

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
July 27, 2020**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Eric Cyprus; Jim King; Mike Hecht and Lynne Eckardt; Town Planner Ashley Ley; Secretary Victoria Desidero; Absent & Excused: Boardmember Dan Armstrong; Town Attorney Willis Stephens

**Secretary Desidero:** Tom, before you start, David has sent us a Chat to say that he is with the Putnam Press.

**Chairman LaPerch:** OK. Welcome. First thing we do in my meetings, we do the Pledge of Allegiance. Mr. King will lead us in the Pledge of Allegiance.

**Pledge of Allegiance.**

**Chairman LaPerch:** Thank you very much, Jimmy. Thank you. Good evening everybody. Welcome to tonight's hearing. We have no Public Hearings tonight. We have three regular items and a couple of other items to talk about, some Local Law changes and some re-zoning. But first thing I would like to do is take attendance here. (Roll call taken, results above.) Once again, we have no public hearings for tonight but we do have three regular session items: the first one is WDesigne, 3867 Danbury Road; number two is Verizon at 2525 Carmel Avenue; and followed by number three Commercial Campus at Fields Corner.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

**1. WDESIGNE, 3867 Danbury Road, Tax Map ID 69.13-1-23 – Review of an Application for Site Plan Amendment and Conditional Use Permit.**

Peder Scott of PW Scott Engineering appeared before the Board.

**Chairman LaPerch:** So, the first thing I am going to do is start with number one here. Whose here on behalf of this applicant?

**Mr. Scott:** Peder Scott is here. Can you hear me?

**Chairman LaPerch:** Welcome Peder.

**Mr. Scott:** Hi everyone. Very quickly if I may, 3867 is referred to as "On the Border." It contained restaurants, a large beer distributorship, a liquor store and a pizzeria. A company that manufactures wood products, which is housed currently in Peekskill, New York, is proposing to relocate there. And they are taking about 19,500 sq. ft. of space and, after they are completed, there will be two tenants left over. It will probably be some form of pizzeria and a bakery combined in one space. We're here tonight for the general business use, which is the wood trade shop and basically, the site is a kind of run-down building; there's elevations, architectural shown for you and so, besides interior renovations, they are doing a lot of improvements outside. Before we get to that, it used to be an ED-2 Zone and it had variances granted in '84. Now that its SR-6 its even more non-conforming. There's a list of all the items that are non-conforming. Basically, open space, the amount of coverage, everything in the front of the building... the front of the building and Route 6 is pre-existing, non-conforming relative to parking. So, accordingly, we are grandfathering all of those various components in the front of the building and in the back of the building we are basically cleaning it up. And we're organizing dumpster enclosures. We are replacing all of the old lights to current night sky initiative lighting and the poles are in place, but we are adding one pole in the rear and a bunch of new light fixtures. The project itself is going to have an operation Monday to Friday with truck deliveries between 7 am to 3 pm. The personnel and operations will be there between 7 and 3:30. There is an office component that will be there between 9 to 5 o'clock and there is a showroom on the site. They're going to add a showroom for their cabinetry and such that they fabricate and that will be open between 9 to 5 plus on Saturdays from 9 to 3. There's no fabrication, no deliveries, they just want to keep the showroom open for drive by and reservation appointments type of visits to look at their cabinetry. Their current clients are... they work for Toll Brothers and various large manufacturing companies but they want to

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expand in this area to have access to people in the local area. We are putting landscaping in the front. We cleaned it up just recently and we are going to add some plants to that. We have this 'On the Border' sign which is totally non-conforming and so we are going to sort of try and figure out what to do with it. It is pre-existing, non-conforming. It doesn't meet your new ordinances at all. It is something I've got to work out, I guess, initially with ARB (Architectural Review Board) and the Building Department and find out where that goes for that component. There's a pretty extensive Statement of Use that was submitted with all sorts of criteria. In terms of the site plan, we only need 44 parking spaces with the new use. We have 84 parking spaces and we are adding two conforming handicap spaces because everything in the front is non-conforming. And overall, it is a great improvement to the property, and it will be cleaned up. Architecturally on the Building we are going to paint it, fix a lot of problems with roofing, and we are going to add some sort of (inaudible) to the (inaudible) which is still up in the air because everything is pre-existing, non-conforming with the frontage in terms of signage and we have to work that out with the Building Department and ARB so that's kind of a little bit up in the air until those are resolved. But we are hoping we can start the SEQA process and work our way through whatever (Town Planner) Ashley (Ley) recommends for solving all this pre-existing, non-conforming items for signage. That's it.

