

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
February 25, 2019**

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

PUBLIC HEARINGS:

- 1. BATISTA SOUTHEAST DUNKIN, 1617 Route 22** – This was a Public Hearing to review an application for Site Plan Amendment. Chris LaPorta of The Chazen Companies and Rick D’Andrea of Maser Consulting appeared before the Board. The motion to Declare Lead Agency was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Open the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor. Mr. LaPorta said the project is a 2,400 sq. ft. standalone Dunkin’ with a drive-thru at the corner of Route 22 and 312. He said the drive-thru has two lanes for 12 cars and a bypass lane. We’re proposing 17 parking spaces, he said, and there will be a right in/right out access to Route 22. There will be no entrance driveway off of Route 312, he said. Mr. LaPorta said the proposed forced main is to connect to the Waste Water Treatment Facility at the Brewster Towne Centre across Route 22. This site has been vacant since it was remediated by the former owner, he said, and the new owner is proposing to remove the gas station component of the project in order to eliminate the DOT (Department of Transportation) and DEP (Department of Environmental Protection) improvements that can’t be supported by the project. The new smaller layout and development eliminates the area variances required for the previous project and also allows for the elimination of the retaining walls, he said. Mr. LaPorta said since last time we have also added a landscaping island near the building entrance. The next step forward will be submitting plans to the DOH (Department of Health) and DEP for re-approvals of the sewer and water service in March and there are no changes proposed to either, he said. In regards to the traffic study, he said, Rich (D’Andrea) will be making some updates. Mr. D’Andrea said our office had done a traffic study back in January of 2013 with the prior proposal here. He said we did a supplemental traffic study just recently that was submitted to the Board that looked at the reduction in trips that are resulting from a removal of the gas station from the project and what the current impacts are. He said we didn’t do a full updated study, but did receive some comments from AKRF just last week. We are now looking at doing a full updated study, he said, because that is what the comments call for. Mr. D’Andrea said I want to address two things that were in those comments: one was the request for a Saturday traffic analysis and we will put this in writing to you, but we don’t really see a need for a Saturday traffic analysis as the traffic volumes we will demonstrate to you on Route 22 and 312 are about 80% of what they are on an AM peak hour which is the heaviest traffic generation for them. He said the traffic generation itself on a Saturday day peak hour is also lower than that AM peak time period so we don’t really see a need for the Saturday traffic analysis, but again we’ll demonstrate that in our response. Mr. D’Andrea said the one other thing I wanted to address real quick in the comments was that we didn’t conduct new traffic counts at the Route 312/22 intersection. What we did look at was the DOT historical data that indicates what recent growth is in this area, he said. Based on that information, he said, they actually show a decrease in traffic volume for the last five or so years from 2012 to 2017. Regardless we are in the process of doing a new traffic analysis, he said, so whatever those traffic volumes show is what we’re going to basically update our traffic study on but that was part of our reason for not giving you an updated one. He said we are working on an updated study and we’re going to address all the comments, although I don’t think it’s going to change our results. Acting Chairman Rush said to Town Planner Ashley Ley: is the Saturday issue OK with you? Ms. Ley said you have already put the tubes out to get your counts? Mr. D’Andrea said yes, correct. Ms. Ley said so we will be able to see what the numbers are coming in at and what was proposed and with that information we can weigh in on that. Acting Chairman Rush asked the Board members if

