

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
November 28, 2016**

Present: Chairman Tom LaPerch; Boardmembers Paul Jonke, Michael Hecht, Eric Cyprus, David Rush, Phil Wissel and Dan Armstrong; Town Attorney Willis Stephens; Town Planner Ashley Ley; Secretary Victoria Desidero.

PUBLIC HEARINGS:

1. **SALMONS DAILY BROOK ESTATES, LOT 49** – This was a Continued Public Hearing for an application for a Wetland Permit. There was no one present to represent the applicant. Chairman LaPerch asked whose client this was and Jamie Spillane of Hogan & Rossi told the Board the applicant is represented by her colleague Michael Liguori. She said Michael (Liguori) told the Board last time that they were not ready with new plans. Secretary Victoria Desidero said Michael (Liguori) knows that it is continued unless we are told otherwise. Town Planner Ashley Ley asked if they would be ready to come to the next meeting or if they want to be continued to the first meeting in January? Ms. Spillane said she wasn't really sure when they would be ready but she could ask Michael (Liguori). Chairman LaPerch said we will continue it to the next meeting and please tell Michael (Liguori) to let us know as soon as possible if that is not possible. Ms. Spillane said she would. The motion to Continue the Public Hearing to December 12, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

2. **APPLE FARM MARKET, 1545 Route 22** – This was a Public Hearing for an application for a Site Plan Amendment, Wetland Permit and Conditional Use Permit. Engineer Jim Hahn of Hahn Engineering appeared before the Board and introduced Owner Representative Danny Yoon. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mr. Hahn said our proposal is to convert an existing building that operated as a florist for 30 years. Mr. Yoon's employer purchased this property and he showed the location on Route 22 saying it is a 2-acre lot and it is in the SR-22 Zone which is a very flexible Zone. He said the proposal is to reconstruct the existing building keeping the footprint exactly as it is and re-style it with our architect who is almost on board. Mr. Hahn said it going to be a produce market and asked Mr. Yoon if he wanted to add anything else. Mr. Yoon said it is going to be like a farmer's market. Mr. Hahn said we are also proposing an outside enclosed canopy where in the winter time they can sell firewood and things of that nature. He said there is existing access and there will end up to be 34 parking spaces, two handicapped and nine employee parking spaces. He said we have contacted the local Health Department and they have no problem with remediating what is there in terms of a full fledged septic. We have water on site through an existing well, he said, and also on the property is an existing three bedroom house that is rented, but it's been there the whole time. Drainage will be taken care of, Mr. Hahn said, and I am addressing (Town Engineer) Tom Fenton's memo as well as all of the comments we have received from Ashley Ley, and Wetland Inspector Steve Coleman. He said we have no problem with any of their comments and we feel this is an easy project to complete. Chairman LaPerch said I know you downsized from a full operation to a produce market because of the sewer and water issue: has there been any discussion with the adjoining property about using the access from their parking lot, cutting across there, because I think that was a big issue that we were trying to resolve. Mr. Hahn said that continues to be an issue but this proposal right

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now is a building sitting idle and Mr. Yoon's employer wants to turn that into a money maker as opposed to just paying taxes on it. Chairman LaPerch said I get that but are there active discussions about cutting across that parking lot to come out to the light instead of coming directly onto Route 22? Mr. Hahn said possibly yes but those discussions are not finalized. Chairman LaPerch asked who are they talking to: are you dealing with the bank because we know that property is in receivership? He said are there active discussions because that is a much preferred solution and I know you have the right to continue using the existing access but are there active discussions to try and resolve that because that would be a home run? Mr. Hahn said can that subject be broached? Mr. Yoon responded right now we are talking with the shopping center but it is not finalized yet and maybe we can get it finalized (inaudible). Chairman LaPerch asked Mr. Yoon: but you have the right contact to speak to about this? He replied yes, our lawyers do. Chairman LaPerch said once again I think it would be a great solution. Mr. Hahn said they are working on it and we found some information about tying this project to the sewer treatment plant that's connected... Chairman LaPerch said is that also on the table? Mr. Hahn said yes. Chairman LaPerch said if that is on the table, do you go back to your original thought of having the fish, because of the high water use you couldn't do it without the sewer, correct? Mr. Yoon said right. Chairman LaPerch said will these discussions impact your site plan? Mr. Hahn said no, this will fit into all future plans. Boardmember Hecht asked if the canopy is going to be on the left side of the building and Mr. Hahn said it is on the east side of the building and showed it on the plans. Boardmember Hecht asked if it is going to be fixed to the structure and Mr. Hahn said yes. Chairman LaPerch said speaking of which, we haven't referred you to the ARB (Architectural Review Board) yet but you don't have renderings at this time? Mr. Hahn said no, we are working on that. Chairman LaPerch said will you have them in the next 30 days and Mr. Hahn said yes, we hope to. Ms. Ley said they were referred to the ARB. Chairman LaPerch said so you were referred but you don't have them yet? Mr. Hahn said right. Boardmember Armstrong said in your application you mention a couple of Uses but under Zoning you have a great deal of flexibility of what you can do there so I am wondering if, in the approval, we restrict it or leave it so you can sell beverages, non-alcoholic of course, but a delicatessen or something all seems possible so it seems to me it shouldn't be necessary to come back. He said so am I right, any Use within what is allowed, as stated in the Zoning, you can potentially do it? He said that gives you a better economic shot, shall we say. Chairman LaPerch said good point. Boardmember Armstrong said with regard to connecting to the bank parking lot, I think that is a really good idea because if you travel Route 22 during the day or in the evening or in the morning, making a left hand turn is very difficult and dangerous. He said so if you can get into the signalized intersection of the supermarket it would help your customers and your business. Chairman LaPerch asked for questions from the audience. Neighbor Russell (inaudible) of 47 Overlook Lane said he lives in the house that is just below the applicant, downhill. Mr. Hahn said do you mean this house to the left? They looked at the plans together to identify the house. The neighbor said our entrance is between the two gas stations and you mentioned this house: is it part of this? Mr. Hahn said that will remain temporarily. The neighbor said so it will remain and it is part of what is going to be transitioning into... Mr. Hahn said it is going to transition into a produce store so instead of a florist, it will be a produce store. The neighbor said and this portion (pointing to the plan)? Chairman LaPerch said it is not part of the active application. Chairman LaPerch

