

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

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

PUBLIC HEARINGS:

- 1. 577 NORTH MAIN STREET, 577 North Main Street** – This was a Public Hearing to review an application for Site Plan Amendment, Special Permit and Wetland Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Lansky said I'm the applicant here for a Special Use Permit for... Chairman LaPerch said this is a Public Hearing, Mr. Lansky, can you just make sure the board is faced in the right way for the public so this way everyone sees what you're talking about as we've already seen it, thank you. Mr. Lansky said OK, are there people here for this application? I'm just curious because I'm not sure how detailed I should be, but fair enough. Chairman LaPerch said do your best. Mr. Lansky said so, I'm here for a Special Use Permit for motor vehicle service repair. He said the property is, in addition, here for outside storage and an amended Site Plan Approval. He said the property is 3.68 acres with one building built in 1947 where there is a two-story section, which would mean that there is an open building permit to repair a roof and improve the facade of this portion of Building 1. He said Building 2 is staying as is and Building 3 is also staying as is but we are seeking to do a Special Permit for Motor Vehicle Service repair in a portion of Building 3. The other changes are legalizing some outdoor storage, he said, and creating an area here to the south of the property. The parking lot is staying as is with existing lighting, he said, except we're increasing our planting buffer along that line and also, we built a concrete fence here to shield the outside storage. Mr. Lansky said we submitted in April and were referred to the ARB (Architectural Review Board), and we have received ARB approval for colors and plantings. He said we were referred to the Wetland Consultant and received his memo as of Friday and there were a couple of improvements he recommended, which we're happy to do. We will do some plantings along a portion of the property line here, he said, we'll be doing some Dogwoods, and continuing a barrier here close to the wetland; there are Jersey barriers in existence for a portion and the remainder will continue there. He said they also recommended seeing more plantings over here in order to shield the outside storage. Those are the extent of the recommendations, he said, and we are happy to incorporate them into our plan. Mr. Lansky said we haven't had any other feedback so we're here to ask for the Public Hearing to be closed for approval for a Wetland Permit that is required and SEQRA Determination. Chairman LaPerch said I'll start: I did read our consultants memos and they were very comfortable you addressed, specifically the wetland and the demarcation of where the outside storage is going to be, and there were no further comments. He said I don't have any other issues. Chairman LaPerch polled the Board for questions. Boardmember Cyprus said just for clarity from (Town Planner) Ashley (Ley): was your comment about Coleman's about leaving the mitigation plan? Ms. Ley said yes, I had circulated my summary report to the Planning Board which noted that the application requires a Town of Southeast Wetland Permit and a mitigation plan is needed. She said following that the Wetland Inspector provided a memo that included a number of mitigation measures that should be added to the plan, so those should be added before the Planning Board considers the Wetland Permit approval; they should be shown on the plan. Mr. Lansky said OK, happy to do that. Ms. Ley said the other item is I don't believe you've been before the Town Board yet for the Special Permit? Mr. Lansky said I have not. Ms. Ley said that's another action item then that's needed. Mr. Lansky said I assume that's after Planning Board? Ms. Ley said yes, so you can do the referral tonight for that. Chairman LaPerch said OK, is it on here? Secretary Victoria Desidero said I didn't know about it. She said she just told me about it; yes, I'll do it tomorrow. There were no other questions from the Board. Chairman LaPerch said at this time, this is a Public Hearing and if anyone in the audience has questions regarding this application known as 577 North Main please stand for the

