

**TOWN OF SOUTHEAST  
PLANNING BOARD / ARB MINUTES  
April 26, 2021**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Eric Cyprus; Mike Hecht; Jim King; Lynne Eckardt and George Pangis; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero;

**Pledge of Allegiance**

**Introduction**

Chairman LaPerch opened the meeting with the Pledge of Allegiance, a roll call vote (results above) and introduced the agenda items.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

1. **SUBTRACT, INC., 20 Welfare Road, Tax Map ID 36.-1-44.2** – This was a Review of an Application for a Conditional Use Permit for a Home Occupation. No one was on the call to represent the application.
2. **VALERO, 1675 Route 22, Tax Map ID 46.-3-16** – This was an Architectural Review of an Application for Signage and Changes to a Commercial Structure. No one was on the call to represent the application.
3. **RITE AID, 1505 -1515 Route 22, Tax Map ID 46.-1-1.-1** – This was an Architectural Review of an Application for Signage. Maria Rotundo of Lite Brite Signs appeared before the Board. Chairman LaPerch said tell us what you are looking to do please. Ms. Rotundo said replacement of the Ride Aid signs is required as they changed their logo. She said we just want to change the one on the wall and the one on the pylon sign. Town Planner Ashley Ley showed the signs on the screen and explained that the Board just approved the new Comprehensive Sign Program for the Lakeview Plaza shopping center and the new Rite Aid signs will be going up. She said the plaza is going to have the whole façade re-vamped and asked if the new sign will go up now or when that is done. Ms. Rotundo said I didn't know anything about that; I haven't talked to the installation part of my shop so I don't have a date. There was discussion about the façade changes and timing. The Board advised Ms. Rotundo to check with the landlord before putting up the sign on the wall. The motion to Grant Architectural Approval for the Rite Aid Signs was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 7 to 0.
4. **D'UVA 231 Fields Lane, Tax Map ID 78.-2-90** – This was a Review of a Request for Reduction of a Performance Bond. Kirsten of Rock Blaster Hammers was on the call. Chairman LaPerch said this is an easy one. He polled the Board for questions. Boardmember Eckardt said she was a little confused by the submission and asked if they have already added the 5400 sq. ft. of outside storage, the flagpole and additional landscaping. Secretary Desidero said that is all part of their approved Site Plan and, basically, they had a bond in place that was quite large and they sold the property so they asked (Town Engineer) Tom (Fenton) to look at the work that had not yet been completed for the approved plan. Boardmember Eckardt said so this is the part that has not yet been improved. Chairman LaPerch said that is correct. The motion to Recommend a Reduction of the Performance Bond as written by the Town Engineer was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
5. **PROVETTO BROTHERS FARM, 679 Milltown Road, Tax Map ID 47.-3-27** – This was a Review of an Application for a Special Permit for Farm Use. Attorney Michael Caruso and Owner Christian Provetto appeared before the Board. Chairman LaPerch said let's pull up the site plan so