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said so that is a good question: that house will remain until further notice as an income producing property? Mr. Hahn said yes. Town Councilwoman Lynne Eckardt said although Dan's (Boardmember Armstrong's) point is well taken, I assume that the septic will determine the future Use because that is what was done elsewhere. She said if someone wants to come in and open a restaurant, it would be... Ms. Ley said the approval would be for a Retail Use so if someone wanted to come back later and request a restaurant that would be a change of Use requiring Planning Board review. Ms. Eckardt said and also for the people who do live behind here, what kind of lighting plan do you have? Mr. Hahn said all three consultants talked about a landscaping plan, which we will address, and Ashley (Ley) and Tom (Fenton) asked about lighting and we will have a lighting plan. Ms. Eckardt said the lighting, and I am not comparing this to the A&P, but lighting can be really rough on the neighbors out there. Chairman LaPerch said good point: they haven't submitted anything for us to review yet. There were no additional questions from the public. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Chairman LaPerch asked for next steps and Ms. Ley said they need to submit lighting and landscaping plans to be reviewed by the consultants and I suggest you prepare the landscaping plans before you go to the ARB because they will want to see that and they will also want to look at the lighting plans so really both of those items should be addressed before you go there. She said once you go to the ARB they will refer you back to the Planning Board and that is when you can be considered for final approval. Mr. Hahn said great, thank you. Chairman LaPerch said can I ask one final question for the record: you are the owner of record for the adjoining piece, is that piece in discussions for the cut through as well as sewer? Mr. Yoon said right now, yes. Chairman LaPerch said so both parcels are part of the ongoing discussion not only for the cut-through but the sewer and water as well? Mr. Yoon said yes, but not water. Mr. Hahn said they have the capacity they need for sewer for what they are doing now but if future development happens there will be other options considered. Chairman LaPerch said the Town supports that so if there is anything we can do to support you on that, let us know. Mr. Hahn and Mr. Yoon both said we will, thank you.

REGULAR SESSION:

- 1. GRAVINESE, 16 & 32 Reynwood Drive** – This was a review of an application for Final Approval of a Lot Line Adjustment. Jamie Spillane of Hogan & Rossi represented her client to the Board. Ms. Spillane explained where Reynwood Drive is near Joe's Hill Road and showed the Gravinese and Catherine McWilliams, Inc., properties. She said we are adjusting the lots by 1.99 acres and we were here a few months ago to initially show the lot line adjustment. She said this change will bring the Gravinese property more into conformity and there are no development plans at all: it is more just for the Gravinese to have more back property. Boardmember Armstrong said so this does not change the number of buildable lots? Ms. Spillane said no, Catherine McWilliams, Inc., has two lots, Lot 6 and Lot 7, and the Gravinese have Lot 5. Boardmember Armstrong said so there is no increase in the number of buildable lots? She said no and, as I said, there are no plans to put anything in this area, it is just to have this back space. The motion to Declare the Town of Southeast Planning Board Lead Agency for this application was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.

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The motion to Issue a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. The motion to Grant the Lot Line Adjustment for the Gravinese/McWilliams application was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0. Ms. Spillane said she does have a Mylar for signature. Chairman LaPerch said you can leave it here and I will sign it. Ms. Desidero asked Ms. Ley if the Chairman signs it now and she said he can.

