

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 14, 2019**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Michael Hecht; Jim King; Eric Cyprus; Jack Gress; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Boardmember Dan Armstrong

PUBLIC HEARINGS:

- 1. NEW YORK AMERICAN WATER, 85 Fieldstone Drive** – This was a Continued Public Hearing to review an application for a Wetland Permit. Mike Shortell of WSP USA appeared before the Board with Rick Ruge of New York American Water. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Mr. Shortell said we have a Public Meeting Open for a Wetland Permit and the reason for the permit is we are constructing small 15 x 20 treatment building within the wetlands. He said the treatment building is for a potable water supply well that has been drilled and tested and we're looking to incorporate this new well into the existing Mt. Ebo water supply system. We are currently waiting for Final Approval from New York State DOH (Department of Health), he said, and we're in the midst of construction and expect to have the well online in the spring. Chairman LaPerch said I'll start the questioning: there are some outstanding items for the Wetland Inspector, are you aware of those? Mr. Shortell said yes. Chairman LaPerch said you have to clean up those issues before we move the ball forward. Chairman LaPerch asked the Board if they had any questions. Chairman LaPerch said Boardmember Armstrong called earlier today and might be running late so that's why he's not here. Boardmember Rush said just the wetland stuff that they have to address. Ms. Ley said did you say that the well is not online? I thought it was online on an emergency basis. Mr. Shortell said it's online on an emergency basis; we are going to put it online on a permanent basis in the springtime once we have the permit and the treatment building. Chairman LaPerch said I'd like to open it up to the public; if the public has any comments or questions please stand, state your name for the record, and address the applicant. Town Councilwoman Lynne Eckardt said do you know what the gallons per minute a year on that well is? Mr. Shortell said 45 gallons per minute. Ms. Eckardt said that's all been tested by the Putnam County Board of Health? Mr. Shortell said it has been subjected to a 72-hour pumping test with a subsequent New York State Park 5 Water Quality Analysis and it has passed all standards. Ms. Eckardt said you'll have more than this well or no? Mr. Shortell said not on this well field, but there are a number of other wells throughout the development. Ms. Eckardt said how many others will be online to service the development? Mr. Shortell said I believe there are 10 or 11 other wells. Ms. Eckardt said are any of the wells going to service outside of Fieldstone? Mr. Shortell said not at this point. Town Councilman John Lord said does the Fieldstone Pond Development have access to water supply from other well fields in the development? Mr. Ruge said we have three other well fields supplying Mt. Ebo, which includes Fieldstone. Mr. Lord said does Fieldstone have access to that water? Mr. Ruge said it's all one system so they all pump into the same coordinates, the same water tank. Mr. Lord said were all those well fields subject to this emergency situation? Mr. Ruge said no those were active wells and have been in service since the development was first built back in the 1980s. Mr. Lord said so they did have access to other supplies of water through New York American Water? Mr. Ruge said it's all one system so all the well fields pump into the same water system. Mr. Lord said this water with the emergency, what created the emergency? Mr. Ruge said the amount of water the wells had to mis-yield and we had to find additional water. Mr. Lord said the whole system? Mr. Ruge said the whole system. Ms. Eckardt said how is the water pressure in case of fire and hydrants? Mr. Ruge said that was our biggest issue and initially, we kept the tank filled by trucking in water but now with this well online on a temporary basis we're able to keep the tank – it's a 1000-gallon tank – and we're able to keep it full. Ms. Eckardt said has the water pressure been a problem in the past since you've owned it? Mr. Ruge said no, we've had problems with air in the water because it didn't have much yield but

