zoning district in which it is to be located.”

As discussed in CPL PFEIS Comment 26: PFEIS Comment/Response 59, the submitted Draft Environmental Impact Statement (DEIS) includes in Chapter 2, Table 2-3 Comparative Analysis of Proposed Project Pursuant to 150-19., B. (1)(d), which includes many uses that may be permitted on the project site. For example, the RB zoning lists 10 uses plus uses in the R-15 zone, another 21 uses. This information is appropriate for the Planning Board to review and analyze as part of its consideration of the appropriateness of the proposed self-storage use under 150-19., B.(1). The Planning Board does have special use permit authority to “compare a proposed use and measure it against those listed in the applicable zoning district for determining substantial similarity”. Table 2-3 provides potential development scenarios for consideration and comparison.

Please also refer to CPL PFEIS Comment 25 to PFEIS Comment/Response 56, starting at FEIS page 2-73, about the impacts of truck traffic on neighborhood streets on safety and the character of the community.

Many of the uses described in CPL’s DEIS comment 59 (smaller-scale hotel or motel, tourist or boarding home, restaurant [non-fast-food]), if properly scaled to the project site and its context, could potentially serve the needs of residents, their friends and guests and could potentially be compatible with and add to the character of the community in the Route 9D Northern Gateway Corridor. A restaurant could potentially also provide for the needs of persons walking or biking by the site from the Town of Fishkill, Beacon and Newburgh and those living in nearby neighborhoods. The same could potentially be true of a development of professional offices, a congregate care facility or nursing home, while providing services and creating jobs for local and nearby residents and visitors. The continuing demand for homes regionally points to the Single-Family Detached dwelling scenario (12 lots or possibly less), which is potentially consistent with zoning, nearby land uses, community character, and the Comprehensive Plan Update adopted in 2023 (see Table 2-3, the Comparative Analysis of Proposed Project). The above are examples of uses that would allow the Applicant to develop facilities that could be sold, rented or leased, generating income on the property. The differences between the development concepts described above and the proposed self-storage use are:

- The proposed self-storage use does not share characteristics in common with the uses listed in the RB zoning district that provide the community with needed accommodations, food, services and jobs.

- The proposed self-storage use would be of greater intensity than the uses listed in the RB zoning district as described in CPL PFEIS Comments 7, 8, and 9. Specifically, in the Town's zoning, the RB zone is placed in the progression of the nonresidential zoning districts with the less intense and more limited or restricted zones, which are the LHC (Local Historic Center), RB (Restricted Business), and PB (Planned Business). In contrast, self-storage is permitted only in the more intense and less limited or restricted zoning districts, PSC (Planned Shopping Center), GB (General Business), and PI (Planned Industry). Refer to Zoning section 150-8 Classes of districts; and Zoning 150 Attachment 2, Town of Fishkill, Schedule of Regulations for Nonresidential Districts.
- The cumulative impact of the proposed self-storage use, per 150-19., B. (1)(d), specifically, and 150-19., B. (1)(a) through (d), generally, is that it would not enhance the neighborhood and the surrounding area. In fact, the proposed use would undermine the character of this area of the Town of Fishkill, the Route 9D Northern Gateway Corridor, established by the Comprehensive Plan Update (CPU), and the neighborhood area.
- Accordingly, the proposed self-storage use does not share characteristics in common with and is of greater intensity than the uses listed in the RB Zoning District in which it is proposed to be located. So, this aspect of the test for substantial similarity at 150-19. B. (1)(d) is not met.

As discussed above, noting certain FEIS sections, the proposed self-storage use would not "share characteristics in common with", would be "of greater intensity, density" than, and would "generate more environmental impact", including adverse effects upon traffic, specifically traffic safety, which would not be attributed to the uses that are listed as permitted in the RB zoning district in which it is proposed to be located. Refer to the preceding section 3., about "public health, safety and general welfare of the residents."