2. **STARR RIDGE SUBDIVISION, 131 Starr Ridge Road** – This was a review of a Sketch Plan for a Subdivision. Engineer Tony Pissari appeared before the Board with his client. Chairman LaPerch said the action tonight is to re-classify this as a minor subdivision. Mr. Pissari said this has been before the Board once before... Chairman LaPerch asked Ms. Ley to update the Board on the application and the changes that were suggested. Ms. Ley said about a year ago they were here for a review of a two-lot subdivision and, at the time, they had proposed access to one of the lots through an easement over the other lot. She said after further review, we told them they actually have almost sufficient frontage for both lots without having to do the easement so both the Town Engineer and myself preferred that layout. With this new layout they would not need a 280-a, she said, but they would need a variance for lot width because of the way the lots are on an angle. Chairman LaPerch said are you aware of this and comfortable with that approach? Mr. Pissari said yes. Boardmember Cyprus asked how much of a variance they will need. Mr. Pissari said roughly 48 feet: the frontage is 300 and we have roughly 250. Chairman LaPerch said if they get denied the variance, what is their course of action? Ms. Ley said I guess they would either have to do one lot or they would have to find another way to do a layout that the ZBA (Zoning Board of Appeals) would prefer. Because of the odd shape of the lot that is a horseshoe, she said, they would... Chairman LaPerch said I was just wondering what would Plan B look like. There were no other questions from the Board. The motion to Re-classify this as a Minor Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch asked for next steps. Ms. Ley said the Town Engineer had some questions about the grading as it related to a potential SEQRA issue so once you submit a grading plan and show the limits of disturbance then this Board can consider a SEQRA determination and once that happens this Board can refer you to the ZBA. Chairman LaPerch asked why it has taken them (the applicant) this long to figure out they had enough frontage. Mr. Pissari said there was a whole question about the access and guess what we found out? He said it is actually part of the old right of way for Starr Ridge Road and it used to go straight out back in the day and now it hooks and goes this way. Chairman LaPerch said so who owns that? Mr. Pissari said it has never been deeded back and then there were all kinds of things discussed about how to get this to have enough frontage and then we sat down with Ashley (Ley) and came up with this plan. He explained how they changed the layout.
3. **D'UVA, 231 Fields Lane** – This was a review of an application for a Conditional Use Permit. Architect Joe Mansfield represented his client before the Board. Chairman LaPerch asked Ms. Ley to give the Board an update of why they are here. Ms. Ley said when they were originally approved, they were approved under the 80/20 warehouse/office and it was a Town Board Special Permit approval but since that time the Code has changed and a

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Warehouse Use is a Conditional Use Permit from the Planning Board and you no longer have to do the 80/20 if you are looking to do more of a warehouse on Fields Lane. She said they are now proposing a change in the interior layout which would increase the warehouse portion so they need to come to the Planning Board for that increase. Chairman LaPerch said when did that change? She said when we updated the Comprehensive Plan and with the Local Law that was later adopted in the OP-1 update. Chairman LaPerch asked if this will be an owner occupied building and Mr. Mansfield said it will be a tenant. Chairman LaPerch said and the market is calling for that? Mr. Mansfield said yes that is what is driving this. Boardmember Cyprus asked Ms. Ley if it was still 80/20, would that Zoning change force them to come back or only because they are changing the layout? Ms. Ley said only because they are changing the distribution and they could have kept what they had been approved for and if they were to come before the Board today, they would not have had to go to the Town Board for a Special Permit. It would have been a Conditional Use by the Planning Board, she said. Boardmember Rush said does the ARB have to review this? Chairman LaPerch said it is already built. Ms. Ley said the changes are all interior, so no. Mr. Mansfield said the exterior is completely built and he showed a photograph. He said the exterior is completely done and all the changes now are to the interior. Chairman LaPerch said is this being done for a specific tenant or just to go to market? Mr. Mansfield said all the potential tenants have asked for this layout, which is one large warehouse space with a small office. The motion to Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 7 to 0. The motion to Classify this as a Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch asked if there were any questions about waiving the Public Hearing and Boardmember Wissel said there are no residential properties nearby? Chairman LaPerch said no, none. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Grant the Conditional Use Permit for this application known as D'Uva was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. There was a brief discussion with Mr. Mansfield about the status of the construction.

4. **FORTUNE RIDGE BARN, Deans Corner Road** – This was a review of a request for a One Year Extension of Site Plan Approval. Attorney Richard O'Rourke of Keane and Beane appeared before the Board. Chairman LaPerch said is this a basic extension or have there been any changes to your plans, Mr. O'Rourke? Mr. O'Rourke said there are no changes to the plans and, in fact, we are about to file for a Building Permit to start construction so it is just an extension. Chairman La Perch said do you have all your fees up to date? Mr. O'Rourke said I believe they are and the Town recently reduced our bond to \$4.8 million but you still have the \$9.6 million bond so we are completely covered. Chairman LaPerch said is that correct? Ms. Desidero said that bond has nothing to do with this project. Mr. O'Rourke said I know, I guess we are looking into that. Boardmember Armstrong said doesn't the applicant have the right to ask for longer than a one year extension? Ms. Ley said no but they can get up to four extensions of one year each. Mr. O'Rourke said subdivision regulations are different and that may be what Boardmember Armstrong is thinking of. The motion to Grant a One-Year Extension for the Site Plan

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known as Fortune Ridge Barn was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.

