

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 22, 2019**

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

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. SEVEN STARS SCHOOL, 509 Route 312** – This was a review of an application for Site Plan Amendment. James Sanok of Sanok Design Group and Nicole Aravena of Seven Stars School appeared before the Board. Mr. Sanok said we are here looking at the option of a school bus drop off onsite instead of dropping off curbside as they are currently doing on Route 312 for safety reasons. He said we took a look at multiple turning radiuses trying to utilize the back, front, or side parking lots and had determined it best to do a K-turn with the side parking lot dropping students off there and having them walked over by staff. I did receive a letter late last week, he said, from the Town Consulting Engineer and he had suggested looking at a K-turn in the back. He said we had originally looked at doing this with a sweeping turn in the back along with drop off but there is a well and a manhole on a gravel parking lot and we are concerned about disturbing that. Mr. Sanok said currently the wetland line is adjacent to the building and then cuts across in the back-parking lot with a series of trees, which means that even with a K-turn some of the trees would need to be removed. Mr. Sanok said I spoke with (Wetland Inspector) Steve Coleman about the wetland and he said he was going to send a comment to (Secretary) Victoria (Desidero) that there was no impact to the wetlands as the whole site is in a wetland buffer and we are not doing any changes to the existing configuration so he was OK with it. Ms. Desidero said he sent an email stating he was not going to write a memo but that he had the conversation and there is no wetland impact. Chairman LaPerch said in terms of the K-turn, I am not an expert on this so I will await our consultant on this to be sure he understands the circumstances as to why it cannot be done in the rear. He said do you have a tenant in the back? Ms. Aravena said they are gone as of last May. Chairman LaPerch said are there big buses that come through dropping off or the smaller ones? Mr. Sanok said it is the bigger one, a 38-40 ft. long bus. Chairman LaPerch said your intention is to bring them in and do a K-turn on there on the side? Mr. Sanok said 38 to 40 ft. buses could do a K-turn in this location. Chairman LaPerch said I do not have a problem with doing the K-turn on the side but more with coming in and out of that place at that time of day. Mr. Sanok said regarding the timing, the bus drop-offs are always before the regular students of the dance studio get there so the parking lot is virtually empty. Chairman LaPerch said I get that but you have school traffic and I thought that, in earlier discussions, you were contemplating a drop-off in front? Mr. Sanok said we were originally thinking of reconfiguring the parking in the front but based upon budget... Chairman LaPerch said I am talking about on the road, how many buses do you anticipate coming in? Mr. Sanok said just one per school. Ms. Aravena said just JFK and CV Starr and the parents pick up later in the evening. Chairman LaPerch said I am going to hold comment regarding the K-turn and get our consultants input. Ms. Desidero said I would suggest you reach out to the Town Engineer; I believe Joe Dillon wrote the memo, and have a conversation with him because he will need that interaction. Ms. Aravena said your concern about the issue with the school and the parking lot being busy: the studio opens at 4:30 pm so it will really only be the bus coming in at that time. Chairman LaPerch said yes, I noticed that as you were talking. Ms. Aravena said it would be the same for the morning; the parents would already be gone from the parking lot when the buses come to pick them up. Chairman LaPerch said Mr. Coleman's letter will be a part of the record? Ms. Desidero said no, Mr. Coleman will not be doing a memo. She said in this case, all Mr. Coleman was asked to do was to determine if there were wetlands that needed to be evaluated and he said no although the email is part of the record. Chairman LaPerch asked the Board if they

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 22, 2019**

had any questions. Boardmember King said no, but I think you are on the right track with getting the bus in. He said it would be better to have the bus as close to the school as possible. Boardmember Gress said I looked at the maps that you sent with the three different layouts and I think the one you are suggesting with the K-turn would be the most practical situation. He said I think that dropping the kids off on Route 312 is not as safe. He said I think the other turn-arounds would be too much work. Boardmember Hecht said I would like to defer to the experts on the safety issue. Boardmember Cyprus said on the K-turn proposal, what actually changes? Mr. Sanok said the only change is either having the bus pull up on Route 312 and have the kids traveling with guidance to the front door or having the bus come into the site. Boardmember Cyprus said you are not even re-striping the parking? Mr. Sanok said no, currently we have striping as shown on the plan. Boardmember Cyprus said if they're not even changing a parking stripe, I am curious what all these steps are about; just to say you can pull a bus in. Chairman LaPerch said yes. Ms. Aravena said for the licensing to get the daycare in there I needed the approval. Ms. Desidero said she's adding a Use so that's what raised the whole issue. Chairman LaPerch said I have four actions for tonight. The motion to Classify this as a Type II Project under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress, and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch asked the Board if they had any discussion about a Public Hearing for this application. Boardmember Gress said I'd be willing to waive the Public Hearing but I think it would be wise to wait for the comments from the Town Engineer. Ms. Desidero said Ms. Ley is recommending that the Board consider waiving the Public Hearing. She said Ms. Ley didn't write a memo about this application but Jacobsen did and I think they're addressing the safety issue that everyone is talking about and that is why it would be good for Mr. Sanok to have a conversation with them. Boardmember Gress said I have no problem waiving the Public Hearing, just thought there would have been an issue. Boardmember King said I don't see a reason for it. 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 Putnam County under 239-m was introduced by Chairman LaPerch, seconded by Boardmember Hecht, and passed all in favor. Chairman LaPerch said what are the issues for the ARB (Architectural Review Board) referral? Ms. Desidero said this is one of the ones that would fall within the category where we changed the Local Law recently and since there are really no visible changes to the site so you could consider waiving the referral to the ARB. Chairman LaPerch asked the Board if they had any questions. The motion to Waive the Referral to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Cyprus, and passed all in favor. Chairman LaPerch asked what was next for the applicant. Ms. Desidero said I need a full set of the application or a disc with the plan to send to County Planning and there is a 30-day wait for them to respond. She said based on what Ms. Ley wrote there is nothing else except that you will have to come back for Final Approval. Mr. Sanok said in the meantime I will reach out to the engineer to get something in writing from him. Ms. Desidero said we will need that before the Board will consider Final Approval.

