

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 13, 2020**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King; Michael Hecht; and Dan Armstrong; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Boardmember Eric Cyprus. There was one vacancy on the Board for this meeting.

PUBLIC HEARINGS:

- 1. SALSA FRESCA, 1577 Route 22** – This was a Public Hearing to review an Application for Site Plan Amendment. Owner Seth Hirschel appeared before the Board. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mr. Hirschel said we are a fast-casual Mexican restaurant based in Danbury, CT and we have 10 locations currently open in New York and Connecticut. He said we are proposing a new location at 1577 Route 22, which is currently the location of 7 Stars Diner. He said we were in front of the Planning Board on November 25 and the feedback was mostly limited to specific comments regarding lighting, landscape design, and the stone wall in front of the store. We are taking the existing footprint of the building, he said, and normalizing it as it is a building that has had additions over the years. Mr. Hirschel said there is a fireplace and extension that faces Route 22 that is very close to Route 22 and part of our proposal is to move that section of the building so that the building is more conforming and set back from the State road. We will be squaring off the building, he said, and increasing the size slightly to the rear but the side yard setbacks will remain consistent with what they are now. The front yard setback will increase so it will be more conforming, he said. Mr. Hirschel said the rear of the building will be set further back into the property, but well within the rear yard setback. He said the building will be more modern in nature and will be split down the middle so one half the building will be Salsa Fresca Mexican Grill and the other side will be another food use. Currently the diner has 103 seats, he said, and our proposal will be less seats than that with Salsa Fresca proposing 40 seats and the other space is not defined yet, but we are proposing that that space will also have 40 seats providing a 20% reduction in total seating. He said at the same time we will bring the parking lot back to life as it has eroded over the years by restructuring it so there is sufficient parking and as of now our plan is exceeding the required parking spaces for the project. Mr. Hirschel referred to the plans and reviewed the layout. He said this is the front side of the building with the stone wall, which we will be extending that wall to create an outdoor seating and based on the engineering feedback we will be making that wall structural in case a car veers off Route 22 it will protect the patrons. In our latest set of plans we show that structure, he said. Mr. Hirschel said the Architectural Review Board had some feedback as well and they wanted to see the wall clad in a natural stone product that would help transition the streetscape from something a little bit more traditional to something a little bit more modern. The second page shows the old building and this elevation is Route 22, which is coming off and it will be squared up to the outside lines and extending it in the rear. Mr. Hirschel said this drawing shows photometrics and the lights that are being used and there are two charts that shows the existing and proposed buildings with size and setbacks and like I said the existing building is not conforming but the new building is more conforming. He said existing parking is 49 spots, we're proposing 52 spots and what's required is 35 spots. Mr. Hirschel showed the floorplan and said Route 22 would be on the right side, outdoor seating, and the building will be cut down the middle so the southern half will be Salsa Fresca with entry and dining in the front. He said they go up to the counter, pay for their food, and then dine or take their food with them. Deliveries will come in the back, he said. He said the ARB requested a more prominent rear entrance to the building since there is a lot of parking in the back for customers to come in. He said the 3 ft. stone wall will be clad in Adirondack Brown. Mr. Hirschel showed some elevations on one of the pages with elevations showing the front of the building and said some of the colors are not rendered exactly as they are supposed to be, but I have color samples. The green color on the plan is actually