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we can have a discussion. Mr. Caruso said my client is actually getting a survey done and I know we have some measurements and specifics that need to be added in so we are going to get that prepared. Ms. Ley shared the plans on the screen. Mr. Caruso explained his client already has a pretty robust garden and a hoop house that is standing on the property that you see on the top and what the client is looking to do. The Provetto Brothers Farm started out with Christian and his family and what they are attempting to do, he said, I wouldn't quite call it a CSA operation and Christian feel free to correct me. He said what they are intending to do is develop a responsible kind of farming operation that doesn't bring people to the site; rather it is something to serve the local community... more of a subscription service to be delivered to customers. They want to utilize the current hoop house they already have, kind of refine and optimize their practices, he said, they are selling greens and seasonal vegetables and we need a Special Permit to do that... to have a commercial greenhouse if you call it that or this structure on a residential lot of 2 acres. Mr. Caruso said they are about 1.9 acres so we are just shy of that requirement and we do obviously need to show the Board that we are not 75 ft. from the property line, our lot area calculation needs to be there but, ultimately, this is to show that the operation is not intended to be a business per se. Yes, they will be raising crop and performing operations on the property, he said, but by all intents and purposes they are not going to be drawing people to their property; this is where they live with their family and their kids. He said but they've got a good reputation with their business and they want to see if they can develop that further; that's why they are here. Chairman LaPerch said so you need a variance for lot size, correct? Mr. Caruso said it would be for... we are at 1.98 acres, minimum is 2 acres for this Special Permit Use so, yeah, we would technically need a variance although a very small one. Chairman LaPerch said is this a year-round type of operation? Mr. Caruso said my understanding is they are not able to grow full year-round but most of the year. Mr. Provetto said we grow year-round but we are just in the one hoop house right now obviously. Chairman LaPerch said how does it work, you made reference to mail order so no one comes to the house? Mr. Provetto said no one comes to the house; just deliveries. He said so people pay us online or through the mail and we deliver. No one ever comes to the house for the farm, he said. Chairman LaPerch said I guess I don't have a good visual impact here in terms of what those structures are going to look like... you are asking to have possibly two, in my terms, greenhouses? Mr. Provetto said they are not heated or anything; they are just a structure and a plastic cover. If you just scroll down I think like two or three pages there is a picture of the current one we have. Chairman LaPerch said OK and that is going to be replicated with two others? Mr. Provetto said exactly. Mr. Caruso said that is not the current state of the house, right, I mean you've got this secured and obviously not in the same condition as the photo? Mr. Provetto said yeah, I mean it is closed and the ends are sealed up. Chairman LaPerch said how far is your closest neighbor? Mr. Provetto said our lot is 200 by 300 so that is probably right in the middle of the property and I mean we have neighbors on either side. Chairman LaPerch said let me see what the Board thinks of this; I mean we haven't seen any of these before. He polled the Board for questions. Boardmember Pangis said I don't see anything from the picture, around the greenhouses is there going to be any sort of fencing or is it just going to be open property? Mr. Provetto said there is a fence around the entire growing area currently. They talked about whether other fencing will be required and Mr. Provetto said not in that area; I put up fencing around another plot and you see it on the map where it says, "Future 2," there is a fence around that area as well. Boardmember Pangis said will the new greenhouses be visible from the road? Mr. Provetto said nothing is visible from the road; you would never know we were growing anything from the road. He asked if all three will be used for year-round growth or if some would be seasonal and Mr. Provetto said most likely year-round but depending on the year some of them might be resting. Boardmember Eckardt said I think we really do need, and you mentioned this first, is an accurate survey: what are the dimensions of the hoop houses, please? Mr. Provetto said it is 50 by 14. She said all of them and he said yes. She said and right now you are in violation, you have a violation? He said we do for our (inaudible) and for

