

**TOWN OF SOUTHEAST
PLANNING BOARD / ARB MINUTES
May 24, 2021**

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

- 1. NEW YORK AMERICAN WATER MT. EBO WELL 13, 36 Mt. Ebo Road North, Tax Map ID 46.3-5-12** – This was a Public Hearing to Review an Application for a Wetland 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 6 to 0 with 1 absent (Boardmember Hecht had not yet joined the meeting). Boardmember Cyprus said I received a notice on this and there is no reason I can't vote on it but I just wanted to state that. Mike Shortell of WSP USA and Chris Peters of New York American Water appeared before the Board. Chairman LaPerch said please tell us what you are looking to do. Mr. Shortell shared his screen and said what we are looking to do is drill a new well for New York American Water Company. The primary purpose of the well is to support the Barrett Hill Development, he said, and this is located on existing New York American owned property. He said the full sanitary radius so there are no offsite easements or anything like that; the property is fully owned by New York American. Mr. Shortell said we would access the area in question... well, here is the well location... and we would go down this existing path and the existing treatment building is right here. We would bring the drilling rig back here and just a note on the drill rig, he said, it is a track mounted rig which is equivalent to something like a bull dozer so we don't really have to do any modifications for the roadway or access... we don't really have to do anything special: we can go left and right and the intention is we are going to avoid any trees, large trees or anything sensitive. He said so we would come back here, all of this existing path that was created for Well 12 and then make our way up this area to Well 13. Prior to drilling we'd be installing sediment and erosion controls consisting of silt fence and hay bales, he said, and we've submitted our plan to the Board and to Steve Coleman, the Wetland Inspector, and I think we have a tentative understanding on the erosion controls that he is looking for. He said I gave him the plan last week, the updated plan based on his comments and he was agreeable to the changes that we made. Chairman LaPerch said for the record, Mr. Shortell, can you tell the public why you are drilling the well please? Mr. Shortell said we are drilling this well to supply additional water supply to the New York American Mt. Ebo water supply system and this well is intended... or it is being drilled to serve the Barrett Hill development. Chairman LaPerch said my understanding is that Mr. Coleman is in sort of agreement with you but there is a scheduled meeting, site visit, this Thursday, is that correct? He said that is correct. Chairman LaPerch said so the reason for the site visit is our concern about the path you will be taking for the transmission line mostly, correct? He said correct. Chairman LaPerch said so I had a question for you, I am a little confused why your transmission line and your well aren't in one application; why do we have two different applications? Mr. Shortell said well, we didn't really get them done... we couldn't really get them done at the same time: the thought process was to submit one, get the ball rolling on that and we would have our Wetland Permit to drill the well while we are submitting the application for the water main. He said we hadn't anticipated... to be honest... we hadn't anticipated on a Public Hearing for drilling the well. Chairman LaPerch said I think the transmission line is what is triggering our concern here in terms of the amount of disturbance that is going to happen here and I think it is kind of reverse here: I think the fact that we are having a Public Hearing before that Thursday meeting where we can get some sign off from our consultants is a little premature but we will see what the Board has to say. He polled the Board for

