

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES February 10, 2020**

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

**PUBLIC HEARINGS:**

- DREW REALTY / SITEONE, 160 & 170 Fields Lane** – This was a Public Hearing to Review an Application for Site Plan, Subdivision, Wetland Permit and Conditional Use Permit. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Jeff Contelmo of Insite Engineering and Madeleine Abreu of SiteOne appeared before the Board. Mr. Contelmo explained the proposed changes to the properties including a lot line adjustment, development of the SiteOne site plan on the 12-acre lot and explained that they are a wholesale landscaping supply company. He said we are also proposing some improvements to further develop the Durkin Water and Propane and related businesses, including adding some propane tanks and a 500-gallon water storage tank. Mr. Contelmo used the plans to show where all of the structures are on each lot. He talked about the Wetland Permit required for disturbance to the buffers. He talked about SiteOne relocating from their facility in Bedford to this site. He said I will answer any questions about the site plan and Madeleine (Abreu) can answer questions about SiteOne. Chairman LaPerch said the consultants didn't seem to have any major issues but there were 15 comments from the DEP (Department of Environmental Protection) that need to be addressed. They discussed the comments from AKRF and Mr. Contelmo explained in detail how each will be answered. Chairman LaPerch said I am going to ask some questions that (Boardmember) Lynne Eckardt mailed in. He asked about water consumption and whether any local wells were monitored? Mr. Contelmo said we have not yet developed any of the water taking information for the site but as you know Mr. Durkin is in the water business and they operate their existing wells and facilities on the adjacent parcel and this is intended to give them redundancy with their operation. He asked Mr. Durkin about what his wells draw now and Mr. Durkin said we have several wells and explained why they need a redundant tank, comparing it to the situation in Brewster Heights. He said we have no issues with the water at this time and talked about how they operate their wells. Chairman LaPerch said her second question is regarding the color of the water tank. Ms. Ley said I think she wants to see what they will look like from 684. Mr. Durkin said we can paint it a different color but not a dark color for the sun. Chairman LaPerch said or an addition of evergreens to hide the tanks? Mr. Durkin said we plan to do that anyway. Chairman LaPerch polled the Board for questions. Boardmember Rush asked when the ARB will review this and Ms. Ley said after the SEQRA determination, you will refer it. Chairman LaPerch opened the Public Hearing to the public. Putnam County Land Trust representatives Judy Terlizzi and Elizabeth Wright introduced themselves. Ms. Terlizzi said I have questions related to three areas: history, water and pollinators. She thanked (Secretary) Victoria (Desidero) for letting her read through the file for the application. Ms. Terlizzi explained where the Land Trust owns property near the Durkin parcel and the history of that parcel. She said it is a very significant property and she was surprised it was not mentioned in the application, nor were two historic houses also next door. They discussed what type of recognition she was looking for. She asked how many acres of woods will be destroyed or cut down? Mr. Contelmo said the clearing will be approximately 15 acres. Ms. Terlizzi said there is a lot of focus on the importance of pollinators in our world today and explained the role they play in the ecosystem in some detail. She said we would like to work with Mr. Durkin to see if there is some way to replace some of this in other areas of the property and suggested well-maintained hedgerows are important, and gave some examples of plants that support pollinators. Ms. Terlizzi said we would like to work with Mr. Durkin to replace some of the plantings. Mr. Contelmo said relative to that there will be about 4 acres of plants on site in the nursery and explained these will be a very diverse group of plants. She asked if those plants will be all native and will they be sprayed with chemicals? Mr. Contelmo explained that landscape nurseries have 50 – 50 native to non-native. Ms. Abreu said we try not to spray with anything... only if the plant is calling for it and explained how they care for the plants. Ms. Terlizzi said I appreciate that but if you have to spray you are probably going to kill the butterflies and bees. She said the third area is as it relates to water and you've addressed where the water is coming from so the question is where is the water going to go if it has chemicals in it; where is it going to run off into? Mr. Contelmo said any applications of pesticides or herbicides are on an as needed basis; same with fertilization and, as she said, it is to their advantage to do that in a way that is sensitive to the nursery stock. He

explained that this project involves a very comprehensive stormwater plan but anything running off will be received through a number of stormwater systems in place and explained where these are on the property. He said these meet DEP standards which are very high standards. She said what you are saying is it will be captured; it will be treated and it will run down into the groundwater eventually? He said either groundwater or surface water. They discussed how this is monitored. She said I just wanted to ask because I know Mr. Durkin pumps a lot of water and sells it to people so I just wanted to be sure that was addressed. Ms. Abreu talked about the blend of organic treatments they use and said we would only treat the plant if it is to save the plant. Ms. Wright said we appreciate your sensitivities to those issues. Chairman LaPerch thanked them for their comments. There were no other questions. Chairman LaPerch said I am considering closing the Public Hearing with a 10-day written comment period. Board members did not have a problem with that. Chairman LaPerch said you still have some things to clean up and comments to respond to. The motion to Close the Public Hearing with a 10-day Written Comment Period was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