2. **577 NORTH MAIN STREET, 577-587 North Main Street** – This was a review of an application for Site Plan Amendment. Bart Lansky and Mr. Haytoff, partners, appeared before the Board. Mr. Lansky said the property was purchased on February 28 and is 3.59 acres with approximately 33,000 sq. ft. of space in three buildings. He said the primary building, building one, is from 1947 and lines North Main. He said it was originally the Herbst Seed Company. There is a second building, building two, dating back to 1974, he said, which has overhead doors with tenants that include a plumber and HVAC mechanic. The third building, he said, is a Quonset Hut from 1947 and that's around 5,500 sq. ft. in the back. He said the previous owner was Block Building Associates, George 'Burkman,' who was associated with that group and he had a master lease with an individual in the building who was supposed to maintain the property and low and behold didn't do a wonderful job maintaining the property and we are trying to improve it. He said we have

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 22, 2019**

started fixing it up; we got a Building Permit. We went to ARB to build a wall, put in some plantings, and have received an approval for that, he said. Mr. Lansky said we're here tonight for a Conditional Use Permit to do Outside Storage and this wall is supposed to buffer it from North Main so you can't see it. He said I'd like to hand out some photos that I took yesterday. He explained the buffering with trees and the wall using the photos to show what he is looking to do. He said Mr. Petrillo has had approvals for some time for a memorial park that adjoins part of the property. He said the second approval he is seeking is for the Quonset Hut where there is an existing tenant called Brewster Taxi/Express Taxi and I think they have another dba in there as well. He said essentially, they park their cars, bring them inside and change tires and minor repairs on their own cars with their own mechanic and that is a Special Permit so I'm asking for an approval for that. He said there had been more sub-tenants in these back areas, which were removed recently, and so the Town had some enforcement against the previous owner and we had been working with the previous owner and have taken over ownership to legalize everything. He said there has been parking in the back, which he showed in his photos. He said the property that Mr. Petrillo owns was also part of this property at one time. He said there is an existing Site Plan approval from about 1995 and The Code has been updated since that time although I'm not looking to change anything with buffers or numbers; I'm simply looking to legalize these two Uses and I want to do it in concert with this Board and the ARB. Mr. Lansky said the wall that is built is 6 ft. but if you want it 7 ft. or something different, we're happy to do that. He said I spoke to Forza Forni who has an approval for a metal fence and we would like to build a concrete wall between us on the property line so we made that agreement just for where the building exists. He said I'm happy to go to the ARB for that but I'm trying to do it in a way that makes sense for both property owners and then come back later for blacktopping and landscaping for the remainder of the property line. He said the fence wouldn't go the whole way; we don't want to go into the wetland buffer. He showed where the wetlands are on the plans and that they are in the buffer but not changing anything. He showed an area on the plans indicating that it had been used for parking for 50, 60, 70 years, albeit intermittently, and there have been trucks back there the whole time. He said I cleaned up the area, have tried to fix the drainage and do landscaping, and we are hoping for these approvals. Chairman LaPerch said I think first; you've done a tremendous job so far from what I see and I appreciate the effort. He said have the wetlands been verified? Mr. Lansky said yes and I provided a map with the application and I can contact Mr. Coleman if you like but the map was part of my application. Ms. Desidero said regarding the wetland, Ms. Ley spoke with Mr. Coleman today and Mr. Coleman does believe this will require a wetland permit so it will go the next step with Mr. Coleman and he will write a memo at some point. She said another question; on our files we are still reflecting the name of the previous owner; what is the name of your... Mr. Lansky said it's 577 Main LLC. Ms. Desidero said the fence that you share with your neighbor, is that on your property? Mr. Lansky said right now with our parking, we are actually parked over the property line. Chairman LaPerch said yes, we know that. Mr. Lansky said we're going to put the new fence right on the property line. Chairman LaPerch said if we can figure that line out it would be quite helpful. Mr. Lansky said I met with him today and my idea would be to submit an executed affidavit from him stating he joins this application. Ms. Desidero said I don't think you can. She said his Site Plan was just approved so he would have to come back for an Amended Site Plan, if it's on his property. Mr. Lansky said well insofar as it being on the property line, I've had experience where as long as the other person joins the application it's on the property line, so it will be approved here? Chairman LaPerch said that's a legal question and I'm not about to say you're right or wrong so we will want to get that memorialized in some sort of legal memo. Ms. Desidero said we would want to check with Ms. Ley because we have never done it for anyone in a Site Plan that I am aware. Chairman LaPerch said could you clear up that issue first? Mr. Lansky said yes, sure. He said he (Forza Forni) was building a fence of his own according to Site Plan and I offered to put the wall up. Chairman LaPerch said I get that and appreciate it but let's just make sure it's legit because we've