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gray, he said, and there will be three gray colors in an aluminum cladding system that will be applied randomly to help break up the side elevation. The roof will be a curved, standing seam metal roof, he said. Mr. Hirschel said there is some landscaping shown on the plans with some islands being proposed in the parking lot, striping, handicap spots on both sides of the building, and the plantings proposed that are itemized on the plan. Chairman LaPerch said I see your adjoining property owner is here and we requested that you keep the pass-thru to the plaza next door; is that shown on the site plan? Mr. Hirschel said yes, the pass-thru is there now and we would like to keep it as it is supportive of traffic ingress and egress for both plazas. Chairman LaPerch said do you have an agreement with the neighbor? Mr. Hirschel said we don't, but it's existing. Chairman LaPerch said I would recommend that you button that up from a legal standpoint because to me it is relatively new over the last 10 years. Mr. Palmer said it's been there for 20 years. Chairman LaPerch polled the Board for questions. Boardmember King said how far between the end of the outdoor seating area is Route 22? Mr. Hirschel said I will have to get the dimension for you because I don't see it called out on the plan, but there is a wall at the property line and it's set back from Route 22, then there's a planting bay, and then seating so I would estimate 6 to 10 ft. but I can get back to you with a real number. Boardmember Armstrong said for the public, do you have a plan that shows this site in context of what's around it. He said for people who might live in the area, they might like to see how it fits in to what's existing. Mr. Hirschel said on the mailing there were 28 people within 500 ft. and they were all businesses so our perception of this space is that it's not a residential corridor and the look and feel of the building meets the diverse streetscape. Boardmember Armstrong said I don't know whether the notices are restricted to residences. Mr. Hirschel said it's all property owners. Boardmember Armstrong said the reason I started that point is because a business wants to know what's happening next door or around the corner because it has an impact on their business so I am not sure if there is a requirement for what you are required to submit for some sort of plan that shows the adjacent buildings at least. Ms. Ley said it is one of the Preliminary Site Plan requirements, but the Planning Board has the ability to waive any of those requirements. She said they did request a number of waivers with their initial submission. Boardmember Armstrong said did we waive them? Ms. Ley said no. Mr. Hirschel said we had brought and submitted photos to the Planning Board at the previous meeting from Route 22 of the site and from the north and the south getting those angles including the neighbors. He said to the south we have the BP Gas Station and to the north we have the Dunkin' Donuts. Chairman LaPerch said the mailings were in order so this gentleman did do what he was supposed to do so he has fulfilled his obligation at this point. Boardmember Armstrong said it just seems unusual to have a site development plan without it in context with what's there. Chairman LaPerch said I am not sure if I follow that line of questioning because if he did the mailings, it's on the site plan, and everyone was noticed so I'm not sure what context you want to be seen here because they're constrained by two neighbors who have been notified. Boardmember Armstrong said OK, let's see what the Public Hearing holds. Boardmember Rush said I think the pedestrian egress has been addressed a little bit more deeply. He said make sure you have curb cuts on the platform for your paving plan so that people can get in and out. He said this new corridor in the center, is that a rear exit through the space? Mr. Hirschel said right, it's a small common area. Boardmember Rush said the demising wall between the two separate spaces, the idea is you are going to rent it out to someone else? Mr. Hirschel said right. Boardmember Rush said so there could be two different types of businesses: are they sharing the skylight together as this section doesn't appear to go all the way up to the roof. Mr. Hirschel said right, so this demising wall that runs transversely through the space, the wall separating the two spaces will go all the way up to the ceiling. Boardmember Rush said so there is a fire separation between the two spaces. He said you might want to look at the ADA restrooms in that rear corridor as I don't think your doors need to swing out. He said I think you have enough room based on the new plumbing code you can have them swing in. Boardmember Rush said lastly, you can see where these two doors swing open and collide; you