### REGULAR SESSION:

1. **COMFORTING CARE, 4005 Danbury Road** – This was a Review of an Application for a Special Permit for an Animal Hospital. Dr. Lisa Walling appeared before the Board. Chairman LaPerch said we told you we would help you through this. He said you are looking to rent a space in the plaza that is out by the Danbury line, right? Dr. Walling said I am already in the space and I am here for approval to start seeing patients there. Chairman LaPerch said you need a Special Permit from the Town... She said the Town is considering it an animal hospital but actually animals will be coming in with their owners, having an acupuncture treatment and be there about half an hour. Ms. Ley said it is a Special Permit based on the definition in the Code it falls into the definition of animal hospital because she is treating common household pets. Ms. Ley explained the process whereby she can obtain the Special Permit. Chairman LaPerch polled the Board for questions. Boardmember Cyprus asked what she treats pets for and she said it is mostly dogs but some cats and it is usually for arthritis and neurologic problems. Boardmember Rush said are you doing cold laser? She said not yet. 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 Rush and passed by a roll call vote of 5 to 0 with 2 absent. Chairman LaPerch asked for comments about waiving a Public Hearing and there were none. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Refer the Application to Putnam County Planning under GML239-m was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. The motion to Waive the Referral to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Boardmember Rush asked about a sign and Ms. Ley said a sign would still need to be reviewed by the ARB but this is for the site plan. The motion to Refer the Application to the Town Board for a Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent.
2. **SALSA FRESCA, 1577 Route 22** – This was Review of an Application for Final Approval of a Site Plan and Conditional Use Permit and Consideration of a Bond Recommendation to the Town Board. Owner Seth Hirschel appeared before the Board and explained the steps he took since last appearing before the Board. He said we have a little more work to do with the Department of Transportation and Department of Health. Chairman LaPerch said good stuff: I'd like to make a public comment that you did a great job. He said this was one of the quickest reviews for a very prominent site. Mr. Hirschel said I applaud the Board's efforts as well. The motion to Grant Final Site Plan and Conditional Use Permit Approval was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Recommend a Bond to the Town Board based on the Town Engineer's estimates was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.
3. **ALFACOR, LLC, 14 Fields Lane** – This was a Continued Review of an Application for Special Permit for Excavation and Grading. Nicholas Gaboury of Bibbo Associates appeared before the Board. Mr. Gaboury apologized for the confusion at the last meeting and said we did submit a letter clarifying our intention to add the additional fill to the pile and I saw that Jacobson (Town Engineer) has acknowledged that in an e-mail. He said

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES February 10, 2020**

we are meeting with the Town Engineer on site this week as per the question from Boardmember Eckardt and we are scheduled to have our Public Hearing on the 24<sup>th</sup>. Chairman LaPerch polled the Board for questions and there were none. The motion to Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. 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.

4. **COMMERCIAL CAMPUS AT FIELDS CORNER pka NORTHEAST INTERSTATE LOGISTICS, 51 Pugsley Road** – This was a Discussion of Revised DRAFT Final Environmental Impact Statement (FEIS). Meeting Minutes were taken by a stenographer.

**FOR THE APPLICANT:**  
**DANIEL M. RICHMOND, ESQ.**  
**KATE ROBERTS, ESQ.**  
**Zarin & Steinmetz**  
**81 Main Street**  
**White Plains, New York 10601**  
**RICHARD PEARSON, PE, JMC**

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 MR. LAPERCH: Number 4 is the commercial  
3 campus at Fields Corner, AKA Northeast

4 Logistics. There is -- no. Actually,  
once

5 again, if anybody in the audience here -- there  
6 is no action here. We are just continuing  
7 discussions about the application.  
Welcome.

8 MR. RICHMOND: Good evening. Should  
we

9 come up to your table?

10 MR. LAPERCH: Yeah. Come up. All right.  
11 So, Counsel, you got to announce yourself  
12 before I can ask a question. Can you go over  
13 to the microphone, please, if you don't mind.