**Chairman LaPerch:** OK. You finished Peder?

**Mr. Scott:** Yes, I am.

**Chairman LaPerch:** All right. Well, thank you. First of all I want to thank Kathleen Abels from Putnam County Economic Development, who suggested this user come to the Town of Southeast and we worked with Kathleen closely on this application to make sure he got in and did all the right things. So, I want to welcome him. I have no questions. I think it is a good use, Peder. You are a neighbor so you must be thrilled that the thing is going to be upgraded, right?

**Mr. Scott:** Very much so. I am tired of picking up the garbage and litter on my property.

**Chairman LaPerch:** All right. Well, let's hope we will solve that. I don't have any real questions at this point because I've heard what this gentleman does and his business for the last couple of months, so I am just glad he is in the process now. So, I am going to just start with my Board members here. Ms. Eckardt, do you have any questions for this applicant?

**Boardmember Eckardt:** I do. I think it is a great use and welcome. But I have a few quick questions. I know these are ARB-related but to tackle them now, quickly. Peder, there was a request to use non-native plants and I am a big fan of native plants so if you can... I don't mind mixing but if you can work hard on trying to get some native plants, I know you are using Phlox which only blooms for a short spell and there are a lot of natives that probably I think would do really well there. So, I would suggest that if possible. I also thought the landscaping plan was pretty vague so if you can tighten that up when you go the ARB. But I think overall... and just to give you a few suggestions I think (inaudible)... There are some really nice plants that suit that area well and the hot arid conditions over there so if you can look into doing that. Those are my only questions right now and overall I think it will be a welcome addition.

**Chairman LaPerch:** I agree. Good stuff. Thank you for your questions. Mr. King, any questions for this applicant?

**Boardmember King:** No questions. I look forward to seeing that place cleaned up and fully used.

**Chairman LaPerch:** Yeah, really. Good, good. Mr. Hecht, any questions, sir?

**Boardmember Hecht:** No questions.

**Chairman LaPerch:** Well, thank you sir. Mr. Cyprus?

**Boardmember Cyprus:** I'll echo everyone else's comments about being happy with the change. But Peder, just one question with the woodworking. Any solvents, stains, that kind of stuff? Like is there any special fire suppression (inaudible)?

**Mr. Scott:** They have all sorts of dust controls which are mandatory. They have a lacquer room which has a filter system which we are going to run and submit to the Building Department. They

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have the same process working where they are now, and they are replicating it with more up to date equipment here. Everything will be run by the Building Department. It will all be Code-compliant.

**Boardmember Cyprus:** OK. Thank you.

**Chairman LaPerch:** Thank you, Eric. OK. Mr. Rush, any questions for this applicant at this time?

**Boardmember Rush:** Just an add on to what Eric was talking about with the equipment. Do you think you are going to have like an exterior machine that would be on the outside of the building someplace to manage the saw dust and things like that? I know we just did something like that for another application.

**Mr. Scott:** Yeah, they have a huge (inaudible) building; it's a big, bold type of building and so we have like 20 ft. clear story upstairs so we were thinking about integrating everything within fire-proof areas above their workspace. There's lots of room for that.

**Boardmember Rush:** OK. Great. Thank you very much. No other questions.

**Chairman LaPerch:** Good stuff. Well, I have no further questions, so I have four actions here tonight, hopefully.

The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

**Chairman LaPerch:** Next one, applicant, Peder. I'm recommending the August 24 meeting; is that a date you can meet?

**Mr. Scott:** Yes.

The motion to Set a Public Hearing for August 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Refer this to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**Chairman LaPerch:** All right, Peder, you've got some work to do here. See you on the 24<sup>th</sup>. Thank you. Good night.

**Mr. Scott:** Good night.

2. **NYSMSA d/b/a VERIZON, 2525 Carmel Avenue, Tax Map ID 67.6-1-35** – Review of an Application for Exemption from Site Plan and Conditional Use Permit

Attorney Michael Sheridan of Snyder & Snyder appeared before the Board.

**Chairman LaPerch:** OK. Second up is Verizon, 2525 Carmel Avenue. Who is representing that one? Identify yourself please?