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the hoop house. Boardmember Eckardt said hoop houses are a soft structure and I don't believe are allowed in the Town of Southeast, is that correct? Mr. Caruso said well the Building Inspector and I had a bit of a back and forth on what constitutes a structure and a building and whether or not this is suitable for human habitation and whether the Code supports that so I think the safe course here was to assume that they are not covered and that's why we are here. OK, so question for Ashley (Ley), she said, if hoop houses are not currently allowed that is beyond the purview of our Board, correct? Ms. Ley said right, so Section 138-13(H) of the Code specifically prohibits these types of structures on residential property; they are only allowed on farm uses that are within an Agricultural District. She said so this property currently does not qualify and, just to clarify, the minimum lot size in the R-60 Zoning District for a Farm is 5 acres so this lot, in order to become a farm use, would need a variance for lot size and would also need a Special Permit from the Town Board. Ms. Ley said there is another option for greenhouses: in this Zoning District you are allowed to have a commercial greenhouse if your lot is 2.5 acres and that would be a glass greenhouse, a more traditional structure as opposed to the plastic hoop house and the regulations for that are in 138-62 of the Code. Boardmember Eckardt said thanks, Ashley, I also have concerns because the application says it is 1.38 acres so that is a rather large difference when we are talking about such a small property. And also it should be noted I think, she said, that... and please correct me if I am wrong Mr. Caruso or Mr. Provetto, that there is a shared driveway with a neighbor, is that correct? Mr. Provetto said that is correct. She asked if any trucks come in or how do you do your deliveries? Mr. Provetto said in my car in a cooler, no trucks. Boardmember Eckardt said I would just like to say that I have some... obviously some real concerns about this; I think we really need to see a lot more of... obviously the soft structures are a problem. She asked Ashley: we will have a Public Hearing on this? Ms. Ley said it is at the Board's discretion. Chairman LaPerch said most likely. Boardmember King said the hoop house is a soft structure but it has framing in it correct? Mr. Provetto said the ends are framed, yeah, kind of... just framed to hold the plastic on there. He said it currently has what looks like an old parachute thrown over it? Mr. Provetto said that's called shade cloth. Boardmember King said is that how it looks on its best day? Mr. Provetto said that's how it looks from maybe July to September, during the hot months. They discussed who can see it and Mr. Provetto said he only has one neighbor who can see it and he was thinking about putting up a privacy fence. He asked what sort of permit he would need for that. Boardmember King asked where are we at here; has this been to Zoning? Chairman LaPerch said we have a lot of things to do here; it will be a process. Boardmember Hecht said I think everyone asked my questions and I think we will have to consider a Public Hearing. Boardmember Cyprus said just to follow up on Lynne's (Eckardt's ) question, Ashley, if they want to keep... the question about is it in our purview or... if they want to keep the hoop house they would need a variance to be from 5 acres to either 1.38 or 1.98, I've heard both... Mr. Caruso said it is 1.38. Ms. Ley said they would need a variance for lot size and they would also need a Special Permit from the Town Board and they would need to be admitted into the Agricultural District. Boardmember Cyprus said I guess we are all a little bit uncomfortable, so clearly there is nothing for us to do at any point in the near future on that, correct? Chairman LaPerch said I think we have to wait. Chairman LaPerch said was that application correct then; where did the 1.98 come from? Mr. Caruso said it came from my Statement of Use and it probably was a typo; on the application itself it is 1.38. He said we will try to get some updated and better-quality photos for the Board as well. Chairman LaPerch said I think you need to give us a lot more better-quality stuff here; you've got neighbors, structures we've got to look at. We've got a lot going on here, he said, so I would recommend you spending some money on some good visuals for us so we get comfortable with what you want to do there. Mr. Caruso said of course. The motion to Classify this as a Type II Action under SEQRA and Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0. The motion to Refer the Application to Putnam County Planning under GML-239m was

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introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Mr. Caruso said I may have a conflict for the 24<sup>th</sup> of May. Chairman LaPerch said let's go ahead and set it and then we'll see what you can do. The motion to Set a Public Hearing for May 24, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

6. **LEGENDS COOKIES, 36 Mt. Ebo Road South, Tax Map ID 46.-2-29** – This was a Review of an Application for a Conditional Use Permit. Susan and David Liederman appeared before the Board. Chairman LaPerch said please tell us what you want to do on Mt. Ebo. Mr. Liederman said we want to mix, bake and pack cookies. Chairman LaPerch asked how big a space do you have? He said 9,100 sq. ft. He asked: how many employees? It will start with 10 to 15 and then if the business grows... I did this before. I started David's Cookies, he said, so I am very familiar with this business. He talked about his start up plans. Chairman LaPerch polled the Board. Boardmember Eckardt asked if there will be exterior changes and Mr. Liederman said none at all. Boardmember Rush asked if there will be any signage and he said I don't want you to know where I am. The motion to Classify this as a Type II Action under SEQRA and Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. The motion to Refer the Application to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch said I don't see a need for a Public Hearing and there were no objections from the Board. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.
  