14 MR. RICHMOND: You prefer us to be over  
15 there?

16 MR. LAPERCH: Yeah, please.

17 MS. DESIDERO: I think you're only going  
18 to use the presentation if it's needed.

19 MR. LAPERCH: Right.

20 MS. DESIDERO: I just need you to use the  
21 mic. I don't know you. How long a cord is  
22 there again? You okay there?

23 MR. RICHMOND: I think it works. Does  
24 that work?

25 MR. LAPERCH: Yeah. Fine. Announce

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 yourself. Let's get going here.

3 MR. RICHMOND: Good evening, Mr. Chair,  
4 members of the board. My name is Dan Richmond.  
5 I'm with the law firm Zarin & Steinmetz here on  
6 behalf of the applicant for the commercial  
7 campus at Fields Corner.

8 MR. PEARSON: Rich Pearson, JMC. I'm  
9 representing the applicant.

10 MR. LAPERCH: Welcome. All right. So  
11 Dan, I believe we are continuing discussions.  
12 I'm going to ask Ashley to, kind of, tell us,  
13 you know, the memo issued today to her office.  
14 And we're just going to go run through it. I  
15 think there's some other questions that I might  
16 have, and some other people might have,  
17 regarding what we're doing.

18 MS. LEY: Sure. So the last time the  
19 board got a copy of the -- the FEIS, the draft  
20 FEIS, was back in December. There was a number  
21 of comment memos issued. This board reviewed  
22 that there was a presentation. They have since  
23 submitted a revised FEIS that was almost  
24 completed. It addresses the bulk of the  
25 ~~comments that we had back in December. There~~

1 COMMERCIAL CAMPUS AT FIELDS CORNER  
2 are or was one outstanding item which is the  
3 SWP. And we are continuing to review the  
4 traffic study. I should have that memo by the  
5 end of the week, just double-checking all of  
6 the data that's in the appendix which is quite  
7 a lot of data.

8 So the way this memo is formatted, it goes  
9 through the past comments, and it identifies  
10 whether or not they have been addressed or not.  
11 So in most cases, the -- the items have been  
12 addressed. The items that are noted as not  
13 being addressed are rather minor updates and  
14 just some additional text, no additional  
15 analysis. So the one big item that's in this  
16 memo is in relation to what was discussed at  
17 the last meeting where there was some  
18 unmitigated traffic impacts. We had a meeting  
19 at DOT in January with the applicant and  
20 representatives (indiscernible) and Tom Laperch  
21 was there as well, where we discussed what  
22 potential mitigations would be for those areas  
23 and what is provided on page 3 of the memo is  
24 suggested language to address that. And,  
25 essentially, what we would be asking for is a

1           COMMERCIAL CAMPUS AT FIELDS CORNER  
2           traffic signal warrant analysis of the  
3           intersection of Route 312 and Prospect Hill  
4           Road, what we have prepared in six months of  
5           full occupancy. And then similar to what the  
6           -- the planning board did for Brewster Honda,  
7           the town will hold \$15,000 in escrow to cover  
8           the cost of that or an analysis. Also, what we  
9           would request is a corridor study that would be  
10          prepared -- prepared within six months of full  
11          occupancy along Route 312 to Prospect Hill Road  
12          to International Boulevard, to determine the  
13          need and recommendations for a revised time of  
14          day traffic signal plan. As we learned at DOT,  
15          the last time they conducted a traffic -- time  
16          of day traffic signal plan, the study was back  
17          in 2003. So what this study be would used for  
18          is to update the timing about the lights on  
19          that corridor. And the reason - we're -- we're  
20          not recommending that it be done is that it's  
21          better to do that once you have the actual  
22          users in the building; so you know that you are  
23          correct to create the correct single timing  
24          plan. For that we recommend that the town hold  
25          ~~\$30,000 in escrow to cover the cost of the~~

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 corridor study. And lastly, the applicant  
3 should make a fair share contribution to the  
4 design and installation of the traffic signal  
5 on intersection Route 312 and Prospect Hill  
6 Road if warranted. So that would be based on  
7 the traffic signal warrant analysis. That  
8 signal would also be coordinated with four  
9 other existing and proposed signals on Route  
10 312 and Independent Way which would be based on  
11 the time of day traffic signal plan. And for  
12 that, we are also recommending that the town  
13 hold an amount either in escrow or bond for  
14 their fair share portion of the traffic light  
15 or other technologies that could be identified  
16 in the corridor study. So it may -- it may  
17 find that signals are not warranted at that  
18 light or at that intersection but there could  
19 be other technologies like sensors that could  
20 be added to some of the existing signals on  
21 that corridor. There's quite a range in the  
22 cost of traffic signals depending on whether it  
23 is submitted for bid by DOT or submitted for  
24 bid by the applicant. We've recently seen  
25 ~~ranges anywhere from \$250,000 to \$400,000 which~~