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

record. Town Councilwoman Lynne Eckardt said I walked in late; my apologies. So, the planting part of the application, is that going to come in before you close the hearing or after, she asked? Chairman LaPerch said it would be a condition of the approval. Ms. Ley said it would be added to the plans after the close of the Public Hearing if the Board closes the Public Hearing tonight. Chairman LaPerch said did you see Coleman's memo? Ms. Eckardt said yes, and you're not asking for a Public Hearing on wetlands? Ms. Ley said the Wetland Permit is part of this Public Hearing tonight. Town Councilman John Lord said there is a use for part of it for a garage service station for auto repair? Chairman LaPerch said I don't think it's a service station, it's auto repair. Mr. Lansky said the existing tenant is Brewster Taxi, although I think they have a couple other dbas (Doing Business As) and they have been there for over a decade. I understand they repair their own vehicles within a section of the Quonset hut but they're not open to the public but they do tires, brakes, general maintenance for their own vehicles and that falls under Motor Vehicle Service and in the Economic Development Zone requires a Special Use Permit. Mr. Lord said so, it's going to go for a Special Use Permit or no? Ms. Ley said yes, they have to go to the Town Board for that. Ms. Eckardt said so, the Town Board will be voting on your Special Permit for the service station part of this? Ms. Eckardt said and you know that we would probably limit it to what it is now; you're not asking to have it opened up to more? Mr. Lansky said I'm not asking for any expansion of the existing use. Chairman LaPerch said at this point, are there any other questions from the public on this application? The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch said what's my other action? Ms. Ley said to refer the application to the Town Board for the Special Permit. The motion to Refer the application to the Town Board for Special Permit was introduced by Chairman LaPerch, seconded by... Chairman LaPerch said hold on is there a problem? Ms. Desidero said I thought at the last meeting they asked for a recommendation on the Special Permit; Mr. Cyprus asked that the Planning Board recommend something about that? Boardmember Cyprus said I remember asking a question about it; if they are required to register with Motor Vehicle, if that could somehow open it up to be a regular repair shop. Ms. Desidero said I just don't know if it needs to be in the resolution. Boardmember Cyprus said no, I think the question was asked and I think clearly the Town Board shares that concern so I don't think we need to add anything. Chairman LaPerch said OK, so you're assuming the Town Board will resolve that matter? Boardmember Cyprus said yes. Chairman LaPerch said we have a second by Boardmember Hecht; the motion passed by a roll call vote of 6 to 0 with 1 absent. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong, and passed all in favor. Chairman LaPerch said what's the next action for them? Ms. Ley said go to the Town Board for the Special Use Permit and then come back. She said while you're going through the Special Use Permit process if you want to submit the revised plan that has the wetland additions per Steve Coleman's memorandum they can be reviewed. Chairman LaPerch told Mr. Lansky: by the way, I think you're doing a great job. He said it looks great so far and I can't wait to see the finished product.

- 2. NERY SPECIAL PERMIT, 24 Deans Corner Road** – This was a Public Hearing to review an application for a Special Permit for Excavation and Grading under Chapter 69. The motion to Open the Public Hearing for the Nery Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. Alexis and Adam Nery appeared before the Board with Michael Di Domizio of Site Design Consultants. Mr. Nery said we are here to present that we would like a lawn in our new home that we purchased about a year and a half ago, 24 Deans Corner, for future family to have a playground area. He said currently there is no level lawn in our home at the moment. Ms. Nery said we have a 5-acre property and we're just looking to do a backyard and we're applying for Special Permit, which we've come a long way for and we're excited about. Chairman LaPerch said have you been receiving our consultant's comments and

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

their concerns? Ms. Nery said yes and those will all be addressed. Chairman LaPerch said one of the concerns from the DEP (Department of Environmental Protection) regarding running over your septic field, that it has to be identified. Ms. Nery said absolutely. Mr. Di Domizio said as per their comments, we're going to stake out the existing septic area and we're going to create a 10 ft. pathway just to the north of it so that the trucks will be able to get by with no damage to the septic fields. Chairman LaPerch said that's good; our consultant has no objections. Chairman LaPerch said Ashley (Ley) do you have any issues with this application? Ms. Ley said no, the conditions from DEP have been incorporated into the resolution. Chairman LaPerch asked the Board for any questions and there were none. Chairman LaPerch said at this point I would like to ask the public if you have a question regarding this application, please stand up, state your name for the record and please ask the question. Ms. Eckardt said my question is: do you plan on removing any more trees at all; I think we're in the bat zone now so... or getting close to it? Mr. Nery said all the trees that are down currently are all that are coming down. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Declare Lead Agency for this application was made by Chairman LaPerch, seconded by Boardmember Cyprus, and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 1 with 1 absent. The motion to Grant Final Approval for a Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent.