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might want to have your architect take a look at that. Mr. Hirschel said there's an opportunity to offset one of those doors too. Boardmember Rush said we talked a little bit about screening on top of the back for equipment; I see they've screened the air conditioning equipment, what about the hoods and what not for kitchen equipment. Mr. Hirschel said they are proposing screening all of the equipment. He said there is a drawing that shows the equipment at the rear of the building and the way the roofline works of the building it's sloping towards the rear and the equipment will be at the rear but the side walls will continue and it will be screened naturally. Boardmember Rush said when you get the ARB, they will want to know a little bit more about the building lighting like the sign will be somewhat backlit. Mr. Hirschel said we went to them once and they had some feedback and constructive points that we've integrated into the plans and will be going back January 27. Chairman LaPerch asked the Public for any comments or questions. Michael Palmer, property owner to the north, appeared before the Board. Mr. Palmer said how many seats are going to be on the patio. Mr. Hirschel said right now we're just showing seasonal dining, we're not listing a specific number of seats and depending on how the Town interprets seasonal will depend on how we define that, but right now we are showing zero seats. It's a proposed outdoor seating area, he said, and if and when there is further clarification with what seasonal seating is, we would like to use the patio seasonally. Mr. Palmer said how many seats can the patio handle? Mr. Hirschel said maximum (inaudible) but depending on what is approved we are willing to say whatever our seating constraint is we will live by it. Mr. Palmer said you are going to re-blacktop the whole area? Mr. Hirschel said yes. Mr. Palmer said right now we have a problem with people driving over the grassy area between the two properties so would that be curbed? Mr. Hirschel said is that the area that currently is the pass thru. Mr. Palmer said no, below that. Mr. Hirschel said I didn't realize that was a problem so I think it's something we can work out as neighbors. Mr. Palmer said the planting out near the road on the corner, line of sight is very important. Mr. Hirschel said right, we don't want these plants to get too big for either of us. Mr. Palmer said I assume DOT (Department of Transportation) would have something to do with this. Ms. Ley said only if it's in the Right-Of-Way. Chairman LaPerch said it's a point well taken and I agree with that 100%. Ms. Ley said the landscaping that's shown is within the property line and not within the DOT Right-Of-Way. She said they are all small shrubs and perennials. Mr. Hirschel said if we are going to memorialize some of this maybe we can agree to maintain these plants to a certain maximum height. Mr. Palmer said are you going to remove the existing building totally? Mr. Hirschel said we are hoping to use certainly the footings and foundation that's existing as well as some of the walls. Mr. Palmer said is it a stone foundation. Mr. Hirschel said I think some of it in the rear is and I think in the front its newer and concrete. Mr. Palmer said so you don't know right now if you are going to bring the whole building down or not? Mr. Hirschel said I suspect that more of the building will come down than less. Mr. Palmer said the stone wall right now is a problem with sight line coming out of our property and also your property is that also on the property? Ms. Ley said it's on the property. Mr. Hirschel said we're showing that wall as 3 ft. tall. Mr. Palmer said that's a problem. Mr. Hirschel said part of the reason why had to do with the idea was protecting the building and the customers from vehicular traffic and maybe we can look into if that wall can be reduced in height. Mr. Palmer said if you are ripping the whole building down why couldn't you move the building back.? Mr. Hirschel said that's a good question. Mr. Palmer said the patio is a problem, you can't see the north traffic coming down. Mr. Hirschel said you are referring to if you are trying to pull out of the southern exit and you're looking northbound and now you're looking through a wall and people. Mr. Palmer said correct and the problem is you have people coming down in the morning and they want to go into the gas station so they've already started moving over into the shoulder. Mr. Hirschel said I think it's something that we can probably study and see what can be done. Mr. Palmer said I wish you a lot of luck; I'm in favor it. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch said what are the next steps for

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this applicant? Ms. Ley said the next step is to finish up with the ARB and once you have their recommendation you would come back to the Planning Board for a Final Site Plan Approval. I recommend that the Board reach out to the Town Engineer to have him look at the sight line issue. Boardmember Rush said I would ask him to put a little bit more of Mr. Palmer 's property in there. Ms. Ley said maybe show more of the site with your survey going `10 ft. into the adjacent site. Boardmember Rush said I think that way we can address Mr. Palmer's concern and Boardmember Armstrong's. Chairman LaPerch said do you understand what we're asking? Mr. Hirschel said yes you want a wider view on the Site Plan. Ms. Desidero said whose responsibility is it to reach out to the Town Engineer? Chairman LaPerch said I would like Mr. Hirschel to do it.