The preceding section, related to 150-19., B.(1)(c), addresses the reality of rental trucks that would be driven by self-storage customers, who likely have very little or no experience with and training for driving large rental trucks (27' and 35' long) often used to transport items and materials to self-storage facilities. These untrained rental truck drivers would likely also be unfamiliar with driving on nearby local neighborhood roads, most of which have no shoulders and narrow, unmarked driving lanes. The presence of inexperienced, untrained rental truck drivers on local roads may result in: safety hazards and impacts to residents, family members, children and visitors; and the potential for serious accidents on local neighborhood streets. These streets and roads are used frequently by people of all ages, including senior citizens, adolescents and young parents walking with strollers or carriages or with young children in carriers or riding their tricycles, skateboards, etc. Inexperienced, untrained rental truck drivers on local roads would also result in cumulative impacts on noise, air quality, quality of life and the character of these neighborhoods. Because of the impacts and cumulative effects, the Planning Board finds that it would have a significant

adverse impact on planning, land use and zoning. Specifically, the proposed action is inconsistent with the Town's zoning; with nearby neighborhood land use patterns; and the Town's adopted land use plans emphasizing the importance of road networks, sidewalks, pedestrian improvements and trails, and bicycle trails and lanes for connecting neighborhoods, businesses and other public spaces.

Accordingly, the proposed action is not consistent with Zoning section 150-19, B, (1)(d) as the location of the proposed self-storage facility will not share characteristics in common with the surrounding neighborhood and the area along Route 9D; would be of greater intensity, and will generate more environmental impact, including adverse effects upon traffic, particularly on and near neighborhood streets; and would introduce increased truck traffic, noise and exhaust affecting air quality, and would diminish and thus have an impact on neighborhood character. In general, the proposed self-storage use would not be consistent with the less intense and more restrictive nonresidential uses permitted in the RB zoning district in which it is proposed to be located.

Specifically, the proposed action is not consistent with Zoning section 150-19, B, (1)(d) which states: "The proposed use shall share characteristics in common with, and not be of greater intensity, density, or generate more environmental impact, including but not limited to having no greater adverse effects upon traffic, noise, air quality, parking, or any other reasonably relevant attribute than those uses listed in the zoning district in which it is to be located."

Since the proposed action would be wholly inconsistent with the fourth criterion, the Planning Board finds that the proposed action would have significant adverse impacts on planning, land use and the environment, including traffic safety, community character, open space and recreation. Specifically, the proposed self-storage facility would be a use that is of a greater intensity than and inconsistent with the types of nonresidential and residential uses permitted in the RB zone; and is inconsistent with the related zoning purpose and standards and the Town's adopted land use plans on which the zoning is based.

COMMUNITY CHARACTER AND AESTHETIC RESOURCES

1. On the topic of community character, a member of the public at FEIS Comment 48 states that the "reason the application does not comport with the Comprehensive Master Plan is stated in the letter from the County of Dutchess Department of Planning and Development in a June 4, 2021, letter previously cited as a response to the proposed zoning changes in 2021. The contemplated Special Use Permit is at odds with the Comprehensive Master Plan. As the County of Dutchess Department of Planning and Development letter indicates: '...self-storage is a particularly inactive use, typically associated with large sites, gates, and little activity. This use can deaden an area or corridor.' What makes the subject property unique is that it stands at an important gateway for the Town of Fishkill, and rather than enhance gateways as the Comprehensive Master Plan envisions, the construction of a 51,500 square foot self-storage facility will 'deaden' this gateway. Thus, the applicant has failed to meet their burden under 150-19(B)(1)(a). (004_Johnson)".

The references made to “area”, “corridor”, and “gateway” describe what is located near the site of the proposed self-storage facility and how it is viewed within the community. The descriptive terms “inactive”, and “deaden” express concerns about the adverse impacts of the proposed use on an area possessing “community character”.

There is an aesthetic aspect to community character having to do with the way residents, community members and visitors, view the look of a community as seen from a road, a sidewalk or a trail. Viewers may be walking, biking or driving or riding in a car, bus or other vehicle. For example, the stretch of NYS Route 9D that includes the project site has an AADT (Average Annual Daily Traffic) value of 20,371. This means that an average of 20,371 vehicle trips pass by the section of NYS Route 9D south of Interstate 84, including the project site each day. Assuming only a driver, this means that there would be an average of 20,371 persons viewing this section of NYS Route 9D. with other passengers, there would be more viewers. This translates to 7,435,415 trips per year or viewers per year.