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questions. Boardmember Eckardt said I would like to hold off until... I'm going to that meeting and that will be very helpful in making my decision so, hopefully, we're keeping the Public Hearing open and we'll be able to vote on this at our next meeting. Boardmember King so are we going to vote on this or are we going to put it off until... and have like a combined Public Hearing? Chairman LaPerch said my thoughts are to have that meeting completed on Thursday and tuck everything in and then keep this open until we get some clarity and then vote on it the following meeting. Boardmember King said that seems like a very good idea. Mr. Shortell said could I interject for just a moment? He said I am looking at the issue of the drilling of the well and the installation of the water main as two entirely separate issues; the only reason we would install the water main is if we identify if we have a productive well... good yield, good water quality. That's what pushes... originally we drilled Well 12 down here, he said, and we had a good yield but we had a contaminative concern that was detected so that's what's pushing us up in this area. He continued: if we (inaudible) of sufficient yield and water quality, the need for the water main falls to the side: we wouldn't be doing it. Chairman LaPerch said right, (Town Planner) Ashley (Ley), our concerns as a Board... can you kind of elaborate on them? Ms. Ley said sure, so I had a conversation with Steve Coleman, the Wetland Inspector and Tom Fenton, the Town Engineer, today and they are both planning on attending the site walk on Thursday and had some concerns not just about the well transmission line but the way that the area for the drilling would be laid out... they want to see it in person and they recommended that the Board wait until after the site visit on Thursday to close the Public Hearing. I agree with their recommendation, she said. Chairman LaPerch said thank you and continued to poll the Board. Boardmember Hecht said I agree it might be prudent to wait. Boardmember Cyprus said nothing else at this time. Boardmember Rush said no comments. Secretary Desidero asked the Chairman for a motion to Open the Public Hearing for the record. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor. Chairman LaPerch asked if there was anyone on the call who had a question and there was not. The motion to Continue the Public Hearing to June 14, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

REGULAR SESSION:

- 1. WATCHTOWER DUST COLLECTOR, 1801 Route 22, Tax Map ID 46.-4-23** – This was a Review of a Request for a One-Year Extension of Site Plan Approval. Eddie Walker of Watchtower Bible & Tract Society appeared before the Board. Chairman LaPerch welcomed Mr. Walker and asked if there are any changes to the plan from what was already approved. Mr. Walker said we are just asking for the one-year extension; we've had some delays due to the pandemic and other scheduling issues so we would just like a one-year extension if possible on what was already approved. Chairman LaPerch said I think that is reasonable and asked Ms. Ley how many extensions they have. Ms. Ley said this is the first extension and they can have two more after this for a total of four years. The motion to Grant a One-Year Extension of Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.
- 2. BILL HENRY TREE SERVICE, 47 Prospect Hill Road, Tax Map ID 56.15-1-6** – This was a Review of an Application for Site Plan Amendment. Bill Henry appeared before the Board. Chairman LaPerch said so tell us what you are back to do now; to close in the structure to make it better for you? Mr. Henry said correct, I had a lot of rain coming in and I built it to work in the rain and it is not working out. Ms. Ley shared her screen and Mr. Henry said the enclosure is the same exact metal, same color, same everything that is there already. Chairman LaPerch said will there be any windows in that structure and he said no. He said so it will just be a big old wall there? Mr. Henry said well, there are windows in the garage door. They talked about the top rendering being