7. **WATERVIEW ESTATES, 1 & 8 Waterview Lane, Tax Map IDs 67.-1-48.1 & 48.4** – This was a Review of an Application for a Wetland Permit. Jamie LoGiudice of Insite Engineering and Jerry Tomic appeared before the Board. Chairman LaPerch said I am going to date myself here in a big way: Waterview Estates was one of the first applications when I first came onto the Planning Board and I have to say it had to be back in 2004 or 2003. Ms. LoGiudice said 2006 it was approved. He asked for an update. Ms. LoGiudice shared her screen and explained this was a four-lot subdivision approved in October 2006 with an extension granted in April 2007 and then the Plat was filed shortly thereafter. She said bonds were approved but not submitted by the previous owner so we are going to the Town Engineer for an Erosion Control Permit for this project as well. Ms. LoGiudice gave an overview of the property location and the need for a private road with a cul de sac. She said we have a DEP (Department of Environmental Protection)-approved SWPPP, General Permit coverage under the previous owner. She said we have the approvals to move forward but the Wetland Permit portion of this was not required when this was originally approved so now moving forward we were asked to do a Wetland Permit and part of that is determining what the disturbance is within the Wetland buffer. She showed the wetlands, buffers and mitigation planting areas on the plans, saying we are disturbing 55,680 sq. ft., which is 1.3 acres, and we are proposing the same in mitigation. She explained the plantings they are proposing for mitigation and talked about recent conversations with the Town Wetland Inspector, saying there have been extensive reviews on this to the point where we have exhausted all our design options to do anything else. Ms. LoGiudice said so basically we are here tonight looking for a Wetland Permit. Chairman LaPerch said I have to be honest with you (Wetland Inspector) Steve Coleman is pretty thorough here and he's got 10 items here that need to be addressed and some of them concern me because they seem substantial. He talked about the flagging needing to be updated from 15 years ago and said that is job one to get that done. Ms. LoGiudice said we did do a site visit... Chairman LaPerch said I know that but a site visit is not... listen we are already getting photos of runoff on the property from neighbors and you know I think you really need to start with a wetland survey with Steve Coleman and that will be the baseline here. He talked about this being a big issue back in 2005 and said 10 comments is

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significant so this needs to be fully vetted again. They discussed this at length. Chairman LaPerch said I think it is too early to do anything here when the very first comment is to update the delineation areas. He polled the Board and Boardmember Pangis said I echo your concerns as well based on Mr. Coleman's memo. Boardmember Eckardt said I concur completely and I think it is very important to get this right because of steep slopes and wetlands so we definitely need to see everything. The rest of the Board agreed as well. Chairman LaPerch said this is a big project and I just want a baseline before we dive into this so get hold of Steve (Coleman) and we need a new map. Ms. LoGiudice said understood.

- 8. NEW YORK AMERICAN WATER WELL 13, 36 Mt. Ebo Road North, Tax Map ID 46.3-5-12** – This was a Review of an Application for a Wetland Permit. Mike Shortell of WSP USA appeared before the Board. Chairman LaPerch said so you need to drill another well, right? Mr. Shortell said yes. He said and you saw (Wetland Inspector) Mr. Coleman's memo as well? Mr. Shortell said yes, we did and we will update the plan accordingly; the only comment I had some questions about was the July 15 start date. He said New York American is trying to fast track this so they can get the new well drilled and starting in the middle of July kind of goes against that theory. He said to support our case that we are trying to fast track this, we have already submitted the wetland application for the proposed water main when we haven't even drilled the well. He explained that about a year ago in May they drilled Well 12 and would like to follow a similar schedule. Chairman LaPerch said I don't disagree but I am not the expert on this so Ashley (Ley) can you help me figure out why Steve (Coleman) recommended the 15<sup>th</sup> as it seems like a long way off? Ms. Ley said I'm not sure why; we'd have to talk to Mr. Coleman. Chairman LaPerch said why don't we set up a call, Mr. Shortell, to find out why the date is the 15<sup>th</sup>. Mr. Shortell agreed to reach out to Steve Coleman. Chairman LaPerch polled the Board for questions. Boardmember Eckardt said Tom (LaPerch) you and I have had concerns about this project going back before Well 12 was drilled; question for Mr. Shortell: do you have enough water right now? Mr. Shortell said the system itself has enough water and what this well is primarily being drilled for is to support the Barrett Hill Development. She thanked him for clearing that up. 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 7 to 0. The motion to Set a Public Hearing for May 24, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.
- 9. ACE ENDICO EXPANSION, 71-81, 91 & 80 International Blvd., Tax Map IDs 45.-1-29, 31.1 & 31.2** – This was a Continued Review of an Application for Final Approval of Site Plan Amendment, Subdivision, Wetland Permit and Conditional Use Permit. Ted Cutler of Tecton Architects, Harold Lepler and Michael Endico appeared before the Board. Chairman LaPerch told the Board that he and Ms. Ley were on a Zoom call with Mr. Cutler to go over all the comments from the previous meeting to make sure he incorporated everything into today's presentation. He said Ashley, you received it and commented on that? Ms. Ley said yes, I reviewed it and the updated plans address the Board's comments. He asked Mr. Cutler to bring up the plans on the screen. Mr. Cutler said I am going to keep it to just addressing the previous comments and he used the visuals to show the Board all the information that was added including: the colors on the building, the windows and window frames, the cladding around the canopy; the entrances to the garage and the marketplace; the cart area; the green wall; the addition of electric car charging stations; the changes made to the area between the parking structure and the building including the paving material and landscaping. Mr. Cutler talked about the analysis they did to make sure plantings in this area will get enough light to grow. He said the rooftop employee space is an amenity that will be added in the future and showed the concept and detailed the materials and rooftop plant system to be used. He said I did submit a full lighting package which was revised to include some lighting that was not