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there were any questions. Boardmember King said no. Boardmember Gress said I don't really have any questions but was concerned about the fact that the entrance off Route 312 was eliminated when the plan was changed and I know that the DOT made so many stipulations that it would have been too costly to keep going but it's a shame that you couldn't have had an entrance off Route 312; just a simple entrance off there. He said that's just my opinion. Boardmember Hecht said on the traffic study, I think it's a mistake not to do the Saturday. He said the only reason being is on Saturdays you have a lot more traffic coming out of that plaza across the street, which is introducing three lanes of traffic coming down, coming from 312 and coming from the Plaza. If you do the peak rush hour in the mornings there's not a lot of vehicles coming out of that Plaza where they are during the day because of the businesses that are open there so I think you should take that into account, he said. Boardmember Armstrong said I don't really have any questions but it seems to me that given the number of questions that the Planning Consultant has, you have a way to go on this and I don't know what alternatives you can come up with. He said it's a small use, it's a small site, but the location really makes it difficult to make anything fit in there so that's just a general comment. Boardmember Cypress said nothing for me. Ms. Ley said in terms of addressing the traffic comments, when do you think you'd be able to have them wrapped up? Mr. D'Andrea said our traffic tubes are out there right now and have traffic count scheduled for either Wednesday or Thursday of this week so I would expect to have them back next week. He said it would probably take us another week to finalize the study. Ms. Ley said OK, we are just looking at continuing the Public Hearing until you'd be able to respond to these comments so we would want the traffic study at least two weeks in advance of the Public Hearing. Mr. D'Andrea said OK, I think we could probably squeeze that in based on where we are right now. Acting Chairman Rush said we are going to ask you to give us a date so you can talk amongst yourselves when you are ready to do that but my final point before we turn it over to the public: I would agree with Boardmember Hecht that it seems like Saturday might be a pretty good day to do it as you get more traffic, in my opinion from being here, because everyone going in and out of the plaza is your potential customer because they're the only ones that can turn in. Acting Chairman Rush opened the question and comment period up to the Public. Danielle Thompson said my question is for the traffic study: when you say you're doing more peak hours, on Saturdays it's not necessarily morning peak hours that are the... what do you consider morning peak hours Monday through Friday: is it 6am to 8am? She said so, then I would consider Saturday peak hours maybe a little later and start at 8pm to 10am and also you have to consider about the schools; if you're doing it on a holiday weekend or doing it when the schools don't have sporting events you're not going to have a lot of traffic but if you do it on a Saturday that there's a football game or track meet there is traffic piled on 312 and it has to be appropriate to where it... there's a lot of traffic on 312 and 22 on a Saturday. That's my opinion, she said, and I think it needs to be done and you need to know what time it's done and it needs to be at a different time than a Monday through Friday because the traffic is different just like Mr. Hecht said. She said traffic is different on a Saturday, but the timing is different as well because you don't have the regular commuters. You have people that slept in and are now traipsing their kids around town, she said. Mr. D'Andrea said do you mind if I just address that? He said just so that everyone is aware, the AM time period that we were going to analyze on the weekdays will be from about 6:30 to 9:30 in the morning and we will also analyze the PM peak hours which will probably be done between 3:30 and 6:30. He said on a Saturday, it will be completely different where we will do... it sounds like you're looking for us to do Saturday, that seems to be a concern. So, he said, based on that we're going to look at 11 to 2, let's say, which is generally when your peak hours occur on a Saturday. So, it's not necessary that 8:00 in the morning on a Saturday when you know traffic is lighter; we're going to do it when it's the heaviest volume on 312 and 22, he said. Ms. Thompson said I don't know how this is done by any means, but traffic at 6:30 or 6:00 on 22, there is traffic until like 7:00 at night. She said I don't know if the traffic... I don't know, has a time period been discussed on when the heaviest traffic

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periods are on 22? Ms. Ley said so that's what will come out of the traffic study because what they'll do is take the counts over a period of time and then, based on that data, they'll be able to see when the peak hour is so when the highest volume is on that road and then when you analyze the impacts of this project, you analyze them against that peak hour. So, she said, you're looking at the worst-case scenarios. Acting Chairman Rush said work with Ms. Ley and come up with a window that's going to grab the best amount of time. He said I think it's important that we all know, it's a pretty heavy intersection and the use basically because of what you're creating is probably going to be a little bit higher than maybe just a gas station. He said nonetheless, there's a lot of activity there and we're concerned about that. I know there were also some comments that AKRF pointed out, he said, with visibility and sight lines and pedestrian traffic with deliveries so that's something we would like you to take a look at as well. Mr. LaPorta said we will look at it. Acting Chairman Rush said I would suspect, I'm just guessing, that the Ski Haus will start trampling a little path from their house to your house so it might be something that would be interesting to look at because it would be safer to keep people from getting in a car to go around the corner. He said you know we always talk about how we can make pedestrian traffic a little easier so if there was something that could be recommended or suggested... Ms. Ley said I'm not sure you could have a vehicle connection. Acting Chairman Rush said no, I'm talking pedestrian so people are safe when they try to go from A to B. Ms. Ley said going back to the traffic study: if you could just confirm that when you did your recent counts that school was in session. The motion to continue the Public Hearing to March 25, 2019 was introduced by Acting Chairman Rush, seconded by Boardmember Gress and passed all in favor.