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no water pressure problems. Chairman LaPerch said have you heard there were problems? Ms. Eckardt said years ago I thought, and this goes way back, there was a fire in Fieldstone; is this way before your time? She said I had always heard that there were pressure problems; that's why I was asking. She said but that was before your time and as of now the hydrants are working. Mr. Ruge said correct. Boardmember Hecht said it's shaky up there for water; it's actually tanker territory for us so if there's a fire in that area we typically will run a brigade of tankers from Ball Pond and some of the mutual aid stations. He said we to try to tap into what we can but it's kind of rough that way. Chairman LaPerch said are you aware of that gentlemen? Mr. Ruge said I know our hydrants, most are 1200... Boardmember Hecht said yes, I know but I'm just saying that fire that we had was so huge that we burned through the storage real fast so we typically connect tanker shell support on that anyway so even if there were an issue with a well, we'd be backed up. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch said (Town Planner) Ashley (Ley); there are no other actions by this Board until they clean up the list of questions from the Wetland Inspector? Ms. Ley said right, so once all the outstanding comments are addressed from the Town Consultants, they will submit revised plans and then come back for Final Approval. Chairman LaPerch said do you think you can accomplish that by the next meeting? Mr. Shortell said yes. Ms. Desidero said the deadline for the next meeting has already passed. Chairman LaPerch said you missed the deadline. Mr. Shortell said the comments from the Wetland Inspector, on our part, were cleaning up some labels on the Site Plan. He said the same individual who prepared the Landscaping Plan would have to prepare the 3-year Maintenance and Monitoring Plan and he's been notified but I haven't gotten a schedule back from him. Ms. Ley said so more than likely it would be the following meeting. Mr. Shortell said so a month from now. Chairman LaPerch said yes.

REGULAR SESSION:

- 1. NYSEG DINGLE RIDGE SUBDIVISION, 17 Branch Road** – This was a review of an application for Site Plan Amendment. Mary Steblein of LaBella Associates, Brian Bury and Marco Mendez of NYSEG appeared before the Board. Ms. Steblein said we're here in support of the Site Plan Application for the Dingle Ridge Substation, which is an existing electrical substation on Branch Road that extends to New York State Route 6 and is in the Special District for Route 6. She said the proposed improvements are for increased reliability of electrical power to the area as currently if something were to happen in here, 709 customers would be out for 10 hours. She said the proposed improvements include an expansion of the substation yard to the south and to the east. She said the existing control house would be removed and a new control house would be put in its place. She said the two transformers at the site would be removed and replaced by two new transformers. There would be replacement of equipment, she said, such as circuit breakers and disconnect switches and the accompanying steel structure to go with those. There would be new conduit trenches creating new lighting for security and task lighting, she said. Ms. Steblein said a new 8 ft. tall fence in several locations, not the entire extent of the perimeter. She said the substation is unoccupied so there is no sewer or water. The disturbance area is 0.62 acres so it's not subject to the 1-acre requirement however it is greater than the 5,000 sq. ft. threshold so we've provided a Stormwater Pollution Prevention Plan with the application, she said. She continued: we have recognized there are some Zoning concerns such as exceeding the maximum lot and we're not meeting the Open Space requirement and I'm unsure if there is a Zoning concern for the fence height or the barbed wire that would be on top of that fence. Chairman LaPerch said is this one of many upgrades for the system throughout the region because we seem to have a lot of failures in the region or is it isolated? Mr. Mendez said it's a program. Chairman LaPerch said is this the first as I know Reed Farm seems to go out every time the wind blows. He said is this a one and done or is there a schedule of other substations in our Town that you are aware of that will be modernized?