- 2. SOUTHEAST PARKING BY WB NEW YORK, 4 & 10 Independent Way** – This was a Public Hearing to Review an Application to Re-Approve a Site Plan, Special Permit and Wetland Permit. Jeff Contelmo of Insite Engineering appeared before the Board. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mr. Contelmo said we have a proposal for a 350-car parking lot adjacent to the Metro North Parking Lot off of the east end of Independent Way at the Southeast Station. This particular proposal was reviewed and approved by this Board in 2015 and received several extensions of approval, he said, but the Code does not permit more than three extensions so we are here tonight for the re-approval of the exact same project. He said this property is at the east of Independent Way where it meets the Special North Parking Lot for Metro North. He said we will be constructing a preferred parking lot with gated entrance for 350 cars. There will be bus service that will bring those users to the train station, he said, and there will be a small comfort station. Mr. Contelmo said the project has been approved by all of the approval boards beyond the Town and we are here to seek re-approval for this Site Plan. Chairman LaPerch said one of the things the consultants said was that since the new bypass road that we put in for Caremount we haven't really had any kind of understanding of the impact there so we are looking to see if you can give us some insight into that intersection. Mr. Contelmo said our traffic consultant is Tim Miller Associates and it is my understanding that they have discussed their view of traffic along with AKRF's traffic engineer and they have come to the agreement that they're going to take some additional counts at that new intersection and incorporate that into a very simple summary in terms of what the new distribution may be expected and the impacts. He said the findings should be issued early next week. Chairman LaPerch polled the Board for questions. Boardmember Hecht said was this potentially factored into the Northeast traffic count study and the fact that there could be 350 cars coming in and out of there? Ms. Ley said yes. Boardmember Armstrong said what status does this Site Plan have as it expired on July 13, 2019. Ms. Ley said it expired and this is a re-approval so it has no status. Boardmember Armstrong said does anything get heard in the Zoning Ordinance or anywhere else that's applicable now to this essentially new application. Ms. Ley said the Zoning hasn't changed in relation to this application and it still complies with the Zoning. She said we have asked them to look at some of the changes in the traffic in that area with pending projects like Northeast Logistics and the opening of the Caremount driveway in relation to this project now, which is seeking a new approval. Boardmember Armstrong said in essence we are re-affirming a previously approved plan with some changes in regard to traffic. He said my other two questions: is there going to be any overnight parking.? Mr. Contelmo said we don't anticipate that. Boardmember Armstrong said will there be a shuttle bus service? Mr. Contelmo said yes, that was in the original proposal as well. Boardmember Armstrong said what kind of approval does that need: hours of operation, where are the buses going to be kept, etc. Mr. Contelmo said the hours of operation as stated originally will be during commuter hours and train operating schedule. Boardmember Armstrong said that will be included in the actual Site Plan Approval. Mr. Contelmo said correct. Boardmember Armstrong said how will that be policed if there is overnight parking since it's a private lot. Mr. Contelmo said there's going to be an owner operator here, a Jiffy bus

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driver, who will maintain the comfort station so it will be policed by the operator just like any business is policed by its operator. Boardmember Armstrong said will there be any food service? Mr. Contelmo said only vending machines in the comfort station. Boardmember Rush said you have the sidewalks going to the station and curb cuts? Chairman LaPerch opened questions and comments up to the public. Town Councilman John Lord said will there be sidewalks to the train station? Mr. Contelmo said yes, there is a proposed sidewalk which comes from our central comfort station, down our driveway and we are extending the sidewalk along Independent Way ending at the property line where we don't have jurisdiction anymore. Mr. Lord said those sidewalks that are not on your property, will they be maintained by you? Mr. Contelmo said right we will maintain them. Mr. Lord said there will be lighting and whatever safety features? Mr. Contelmo said that's right. Ms. Ley said if you would like to wait to make a motion for the traffic response you can continue the Public Hearing, otherwise you can close it. Boardmember Rush said our consultants would let us know if there was a problem with the traffic report and we would have to address it at that point, correct? Ms. Ley said yes. Boardmember Armstrong said it just occurred to me that if these shuttle buses are going to be picking up passengers, would they need a permit from the railroad company, whoever owns the property, to park there and wait for passengers? Chairman LaPerch said I'm not sure what the MTA (Metro North Authority) regulations are but we see the Heart buses in front of the Village all the time so I would imagine there is some kind of permitting or whatever. Mr. Contelmo said we're not aware of any, but we will look into it. He said just to be clear, we are going to have one small Jiffy bus, which will make a loop and will not leave the campus. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch asked Ms. Ley for next steps for the applicant. Ms. Ley said we still have to address the SEQRS concerns so the next step would be providing the traffic information, any other revisions that were requested by the other consultants and coming back for SEQRA. Mr. Contelmo said if it's possible to get the summary traffic back say the middle of next week, could we appear before you on the 27th for consideration to wrap things up? Ms. Ley said we have to see what the deadline is. Chairman LaPerch said give the office a call tomorrow.