REGULAR SESSION:

- 1. ALFACOR, LLC, 291 Deans Corner Road & 14 Fields Lane** – This was a continued review of an application for Site Plan, Conditional Use Permit and Wetland Permit. Nicholas Gaboury of Bibbo Associates and Owner Rob Alfredo appeared before the Board. Mr. Gaboury said the project is located at 291 Deans Corner Road and since the last meeting before the Board, we've taken a look at the project with the owner and applicant and have made some significant changes to the project as you will see on the current plan here. We've downsized the overall development of the site pretty substantially, he said, we previously had three buildings on the property and the third building, which is off to the east, has been removed and the second building, which was previously a warehouse building of 40,000 sq. ft., has been reduced to 9,900 sq. ft. of a combination of warehouse and office use. He said we've also reduced the overall impervious pretty significantly and we've eliminated the access drive to the third building, which also eliminates the need for any wetland disturbance past the watercourse going up the hill. Mr. Gaboury said the plan has... since the last application, we've done a little more soil testing as well and the plan now reflects preliminary infiltration sizing for stormwater treatment and a SWPPP (Stormwater Pollution Prevention Plan) will be provided in a subsequent submission for review from the Town Engineer. And we've also, after our initial soil testing results, he said, we've moved the septic area from the center of the parcel to the far west side of the development just so it worked better as far as drainage and stormwater and separate distances to each well. He said we still now, as part of the changes, we no longer have fire access out to Deans Corner Road: that is no longer needed for the third building and the fire tank that was previously proposed has relocated to the center between the two buildings for fire protection and that is a preliminary tank of 300,000 gallons. The site is still accessed through the existing common driveway on 14 Fields Lane, he said, so ultimately access is provided on Fields Lane on the parcel. He said we did look at bringing all the traffic in from Deans Corner although the sight distance limits at that intersection, specifically with the grade changes on that road, wouldn't allow for that entrance. Mr. Gaboury said the trip generation has been revised to reflect the current size of the buildings, although they are still general uses, but the numbers have

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been substantially reduced just on the overall size of the project. Moving forward, he said, we are now starting to put together applications for both the DEP and for Putnam County Health Department for the septic and well and then DEP for the SWPPP review so that will be provided before our next meeting and if there are any questions, concerns or anything else, we are happy to help. Acting Chairman Rush said great, we'd like to take a stab at it. He polled the Board for questions. Boardmember Hecht said appreciate what you did with collapsing and bringing things down a little bit but do you feel comfortable with the amount of parking, it's got a condensed look to it, but are there any issues with perception of what parking you might need or is it covered? Mr. Gaboury said it's possible that, depending on the tenant for the larger warehouse building, additional parking may be provided if there are more employees or more public use or more loading and shipping... Boardmember Hecht said right, do you think it's going to be enough and then the increased traffic to that building? Mr. Gaboury said I believe that with the layout of the impervious area we picked for the site, we can fit enough parking in there to fit the use: we do have a 30 ft. buffer between the building and edge of the... on all sides of the building so there is a potential for parking to be laid out around the building also. He said and then we have laid out the full 40 spaces just around here and here for the office and warehouse use. Boardmember Hecht said I don't know what you could do but whether it's just markings or some sort of mechanism to keep the traffic where it is coming in so there is a clear path in and out for emergency vehicles. Mr. Gaboury said we'll certainly make sure that we can have the truck maneuvering around the buildings and we are potentially looking into islands inside this area... Boardmember Hecht said that would be great. Mr. Gaboury said to either guide traffic or to create areas to bring trucks into different loading areas so we will work that out. Boardmember Armstrong said is the only vehicular access over the existing driveway for the adjacent property? Mr. Gaboury said that's correct: the only way into the site is now through the existing common driveway. Boardmember Armstrong said what is the status of that driveway: is it a public street or is it a private drive? Mr. Alfredo said it is a common driveway that serves both the building that I own right now, which is located right here, and also serves the two Barbarosa residences. Boardmember Armstrong said so is that accomplished by easements or something? Mr. Alfredo said yes, it's 50-foot, two 25 -ft. easements that were put together. He said and will you then be extending that to the new building, to the new site? Mr. Alfredo said yes. He said OK and, I haven't been out there and I will before the next meeting, but, does the existing driveway... is it paved or what kind of driveway is it? Mr. Alfredo said its 18 ft. of pavement and the plan was to widen that to I think 22 ft. Boardmember Armstrong said so you already plan to widen it to accommodate the new building? He said yes. And does the driveway end at the property line to the new building, he asked. Mr. Alfredo said it's about 100 ft. away right now from the proposed... He said so you are extending and that will be 22 ft. wide? Mr. Alfredo said yes, it's already open and level and yes, that would be an extension. Boardmember Armstrong said and that, assuming it is a different owner, they would also have an easement agreement for access? He said correct. He asked: is there a maintenance agreement as well by users? Mr. Alfredo said my company maintains it. Mr. Gaboury said this shows where the extension of the driveway would start approximately on the Fields Lane property and the site plan has a schedule for the Fields Lane property because of the additional pervious we are adding to that site; we've also submitted an application form to include that property as part of the overall application. Boardmember Armstrong said is the proposed building located on an existing lot, a separate lot from the others? Mr. Alfredo said yes. Boardmember Cyprus said there's a few consultant comments that you will need to address but one kind of peaked my interest about all the blacktop between the two buildings: is that just because you don't know what is going there yet or what are your thoughts for why it is so big? Mr. Alfredo said mainly truck maneuvering and to have an element of parking and still be able to turn a tractor trailer around completely while they are also backed up to this loading area. Mr. Gaboury said we are looking at some potentially pretty big shipping trailers that would need to get into the site and then turn around to get backed up to the