5. **LAPCORS, LLC, 87 Brewster Hill Road** – This was a Sketch Plan Review of a Site Plan and Special Permit Application. Attorney Anthony Mole, Engineer Todd Atkinson and Applicant Peter Ruisi appeared before the Board. Mr. Atkinson explained where the property is located on Brewster Hill Road and said it is bordered by wetlands. He used the plans to show where they are looking at bringing in the driveway to the back of the property and erecting a building that will be used as a shop and sales center for recreational use. Chairman LaPerch asked Mr. Atkinson to start with the Use. Mr. Mole said the Use is Recreation and the specific use is paintball. He said Mr. Ruisi runs Liberty Paintball, which is in Patterson. It would be a Special Use Permit from the Town Board, he said, and our understanding in reading the Code is that the specific proposed Use is permitted under your definition of "Recreation." There are two definitions, he said: Recreation-Indoor Small-Scale, which obviously this is not indoor small-scale but outdoors so the Use is permitted by a Special Use Permit and they have to go to the Town Board for that. Chairman LaPerch asked Mr. Ruisi to tell the Board about his Liberty Paintball business regarding hours, high season, low season, and what he intends to do with the property as that is key. Mr. Ruisi said he has been doing this since 1990, started in Liberty, NY and moved to Patterson in 1998. He said he is looking to expand into the location in Brewster and basically run the games Saturdays and Sundays from roughly 9 am to 5 pm each day. There may be special hours depending on different groups, he said, and handed out a sheet regarding hours, groups and programs. Chairman LaPerch said we will post this sheet on the Town Website. Mr. Ruisi said typically, the spring and fall are the busiest seasons with winter being slow and summer is so-so depending on weather. He said it's mostly Saturdays and Sundays and they play games each day. He continued: people can come by themselves or in a group and we run pickup games for small groups. We have referees, he said, and the games are roughly 15-20 minutes long. We have 17 different playing fields with each one having a different theme, he said, and explained some of those. We do a lot of corporate outings, birthday parties, bachelor parties, scout groups and church groups, he said, so these types of outings would also be going on while the pickup games are going on. Mr. Ruisi said since each field is themed we have mock structures that are portable and we may move things around every few months just to change things up a bit so the "buildings" are like little facades that people can go behind and there are inflatable bumpers and such. Chairman LaPerch asked is the proposed Use seasonal in nature? Mr. Ruisi responded it is year-round but has peaks and valleys with spring and fall usual being busy. Chairman LaPerch said the hours of operation are typically weekends but you also accommodate weekdays? Mr. Ruisi said yes, anytime, but typically Saturdays and Sundays and explained how they work with corporations and other groups. He said in the summer they are open more because kids are off from school and typically if the kids are off from school, even for holidays, they are open but not on days like Christmas or New Years. Chairman LaPerch asked if Mr. Ruisi is buying the property and he responded yes. Chairman LaPerch asked Mr. Atkinson to inform the Board of any challenges there may be with DEP (Department of Environmental Conservation) and issues like that. Mr. Atkinson said they are looking at about 150 people on average being on the site and right now they have it set up with nine different gazebos/pavilions scattered around the area of the building and a small garage

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behind that. He said they are looking at septic approval of somewhere around 750 to 1000 gallons a day and they will be working that out with the County and the DEP. Right now, he said, a couple of comments that came up are the wetlands, which are shown and are DEC (Department of Environmental Conservation) wetlands based on their mapper and we know we also have to deal with the Town's (wetland) consultant. He said since it was submitted, the DEC has come out and looked at the property as well and we will submit that information along with the Town consultant's with our next submission. Chairman LaPerch asked about parking. Mr. Atkinson said we are looking at parking for 100 cars based on 1.5 parking spaces per person. Chairman LaPerch asked if it would be gravel and Mr. Atkinson said we are looking at gravel at this point and showed on the plan how they were thinking of laying it out so as to keep everything low-impact development. He said there will be a gravel driveway minus the apron coming in from the road into the gravel parking. He showed on the plans where the stormwater areas and septic are proposed. He explained the other areas are delineated as fields and then fields of play in the broken areas where it will be divvied up into different setups. Chairman LaPerch said the problem he sees, from a traffic standpoint, is the curb/sight-line issue and asked are there any thoughts on that? Mr. Atkinson said we are looking at doing a couple things: bringing the driveway down the hill to get it more perpendicular to that curb coming in so there will potentially be some work done to the actual road itself in order to make it work. Chairman LaPerch asked about the hours of operation and Mr. Ruisi responded the main games are daytime so 9 to 5, but sometimes they will get a company or birthday party where Mom wants to come in after school so they may run a little late. Chairman LaPerch asked is it a lighted facility? Mr. Ruisi said two of the playing fields at the lower end we wanted to have lighted because a lot of times we have guys that are hardcore and want to practice so usually in the summer we will run from 5 pm until 7 or 8 pm without lights but would like to put lights so that those few that want to come in and play a couple nights a week can do that. He said it would only be on those couple of fields though and explained how he manages to keep those groups under control. Mr. Atkinson said those fields are hidden by the forest and the lighting will be 12 lights at max. Chairman LaPerch asked Mr. Mole to explain his interpretation of the Code as this being a Permitted Use. Mr. Mole said there are two definitions: Recreation and Recreation Small-Scale and we are looking at Recreation. He said Recreation Small-Scale is indoor or less than 15,000 sq. ft. and this is different than that. Excluded from Recreation Small-Scale is any Use of archery equipment, guns, weaponry or similar equipment that may be used to simulate combat, he said, and if you want to call this simulated combat there is a specific exclusion to that in Small-Scale but that exclusion does not appear in the Recreation definition. He continued: in my reading of the Recreation definition, and the Permitted Uses therein, including other similar uses of structures maintained for amusement and recreation of the public this seemed to fit within that definition. He said what is excluded from Recreation seems to be shooting ranges but it's not defined in the Code although New York State defines shooting ranges as actually shooting ranges with real guns. Chairman LaPerch told Mr. Mole that he will need to take this interpretation up with Town Counsel. He asked besides the interpretation issue, are there any variances needed for this application? Mr. Mole said he is not aware of any area variances at this point, just the Special Use Permit from the Town Board. Chairman LaPerch asked Mr. Atkinson if there was anything else that he saw as issues. Mr. Atkinson said right now, I am not sure how this lot was created, but there is not adequate frontage for