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shown and that it has no windows or other architectural features to break it up. Chairman LaPerch polled the Board for questions. Boardmember Pangis said you are going to enclose the sides but the front will remain open? Mr. Henry said no, everything is going to be enclosed. They discussed the views that are on the screen and which is the front of the structure. It was determined that all four sides will be covered and no windows will be added. Boardmember Pangis asked if he will have electric in there and Mr. Henry said yes but it is not hooked up yet. Boardmember Eckardt said I do have a few questions: I drove by today to reacquaint myself and the yard looked neat and clean but the side view is my concern because as you drive up Prospect you would see the side, correct? Mr. Henry said yes. She said it is going to be a pretty big, blank canvas so to speak, is there any room to do some planting on the side of the building? He said there are trees in between me and Metro North and they discussed what is there and that the topography slopes off very substantially to the Metro North side. Ms. Ley showed the area they were discussing. Boardmember Eckardt said I understand the problems there but I would love to see something to break up that side. Mr. Henry said if you want, I can put two garage doors on that side. She said that might look better but I would prefer plantings but if you think it will not work at all... Chairman LaPerch said garage doors might be a good way to break it up there. They continued to discuss the area around that side of the building. Boardmember King said I think that closing it in is going to make it look better in general with or without the doors. Boardmember Hecht said I agree that closing it off is good and if a door goes there, I wouldn't object. Boardmember Cyprus said I agree with Jim (King) and Mike (Hecht), I don't have a strong attachment to adding doors and I will probably defer to David (Rush). Boardmember Rush asked for the elevations to be shown again and said his main concern is the doors shown on that one elevation... Boardmember Eckardt said do we know the rough dimensions of that side and the height? Mr. Henry said it is probably going to be about 25 ft. high by 65 ft. long. Boardmember Rush shared his screen and showed what he is concerned about and how to try to fix it so the doors are equalized on the side where they do exist. He discussed this with Mr. Henry who agreed he would try to slide the doors over to make them symmetrical. Chairman LaPerch said I have three actions here and I want to get some feedback on whether we need a Public Hearing because I don't see a need for one given the neighbor most impacted is Metro North. No one voiced an objection. 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 Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed 6 to 1 with Boardmember Eckardt voting no. Chairman LaPerch said if the Public Hearing was waived there could be a final approval tonight, is that correct? Ms. Ley said correct but based on the comments tonight, if the Board wants to see a revised plan with the doors centered or another alternative with doors on the broad side of the building, you could defer to the next meeting. Chairman LaPerch said I would like that; I think that makes sense. He asked Mr. Henry if he can get back to the Board within two weeks and he said yes. They agreed to wait.

3. **LEGENDS COOKIES, 16 Mt. Ebo Road South, Tax Map ID 46.-2-29** – This item was on the agenda for the Board to consider Final Approval of a Conditional Use Permit. Chairman LaPerch said is anyone on the call for this application? Ms. Desidero said no, Mrs. Leiderman called me today and they didn't realize they hadn't gotten approval at the first meeting a month ago and this was another one that was just referred to County Planning. She said they were not available tonight so I told them I didn't think it would be a problem. Chairman LaPerch said I agree with that but they got the County Planning done? She said yes, we got the approval back. The motion to Grant a Conditional Use Permit for Legends Cookies at 16 Mt. Ebo Road South was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.