3. **DURKIN WATER COMPANY / DREW REALTY, 120 & 160 Fields Lane** – This was a Public Hearing to review an application for Site Plan Amendment and Wetland Permit. Jamie LoGiudice of InSite Engineering appeared before the Board. Chairman LaPerch said you were originally here for a violation that you're looking to resolve, correct? Ms. LoGiudice said yes. She said we have two parcels for this subject property: we have the original Durkin Water Company, which is 9 acres off of Fields Lane, and the Drew parcel which is 73.5 acres. The Durkin Water Company and Drew Realty share various businesses and uses on their two places and they have outdoor storage issues, she said, and because of that we received a violation that needed to go through the proper channels to get the proper permits in order to comply with the Site Plan for the Durkin Water Company. Ms. LoGiudice said the Amended Site Plan portion for Durkin revolved around extending outdoor storage and adjusting some of the wetland mitigation plantings as there are wetlands along the side here. She said there were some questions about the outdoor storage areas and it was thought that it was too close to the wetlands on the western side of the Drew Realty property. She said we have since had those wetlands delineated and they were verified by the Wetland Inspector. We did receive the comments from Mr. Coleman, she said, who seemed satisfied with (inaudible). Chairman LaPerch said OK, I think that's it. He said I don't see any comments here from our engineers or our Wetland Consultant; he had no wetland issues. Chairman LaPerch said Ms. Ley do you have any other comments here? Ms. Ley said no, all of my comments have been addressed. Chairman LaPerch said by the way, for the record I really like the new way we're getting these memos here where the issues are addressed and answered; well done. He said she (Ms. Ley) is doing a great job so I just wanted to let her know. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said I was out there today; it was not clear to me what the... it's a 40-acre site and I don't understand... Ms. LoGiudice said it's a little higher: 73.5 for Drew Realty... Boardmember Armstrong said yeah but is it two separate sites? Ms. LoGiudice said yes, 73.5 and 9. Boardmember Armstrong said OK. He said my question is: there are no really residential uses within a fairly good distance, is that correct? Ms. LoGiudice said well there's the Durkin... Boardmember said I mean except the owner that lives there. Ms. LoGiudice said yes, correct, outside of that, no there's not any close proximity of residential uses. Boardmember Armstrong said OK, thank you. Chairman LaPerch said at this time I would like to once again go

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

back to the public; if you have a question regarding this application please stand up and state your name for the record and at this time, I open it up to the public. Chairman LaPerch said OK, thank you, I don't see any comments coming through so I'm going to have a couple actions here. He said I didn't open this, right? Ms. Desidero said right. The motion to Open the Public Hearing was introduced Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. Chairman LaPerch said any other public comments at this time? The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Adopt a Negative Declaration 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 said Ms. Ley, what's the ARB referral for again? Ms. Ley said well they're proposing a new structure on the Drew Realty parcel so that needs to be reviewed and some landscaping. The motion to refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

REGULAR SESSION:

- 1. ROTH NURSERY SUBDIVISION, 291 Foggintown Road** – This was a review of a request for an extension of Preliminary Subdivision Approval. Ms. Desidero said the applicant's engineer called to see if they needed to be here and the person who is working on this was going to be out of Town and I told them this has been done before without the applicant. Chairman LaPerch said absolutely right and there are no changes, right? Ms. Desidero said no changes and they gave a reason that they are not ready which was they are still working with other agencies. He said OK so there is nothing going on. Chairman LaPerch asked Ms. Ley: how many extensions do they get and she said there is no cap on the extensions for preliminary. He said that's what I thought, thank you. The motion to Grant a 6-month Extension of Preliminary Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent.
- 2. MAFFEI WETLAND PERMIT, 57 Milltown Road** – This was a review of an application for a Wetland Permit. John & Josephine Maffei appeared before the Board. Chairman LaPerch said have you been getting our consultant's letters and they said yes. He said so basically you have the old Baptist Church property that is adjacent to the Elks Club and backs up to the Scenic Ridge subdivision? Mr. Maffei said yes. Chairman LaPerch said it is heavily wet... and wooded so there are some significant things that need to be done to accomplish you building on that property, correct? They said yes. He said and are you aware of these from our Town Wetland Inspector? They said yes. The entire driveway, he said, is going to be pervious materials, is that our understanding? Mr. Maffei said yes. And the curb cuts are coming off of Scenic Ridge; has that been approved because I thought there was a sight line issue there? Ms. Ley said I don't think anything has been approved yet. He said I mean has (Town Engineer) Tom (Fenton) looked at it? Ms. Ley said I am not sure if he has. Chairman LaPerch said another thing I noticed on our review from (Town Wetland Inspector) Mr. Coleman was I didn't think we were allowed to install solar panels on the properties? Ms. Ley said you can have solar panels on your roof but were you trying to have them in a field? Mr. Maffei said we are trying to find out how we can do it; it is just a question. Ms. Eckardt said I don't think we have anything that says you can't do that; I mean If you apply? Chairman LaPerch said Steve's (Coleman's) comment says: 'the applicant discussed wanting to install solar panels in the property. This is not shown on the plot plan and if it is proposed in the wetland, additional mitigation...' Ms. Ley said it should be shown on the plan: if it is going to be on the ground, then it needs to be shown on the site plan. If it is going to be on the roof, she said, then it doesn't need to be on the site plan. Chairman LaPerch said so you have a lot of work to do to make this happen in terms of the wetland mitigation issues, are you aware of that?