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this lot so that may be a variance required. Chairman LaPerch said that's a big deal. Mr. Atkinson said it is a big deal but the lot was created without that and we are not looking to subdivide it. Chairman LaPerch asked Ms. Ley how do you overcome something like that, with a variance? Ms. Ley said only if they are doing anything in that area, like putting a structure within that area, but the lot is pre-existing, non-conforming. Chairman LaPerch said so you are saying he doesn't need a variance based on the fact that there is not going to be a structure in that area? Ms. Ley said the lot having not enough frontage would not trigger a variance because it is pre-existing, non-conforming and it is not creating a new lot but if they are adding any structures within the setbacks or anything like that... Mr. Mole said there is one structure that will go... Chairman LaPerch said the house is going to stay? Mr. Atkinson said the house is actually on a separate property. Chairman LaPerch said your structures are temporary in nature? Mr. Ruisi said no we are going to make a main structure. Ms. Ley said there are a bunch of gazebos as well? Mr. Atkinson said the gazebos are made to be moved around so they are on a skid and Mr. Ruisi said these are for like birthday parties and such if the Moms want to have some shade or a place to sit for the party so each group is separate from the other. Ms. Ley said even if it is going to be movable there will still be restrictions on how close those can be to the property line. Chairman LaPerch asked about sewer and water. Mr. Atkinson said septic and there is already an existing well on the site. Chairman LaPerch asked where the restrooms will be and Mr. Atkinson said inside the building and he showed a rough layout. Chairman LaPerch said this is the first time the Board has seen something like this so bear with us but there will probably be a lot of different questions coming at you. Boardmember Jonke asked if the Agricultural Use is a beehive operation right now? Mr. Mole said yes and there are some horses and animals up there. Boardmember Jonke asked will the Agricultural Use cease? Mr. Ruisi said the current occupant wants to stay there and he is going to try to work with him and leave some areas where he can do some of those things on the side of the property that he is not initially using. Boardmember Jonke asked to confirm the location of the property and said as he is driving westbound on 84 and looks up at the hill and sees the freight containers on top of the hill, is this the property? Mr. Ruisi said yes. Boardmember Jonke asked will the freight containers remain? Mr. Ruisi said a lot of that stuff has to go but some of those will work great in the fields but he doesn't know if the guy will take them. Chairman LaPerch said depending on how the business goes they might remain or they might go? Mr. Ruisi responded yes. Boardmember Hecht asked if the house that is existing is currently at the far end of the property? Mr. Atkinson pointed to the plans and said it's actually off this property on its own lot. Boardmember Hecht asked about other houses along the property. Mr. Atkinson said the Fox property is about 500 ft. from the closest playing field. He said from the closest playing field to the west, which is a subdivision up here, that's 1400 ft. away. Chairman LaPerch said that's Blackberry. Mr. Atkinson said yes and it's 125 ft. in elevation higher than the closest field. The next closest house going to the north beyond the Fox property is about another 500-600 ft., he said, and there is a house on Brewster Hill which is about 1000 ft. to the closest playing field. Chairman LaPerch said it's heavily wooded and Mr. Atkinson agreed. Mr. Atkinson said he knows that the question of noise will come up and they are more than willing to deal with that. He said we can take some noise levels at the existing facility in Patterson. Chairman LaPerch said yes, you will want to get ahead of that. Mr. Atkinson pointed out on the plan that I-84 surrounds the property on three sides so there is a lot of