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included previously and he explained how the lighting meets Town Code. He went back to the garage and answered questions that were raised last time about safety lighting and fire suppression system. He said they decided not to add gates to the entrances to the garage but will have a video surveillance system. Chairman LaPerch thanked Mr. Cutler for a tremendous presentation and for doing a great job on this project. He polled the Board for questions. Boardmember Rush said I only have a couple of questions and he suggested they consider adding some bollards at the end of the walkway area between the building and the garage for anyone who may not realize it is for pedestrians. The applicant agreed that is a good idea and could be added. Boardmember Rush asked about handicap parking spaces for workers. Mr. Cutler said they are factored into the overall count. Boardmember Rush said I think everything else was resolved and it looks great. Boardmember Eckardt said I really want to thank you all for listening to our comments and I am very pleased about the space between the parking garage and the building. She said obviously we will revisit the Dogwoods if they don't do well there. She asked what is the total square footage of the green roof and is it ever really going to happen? Mr. Cutler said the rooftop amenity is mapped out at about 2,800 sq. ft. She said it really is beautiful and we would finally be able to say we have a green roof in Southeast. Chairman LaPerch asked Mr. Endico if he could answer the second question. Mr. Endico said I am committed to putting a green roof on. Chairman LaPerch said I know you are; you do a good job. Boardmember Rush asked to back up a second and asked Mr. Cutler if they have the proper railing around there so that the employees are kept safe. Mr. Cutler said I can answer the first part: the plantings are more than a foot deep around here so I am thinking it is enough to more than discourage somebody from walking out... Boardmember Rush said isn't that a rail? Mr. Cutler said there is a wood slat where there is no vegetation but a lower fence around this thing does make some sense. Boardmember Rush said in New York City by Code it has to be a minimum of 36 inches and he talked about options for types of railing that could be used. The applicant agreed that would be a good idea. Boardmember Eckardt said you inferred you would come back to us if there are any major changes to that rooftop garden and Mr. Endico said yes. Mr. Pangis asked about signage to direct people to the appropriate parking areas. Mr. Cutler said there would be a small sign above the opening. He asked what the expectations are for how many cars will be on the employee parking floors. Mr. Cutler said that is the reason we are labeling these so employees would know not to use those spaces designated for the marketplace unless given permission. They talked about possibly painting the lines different colors and Mr. Endico said we currently have red lines for customers and yellow for employees. Boardmember King said I have no questions: I think you did a great job on this whole presentation tonight. Boardmember Hecht said I see you put in a dry fire suppression system and I really appreciate you guys listening and putting forward the expense to make it safe for everybody. Boardmember Cyprus said really great presentation and I am really happy with the changes you made. He said I have one question and it is not a concern: any covering over the walkway for the market access or did you decide to leave that open? Mr. Cutler said it's open; Mr. Endico did not want another structure over the top. Chairman LaPerch thanked Mr. Cutler for his full submission saying it was very professional and gave the Board everything they need to vote tonight. The motion to Grant Preliminary Plat Approval was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 7 to 0. The motion to Grant Final Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. The motion to Grant Final Site Plan and Conditional Use Permit Approval was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. The motion to Recommend a Performance Bond for Erosion & Sediment Control to the Town Board as written by the Town Engineer was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

Chairman LaPerch checked again to see if anyone was on the call for the first two applications on the

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agenda and no one was.

The motion to approve the Meeting Minutes of April 12, 2021 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.

**May 4, 2021/VAD**

**THE FULL VIDEO RECORDING OF THIS MEETING IS AVAILABLE AT:**  
<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>