1           COMMERCIAL CAMPUS AT FIELDS CORNER  
2           is the ballpark within this memo. That's quite  
3           a large range. The applicant has suggested  
4           \$150,000 as their fair share, and I think you  
5           would like to come back to this memo with some  
6           additional numbers based on your recent signal  
7           cost.

8           MR. LAPERCH: Correct. Yeah. Okay. You  
9           are right, Ashley, and I attended that meeting  
10          up at DOT last month. So we are very engaged  
11          with all the traffic issues here. So we are  
12          working hard to try and figure things out with  
13          the applicant what works out in that area. So  
14          Ashley, just kind of, once again, frame -- give  
15          us the sense of where we are in this process  
16          the applicant is after tonight's meeting.  
17          What's next for the applicant?

18          MS. LEY: So after tonight's meeting, the  
19          applicant will continue to revise the FEIS, as  
20          I mentioned, the primary outstanding item is  
21          storm water pollution prevention plan. I  
22          understand some testing scheduled in the field  
23          and DEP --

24          MR. LAPERCH: This Friday. Yeah, this  
25          Friday.

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 MS. LEY: There's been a number of weather  
3 delays on that item. So once that study has  
4 been updated, they will add that to the FEIS,  
5 and they will submit a revised FEIS with --  
6 that addresses all the comments in my memo, in  
7 Tom's memo. And then at that point in time,  
8 the board could accept the FEIS as complete and  
9 allow it to be distributed to the public as  
10 well as all the involved and interested  
11 agencies and schedule the public hearing. The  
12 board may remember you promised the public that  
13 you would have a public hearing on the FEIS.

14 MR. LAPERCH: That's right. Okay. Just  
15 for -- I got my notes from Victoria. Sure -- I  
16 did not know that all these documents are on  
17 the town Web site for public review. Okay.

18 So -- listen. I was part of that meeting  
19 with DOT; so I have no further questions. And  
20 I think Ashley laid out all the issues that we  
21 were trying to get -- get you back to us on.  
22 So I have no further questions, because you've  
23 been keeping me informed about SWP and the  
24 delays associated with it; so as soon as you  
25 wrap that up and get back to us. Dan and Mike

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 on the same page, just waiting for SWP?

3 MR. RICHMOND: Yeah. And I thank you Mr.  
4 Chair just so the public is clear we are really  
5 just testing one basement at this point. It's  
6 all done to one basement.

7 MR. PEARSON: Right. And Friday is  
8 accepted to be sunny. So --

9 MR. LAPERCH: You keep us in the loop. So  
10 let's see what happens with that and come back  
11 to us. Mr. King, any questions for this  
12 application?

13 MR. KING: No questions.

14 MR. HECHT: Thank you. Mr. Cyprus.

15 MR. CYPRUS: I know you need to pin down  
16 the cost of the traffic -- but who -- who  
17 determines what the fair share is at that point  
18 once we know what we think it will cost?

19 MS. LEY: So we, as your consultants, have  
20 provided a range of what we think is reasonable  
21 for that type of light. So, now, we would be  
22 expecting the applicant to come back to us with  
23 some numbers on their end, and we'll -- we will  
24 review those and provide recommendations to the  
25 planning board. And then, ultimately, it will

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 be the planning board decision.

3 MR. CYPRUS: Is -- is there a standard,  
4 like, they should pay --

5 MR. LAPERCH: On this page -- should be  
6 here -- please explain what the problem was.  
7 There's no vendors up here. So the prices are  
8 very presumptuous; there's really no vendors to  
9 put up the light; so the pricing --

10 MR. CYPRUS: Let's say 300,000, we know  
11 that for sure. Should they pay 150? Should  
12 they pay --

13 MR. LAPERCH: That's Ashley's --

14 MS. LEY: It should be based on their  
15 percentage of the impact on that road.

16 MR. CYPRUS: Okay.

17 MR. LAPERCH: Good question, Eric. Other  
18 questions?

19 MR. CYPRUS: Other than the traffic and  
20 the waste water, it seems like everything else  
21 -- they could easily just add some comments and  
22 you are comfortable. Is that fair?