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road noise up by the containers. Boardmember Cyprus asked about the little houses, mock structures and such and whether they need to meet any kind of inspection or Code? Ms. Ley said if they are more than 4 ft. tall then it can count as a structure so they would need to know how many and where they are going to be located. She said if they are going to be movable they would need to see that they are only movable within a certain area because they can't be within a certain distance to the property line. Mr. Atkinson said that they tried to put the buffer on the plans so the minimum side yard and front yard setbacks would not be impacted. Ms. Ley said they would also need to know the coverage and Mr. Atkinson said what he is actually doing is very minimal besides putting the building and parking in, which will require some grading, but everything else will stay as is without any trees taken down. Mr. Ruisi said you can go on my Website and you can see all the structures. Boardmember Cyprus said he is familiar but he just wasn't sure what rules would apply. Boardmember Armstrong said he is starting with a very open mind on this because he doesn't understand exactly how it all works: it's a sport where there are winners and losers and it's competition and elimination, correct? Mr. Ruisi said yes. Boardmember Armstrong asked if the gazebos are the areas where the players start? Mr. Ruisi said they have nothing to do with playing the game itself. Around the building will just be an area where the cars park, people meet, sit and relax, he said, and then referees will take the group and walk them to the playing field. Boardmember Armstrong asked when someone is eliminated what happens to them? Mr. Ruisi said the way the games works is there will be two teams basically playing Capture the Flag and each game lasts approximately 10 to 15 minutes. He said if you get hit...the paint is nontoxic, water-soluble...so that person is out and they just stand on the sideline and wait for that game to be done. He explained in detail how these games are played. When those games are done the referees take the whole group and walks them back to the main building so the guns, which are air-powered can have the air put back in them, clean them up and get them set up for the next game, he said. Mr. Ruisi continued: they will be brought to another playing field and do the same thing again. Boardmember Armstrong asked if there is a refreshment facility? Mr. Ruisi said in the building he wanted to have a little snack bar or hamburgers or something like that. Boardmember Armstrong asked if there would be alcohol and Mr. Ruisi said no, definitely not. Boardmember Armstrong said I think it would be good to go and talk to Patterson about the how the operation is run up there as it is something new to him and he would like to know more about it before he makes a decision. Chairman LaPerch asked is this a relocation or expansion? Mr. Ruisi said he wants to move down here and start running games with the goal to move the entire operation down eventually. Chairman LaPerch said Patterson will still be in existence and depending on which one does better you may shift it down to Brewster? Mr. Mole said it is not really which one runs better but the idea is if running both of them were to work he may keep both or move all to Southeast. Boardmember Wissel said he may have questions once they know exactly what kind of lighting they are planning on putting in and how high they are going to be. Boardmember Rush asked for the total capacity of people that he will bring to this facility? Mr. Ruisi said it can vary from just having a small group of 10 or 20 people coming in for a private game to maybe 100 to 150 people. Chairman LaPerch said he wants maximum. Mr. Ruisi said he does a couple of special events three times a year and there it could be 250 to 300 people for that one event. Boardmember Rush said so going back to the acoustics, 20 people or 300 people makes a big difference and I am not sure how people up in the hills are going to

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appreciate that. He asked if they can actually have a facility with cooking food? Ms. Ley asked are you going to be cooking food? Boardmember Rush said it's a hamburger so I am sure there is going to be a grill and hood and Mr. Ruisi said right. Ms. Ley said I would think it would be accessory to the Recreational Use but we would need to know a little bit more about what it is. Boardmember Rush said it adds a whole new dimension to this floor plan and maybe you would need more restrooms or something? Chairman LaPerch asked Town Attorney Will Stephens if there is a minimum acreage for a recreation-type use and is it restricted to this because, in theory, any large property in our Town has the ability to do this, correct? Mr. Stephens said in theory, I guess. Ms. Ley said it would be a Special Permit Use in the R-160 Zone. Mr. Mole said this is a minimum 4 acre use because it is R-160 and this would be a Special Permit Use under the R-160 so, with respect to this property, it is a 4 acre minimum. Chairman LaPerch said this applicant is trying to determine what direction to go in and is about to lay out some big money and this is a big deal for our side too, because we have never had this, and it is a little different area in our Town to bring something like this in. Mr. Stephens said there was a rogue operation some years ago on Joe's Hill Road where they were actually running commercial paintball games that never went through any approvals that he was aware of. Chairman LaPerch said I guess they have every right to do this but this is a prime location and 250 people is a lot of people coming on that curb on a weekend. He said I am not judging this application but you have to make a decision about this moving forward. Chairman LaPerch asked Ms. Ley what their next step would be. Ms. Ley said one of the recommended actions for this evening was to classify this as an Unlisted Action under SEQRA and I think before the Board could come to a SEQRA Determination they would need a traffic study, a noise analysis and a lighting plan on top of the long EAF (Environmental Assessment Form) already submitted. Mr. Mole asked if, regarding the noise, a study at the existing property would be appropriate? Chairman LaPerch said that would be a starting point but I think the dynamics are different due to the properties being different. Ms. Ley said given this type of Use, we would want to use a noise analysis done for this site specifically, which could be modeled based on noise measurements taken at your existing property. Chairman LaPerch asked the Board again if they had any questions. Boardmember Jonke said he does have a concern about the Ag operation up there and the way the containers have been left haphazardly around and Chairman LaPerch agreed and said that is a Town issue. Mr. Stephens said those containers cannot be there if they're not being used for Agricultural Use and if this is going to be used as a Recreational or Residential Use at some time, those things would be illegal. Boardmember Hecht said you said in the fall Saturdays and Sundays are pretty busy, during the week... Mr. Ruisi said no, just on the weekends. During the summertime we are open during the week because the kids are off and usually we are open Wednesday, Thursday, and Friday during that time, he said. They discussed Boardmember Hecht's concern about traffic and the number of school buses that go down that road. Boardmember Armstrong said I think one of the biggest factors is the scale of it because that's going to be the major impact so maybe trying to figure out the impact of adding residences to this land and the impact that would have in this area if it were to happen may be a good start. Chairman LaPerch said it's 4-acre zoning with a lot of wetlands so the yield is not that high. Boardmember Armstrong said but it could be a starting point and for the people that live there, this is what they could expect if all the land were developed, but I think the scale has to be something that works. He said that there