REGULAR SESSION:

- 1. LAKEVIEW PLAZA, 1505-1515 Route 22** – This was a review of an Application for Final Approval of a Site Plan Amendment. Lucille Munz of JMC Engineering appeared before the Board. Ms. Munz said we did meet with the Architectural Review Board back in November and received approval. The project consists of landscaping in three areas: the north entrance, south entrance, and the area in front of ACME, she said. Part of the request from the last meeting was to identify the existing curbs that were replaced, she said, and we have indicated those in green on the plan. She said the lighting was placed in the back and meets the light levels as required by Code by lowering the height of the lights, changing how they are attached to the poles, and we added more lighting near the building. Ms. Munz said the one item that might require DOT (Department of Transportation) permitting is a small section of curb that is in the Right-Of-Way. She said the goal of the landscaping was to keep it as native as possible with the biggest discussion being Astroturf, which was approved by the ARB with a contingency plan. She said if the turf doesn't work out the alternative would be to use river stone in those areas. Chairman LaPerch said it has been a major upgrade in a good way, although I still have some concerns about some of the islands as some have been damaged already; the trucks are driving over them. They discussed options for those islands keeping in mind that there are also sight distance concerns. Monica Roth of Urstadt Biddle talked about how often these islands are driven over by large trucks and what they do to try and keep them looking nice. Chairman LaPerch asked about their ownership of the parcel next door and said you have no control over their landscaping, is that correct? Ms. Roth said no, we don't. He said that is

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a shame because you are doing a good job on your side. Chairman LaPerch polled the Board for questions. Boardmember Armstrong asked if there will be more lighting in the back. Ms. Ley said they are reducing some of the light levels in the back with improved fixtures. Ms. Munz explained the new fixtures and the minimized light spillage. Boardmember Armstrong told them he thinks the site looks a lot better. Ms. Ley told the applicant that the Town needs a bond estimate for landscaping for the Town Engineer. The motion to Grant Final Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent.

2. **SOUTHEAST EXECUTIVE PARKING, 185 Rte. 312** – This was a review of a Request for Release of a Performance Bond and Establishment of Maintenance Bonds. Matt Gironda of Bibbo Associates and his client Alan Getz appeared before the Board. Chairman LaPerch said Boardmember Rush has two questions. Boardmember Rush said I drove through last night and I did not see curb cuts on some of the curbs in between the two upper lots but you do have it with the yellow dots at the building side and the first island or median across from it. Mr. Gironda located the places on the plan that Boardmember Rush was referencing and they discussed that this is called a curb ramp, which is for people with wheelchairs and walkers, and that it was not a part of the approved plan. Chairman LaPerch asked Mr. Gironda to reach out to the Town Engineer to discuss getting this done. Chairman LaPerch brought up that there is no signage to tell people they can exit onto Independent Way and they said they will look into it. Chairman LaPerch polled the Board for questions and there were none. The motion to Recommend a Bond Reduction and Establishment of Maintenance Bonds as per the Town Engineer's recommendation was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 1 absent.
3. **WATCHTOWER DUST COLLECTION UNIT, 1801 Route 22** – This was a Review of an Application for Site Plan Amendment. Richard Eldred and Eddie Walker of Watchtower Bible & Tract Society appeared before the Board. Chairman LaPerch said I understand you want to put a dust collector on the building? Mr. Eldred said at the rear of the building so that we are able to bring the sawdust out of the building into the dust collector. Chairman LaPerch asked what they do in the building and he said we have offices and we build set types of things. Chairman LaPerch said so it is wood dust and he said yes. He polled the Board for questions and there were none. Ms. Ley said it is not really visible from Route 22 and qualifies as a minor project. The motion to Classify this as a Type II Action under SEQRA and a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 1 absent. Chairman LaPerch polled the Board regarding the need for a Public Hearing and no one objected to waiving it since the structure is not visible. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the application to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Refer the application to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
4. **PALMER SITE PLAN, 2334 Route 6** – This was a Continued Review of an Application for Site Plan Amendment and Conditional Use Permit. John Folchetti of JR Folchetti & Associates appeared before the Board. Chairman LaPerch said this application started with a violation and John (Folchetti) has been working with the DEP (Department of Environmental Protection) regarding some issues I believe have been resolved and they are ready to move forward. Mr. Folchetti explained that the DEP signed off if they go with a green roof which does not add impervious surface on the site. Chairman LaPerch said all the consultants are satisfied with this but the thing I am not happy with is I think... since it is a Route 6 property and it's a gateway... I don't