**Mr. Sheridan:** Good evening, Chairman. Can you hear me? This is Michael Sheridan...

**Chairman LaPerch:** Yes, Michael. How you doing?

**Mr. Sheridan:** Yes, good. How are you?

**Chairman LaPerch:** Doing well. What have you got for us?

**Mr. Sheridan:** Oh... I just lost my video. Hopefully you can still hear me. I am here in connection with an exemption request for a Verizon facility at 2525 Carmel Avenue. They're looking to replace some antennas and some ancillary equipment. This is an eligible facilities request under Federal Law (inaudible).

**Chairman LaPerch:** We are losing your video and your voice now.

**Mr. Sheridan:** ... requesting exemption under 138... can you hear me now?

**Chairman LaPerch:** Yeah...

**Mr. Sheridan:** ... requesting an exemption under 138-54(B) (3) (inaudible)...

**Chairman LaPerch:** OK. You're back.

**Mr. Sheridan:** Am I back?

**Chairman LaPerch:** You're back.

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**Mr. Sheridan:** Excellent. So, just to reiterate, it's an eligible facilities request under Federal Law also requesting the exemption under 138-54(B) (3) and I am in receipt of the memos from Jacobson and AKRF both indicating that they have no objection to the exemption request.

**Chairman LaPerch:** Michael, I am assuming this is an upgrade of the service?

**Mr. Sheridan:** It's an upgrade of an existing facility, correct. They are replacing two antennas, adding some ancillary equipment and they are replacing the shrouds that go over the antennas as well. And they're going to re-paint the existing supports for the antennas as well.

**Chairman LaPerch:** Right. Well, I think I told you last meeting, we are in desperate need of good cell service. It's horrible in that area. I hope this does the trick. All right, you are not expanding any footprint and you just explained to me what you are doing in terms of painting so it's just swapping out the panels it sounds like?

**Mr. Sheridan:** Swapping out the panels; the shrouds will be a little bit larger. Currently, the antennas are cylindrical, and the shrouds are underneath. These antennas will be different so the shrouds will encase the entire antenna as well as the remaining location where the shroud is located. It will look essentially the same. It won't be that... you won't really notice a difference.

**Chairman LaPerch:** All right. Well, thank you for that.

**Mr. Sheridan:** It'll be the same color and same type of shroud.

**Chairman LaPerch:** Well, thank you for that explanation. Ms. Eckardt any questions?

**Boardmember Eckardt:** A quick question because this kind of... once it came back everyone was kind of surprised at how it looked. Ashley or whomever is working the screen, the word shroud just creeps me out anyhow... But can you show me or show us how different it will look? I just don't want it to be a big surprise when it happens.

**Chairman LaPerch:** Good question.

**Ms. Ley:** Well, it will stick up above the roof as it does today, it might be like an inch or two higher.

**Mr. Sheridan:** Currently if you are looking at that picture what it is now is the top of that where the line is not dotted, those are the cylindrical antennas. So, they look round and then underneath it is the cylinder that makes it look like one just large chimney coming out of the building. What's happening now is because the antennas that are being replaced are not cylindrical antennas, the shroud is just going to cover that same part that it covers below the antennas but now its also going to cover the antennas themselves. Its really not going to be much higher; it's just... the shroud or the cylinder is just gonna cover the antennas as well. It will all be painted the same.

**Boardmember Eckardt:** And so how much higher will it be just so I understand?

**Mr. Sheridan:** It won't be that... it won't be higher.

**Boardmember Eckardt:** OK.

**Mr. Sheridan:** It's supposed to be the same height as the existing one.

**Boardmember Eckardt:** OK. So, in general I will drive by this someday and not even notice its changed is what you are telling me?

**Mr. Sheridan:** Probably not even notice the change. Its slightly wider just to cover the antennas but beyond that it should look...

**Chairman LaPerch:** Inaudible.

**Boardmember Eckardt:** These are just not my favorite antennas around Town so that is why I am asking the question. But if they are not going to get any worse that's, I guess, the best I can hope for and I want to second that with Tom. Since I got home my service has really been pretty spotty so... Anyhow, thank you for your presentation.

**Chairman LaPerch:** Thank you, Lynne. Mr. King?

**Boardmember King:** No questions.

**Chairman LaPerch:** Thank you sir. Mr. Hecht, any questions?

**Boardmember Hecht:** No. I was just concerned about the changes in sight lines and size, but I think that was clarified.

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**Chairman LaPerch:** OK. Good. Thank you. Mr. Cyprus?

**Boardmember Cyprus:** Nothing Tom.

**Chairman LaPerch:** No Eric? OK. Thank you, sir. Mr. Rush, any questions?

**Boardmember Rush:** Nope. I'm OK.

**Chairman LaPerch:** All right. Well thank you. I have no further questions so at this point. I would like to make a motion to grant the exemption.