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should be some sort of cap so that we can feel more comfortable if we were to approve it but I do think we should see the Patterson facility and maybe talk to the Town officials or Building Department and see how it has worked up there. Chairman LaPerch asked Boardmember Armstrong to take point on this and work with the applicant to gather this information. Mr. Ruisi said, as far as impact, it isn't like everyone is playing all at once and he explained how people come and go, take breaks, and so forth. Boardmember Armstrong said you have the schedule and control of it so you can make it work. Ms. Ley said it is also something that the Town Board can regulate if they put a cap on the number of people or parties at the same time. Boardmember Wissel asked if there was any question about whether this qualifies as Recreational Use? Chairman LaPerch said I am looking at our Town Counsel... Mr. Stephens said the Town Counsel doesn't interpret the Zoning. Ms. Ley said that would be the ZBA. Mr. Mole said I don't think an interpretation is necessary but if that is where this Board sends us then that's where we have to go. He said I can submit a letter to the Planning Board regarding how we feel this Use is permitted and then the Board can decide if we need to go to the ZBA or not. Boardmember Rush asked how far can you shoot a paintball? Mr. Ruisi said usually people are engaged at about 100 ft. or so but they will go approximately 175 ft. Boardmember Rush said I am just thinking if you have a goofball out there who wants to shoot a neighbor's house or something. Mr. Ruisi said we put 12 ft. nets up in a lot of areas where there could be issues and there are always referees with everyone making sure that no one is... Ms. Ley said the 12 ft. nets, if those are within a certain distance from the property line, you may need a variance for that. Mr. Atkinson said we have them set back from the side, front and rear yard setbacks. Chairman LaPerch asked if signage is allowed in a residential area? Ms. Ley said it is permitted but it is small and I am not sure of the size off the top of my head. Chairman LaPerch said all these structures will be approved by the ARB, correct? Ms. Ley said yes. Ms. Desidero said all these little things that he's creating and moving all about all have to be approved by the ARB? Ms. Ley said yes and anything that is permanent and landscaping, lighting... Ms. Desidero said what about the little stuff? Ms. Ley said anything like the gazebos and such I would think would have to be approved by the ARB. Ms. Desidero said I am just thinking, from a process point of view, that could be a little cumbersome. Chairman LaPerch said we will clarify that but it looks like there will be a referral to the ARB for that. Ms. Ley said if the Board has concerns about seeing containers on the property now, these types of facilities on the same fields are very likely going to be visible as well. Chairman LaPerch said what I would recommend based on the feedback here, to please come back to a Staff Review Meeting. We will take you offline and see if you satisfy most of the concerns of the Board before you go live again, he said. Chairman LaPerch asked if there are any environmental issues with the paint balls? Mr. Ruisi said the paint is nontoxic, water-soluble paint. Ms. Ley asked if they had reached out to the DEP? Mr. Atkinson said no and Ms. Ley recommended they do that. Boardmember Armstrong asked how do you want to proceed with the question of whether or not this is a Permitted Use? Chairman LaPerch said I would like the letter from Counsel to our Board and I will speak to our Town Counsel and Ms. Ley to see if we're all on the same page because they need to know whether to move forward. Mr. Mole said obviously what my client is trying to do is gauge if the Planning Board would find this application acceptable because if the tone of the Board is 'we hate this and we don't want paintball in this Town,' that's one thing, but if it is something that is potentially feasible then... Chairman LaPerch said from a legal

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standpoint we want to be comfortable that we're both reading the same language. Ms. Desidero told Mr. Atkinson: if the Board decides to Declare Intent to be Lead Agency the first thing you need to is send these plans to Cynthia Garcia at the DEP. The motion to Declare the Town of Southeast Planning Board's Intent to be the Lead Agency for this application known as Lapcors was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 7-0. The motion to classify this application as a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

6. **TURK HILL LOT 7, 5 Tea House Lane** – This was a review of an Application for a Wetland Permit. Engineer John Watson of Insite Engineering represented his client before the Board. Chairman LaPerch said my understanding is that these were approved lots and now they are considering putting houses on the lots and the wetlands have grown since the approvals? Mr. Watson said correct. Chairman LaPerch said so based on our Wetland Consultant memo, Lot 7 seems OK and Lot 8 is challenged, so let's stay on Lot 7. Chairman LaPerch said so he (Wetland Inspector Steve Coleman) is recommending some mitigation and delineation. Mr. Watson said that is correct. There were no questions from the Board. The motion to Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7-0. The motion to Classify this as a Minor Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed all in favor. The motion to Grant a Wetland Permit for Turk Hill, Lot 7, 5 Tea House Lane was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7-0.