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agree with using boulders to demarcate the outside storage. They discussed there will be a fence and the boulders are just for the outside storage. After some discussion about adding a fence, Mr. Folchetti said I will speak to my client. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent. The motion to Refer the Application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

5. **JCE ENTERPRISES, INC., 12 Old Route 6** – This was a Review of an Application for Site Plan Amendment. Architect Robert Cameron and Owner William Frank appeared before the Board. Chairman LaPerch said this seems pretty simple in terms of putting in a staircase and expanding your parking? Mr. Cameron used the plans to show the site location, the existing two-story building and explained how the use on the second floor will change from residential to expansion of the business on the first floor. He said we will need additional parking spaces. Chairman LaPerch said it makes sense so long as you make peace with the DEP. Mr. Cameron explained that they are trying not to create additional pervious surface. He talked about the comment from the Town Engineer and the new apron and Chairman LaPerch instructed him to contact the Town Highway Superintendent to determine what is required. He polled the Board for questions and Boardmember Armstrong asked if this is a permitted use and Ms. Ley said it is. He asked about the parking requirements and Mr. Frank said we will be complying. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent. The motion to Classify this as a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The Board discussed waiving the Public Hearing and no one objected. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Refer the Application to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Mr. Cameron said I have a question regarding the stairs being in the front yard setback and we are not increasing any distance to a property line but I just wanted to be sure we don't have to go to the ZBA (Zoning Board of Appeals). After some discussion, Ms. Ley said he should reach out to the Building Inspector to see how that has been interpreted on other projects. Ms. Ley said if this Board needs to refer it to the ZBA, it can be done at the next meeting.

6. **PROSWING STARR RIDGE, 273 Starr Ridge Road** – This was a Review of an Application for a Subdivision. Attorney Richard O'Rourke of Keane & Beane and Kathleen Gallagher of Insite Engineering appeared before the Board. Mr. O'Rourke said this is an application to create a two-lot subdivision on approximately 103 acres where there is an existing house with frontage on Starr Ridge Road and what we are doing is creating the lot for that house which will total 7.8 acres. He talked about the house that is there and the balance of the acreage. He said there was some confusion with the sign that is out there; there is no proposal, nor will there be any proposal, for any commercial use of this property whatsoever, none whatsoever. He explained some earlier concept discussions that are on the record. Chairman LaPerch said you are not creating any non-conformities? Mr. O'Rourke said no non-conformities. Ms. Gallagher said there is a pre-existing, non-conforming condition with the setback; there is a driveway on the residential property that is 28 ft. from the property line so it is a pre-existing, non-conforming setback but the proposed property design does not create any more non-conforming use. Chairman LaPerch said so for the record again, there is nothing going on with the other property? Mr. O'Rourke said that is correct. Boardmember Hecht said how far down is the current house down Starr Ridge? Ms. Gallagher showed it on the plan. The motion to Declare Intent to be Lead Agency under SEQRA for this Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and

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passed by a roll call vote of 5 to 0 with 1 absent. The motion to Classify this as a Minor Subdivision was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The Board discussed waiving the Public Hearing and no one objected. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the Application to County Planning under GML-239n was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