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building but we had to retain this large area. He explained that they don't know who the end user will be but it might change some things about that area and the parking configuration. Mr. Alfredo talked about where 684 is and how they are trying to keep the parking and outside storage areas on the inside and interior side of the building so it is screened from highway. Boardmember Cyprus said so you think potentially some of that might end up being outside storage... Mr. Alfredo said yes, maybe just a place to park trucks overnight or something like that: we have to really lay that out for you. Mr. Gaboury said I did see the comment about lighting and we have a back side of that building and we've talked with the applicant now about potentially doing screening along that building and keeping the wall lighting to a minimum for safety and security but otherwise pretty low to shield lighting to hopefully not create much of a visual impact. He said the building itself may be seen during winter months on the hillside but we want to keep any safety concerns of people looking at lights up on the highway... Acting Chairman Rush said that may be something that between ARB (Architectural Review Board) and further review from this Board we might want to recommend other things like timers for the lights, motion sensors or something like that. He said I know you are still developing it. He asked: is there any reason to recommend pervious paving for this or is that tractor trailer thing going to be... Ms. Ley said I think it depends on where it would be proposed: if you had an area that was predominantly outdoor storage, not as much traffic, potentially that could work there. Acting Chairman Rush said that is a question because of the overall health of the site with all the watercourses: it might be something that we might want to look at. Also, he said, without getting into the nitty gritty... how big is the big building now? Mr. Gaboury said it is 90,000 sq. ft. and approximately in the same location, just slightly slid forward to keep the disturbance down to a minimum. Acting Chairman Rush said it would be nice to see how it can be developed because it is a lot of paving and I realize it's a big site but... up against your building, will you have any kind of pedestrian walkways? Mr. Alfredo said we would have a sidewalk along there. Acting Chairman Rush said at both buildings, right? Mr. Gaboury said yes, it's a little hard to see on the plan here but for the next submission we will zoom in on this area and have more detail on the plans and we do have a sidewalk. He said and, I don't know about other Board members, but it might be nice to see a section cut through this so we can see the elevations we will be looking at. He said I appreciate you are trying to be sensitive to that but let's just see it before it is built to make it as beautiful as possible. How high do you think that building is going to be, he asked? Mr. Alfredo said it's probably going to be less than 32 ft., probably closer to 30; we typically don't have a need to go higher than 28 and we should have that within the next few weeks so maybe next time we can have a better idea on that. Mr. Gaboury said and we have an elevation on that building approximately now at 402; if you go straight back to the highway, you have approximately 340 contour right through the highway, so probably 60 ft. higher. Acting Chairman Rush said so it is up there. There were no additional questions from the Board. The motion to Declare Intent to be Lead Agency was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Town of Southeast Major Project was introduced by Acting Chairman Rush, 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 Acting Chairman Rush, seconded by Boardmember Cyprus and passed all in favor.

- 2. DYKEMAN'S CORPORATE PARK, 425 Rte. 312** – This was a review of a request for a Bond Reduction. Secretary Desidero said so, first of all, we told the applicant that they didn't need to be here for this. Just so everyone knows, she said, this property was recently sold so the new owner of the property needs to take over the bond from the previous owner and in starting to discuss that with the Planning Board Staff, it was determined that (Town Engineer) Tom Fenton could go out there and see how much of the site was stabilized because it hasn't been worked on in a really long time and possibly reduce the bond. She said so Tom (Fenton) was making that recommendation to

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reduce the bond but his father passed away this weekend so he was not able to get the memo to us until late. I did speak to him on the phone today, she said, and he gave me the amounts and Ashley (Ley) has the memo on her phone if anyone wants to see it but I thought the Board might consider voting on the amount with the idea that you will see the letter from Tom (Fenton) tomorrow. Acting Chairman Rush said so Board members currently there was a \$49,000.00 bond and Mr. Fenton is recommending it go down to \$19,500.00 based on what improvements have been done so, if there are no other questions on that, if you feel comfortable, I would like to make the motion. The motion to Recommend a Bond Reduction to the Town Board was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor.

The motion to approve the Meeting Minutes of February 11, 2019 as written was introduced by Acting Chairman Rush, seconded by Boardmember Gress and passed all in favor with Boardmember Hecht abstaining.

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

March 8, 2019/VAD/CC