CPL PFEIS Comment 10 is related to PFEIS Comment/Response 17 and CPL DEIS Comment C-8. In CPL PFEIS Comment 10, the comment notes that “the proposed action would likely have an impact on community character, including neighborhood character. Per the SEQR Handbook, Fourth Edition, 2020, community character and neighborhood character, including how people function in and perceive a community can be impacted.”

The potential effect of the proposed self-storage facility at this location within the community is also expressed by members of the public in DEIS Comment 21 (FEIS pages 2-27 to 2-28). For example, excerpts of DEIS comments at FEIS Comment 21 include the following:

- “Self-storage facilities are just generally a blight on communities. The listed uses for the RB district are so far from what is being proposed by this self-storage company. Why on earth would you allow them to bend the rules and create such a monstrosity? Self-storage developments do not foster any kind of community engagement, sense of place, or culture. They are desolate, empty, and can create security issues for nearby neighbors.” (part of FEIS Comment 21, page 2-27)
- “Although the property lies on a busy road, it is also adjacent to several residential neighborhoods, on a property that had been the site of a single private residence for decades. It strains logic that such a large commercial facility would be sited there now.” (part of FEIS Comment 21, page 2-28)

The above comments by members of the public are also supported by CPL PFEIS Comment 21 to PFEIS Comment/Response 48, which also corresponds to CPL DEIS Comment C-8, and asserts that “The operation of a self-storage facility results in minimal social interaction and does not enhance community activity in general”.

In PFEIS Comment 17 (Comment C-8)/Response 17 (page 2-24 to 2-25), the Applicant’s response indicates the comment does not pertain to “a potential environmental impact pursuant to SEQRA”.

The concern expressed in DEIS Comment C-8 is: “The rental of the storage units would likely be done online and require very little interaction with staff. The conclusion is that the operation of a self-storage facility results in minimal social interaction and does not enhance community activity in general. This is why self-storage uses are appropriately located in the more intensive nonresidential zoning districts, specifically the zones that permit industrial uses, in the Town of Fishkill (PSC, GB and PI).”

However, CPL PFEIS Comment 10, states that the proposed action would have an impact on community character, including neighborhood character. Per the SEQR Handbook, Fourth Edition, 2020, community character and neighborhood character, including how people function in and perceive a community can be impacted. The residents’ sense of their community, its walkable and bikeable neighborhoods and connections, the attractiveness of the built environment and its natural resources, a strong sense of place and community, scenic and neighborhood character are important themes emphasized throughout the Comprehensive Plan Update (CPU) adopted in 2023. Please refer to the CPU Vision section and CPU sections: A. Connect People and Places; B. Promote Good Design of the Built Environment; C. Create Great Places for People and Animals; and I. Create and Enhance Gateways. The CPU can be found on the Town of Fishkill website.

The conclusion in DEIS comment C-8 above remains pertinent as repeated below.

“The conclusion is that the operation of a self-storage facility results in minimal social interaction and does not enhance community activity in general. This is why self-storage uses are appropriately located in the more intensive nonresidential zoning districts, specifically the zones that permit industrial uses, in the Town of Fishkill (PSC, GB and PI).”

Please also refer to the response under PLANNING, LAND USE AND ZONING, subsection about 150-19. B. (1)(a), above.

Accordingly, the Planning Board finds that the proposed self-storage facility would have a significant adverse impact on community character and related aesthetic resources.

OPEN SPACE AND RECREATION AND AESTHETIC RESOURCES

1. Under the FEIS heading “G. CHAPTER 5: OPEN SPACE AND RECREATION”, is CPL DEIS Comment D-36, which reads “The impacts on open space and recreation are tied in with the visual impacts of the proposed action.” This concept remains pertinent. Please refer to FEIS comments D-32 to D-35, which FEIS comments are found in the FEIS as follows: Comment 74:/Comment D-32 (FEIS page 2-88); Comment 52:/Comment D-33 (FEIS page 2-65); Comment 53:/Comment D-34 (FEIS page 2-67); CPL PFEIS Comment 27, which includes all 3 including Comment D-35 (FEIS page 2-89 to 2-91).