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

The Maffeis both said yes. Chairman LaPerch polled the Board for questions and there were none. The motion to Declare Intent to be 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. Chairman LaPerch said that is going to be your official address Milltown and not Scenic? Mr. Maffei said we are trying to change it. Chairman LaPerch said so for the purposes of this application it is 57 Milltown. The motion to Refer the application to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The Chairman asked the applicant if they will be ready for a Public Hearing on July 8 and they said yes, we will be there. There was a brief discussion as to whether their engineer would be ready and the Maffeis said yes. The motion to Set a Public Hearing for July 8, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

3. **BREWSTER ELKS PAVILION, 1430 Route 22** – This was a review of an application for Site Plan Amendment. Chairman LaPerch said before we get this application going, we are having a discussion here and I asked Ashley (Ley), we have two members who are members of the Elks Club but they informed us they have no voting capacity on any of the Boards within the Elks and they feel they can be impartial and that is Mr. Hecht and Mr. Cyprus, correct? Both said yes. Andrew Chastant of BPOE Brewster Elks Lodge 2101 appeared before the Board. Mr. Chastant said we are proposing to construct three pavilions in our master plan for the Elks Lodge in the long term. Right now, our proposal today, he said, is for a small pavilion for a food service area, 12 by 16, and the method of construction is (inaudible) the Department of Parks of the State of New York. He said the other two pavilions in our master plan would be 24 by 48 as funding permits, as time moves on. Mr. Chastant said our prospectus is a five to 10-year plan to construct the newer pavilions in this presentation. Chairman LaPerch said Ashley (Ley) had some issues regarding location of the pavilion and did you fill out the short form questionnaire? He said yes. Ms. Ley said one of the things we still need to see on the plan is what the coverage of all those buildings are just to make sure you are still within the coverage allowances under the Zoning. Chairman LaPerch said square footage-wise. Mr. Chastant said we will have those calculations done and re-submit. Chairman LaPerch said and as we talked as a sidebar here before the meeting, the north corner you are proposing a clean-up and some new landscaping there, right? He said correct. Chairman LaPerch said and that would be in conjunction with an ARB review, correct? Ms. Ley said yes. Ms. Desidero said is it also on the site plan? Ms. Ley said it is shown on the site plan as an attachment to the plan. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said I am just wondering you are obviously growing your membership, your place looks great, you cleaned it up: do you anticipate any more buildings? Mr. Chastant said any more...? He said any additional buildings? Mr. Chastant said no, this will serve the function of some seasonal tents we put up and we are looking to try to transition to something more permanent as the tents are aging out so we are going to have to make an investment to either replace them or build new structures so we are trying to do a capital improvement project every five years and that's our prospectus is in five years to have the funding to build a new one to replace one of the tents. Boardmember Armstrong said what I am getting at is there is some advantage to knowing where you are going whether there is going to be some new buildings, some additional buildings? Mr. Chastant said no, not at all, this is going to serve our membership and if our membership grows any more over the next 10 years it will satisfy those events. Chairman asked for next steps for the applicant and Ms. Ley said so it needs a referral to County Planning because it is on a State and County road, both. Chairman LaPerch said I do want a public hearing on this Andrew (Chastant), that's my opinion. He continued: the Board will vote on it but you are too high profile of a property not to have it: that's my opinion. Ms. Ley said it also needs a referral to the ARB. Because of the limited scope of the project, she said, I am recommending that it be a Type II Action under SEQRA. Chairman LaPerch asked Mr. Chastant if they would be ready for a July 9 Public Hearing and he said yes. The motion to Classify this as a