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Mr. Bury said we have several programs in place right now for capital improvement projects. From last year to this year we have received a lot of extra money for capital projects, he said, and addressing the Brewster territory is one of the priorities. He said we also have a NIRC program looking at all the 115 kv transmission lines and looking at whether they meet NIRC standards and also a storm marketing program where we're looking at assessing lines at substations in general and finding places where we can get the most bang for our buck and providing updated service, more efficiency. Chairman LaPerch said so this is a substandard substation? Mr. Mendez said it's old. Mr. Bury said it's old and needs improvement. Chairman LaPerch said how long will this renovation take? Mr. Mendez said for construction we have program so it will take about 18 months and then we can spend more time doing the checks of the system. Chairman LaPerch said you are saying the changeover for the equipment would be around 18 months? Mr. Mendez said no, the construction. To have a new substation, he said, it will take about 18 months just for construction. We then need to have program to transfer so that we don't interrupt service. Chairman LaPerch said how many homes are being serviced by this substation? Mr. Mendez said I am not sure of the number of customers but I have the power number which is 60 megawatts. He showed on a map the area serviced. He said we will shut off the substation and put another one close to it serving the same amount of customers. Ms. Steblein said because it's all a network. Chairman LaPerch said is this the Town of Southeast primarily because that looks like it's near the North Salem line. Chairman LaPerch said I am looking to find out how many homes in the Town of Southeast benefit by this capital improvement. Mr. Mendez said it's not service just for houses, it's service for a lot of industries or maybe I misunderstand the question. He said we provide power to manufacturers and big customers. Mr. Bury said we can look at the customer base. Chairman LaPerch said OK, I would like to know: what's the benefit area. Boardmember Cypress said in your intro you mentioned 709 customers; is that not the answer to his question? Mr. Mendez said I don't know. Boardmember Gress said I'm curious about the existing fence that's there now; you're going to put up an 8 ft. fence, what is the existing height of the fence that's there? Mr. Mendez said it's 6 ft. plus. Boardmember Gress said that most likely will need to go to the Zoning Board for approval. Mr. Bury said within the past two years our parent company looked at the standard for our substations and the new standard is 8 ft. fencing and we are told that this is the height fence that is needed so if a variance is needed, we will do that. He said we presented that change and the challenges that faces and they still insist for security reasons and animals and such they still want it. Boardmember Gress said as I understand what you just said was that when you start the construction, you're going to shut this one down and transfer the service to the customers that are connected here to another substation. Mr. Bury said that would all be worked out through the outage; it's not that anyone would be out of power. Boardmember Gress said if you're going to be transferring to another substation, would that substation be sufficient to carry us through; you are talking 18 months and Chairman LaPerch was worried about storms and such. Ms. Steblein said this substation wouldn't be shut down for 18 months; it's a sequence of construction so that they can install as much of the proposed new work and get as close to online as possible, make the connection, and then do the work associated with removing the old equipment. Boardmember Gress said I'm assuming you want to start this project some time in the spring or summer if you get everything approved? Boardmember Hecht said is the footprint going to be the same or will it be larger? Ms. Steblein said it is enlarged as it will extend further to the south and east. She said we were here last year around this time for a Lot Line Adjustment with the adjacent parcel to help us accommodate this expansion rather than have to construct a brand-new substation it made more sense to expand this existing one. Boardmember Hecht said is there a particular type of fence that's being considered at this point? Ms. Steblein said the standard is chain link with a 1 ft. barbed wire top. Boardmember Hecht said I think if you have an 8 ft. fence it would be nicer for folks driving by if you have it blend in instead of having silver metal. Mr. Bury said we can do some research on that. Boardmember Cypress said where are we at with the Zoning; have they started to zone it?

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Ms. Ley said you mean variances; no, they have not. Boardmember Cypress said it will go before the ARB? Ms. Ley said yes and they will need a variance for the fence height as the maximum in the front yard is 3 ft. high and the max on the side and rear yards is 6 ft. high so you will need variances for all sides. She said when you ask for the variance you have to include the barbed wire so it's really 9 ft. Boardmember Cypress said I thought it was 7 ft. plus 1 ft. Ms. Steblein said it's 8 ft. plus 1 ft. Boardmember Rush said we can't make recommendations regarding landscaping, can we? Ms. Ley said you can discuss screening here. Boardmember Rush said it would be nice to see what it will look like just so we can understand as it's a gateway zone. Mr. Bury said are you looking for just a landscaping plan or visual renderings? Chairman LaPerch said yes. Chairman LaPerch asked Ms. Ley to explain what a Major Project is for Boardmember King's benefit. Ms. Ley said there are Major and Minor Projects. A Minor Project is typically anything with under 4,000 sq. ft. in floor area and 10,000 sq. ft. of disturbance area, she said, and this project with all the disturbance because of the relocation of the existing substation and the expansion of the fence was close to that 10,000 sq. ft., if not over, so they are classified as a Major Project. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Major Project 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 239-m was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Chairman LaPerch asked the applicant when they would be ready for a Public Hearing and they said February 25. The motion to set a Public Hearing for February 25, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor.