7. **DREW REALTY / SITEONE, 160 & 170 Fields Lane** – This was a Review of an Application for Site Plan, Wetland Permit, Conditional Use Permit and Lot Line Adjustment. Jeff Contelmo of Insite Engineering appeared before the Board with his client Ray Durkin. Mr. Contelmo explained the parcel and where it is located on Fields Lane. He said Mr. Durkin has been approached by a local wholesale landscape company known as SiteOne and they are interested in moving to this location. He talked about the wetlands on the property and the proposal to do a lot line adjustment to create a 12-acre lot for SiteOne and then merge the triangular piece into the rest of the Drew Realty property. In addition, he said we propose to develop the corner of the property for outside storage and some truck parking. He said they will be sharing a water tank with SiteOne. Chairman LaPerch said there was a violation that was cleared up and that is how you are able to move forward? Ms. Ley said yes, that was cleared up. Boardmember Armstrong asked if the entire site is part of this application. Mr. Contelmo said I would say yes because we are doing a lot line adjustment involving two parcels and then we are developing the eastern side of the property. Mr. Durkin said it is split by the wetland. Ms. Ley said one of my comments was to add more information about what was recently approved on the Drew Realty parcel so we only have one site plan for the record. Mr. Contelmo said we will do that. Boardmember Armstrong asked several questions about the impact on the entire subdivision and how many lots there are now and how many there will be. Mr. Contelmo said two and two; there are two lots now and there will be two lots when we are done and he used the plans to explain. Chairman LaPerch said so it is a lot line adjustment. Mr. Contelmo said correct. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 5 to 0 with 1 absent. The motion to Classify this as a Major Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Set the Public Hearing for February 10, 2020 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Refer the Application to County Planning under GML-239m and n was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.
8. **STATELINE RETAIL CENTER / RESTAURANT DEPOT, US Route 6** – This was a Review of an Application for Subdivision and Discussion of the Overall Application. Jeff Contelmo of Insite Engineering appeared before the Board. Chairman LaPerch said there are no actions here: this is an information session. Mr. Contelmo explained where the project is located and the Stateline project that was originally approved. He said they were able to secure a user for a portion of the large retail center and that is Restaurant Depot. He explained what Restaurant Depot is and how it operates and said they have some very specific standards as to how they need their building and parking laid out. Mr. Contelmo used the plans to show the changes that were made both for the new user and some changes that were requested by the Department of Transportation. He talked about the master plan for the entire site that was originally approved as Stateline versus the plans for the portion that will be used by Restaurant Depot, saying our application is for Site Plan, Special Permit, Wetland and Subdivision and because we are a large retail establishment the Site Plan approval lies with the Town Board. He said I believe because they pick up that, they also review the Special Permit and Wetland Permit so we are really here for this Board for the subdivision. He said we thought this Board might be the best one to handle SEQRA; we will discuss that after we

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submit our master plan and our revised EAF but we do believe we will have a unique back and forth between this Board and the Town Board. Chairman LaPerch said that was a great update. He polled the Board for questions. Boardmember Hecht said it is really focusing in on the Restaurant Depot so in that first phase there is no intent in clearing the other side? Mr. Contelmo said correct; the master plan will show the intent for when that happens but it will be focused right here now. Boardmember Armstrong asked some questions about the Planning Board's role in this. Boardmember Rush said we were developing this site as a large gateway commercial site and now it is a stand alone building and expressed some concerns about how this will look. Mr. Contelmo said it is fair to say that the old Zoning, which was Gateway Commercial, which is no more, it is now SR-6, but I don't think we are settling so much as dealing with reality. He explained that they want to make this look nice and said the property owner Paul Camarda worked really hard to bring Restaurant Depot to a place they didn't want to go. He said it is a warehouse but they are adding some architectural elements to it. Boardmember Hecht said I will say on behalf of my Dingle Ridge neighbors, I'd much rather have a smaller footprint and the clean lines. Boardmember Armstrong asked some questions about the Comprehensive Plan and Zoning. After some discussion it was determined that the term "master plan" was being confused with "comprehensive plan." Chairman LaPerch said this works with our Code as it is now. The Board discussed how much of the site will be paved with this portion being built and Mr. Contelmo used the plans to answer the questions. They also discussed possible slopes and changes in grade. Chairman LaPerch asked Ms. Ley for next steps and she explained why she is recommending the Planning Board be Lead Agency for the project although the Town Board now has approval authority over Large Retail Establishments. She stated the next steps in the SEQRA review process and said then the project would be reviewed by the Town Board for final approval. Boardmember Armstrong asked about the use change and how this relates to the Comprehensive Plan. Chairman LaPerch said the use is not changing he is doing what they got approval for and he is just doing it in phases. He said he is playing within the rules of our Comprehensive Plan.

The motion to Approve the Meeting Minutes from November 25, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

The motion to Approve the Meeting Minutes from December 9, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

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

January 24, 2020/CC/VAD