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

Type II Action 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. The motion to Refer this to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. The motion to Set a Public Hearing for July 9, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Chairman LaPerch said when is the quickest he can get to the ARB? Ms. Desidero said if he gets me an application before the 12th, he can go this month. Ms. Ley said you are going to need elevations of the pavilion for the ARB. Mr. Chastant said I have that in the structural. Boardmember Gress said (Chairman) Tom (LaPerch), you said July 9th for the Public Hearing but it's July 8? The corrected motion to Set a Public Hearing for July 8, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

4. **CRECCO WETLAND PERMIT, 62 Stallion Trail** – This was a review of an application for a Wetland Permit. Engineer Paul Lynch of Putnam Engineering appeared before the Board. Mr. Lynch said the Creccos own this lot in the Starr Lea Farm Subdivision off Starr Lea Road. The subdivision was originally built in the mid to late '80s and was pretty much built out, I think there is one other vacant lot which is next door. He said there was a New York State DEC (Department of Environmental Conservation) regulated wetland in the back of the property and there is a drainage course that runs through the subdivision that discharges here and continues to flow and meets up with another stream that runs this way. We have also been dealing with Putnam County Health Department, he said, and received our construction permit for the septic. Mr. Lynch said New York City DEP was involved in that process and one of their comments was if any impervious surface that was built within 100 feet of the stream, that would be within their review purview so we are looking at three permits that would be required: one from NYS DEC, one from NYC DEP and the third being the Town of Southeast Wetland Permit. Chairman LaPerch said how big are the lots, what's the Zoning out there? Mr. Lynch said it's a big lot. Ms. Ley said it is R-60 and it's 2.78 acres. Mr. Lynch said I did see Mr. Coleman's review memo; there are some things that I would like to point out. One is the property owners are in contract to sell the lot, he said, so I was provided the house they want to build and the house they wanted has a side garage so I did send them a request whether or not they would consider moving the side to a front loading garage so I would be able to shift the house further in this direction and I haven't gotten an answer on that yet. He said in terms of the septic, in our testing we had an area here which failed. He explained in detail that he is locked into that location for the septic system. He showed where they would propose fencing and that they would be developing about 32,000 – 33,000 sq. ft. of lot area and said we are planning on having a rain garden on this side to deal with the stormwater runoff from a roof structure and the people do want a pool in the back yard. Chairman LaPerch said so that is the only place for the septic? Mr. Lynch said yes and he talked about it being in pretty much the same place as on the approved subdivision Plat. Chairman LaPerch polled the Board for questions and there were none. Chairman LaPerch said on these types of issues with the septic, the County calls the shots, right? Mr. Lynch said we have it approved in that location. Boardmember Cyprus said I think he was addressing (Wetland Inspector) Stephen Coleman's comments about moving it. Mr. Lynch said yes, he asked if I could shift it and move it... Chairman LaPerch said that is what I was wondering. Ms. Ley said under the Wetland Permit Regs you can ask for an evaluation of reasonable alternatives and he has provided a response and this is the only alternative based on the soil available. Chairman LaPerch said all right, thanks. The motion to Declare Intent to be 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. Chairman LaPerch said July 8, can you do it? Mr. Lynch said yes. The motion to Set a Public Hearing for July 8, 2019 was introduced by

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Lynch said will the DEC and DEP be part of the SEQRA process and Ms. Ley said it is being referred to them so yes. He said thank you very much.