2. **NEW CINGULAR WIRELESS – AT&T, 230 Peach Lake Road** – This was a review of a Request for Exemption from Site Plan and Conditional Use Permit review. Alec Gladd and Anthony Morando of Cuddy & Feder appeared before the Board. Mr. Gladd explained the location at Vail's Grove Golf Course of the 100 ft. monopole and said AT&T is proposing to replace six antennas and related equipment within the tower. Mr. Gladd said we are moving two equipment cabinets and replacing it with one within the fenced compound. He explained previous applications and upgrades to this cell tower and said we are seeking exemption because this proposal meets the criteria. He said your consultants have opined on this and don't have any objections to granting the exemption. Chairman LaPerch said what is the upgrade to? Mr. Gladd said upgrading the antennas, an upgrade in technology to increase bandwidth. Chairman LaPerch said is it like 5G, 4G... what do you get? He said I am not sure; I can double check for you. They discussed that there is no increase in the footprint. Chairman LaPerch polled the Board. Boardmember Cyprus said so there will be no increase in antennas? Mr. Glad said correct. Boardmember Rush said so all the cabling is going to be internal to the pole? He said yes. The motion to Grant an Exemption from Site Plan and Conditional Use Permit review for New Cingular Wireless, AT&T, 230 Peach Lake Road. was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 1 absent and Boardmember King recusing himself. Chairman LaPerch said we are looking into whether Mr. King can vote on wireless applications because of his current employment and will speak to Counsel after the meeting.

3. **BATISTA SOUTHEAST DUNKIN, 1617 Route 22** – This was a review of an Application for a Site Plan Amendment. Chairman LaPerch asked Ms. Ley for a history of this application. Ms. Ley said this project was before the Board years ago as the Route 312 and 22 gas station; the gas station was approved as a new gas station with a Dunkin Donuts and a drive-thru and they were connecting to the Waste Water Treatment Plant across the street at the Brewster Town Center. She said they were proposing a right turn lane be added on Route 312 to gain access to Route 22; that project was approved, demolition was started but construction was not started and then the project sat dormant

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for a number of years. The current applicant has a new plan, she said, that is before the Board for review and it is now just the Dunkin Donuts, no gas station, and one important thing to note is the gas station was a pre-existing, non-conforming use and this new project eliminates all of the Zoning issues. Kyle Ahearn of The Chazen Companies introduced himself to the Board and said as Ashley (Ley) said the current project is a 2400 sq. ft. Dunkin Donuts stand-alone building, still with the drive-thru and associated parking and eliminating the Route 312 entrance and exit from the site and, along with that, the turn lane from 312 onto 22. He said additional history, the previous owner was a gas station operator who got the approvals with the Town and were in the process of completing their approval with the DOT (Department of Transportation) but flipped the project in that timeframe and the new owner is a Dunkin Donuts franchisee and not as interested in the gas component of the project. He explained how the DOT approval process and other factors led to the new owner's decision to just have a Dunkin Donuts. Mr. Ahearn said we worked with the current owner to come up with this plan and it eliminates a few things that were problematic for the project including: the ability to raise the building and eliminate the excavation issues; as well as the variances for lot coverage and open space, which are no longer required; and eliminating all impervious area within the DEP (Department of Environmental Protection) limiting distance and minimizing the disturbance to the Town wetland buffer area. Chairman LaPerch said this property has been dying for something to happen so we are pretty excited to have you back. He said so there are some dramatic changes from the first approved project so just to be sure I am seeing this properly: the only way you can access this property is if you are going southbound in the morning, correct? He said you cannot access the property from Rte. 312 going onto 22 at all... Mr. Ahearn said if you are coming from 312, you have to turn onto 22... Chairman LaPerch said so south on 22 is the only entrance, correct? He said yes. They talked about people travelling north having to turn around and come back to gain entrance. Chairman LaPerch said explain to me the first plan had the DOT requiring a turn lane and this plan... and it is more of an economic issue, it just doesn't make sense to do that? Mr. Ahearn said even beyond the gas station it was very costly. Chairman LaPerch said you have your business relationship set with the property across the street for the sewer? He said correct. The Chairman said do you have the DOT and DEP permits in place to do that? Mr. Ahearn said we will have to get re-approval (inaudible). Chairman LaPerch polled the Board for questions. Boardmember Hecht said it is a little disappointing that you can't accommodate that turn, only because the school buses and everything that come off that road when you are you coming down 312, it is very difficult and if you have cars making the quick right into the place it is going to back up even more. He said I just wish there was a way to accommodate that. Mr. Ahearn said we did move the 22 entrance as far south as we could and re-positioned the drive thru lane so we ended up with 12 queuing spaces right around the building (inaudible) and additional queuing spaces (inaudible). Boardmember Hecht said I just know that when that arrow goes green to make the right, it is a slow roll out of that turn so I feel like it might back up when people are trying to make the turn into... Chairman LaPerch said good question, I assume the DOT is good with this? Mr. Ahearn said we met with them but have not submitted anything formally. Ms. Ley said it needs to be reviewed: they will need a Highway Work Permit and permits from DOT and I have also requested that they prepare an updated traffic study for this. Boardmember Cyprus said wasn't part of it that they were going to give a piece of land to the DOT; is that still going to happen and maybe DOT would build that other lane someday? Mr. Ahearn said originally the plan was to donate it to the DOT because... it's been remediated now but... because it was a contaminated site, they didn't want to own the land but still the plan was for them to take an easement for it in the future. Boardmember Cyprus said so someday they could? Chairman LaPerch said yes, eventually. Boardmember Cyprus said you mentioned, Ashley (Ley), that it can never be a gas station... She said that's correct, it can never be a gas station again. He said you mentioned that the building didn't move much but I remember it was pretty tight against that back wall; do you know how much you were able to move it away? Mr. Ahearn said the parking here is