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 22, 2019**

not done this before. Mr. Lansky said what's been required in other places with me as a representative for an applicant is that as long as you do a maintenance easement and record it... Chairman LaPerch said OK, it could very well be and I'm not arguing with your legal question but I would like it on paper and approved by our Town. He said what are you going to do for the outside storage in terms of boundary? Mr. Lansky showed on the plans where he planned to do plantings. He said in response to the AKRF memo, the Zoning Schedule will include a "proposed" column and I'm happy to talk to Mr. Coleman about wetland boundaries and the flags are all up and he can contact our consultant. He showed on the plans what he would like to do regarding boundary markers and what he would like to keep open because of his tenants and their need to access the area for their business. Chairman LaPerch said we want to be able to see where the boundaries for Outside Storage are going to be so that you do not encroach on it and we don't want any sprawling to occur especially in the back. Mr. Lansky said I was hoping not to do a hard buffer in the back because Mr. Petrillo hasn't developed this and he had talked about needing access through there. Chairman LaPerch said I understand but I'd prefer a hard-scape there to show the boundary line even if it is boulders. Mr. Lansky said regarding the lighting fixtures, I asked my architect to something diagrammatic; we had some existing fixtures but they're not in a great state of repair so I am going to revamp the existing... do it on a trial basis and see what works. Mr. Lansky said in response to Nathan Jacobson's letter, the new fence will be identified as existing and proposed. He said he will list boulders instead of pine trees in the back. He said he will identify the last two items as well. Chairman LaPerch asked the Board if they had any questions. Boardmember Gress said no questions; I just want to compliment how clean the site has become. Boardmember Hecht said will the outside storage be mostly vehicles? Mr. Lansky said right now I have two landscaping companies who rent space and some of their vehicles were over the property line and I'd like to clean it up so I'm assuming it will be those types of uses but it should be pertinent to the other general business uses within the building. Boardmember Armstrong said is it a kind of a mixed-use building, different types of tenants? Mr. Lansky said right now I have a kitchen cabinet shop; a woodworker; a metalworker who was the previous master tenant; a space that was childcare which is empty now; HVAC; plumbing; a guy who does specialized surface restoration; the taxi group; some offices for a guy who makes high voltage controls; and a church who shows up on Sunday for a few hours. He said it all falls under General Business, which is allowed. Boardmember Armstrong said do you have any assigned parking that goes with each of the spaces? Mr. Lansky said I do not. He said the one thing I'm doing on the Site Plan, which is different from today, is I'm showing the drive as one way but there is more than enough parking so it's never been an issue. He said for the Special Permit you are supposed to look at parking and you're supposed to have 10 spots for a motor vehicle repair which goes with this and I have more than those spots and he moves his cars inside so they're no longer parked outside. Boardmember Armstrong said thank you, the place does look much better. Mr. Lansky said we do have a Building Permit out for the existing building one which has a saw tooth roof with day lighting on a 90 degree and has been leaking so I'm hoping to do trusses and a gable roof with siding. He said those are approvals I have in place and you should see that soon. Boardmember Cyprus said does the repair shop for the taxi... does that need to be registered with Motor Vehicle as a motor vehicle repair shop? Mr. Lansky said I believe that because he's only using his own vehicles it does not. Boardmember Cyprus said my concern would be if he registers with the DMV and we give him a Conditional Use Permit then it's a general repair shop and not limited just to Brewster Taxi. Mr. Lansky said I'm told for the past 20 years there were repair shops in both sides open to the public who have now been both removed and this is solely limited to his own cabs and that's my agreement with him so I don't think he needs to register for that. Chairman LaPerch said Ms. Desidero is saying Special Permits can have restrictions so if it's voted on for a Special Permit it could have restrictions on it for repair shops. Ms. Desidero said that's a Town Board decision. The motion to Classify the project as a Type II Action and as a Minor Project in the Town of Southeast was introduced by

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 22, 2019**

Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to set a Public Hearing for June 10, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Hecht, and passed all in favor. The motion to refer this project to County Planning under GML-239-m was introduced by Chairman LaPerch, seconded by Boardmember Cyprus, and passed all in favor. The motion to Refer the project to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Armstrong, and passed all in favor. Ms. Desidero requested another copy of the applicant's application in paper or disc format to send to County Planning. Chairman LaPerch said please resolve that legal issue regarding the fence as well.

The motion to approve the Meeting Minutes of April 8, 2019 was delayed by Chairman LaPerch to allow additional time for Board members to review the Minutes.

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

April 30, 2019/CC/VAD