The motion to Grant Exemption from Site Plan and Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.

**Chairman LaPerch:** So, you got your exemption, Mike. Good luck.

**Mr. Sheridan:** Thank you very much.

**3. COMMERCIAL CAMPUS AT FIELDS CORNER, 51 Pugsley Road – Completeness Review of FINAL ENVIRONMENTAL IMPACT STATEMENT**

**Chairman LaPerch:** All right. Good night. OK so big one of the night, number 3, Commercial Campus at Fields Corner, 51 Pugsley Road. We haven't seen it in a while so I am going to just kind of let Ashley tell you where we were, where we're going and what's going on here because I want a refresher from the Board's standpoint and then the applicant will kind of give you a run down of where they've been and what they've updated. Ashley, can you kind of just lay out what's going on here

**Ms. Ley:** OK. But first I don't see that their attorney is on yet and I think he'd ask that they be last on the agenda. If we could possibly take two of the other items...

**Chairman LaPerch:** Oh, OK.

**Ms. Ley:** ...of the discussion items first if they would prefer to wait for their attorney.

**Chairman LaPerch:** I have no problem doing that.

**Ms. Ley:** Let me unmute their...

**Ms. Desidero:** Ashley, Kate (Roberts of Zarin & Steinmetz) is raising her hand.

**Ms. Ley:** Yup.

**Chairman LaPerch:** Hi Kate.

**Ms. Roberts:** Yes, apologies Dan (Richmond) had another Planning Board meeting tonight in another municipality. He should be done in about five minutes so if you wouldn't mind moving on to maybe item 4 or 5 or maybe you can get them both done, it would be greatly appreciated. I am texting him and he said he will be done shortly.

**Chairman LaPerch:** That's fine. We'll deal with it. We'll move on.

**Ms. Roberts:** Thank you.

**Chairman LaPerch:** OK. Boardmembers we are going to move on to the item that is number 4 on the agenda, the Town Board's referral regarding Local Law to Permit Indoor Shooting Ranges.

**4. REPORT AND RECOMMENDATION TO TOWN BOARD REGARDING LOCAL LAW TO ALLOW INDOOR SHOOTING RANGES – Discussion of Report and Recommendation to the Town Board.**

**Chairman LaPerch:** Ashley, can you give us... I was at that meeting for the discussion. Can you tell me what the Board is looking to do with this text amendment?

**Ms. Ley:** Sure. So, there is not a specific project that is proposed as either an outdoor or indoor shooting range. Back in January the Supervisor requested that we prepare a Local Law to allow both outdoor and indoor shooting ranges. There was a Public Hearing a few weeks ago that looked at that law that allowed both. There was overwhelmingly a number of people from the public that were against outdoor shooting ranges because of concerns for noise and the current Local Law that the Board is reviewing now only allows indoor shooting ranges. And that's the version that's been transmitted to the Planning Board for report and recommendation. The next Public Hearing, I

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believe, is in August and it would be helpful to the Town Board to have your comments in advance of that meeting.

**Chairman LaPerch:** OK. Well, I attended that meeting and I agree with Ashley that the loudest voice I heard was that they didn't want the outside shooting range but it seemed like their... they didn't have a problem with an indoor shooting range. And I'll give you my opinion: I agree with that too. I think indoor shooting range is fine; outdoor is pushing it because I play golf over at Somers and I hear the shooting range outdoors all the time so I just could imagine the noise that's gonna come out of there. So, that's my two cents on this. So, I have no further comment. Lynne, you have any questions regarding the Local Law? (Pause.) You've got to unmute.

**Boardmember Eckardt:** OK. Sorry about that. I live about seven-tenths of a mile from someone who can shoot legally on their property and it is... You can hear it even that far away, so I am fine with indoor but outdoor I think really presents a problem. As I said this person shoots legally but I can hear it, my neighbors can hear it and people actually over on Allview can hear it. So, yes, I feel pretty strongly about outdoor ranges but indoor would be fine.

**Chairman LaPerch:** OK. Thank you. do we have? Mr. King, your opinion please. Your thoughts?

**Boardmember King:** Yeah, I like the idea of the indoor range. An outdoor range maybe I guess you would really need to be far away from people but... I don't know. That's all I have to say.