7. **TURK HILL, LOT 8, 10 Tea House Lane** – This was a review of an Application for a Wetland Permit. Engineer John Watson of Insite Engineering represented his client before the Board. Chairman LaPerch asked what Mr. Coleman's issues are with this one. Mr. Watson said he doesn't like the amount of disturbance in the wetland buffer and seems to be looking at this as a new application when it was actually approved about 15 years ago: this is the old Axel Development subdivision and he showed the subdivision map and the intermittent watercourses. He explained that Tea House Lane was built and some of the lots were developed but Lots 7 and 8 were not. Mr. Watson explained the specific wetland issues on Lot 8. He said when we originally designed this subdivision we designed this lot to stay completely out of the 100 ft. wetland buffer... Chairman LaPerch said what year was that? He said 2002 so 14 years ago. He said so we came back with the house and septic in the same location as the original approval and the lots were built to conform to Zoning at that time. Now, he said, the new wetland buffer basically runs right down the center of the property. Mr. Watson continued: what Mr. Coleman recommended is that we move the house out of the wetland buffer and we can do that to make it better but we can't get it totally out of the buffer. He said we will do that and re-submit. Mr. Watson said one other comment he had that I am struggling with is he recommends 1 to 1 replacement for the disturbance and we have done that on other applications in the past. But, he said we are currently showing about 14,000 sq. ft. of disturbance and about 8,000 sq. ft. of mitigation and we had some shrubs and trees in certain areas and specifically did not use groundcover because we thought it was counterproductive to cut down trees to put in groundcover. He said this is a unique situation and a different kind of wetland application so we have special

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notes but we just didn't think it made sense to cut down trees to add mitigation. He said if it is OK with the Board I would like to talk to him (Mr. Coleman) about this. Chairman LaPerch said that makes sense so do that. Boardmember Jonke said the buffer was 100 ft. in 2002 and what is it now? Mr. Watson said 166 ft. Boardmember Jonke said that is the only thing that changed? Mr. Watson said yes. Boardmember Armstrong said I read Mr. Coleman's letter and I think that his comment about 1 to 1 mitigation was not a suggestion but a requirement. Mr. Watson said it said recommended so to me... Boardmember Armstrong said yes recommended by him or by the law? Ms. Ley said it is recommended by him and not in the Code. Boardmember Armstrong said so there is flexibility. He said this is not a great area of expertise for me but is there somewhere else on the site that you can create a wetland or some mitigation that would compensate for not being able to meet the 166 ft. setback? Mr. Watson said this property is currently completely wooded; I'm not a wetlands person but this is a nice wooded lot and to cut down trees on a nice wooded lot to add... Boardmember Armstrong said OK, I get it. Chairman LaPerch said just get this thing approved with Mr. Coleman. The motion to Declare the Town of Southeast Planning Board's Intent to be the Lead Agency for an Unlisted/Coordinated Action was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7-0. Ms. Desidero asked if she was missing a motion to classify this as a major project and Ms. Ley said it is automatically major. Ms. Ley explained why it is considered major to Mr. Watson. The motion to Set a Public Hearing for January 9, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Ms. Desidero said I should just note that the January 9 date is tentative because we don't have an approved schedule for next year yet.

8. **DURANTE RENTALS, 11 Fields Lane** – This was a review of a request for Release of a Performance Bond. There was no one present for this item and Ms. Desidero said she told the applicant they did not need to appear. The motion to Recommend Release of the Performance Bond to the Town Board based on the Town Engineer's memo was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

The motion to approve the Meeting Minutes as written for October 24, 2016 was introduced by Boardmember Rush (who was Acting Chairman at the meeting), seconded by Boardmember Wissel and passed 5 to 0 with Chairman LaPerch and Boardmember Armstrong abstaining.

Chairman LaPerch said there were a couple of cancellations tonight, can you tell us what they were? Ms. Desidero said BRAVCOR cancelled because they had not received Town Board approval of the ARB recommendation; Starr Lea Development cancelled because they have an issue with the three year maintenance plan that Steve Coleman recommended; and the last one was the bond release for Triple J Subdivision, which is complicated because there is a road involved, so (Town Engineer) Tom Fenton is still working out the details

Chairman LaPerch asked for the next agenda and Ms. Desidero said the NYSEG Dingle Ridge Substation is coming in for a Lot Line Adjustment and some of the three things she just mentioned might be coming back.

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Chairman LaPerch said this coming Thursday, I thought a discussion with the Village of what's going on around the Village would be a good idea, as I get a lot of questions about things and I don't know what is going on. He said I reached out to (Village Clerk and Treasurer) Peter Hansen and he graciously agreed to come in with some others. He said the Mayor just e-mailed and said he couldn't make it. Chairman LaPerch and Mr. Stephens discussed the SEQRA requirements for notifying adjoining municipalities which, they agreed, goes both ways between the Town and the Village. The Board discussed the Brewster Honda Service Center and the new Honda Sales Center being built in the Village, including the signage approved by both municipalities.

Boardmember Hecht said if Starr Ridge Subdivision was having so much trouble with that access, why didn't they just ask to have it deeded back to them? Mr. Stephens explained that that has happened before and is something they could have requested.

Chairman LaPerch asked Mr. Stephens about the status of the Crossroads project and he told the Board the Judge ruled in favor of the Town and the applicant has 120 days to appeal and he explained in detail what the next steps would be for the applicant.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

December 8, 2016/VAD