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at the 20 ft. buffer so it's about 50 ft. from the property line. He said another thing I didn't mention; by lifting that building and the drive thru lane with it, we eliminated all the walls on the site and just graded it up to the property line. Boardmember Rush said I still don't quite understand the traffic and am concerned about emergency vehicles here, and I don't have an answer on that. He said so my other concern is whatever you do within the parking lot, you make it as pedestrian friendly as possible and he explained what types of things they might do to make that happen. Boardmember Rush said no plan to develop that little triangle into a little eating area for people to sit or anything? Mr. Ahearn said no, it's not really part of the plan now and we are allowed 50% and we are at 49.9% so there is not much opportunity for additional impervious area. Chairman LaPerch asked about the date for the Public Hearing and they discussed they would like to have the traffic study done so the 25th of February was chosen. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Major Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. The motion to Refer the Application to County Planning under GML 239-m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to set a Public Hearing for February 25, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor

4. **FORZA FORNI, 601 North Main Street** – This was a review of an Application for Final Approval of a Site Plan Amendment. Engineer Joel Chase and Rick Figueiredo of Forza Forni appeared before the Board. Mr. Chase explained the application and what is proposed, saying we have an existing 14,000 sq. ft. building with two tenants and the larger tenant is Forza Forni and they occupy about 90% of the building. He said they have been there for several years now and they realized they need additional storage so this proposed site plan includes an outdoor storage area with a fence for screening. He said we presented this application to the ARB and they did send us back here with a positive referral so we are here tonight just to continue our site plan application. Chairman LaPerch said you are looking for final tonight? Mr. Chase said correct. Chairman LaPerch said I have no questions except did we deal with the outside storage and everything is marked on that? Ms. Ley said yes. He said and what are you doing for demarcation of the outside storage, a fence? They said yes. He polled the Board for questions and there were none. The motion to Grant Final Approval for Site Plan Amendment was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Establish the Estimated Construction Costs and Set the Inspection Fee at \$750 based on the Town Engineer's Recommendation was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

Chairman LaPerch asked for comments on the Meeting Minutes of November 26, 2018 and there were none. The motion to approve the Meeting Minutes of November 26, 2018 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor with Boardmembers Cyprus and King abstaining.

Chairman LaPerch asked for comments on the Meeting Minutes of December 10, 2018 and there were none. The motion to approve the Meeting Minutes of December 10, 2018 as written was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor with Boardmember King abstaining.

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

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