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4. **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. Matthew Kusewicz and Vern Doyle of Matthew Signs were on the Zoom call. Mr. Kusewicz said this is an overhaul of an existing station; it is just an unbranded fuel now and they want to go to Valero. Chairman LaPerch said this is the Valero across the street from the State Police, correct? He said yes and so what we want to do is re-brand the canopy and what they are going to do is bring in new pumps, also branded with the Valero image. We got Zoning Board approval to have the extra signs on the canopy and they also gave us Zoning Board approval for the pylon sign to remain where it is on the existing poll and that is going to be smaller than what was there previously but it is bigger than what is allowed. He talked about the building being neutral colors and eliminating the burgundy. Chairman LaPerch said are there two applications here? Ms. Ley said one is for the sign and one is for the building. Chairman LaPerch polled the Board. Boardmember Eckardt asked about cleaning up the windows and other things they may do. Mr. Kusewicz said we are going to clean up the clutter. She asked Ms. Ley if what's shown is what the Board is voting on. Ms. Ley said you are voting on the colors and you could add a condition of approval that the decals on the windows be cleared. Boardmember Eckardt said and outside storage, same thing? They discussed various aspects of the site that need cleaning up and Chairman LaPerch raised the question as to whether there is an approved Site Plan. Ms. Ley said it is actually in front of the Board for an architectural review not a site plan amendment. They discussed looking at the approved site plan to see what was permitted at the time. Ms. Ley said it would be best to speak to the owner of the property to get some answers and I don't know if the people on the call have the authority to say what is being removed. Mr. Kusewicz said I don't have the authority to do that as we are just an image contractor and it is not a Valero-branded store but obviously they will want the site to look good after pouring all this money into it. Ms. Ley said I think that based on that, the Board can make a condition of approval to remove the outdoor displays and also all of the decals on the windows. Chairman LaPerch said as condition of approval... all right I like that. Ms. Desidero suggested the applicant be given the chance to re-submit something more acceptable to the Board as opposed to saying no outdoor displays because once the Board issues conditions they will just need to live with them. She said also, I would appreciate it if you look at the sign as a separate application with a separate vote. Chairman LaPerch said I think that is a fair path. Boardmember Eckardt said I agree with that; let's keep it really clean and simple and leave it up to the applicant if they want to re-submit so we have something. She said I think that might be even more professional but that is up to the rest of the Board... Chairman La Perch said we want something that is enforceable. Boardmember Eckardt said exactly. Boardmember King said when you transfer to Valero do they lose the U-Haul or does it stay there; is it a separate company? Mr. Kusewicz said I believe it is a separate company. Boardmember King said I would like to see it separated a bit because I think the U-Haul trucks clutter up the yard a bit. Ms. Desidero said it is outside storage, isn't it? Ms. Ley said it is. Chairman LaPerch said this is our opportunity to clean this up. Boardmember Hecht said all these are valid points. Boardmember Cyprus said in the after rendering I only see the State mandated signs for the repair shop, I don't see the business signs for the repair shop or the store; are they going away or staying the same? Mr. Kusewicz said so, I think that they might just apply for their own sign after the fact but it is going away as of now. Boardmember Cyprus said to Lynne's (Eckardt's) point about the displays, while I am clearly not a fan of them, every gas station on 22 has them so I would be uncomfortable making this one remove it unless we were doing it everywhere and it seems like this is an opportunity to pull a site plan and see what we can do. He continued: I agree with Jim (King) about the U-Haul and I think to Lynne's point it is more than just decals, there are signs literally everywhere on this property so it would be nice to get it cleaned up. Chairman LaPerch said maybe we can do an offline staff review for this, Ashley (Ley)? She said sure. Mr. Doyle said can I just say there are a bunch of valid points. First and foremost, he said, with the conversion to Valero step one on our end is the painting of the

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building and all the signage, the canopy, gas pump toppers and all of that. He said that is definitely a great step one and with my experience dealing with chain stores, several towns and different counties, there is also a valid point... and Eric (Cyprus) I think you bring up a great point, that it is kind of all or none... in the past a lot of the towns will allow for say like a lock box type of container that gets put out front and then the stores can actually display cases of water or soda or whatever it is. He went on to say that is what the Town might want to consider but it should be across the board for all stores... Boardmember Cyprus said so far as the Valero portion, that all looks fine. Boardmember Rush said I think when Victoria (Desidero) was saying keep the applications separate, that is fine with signs but the moment you touch the building it sort of spirals out into something else. He asked some questions about the colors and said I have a lot of other questions including lighting around the pumps and the building, possible landscaping... Chairman LaPerch said I think we should get them in for a staff review and work this out. The signage is a no brainer, he said, and we can knock that out tonight but hold off on the building. Boardmember Cyprus asked which signs are included and Ms. Ley showed them on the screen saying it is the canopy sign, the additional (multiple people talking) ... the free-standing sign and the signs on the gas pumps. Boardmember Cyprus said I would be totally fine with that. Chairman LaPerch said that makes sense and it looks pretty good to me anyway. Boardmember Eckardt said could we see the canopy... what it is now and... Boardmember Rush said there is really no three-dimensional version of that. Ms. Ley pulled up Google Earth to show what it looks like now. Boardmember Eckardt raised the question about the displays by the building and the Board discussed how that may be handled on a case by case basis as these sites come in for review. Chairman LaPerch said so let's do the signs only tonight. The motion to Grant Architectural Approval of the Signage with no conditions was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 7 to 0. The applicant was instructed to contact Ms. Desidero to schedule an appointment for a Planning Board Staff Meeting to discuss the changes to the façade of the building and the site questions.

The motion to approve the Meeting Minutes of May 10, 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.

June 9, 2021/VAD

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