**Chairman LaPerch:** OK. Thank you, Mr. King. Mr. Hecht, your comments regarding this Local Law?

**Boardmember Hecht:** Yes, I have actually had some experience with indoor shooting ranges. I did some consulting at Stern Ruger years and years ago and I visited one up in New Hampshire. I'm fine with those. I'm probably in agreement with everybody else just about potential noise concerns for outdoor.

**Chairman LaPerch:** Well, thank you for your comments. Mr. Cyprus, your thoughts please?

**Boardmember Cyprus:** I have a few. I share everyone's concerns about noise with outdoor ranges so the way it was originally proposed, you know, you would still need to go to the Town Board for a specific proposal so I guess I didn't love the idea of a complete ban anywhere in Town. But regardless I guess that's off the table. Indoor range I of course support. Ashley, I did have a question, I guess, in... I guess its page one in the Recreation Commercial section. The last... I guess... it's a long sentence with a lot of punctuation that maybe I am just not smart enough for but it almost reads to me like the last part of that sentence excludes guns anywhere even though I think the intent is just to exclude it outdoor.

**Ms. Ley:** OK. So, one of the things that we did in this Local Law is... first off Shooting Range would be its own Special Permit use under the Code and so Shooting Range would be added as a Use to the Use Table. And it would be allowed in a number of commercial Zoning Districts: the places where there are most likely to be buildings where an indoor shooting range could be located. And there are Special Permit criteria that are proposed that each shooting range would need to meet. Separately, there were a couple of clarifications made to the "Recreation" definition for the commercial zone and Recreation that would be allowed in a residential zone. So if something is identified as "Recreation, Commercial" those are the types of uses that you would potentially see on an RC property or within a shopping center or other location and that includes things like a gym, martial arts studio, and it could include also an indoor go cart track or indoor laser tag.

**Boardmember Cyprus:** So, "Shooting Range" is completely separate and when it is "Recreation, Commercial," any use of guns inside or outside is not permitted, you're saying and that's...

**Ms. Ley: Right.** So, a shooting range is specifically not a Recreation Use; its its own distinct Use.

**Boardmember Cyprus:** OK. Got it. That makes more...

**Ms. Ley:** Because Recreation is allowed in more Zoning Districts than a Shooting Range would be.

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**Boardmember Cyprus:** OK. My only other question then and it is not something that I have strong opinions on but being that it's indoors, why did we choose to pick a nine to nine timeframe?

**Ms. Ley:** That was a recommendation that came out of the Public Hearing process.

**Boardmember Cyprus:** OK.

**Ms. Ley:** If you had other thoughts on that... you wanted to recommend to the Town Board that is certainly something that could be in your Report and Recommendation.

**Boardmember Cyprus:** Yeah, yeah. That's fair. Like I said, I don't have a time in mind or anything. It just... you know outdoors of course we would expect a ton of restrictions on it but indoors, you know I just didn't know how we came up with 9 o'clock. You know it its truly invisible and you can't hear it, you know why did we care about 9 o'clock? But... So, I'm not stuck on the 9 o'clock. I don't know how the rest of the Planning Board feels but that's just the only other thing that caught my eye.

**Chairman LaPerch:** Great points, Eric. Well done. Thank you. Mr. Rush, any comments regarding this Local Law?

**Boardmember Rush:** I'm glad we had enough where-with-all to put something together that would possibly exclude the outdoor shooting. I do hear shooting in my area of Allview Avenue from somebody and I don't know who. I don't like it. Nor do I like a lot of other things that have to do with noise that do exist, and we haven't dealt with. And I won't even go there but we have a lot of noise problems in this Town so I'm glad we've at least addressed something that doesn't exist rather than things that do exist and we haven't fixed.

**Chairman LaPerch:** Well said. Thank you very much. Ashley, one final follow up question here. I know that one of the issues was where it was going to be in Town. How many Zones are we down to here?

**Ms. Ley:** Hold on a second. It would be a Special Permit use in the ED, OP-1, OP-2, SR-6, HC, SR-22 and RC.

**Chairman LaPerch:** (Inaudible) ...the ones it isn't included in. OK and this is by lot size or is it something we can be concerned about a lot size or is it the buildings aren't that big that we have to be concerned about it?

**Ms. Ley:** There is no recommendation for minimum lot size. What there is is a requirement that it be a... *"No new shooting ranges shall be located nearer than 500 ft. from the property line of any school, daycare center, church, hospital, public park or residentially zoned property, or in any location which, in the opinion of the Town Board will result in the annoyance of any nearby residents."*

**Chairman LaPerch:** So, an application comes in on a vacant piece of land, we start with it, we do the Site Plan and SEQRA and then we send it to the Town Board for approval?