23 MS. LEY: Yes. I would say that's fair.

24 Most of the items have been addressed and in  
25 terms of Chapter 2, I had a -- I had a lot of

1                   COMMERCIAL CAMPUS AT FIELDS CORNER

2                   comments the last round. I'd like to get a  
3                   copy of the Word document just to go through it  
4                   and see a few things. It's just text, not new  
5                   analysis.

6                   MR. CYPRUS: Thank you. I'm good.

7                   MR. LAPERCH: Good. Thank you for your  
8                   questions. Mr. Rush.

9                   MR. RUSH: You know what, I know we all  
10                  know the traffic is a big deal regarding this  
11                  application, and everybody is doing the right  
12                  thing, checking data, getting the data. You  
13                  know, it's interesting this whole traffic light  
14                  issue is saying that, you know, their  
15                  percentage of what their -- their impact would  
16                  be potential share on a few -- right now, we  
17                  don't have one. So the tipping point of  
18                  wherever you would do to, you know, to get one  
19                  of your affidavit. I'm not sure how the public  
20                  would feel about that. And if there's also any  
21                  other road changes or alterations, it would  
22                  have to happen as a result of the traffic  
23                  lights, maybe not just a traffic light. It  
24                  could be a traffic light and another; I don't  
25                  know. You know, I just don't know. I know

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 we've been trying to figure this thing out. Do  
3 you know what I'm saying?

4 MS. LEY: Just to be clear, they have  
5 mitigated the bulk of the traffic impacts on  
6 this border, like, adding additional lanes and  
7 a new traffic light.

8 MR. RUSH: I know we have.

9 MS. LEY: This is just -- there is a  
10 couple of turning -- at certain times of day  
11 that they want more data.

12 MR. RUSH: I'm just -- I'm wondering if  
13 the cost of this should go forward in a way,  
14 you know, it -- it's proposed. If there was  
15 something else besides the traffic light, you  
16 know, are we -- are we stuck with that, or is  
17 that --

18 MS. LEY: No. That's one of the reasons  
19 why we are asking for the corridor study and  
20 the -- and the warrant analysis. So the  
21 warrant analysis may come back, and they may  
22 say -- it may not meet warrants. So it may not  
23 justify the installation of a traffic light.  
24 But the corridor study may say, I think you  
25 need some additional signal hardware at this

1 COMMERCIAL CAMPUS AT FIELDS CORNER

2 particular intersection. And that's where that  
3 -- the money could be applied to.

4 MR. RUSH: Okay. I just want to make sure  
5 we are in the best interest of all of us here,  
6 that we have done the right thing by the town,  
7 and it's public. That's it for now on traffic.

8 MR. CYPRUS: All right. I think the  
9 tipping point comment was the last thing. It  
10 might have only contributed to half the traffic  
11 but, you know, if they are the reason for the  
12 expanse, you know, how does everybody else  
13 feel?

14 MS. LEY: I mean, it is a busy corridor.  
15 So the other thing to keep in mind is they are  
16 not the only application that's pending on this  
17 corridor. So there's a few others that are  
18 going to have their fair share and are going to  
19 need to prepare their own traffic studies.

20 MR. RUSH: And I saw there was something  
21 about a (indiscernible), you were studying that  
22 as well.

23 MR. LAPERCH: That was for the other  
24 application, the Southeast parking.

25 ~~MR. RUSH: Didn't I read something --~~

TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 10, 2020

1                   COMMERCIAL CAMPUS AT FIELDS CORNER

2                   MR. RICHMOND:   It's the condition to be  
3                   monitored, a potential need for a  
4                   (indiscernible) as part of the -- I think it  
5                   would be the 8th monitoring condition that we  
6                   would be looking at post operation. Once we  
7                   are up point operating, we would monitor that  
8                   use.

9                   MR. RUSH:       That's a direction that they  
10                  are going to reduce some of the traffic and  
11                  also makes it a little less vehicular and  
12                  better for people. That's a good offer.

13                  MR. LAPERCH:   Good question. Thanks for  
14                  paying attention. Thank you. Okay. Ashley,  
15                  no other issues at this point? No actions  
16                  here. So thank you for showing up tonight, and  
17                  we look forward to getting the rest of the  
18                  documents from you. Thank you. Good night.

19  
20  
21

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 10, 2020**

The motion to Approve the Meeting Minutes from January 27, 2020 as written 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.

**February 21, 2020/VAD**

**THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:**

<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>