FEIS Comment 74: Comment D-32, based on reference to the images in the DEIS at Figures 4-6a and 4-6b, remains relevant, describing how the visual impact of the proposed action would affect the Route 9D Northern Gateway Corridor and the enjoyment of this area by residents of Fishkill, Beacon and Newburgh and visitors to the Fishkill-Beacon-Newburgh area. The FEIS at Response 74 attempts to diminish the surrounding land use context by describing the general character of the area of Route 9D near the project site, referring to “A developed area framed by two major and heavily utilized transportation corridors” and the transitory nature of views observed by passing vehicles and pedestrians/bicyclists”.

Obviously, pedestrians travel more slowly than bicyclists and passengers in cars. Similarly, bicyclists travel more slowly than passengers in cars. Many of the people walking and biking along this stretch of road are likely to notice, observe and perhaps even appreciate views of neighborhood areas, the golf course and wooded areas or trees and other plants along the way, including deciduous trees along the project site frontage. The proposed development would result in a diminishment of the character of this stretch of Route 9D, which provides an area for views of nearby open spaces and recreational enjoyment. Refer to the findings statement at the Planning, Land Use and Zoning, above, which notes that the site frontage and land on Route 9D near and extending beyond the site toward Beacon is in a 30-mile-per-hour (mph) zone. The Land Use and Zoning section, above, also describes actual observations of recreational activity.

It is noted that CPL DEIS Comments D-33 and D-34, related to the value of the site’s frontage as a public space were insufficiently addressed, since unfortunately both responses revert back to mention of the proposed landscaping resulting in a wall of evergreen trees to block views of the site; and the frontage is described as a high volume roadway and an overpass with limited pedestrian connections. Refer to the findings statement at the Planning, Land Use and Zoning, above, which notes that the site frontage and land on Route 9D near and extending beyond the site toward Beacon is in a 30-mile-per-hour (mph) zone, not a high-speed area. The Land Use and Zoning section, above, also describes actual observations of pedestrian amenities and recreational activity. In the FEIS responses, the Applicant’s representative’s intent seems to be to diminish the open space and recreational value of the site frontage and environs for the community. Yet observations at the site and nearby neighborhood areas depict active recreational use of the areas near and along Route 9D, also referred to by the Fishkill Comprehensive Plan Update (CPU) as the Route 9D Northern Gateway Corridor.

The important point to note is that the visibility of the use, based on being hidden behind an imposing and unwelcoming wall of evergreens, does not pertain to the RB zoning district's purpose of including “residential uses in a nonresidential zone with limited business, institutional and recreational uses which are appropriate adjacent to residential areas.” The proposed self-storage use is simply not a limited business, as discussed above; it is not an institutional use, which might be welcome as it might serve the needs of the community; and it is not a recreational use.

Accordingly, the Planning Board finds that the proposed self-storage facility would have a significant adverse impact on open space and recreation and related aesthetic resources.

IMPACTS RELATED TO PROPOSED CONSTRUCTION THAT WILL NOT OCCUR

The following small to medium impacts, listed below, are part of the record of the original determination of significance (positive declaration) adopted on August 17, 2023, related to the proposed action. Several of the previously noted small to medium impacts are related to the possible construction of the proposed action. If the Planning Board denies a special use permit for the Project, such construction would not occur. The previously noted small to medium impacts are listed below, as set forth in the original determination of significance, for the record:

- a. The proposed action may have a potentially small impact involving construction on land where bedrock is exposed or is generally within 5 feet of existing ground surfaces. Information has been provided about the site's existing conditions and the extent and depth of proposed land disturbance. Web Soils Survey (WSS) mapping indicates DwB (Dutchess-Cardigan land complex) soils and DxB (Dutchess-Cardigan-Urban land complex) soils, which are both rocky soils with the probability of a shallow depth to bedrock (20 to 40 inches).
- b. The proposed action may have a potentially small impact involving construction continuing for more than one year or in multiple phases.
- c. The proposed action may have a potentially small impact as it may result in increased erosion from physical land disturbance or vegetation removal (including from treatment by herbicides).
- d. The proposed action may have a potentially small impact as it may require new water supply wells or create additional demand on supplies from existing water supply wells.
- e. The proposed action may have a potentially small impact as it may include or require wastewater discharged to groundwater.
- f. The proposed action may have a potentially small impact involving reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government. The Full Environmental Assessment Form - EAF Mapper Summary Report indicates that the site may contain or contain areas identified as habitat for the Indiana Bat, and the Hudson Valley Natural Resource Mapper indicates that the site is within Important Bat Foraging Areas. Potential land development would involve an approximately 3-acre limit of disturbance and potential removal of 2.3 acres of the wooded portions of the 4.7-acre site.
- g. The proposed action may have a potentially moderate impact involving extensive removal of vegetation, including wooded areas.
- h. The proposed action may have a potentially small impact involving blasting within 1,500 feet of a residence, given the site's proximity to an extensive, established residential neighborhood area. As noted above, construction on land where bedrock is exposed or is generally within 5 feet of existing ground surfaces is a possible impact. Potential land development would involve an approximately 3-acre limit of disturbance. The depth of disturbance may vary, and subsurface bedrock removal methods may require hammering or other mechanical means or blasting.
- i. The proposed action may have a potentially moderate impact involving light shining onto adjoining properties given the site's proximity to an extensive, established residential neighborhood area.

Insufficient information has been provided about the site's existing conditions or the proposed types of lighting fixtures, their location, the brightness or photometric distribution of any building-mounted or pole-mounted lighting system and/or security lighting or the hours for the use of any lighting systems.

- j. The proposed action may have a potentially moderate impact involving lighting, creating sky-glow brighter than existing area conditions, given the site's proximity to an extensive, established residential neighborhood area. Insufficient information has been provided about the site's existing conditions or the proposed types of lighting fixtures, their location, the brightness or photometric distribution of any building-mounted or pole-mounted lighting system and/or security lighting or the hours for the use of any lighting systems

E. ALTERNATIVES

The DEIS considered several alternatives to the proposed action, including:
Alternative 1: No Action- Existing Site Conditions;
Alternative 2: Single Family Home Alternative;
Alternative 3: Alternative Site Layout;
Alternative 4: Alternative Site Layout With Smaller Facility; and
Alternative 5: Hotel Alternative.

POTENTIAL IMPACTS OF ALTERNATIVES

Alternative 1: No Action - Existing Site Conditions: This alternative assumes the site would remain in its existing vacant condition with no new structures or site improvements. It would involve no new construction with no potential environmental impacts to consider. The alternative would not be economically viable to the applicant and would not be consistent with the applicant's goals and objectives. In the site's currently undeveloped state, the project site would not result in any financial benefit to the applicant.

Alternative 2: Single Family Home Alternative: This alternative assumes the site would be redeveloped with one single-family dwelling, which would be an as-of-right use in the RB district, via a building permit through the Town of Fishkill. Since the prior site use was developed as a residential property, including a single-family dwelling with accessory structures, the site remains as a flat open meadow with an existing driveway. The development of one single-family home would likely require a building permit, yet no discretionary approval by any of the town's land use boards, such as the Planning Board. A single-family residence would be consistent with the character of the surrounding area, which includes a mix of residential uses, including single-family homes blended with some nonresidential development. This alternative would be consistent with the historic pattern of development on the site and the surrounding area and would be consistent with uses permitted in the RB zoning district and the town's 2023 Comprehensive Plan Update.

Alternative 3: Alternative Site Layout: This alternative assumes development of the project site with a two-story self-storage building with an identical front (west) and rear (east) setback, a building footprint (25,750 square feet [SF]) and gross floor area (51,500 gross SF) as the proposed project. The project would also have the same access, landscaping, etc., as the proposed action. The only difference would be a building height reduced from the proposed 30-foot (30') height to a 25' height, And the location of the building would shift to the north, closer to Interstate 84 and farther from the neighborhood to the South which would provide an increased southern side yard setback of 171 foot 8 inches (171' 8", an increase of 60 feet), and decreased northern side yard setback 250 feet (a reduction of 61 feet). The amount of parking and loading would also be reduced, and no parking or loading would be proposed South of the building (facing the neighborhood). This alternative would be identical to the proposed project, with the exception of the reduction in height and parking/loading and the building being cited further north. The impacts related to land use, zoning, community plans and transportation/traffic would be substantially the same as those for the proposed project.