5. **BATISTA SOUTHEAST DUNKIN, 1617 Route 22** – This was a continued review of an Application for Site Plan Amendment. Kyle Ahearn of The Chazen Companies and Owner Steve Batista appeared before the Board. Chairman LaPerch said we are looking for an update here. Mr. Ahearn said so last year in March the feedback was pretty good at that point: there were a couple of issues outstanding but we were directed to prepare the architectural drawings so that I have on the back of this but along with that, in coordination with the architect for the project, we discussed the pick up window location for the building, which on the approved site plan was located on the southeast corner of the building along the southern face of the building. He said the most recent prototype for Dunkin stores actually puts it in the center of the back wall of the store and, in our case, that would be the western side of the building but that would have reduced our queuing pretty substantially as it took out seven vehicles, which really is not enough. Mr. Ahearn said we worked with the architect and one of the solutions we came up with is not in the center on the western side but we moved it about two-thirds or three-quarters of the way down. He used the original approved plan, the amended approved plan and the proposed amended plan to show the differences in the location of the window and the elimination of the Rte. 312 entrance to the site. He said the new proposal leaves 9 queuing spaces, which is one less than the most recently approved plan. Mr. Ahearn said eliminating the Rte. 312 entrance, there's less of a conflict with the state highway so any cars that back up beyond that 9th car, it will just be backing up into the parking lot itself so you will have some back up that will block some of the parking spaces which will force people to actually not use the drive-thru if they don't want to wait in a longer line. He said this is a compromise between making the site and the inside of the building work. The other part that we did was provided the elevations for the building, he said, showing the new prototype Dunkin introduced that incorporates all their new branding and he talked about the signage. Chairman LaPerch said tell me about the septic and how you are going to get there and if you are establishing a business relationship with across the street. Mr. Ahearn said we have the agreement in place and it just has to be signed off on with the neighbor across the street and we will be reaching out to them; we were waiting for Mr. Greely to finish off on doing the DOT (Department of Transportation) permit to make the forced main across the street. He said I actually received an e-mail from him last week saying he is almost done so Mr. Greely needs to get that done so it will be out of the way before the project starts. He talked about the flow, the meter readings and the DEP and Department of Health. Chairman LaPerch said my understanding of this site, just to make sure I am clear, if I am coming south on Route 22, I can gain entrance; if I am going north on 22, I cannot gain entrance? Mr. Ahearn said correct. He said and coming out, I can only go south? Mr. Ahearn said yes, right in, right out... Chairman LaPerch said I just want to make sure I am very clear on that? Mr. Ahearn said yup. Chairman LaPerch said Ashley (Ley) once again we are one less car for the queuing and that's... Ms. Ley said we had originally recommended the 12 queuing spaces so we certainly preferred having the entrance on the other side... Mr. Ahearn said so theoretically it technically it does allow for more but it would just be into the parking area so the... Ms. Ley said right, so they are avoiding having the cars back up onto 22, which would be the bigger safety concern where this is more of an inconvenience. Chairman LaPerch polled the Board. Boardmember Hecht said I just want to go on record that I am disappointed that we couldn't do a right turn off of 312: I know AKRF (Town Planner) said there weren't going to be many adverse effects but having crossed that multiple times a day from the school I just wish something could have been done. Chairman LaPerch said let's stay on that topic: is that a DOT decision? Ms. Ley said well, I wouldn't say it is completely a DOT decision, it's that this project is not creating a significant adverse impact on its own so having it bear the full burden of that change is a little disproportionate. They provided documentation