Alternative 4: Alternative site layout with smaller facility: This alternative is a variation of alternative 3 (alternative site layout) in that it assumes the same building and driveway location, setbacks and 5-foot reduction in building height. Yet this alternative also considers a two-story self-storage building with a reduced footprint, reduced gross floor area and reduced number of parking spaces. The proposed building's footprint would be reduced from 25,750 SF to 20,000 SF, with gross floor area reduced from 51,500 GSF to 40,000 GSF and with 6 proposed parking spaces. The reduction in parking under this alternative would not result in any new or different traffic-related impacts compared to what is predicted for the proposed project. So, this alternative does not further minimize or avoid adverse impacts. The potential visibility of the building from the site frontage, Trail of Two Cities, and the Newburgh Beacon Bridge Walkway entrance, as well as from where NYS Route 9D meets Van Ness Road, would not substantially be reduced compared to the proposed project or Alternative 3.

Alternative 5: This alternative is the development of a 2-story, 40-room hotel (without a standalone restaurant) on the project site. This alternative would be a community, recreational and tourist-oriented use which is potentially consistent with the special use permit and permitted uses listed in the zoning table for the RB district. The conceptual site plan for the hotel alternative includes a 2-story building with a footprint of approximately 15,000 square feet, a total gross floor area of 30,000 square feet with 40 guest rooms and an event space for catered banquets or conferences. The building would have a height of 30'. To accommodate hotel guests and staff in the event space, a total of 95 parking spaces are shown on a conceptual site plan. The hotel would have a slightly larger southern side yard setback of 133.3 feet compared to the proposed project's 110.3 feet. The northern side yard setback would be the required 100 feet for the hotel, compared with 111 feet for the proposed project. The 298.4-foot front yard setback from NYS Route 9D would be an increase from the 200-foot setback for the proposed project. The hotel alternative would be a use that is permitted within the RB zoning district, subject to a special use permit and site plan approval from the Planning Board. Since it is actually a permitted use by special use permit in the RB zoning district, the hotel use would not be subject to the "substantial similarity" provisions applicable to the proposed self-storage use under zoning code section 150-19-B. In contrast to the proposed self-storage use, the hotel alternative would actually be a "limited business" potentially consistent with the purpose of the RB (Restricted Business) zoning

district, that it is “Intended to include residential uses in a nonresidential zone with limited business, institutional and recreational uses which are appropriate adjacent to residential areas.”

F. LEAD AGENCY DISCUSSION OF DECISION

The Planning Board, as Lead Agency, has carefully considered in detail the social, economic, fiscal, land use and other relevant factors, as well as the reasonably anticipated environmental impacts of the Proposed Action and practicable measures to mitigate impacts. The Lead Agency has given particularly close attention to issues that were the subject of extensive public and agency comment, including written comments, including planning, land use, zoning, community character, open space and recreation, and visual impacts.

This finding statement is the result of the Lead Agency’s review and analysis of these, and other relevant factors and considerations as set forth above, and in the State Environmental Quality Review Act. This Finding Statement does not include any weighing or balancing of the statutory criteria applicable to an application to the Zoning Board of Appeals for an area variance (for minimum lot size) for the Proposed Action.

CERTIFICATE OF FINDINGS TO DISAPPROVE (DENY) THE PROPOSED ACTION

Accordingly, having considered the Draft and Final Environmental Impact Statement (DEIS and FEIS), and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Planning Board through this Findings Statement, certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS; and
- B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and
- C. The procedural requirements of 6 NYCRR part 617 have been met; and
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action is one that does not avoid or minimize adverse environmental impacts to the maximum extent practicable; and that
- E. Adverse environmental impacts will not be avoided or minimized to the maximum extent practicable, in part because no conditions were incorporated into the decision about mitigation measures, as none were identified as practicable.

Findings Adopted: October 2, 2025

October 6, 2025
Date

Jonathan Kanter
Jonathan Kanter, Planning Board Chair

Certified by the Planning Board by Resolution Adopted on: October 2, 2025

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