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

showing that basically 11 percent of the increase in traffic would be attributed to this project, she said, the rest of it is existing conditions and background growth conditions. Ms. Ley continued: so, they are proposing to continue dedicating the land to DOT so that it could be built in the future and providing the engineering design and the survey for that right turn lane should it... Chairman LaPerch said and you agreed on the amount? Ms. Ley said we agreed that the amount that they estimated was accurate; it's up to the Board to decide whether the services they are providing in kind are sufficient. Boardmember Hecht said the amount is probably right but if you ever come off making that right, it slows down tremendously and then if you have right around the corner people turning, it's going to double slow down. He said that's my only concern and I think it is going to maybe be a slight increase in traffic but that slight increase in traffic is going to have a dramatic effect on back-ups. Ms. Ley said they will still have to get a highway work permit for all of the changes to the entrance and DOT will be looking at those issues as well. Chairman LaPerch said I don't disagree with you, Mike (Hecht), I was looking forward to the way the first plan had it. Boardmember Armstrong said so is there going to be three access points: one on 22 more or less southbound... Mr. Ahearn said there is just one entrance to the site and it's the southeast corner of the site which is the furthest south along Route 22 you can go. Mr. Batista said closest to the Ski Haus. Boardmember Armstrong said but basically there's an ingress and egress on 22? Mr. Ahearn said at the same location, yes. He said OK, that's one: now then from 312, is that also going to be two-way, in and out? Chairman LaPerch said no, they eliminated it. Boardmember Armstrong said so are there any other access points? Chairman LaPerch said no, there is only one now coming in and out from the one location. Boardmember Cyprus said can you just elaborate on why the pickup window moved? Mr. Ahearn said so the pick-up window location was shown where it had always been shown; when we got to the stage of preparing floor plans for the ARB submission, the architects informed us that the layout of the store itself, specifically the back of the store, the operations portion, in a perfect world would be in the center of that western wall here but they had a certain amount of flexibility for moving it but it was plus or minus 6 ft. before it really adversely affects how a store can operate. He explained in detail the changes that had to be made to get to the maximum number of queuing spaces with also giving them that location of the pick-up window. Boardmember Cyprus said did Dunkin change their operational floor plan? Mr. Ahearn said yes, it is based on the most recent prototype. Chairman LaPerch said similar to the one up on Starr Ridge where you have the Internet and you have... it is really actually very nice looking inside so you have the same theme? Mr. Batista said correct because in 2015 when this was originally approved, now with everything going to mobile platforms, mobile technology, most of the access to the store is people coming in quick, in and out for online platform pickups or through drive thru so everything gets focused on quick access into the store. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Chairman LaPerch said next steps after the ARB? Ms. Ley said they would come back to the Planning Board for Final Approval.

6. **CROSS FIT CONDITIONAL USE PERMIT, 281 Fields Lane** – This was a review of an application for Conditional Use Permit for a Group Fitness Facility. Attorney Richard O'Rourke of Keane & Beane appeared before the Board. He said this is a rather unusual application because we are not doing anything to an existing building or an existing parking lot; what we are doing is the space is already built out and the building has been there for many years and Cross Fit is a recreational use and under the Zoning Ordinance in this Zone we need to get a Conditional Use Permit. He said so we are here solely for the purpose of getting a Conditional Use Permit. You have received from me a letter dated May 20 which explains what the use is, he said, that the class averages about 10 people and with three instructors and this happens at 5:30 to 6:30 in the morning,

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
June 10, 2019**

9:30 to 10:30 and then evening classes for one hour between 5:30 ending at 8:30. He said its 5100 sq. ft., and each class has 60 minutes. He said we are building walls inside the existing building but because it is a Recreation use, we have to get a Conditional Use Permit. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said what is the current use of the building? Mr. O'Rourke said it was previously occupied by Pedifix and it was essentially a warehouse use that was vacated. He asked: are you going to make any entrance changes or access changes? Mr. O'Rourke said nope. The motion to Classify this as a Type II Action under SEQRA and a Minor Town of Southeast project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch asked the Board for comments on waiving the Public Hearing and there were no objections. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. Ms. Ley said for your Conditional Use Permit final resolution, which would be at the next Planning Board meeting, do you have any objections to any of the items in your letter being conditions of approval: hours of operation, etc.? Mr. O'Rourke said no, the statement of use is from the client and it is incorporated in... Ms. Ley said OK and we are waiting for County Planning to respond to the 239-m referral. They discussed that Mr. O'Rourke does not have an approval yet but will need to come to one more Planning Board meeting after there is a response from County Planning. All agreed that would likely be June 24, 2019.

Chairman LaPerch asked for comments on the May 13, 2019 Meeting Minutes and there were none. The motion to approve the Meeting Minutes of May 13, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor with Boardmember Cyprus abstaining.

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

July 2, 2019/VAD