**Ms. Ley:** For a Special Permit, yes. So, it would follow the normal approvals process.

**Chairman LaPerch:** OK. Thank you. I have no further questions so Ashley, what's the next step for our... do we have to draft a letter or recommendation to the Town Board?

**Ms. Ley:** Yes. So, if the Board is comfortable with the Local Law as written, we could make a motion this evening and I could just memorialize it in a letter that you would sign and transmit to the Town Board this week. Otherwise, if you want more discussion, I could draft a letter for everyone's consideration for the next meeting.

**Chairman LaPerch:** Well, I think we covered everything. Everybody I don't think wants an outdoor range and I think Eric made a good business point about nine to nine so they can hash that out at the Town Board level. But, unless I hear anybody raise a hand as a Planning Board member, I would like to make a motion to accept the...

**Boardmember Eckardt:** Tom...

**Boardmember Cyprus:** Can I ask one follow up, Tom?

**Chairman LaPerch:** Yes, sure.

**Boardmember Cyprus:** Lynne was first.

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**Boardmember Eckardt:** Thanks Eric. There was some talk even on indoor ranges on maybe a little more separation than 500 ft. Um, but I don't know how the Board feels about that. Um, but I do have some concerns about its proximity to daycare and schools so that would be my only... That's the only reason I am a little hesitant to vote this evening. That's...

**Chairman LaPerch:** Well, what would be... what number are you looking at for a separation?

**Boardmember Eckardt:** Well, from those particular... what was it... it was daycare, schools and... it was 500... daycare, schools and what else, Ashley?

**Ms. Ley:** Public parks, churches and residences...

**Boardmember Eckardt:** Yeah...

**Ms. Ley:** ...residential zoning districts.

**Boardmember Eckardt:** Yeah, I think that the 500 is really close especially with residential districts. Um, so I would prefer that it was... that it be further. I don't think that's a real hardship judging from...

**Chairman LaPerch:** What's further? Give me a number.

**Boardmember Eckardt:** Um, I would like it to be about 1000 but that might be too bitter a pill for everyone to swallow. Maybe 750 if that's too much but I am concerned about traffic and you know when it is that close to residential and churches and things like that. That... I'd just... I'd like to hear everyone else's opinion.

**Chairman LaPerch:** All right. Let's play that out. Mr. King, any comment regarding that?

**Boardmember King:** Lynne, are you concerned about noise? Is that why or just public safety?

**Boardmember Eckardt:** Probably both but the noise I think will be mitigated and that is the good news of indoor. Um, and safety should be because of the way they are run, that should be good. But more I think about traffic of people coming and going and all of that more than anything else, especially if it turns out to be very popular. So, and with schools and all... Although I think we're OK with... from a school point of view from where this will be allowed. But I'm a little... I know there were some Board members who were a little concerned about the distance and especially from a park too. So, that would be... those would be my concerns.

**Chairman LaPerch:** OK. Mr. King, anything else? OK. Mr. Hecht, any comments regarding Lynne's thoughts?

**Boardmember Rush:** I have a comment. Ashley, are there any performance requirements for the acoustical treatment of this facility assuming that you were going to go into one of our strip mall areas and you were going to put your shooting range inside of that? It it's right next door to another business and the demising wall is currently designed as required for normal business use, what requirements would that person have to have to upgrade the noise criteria for that space so that you know the other tenant on the other side now doesn't get burned with you know pow, pow, pow all day long? So, what are we thinking about that or are we not thinking about that?

**Ms. Ley:** It's not specifically specified in the Special Permit criteria what that noise...

**Boardmember Rush:** It should be. It absolutely should be if you ask me.

**Chairman LaPerch:** David, you are assuming that this facility will be within like a plaza or if it is a standalone building this shouldn't be an issue as much as it...

**Boardmember Rush:** (Inaudible) ... standalone building, great. But if it's a standalone building then we have a different set of conditions that... You're right. It wouldn't... Let's say it went into the old (inaudible)... let's just say it did and you've got people to the right and you've got people to the left...

**Chairman LaPerch:** David, I agree.

**Boardmember Rush:** Where's your protection for them?

**Chairman LaPerch:** No, I am agreeing with you.

**Chairman LaPerch and Boardmember Rush speaking simultaneously.**

**Boardmember King:** Wouldn't the burden go to the business owner who wanted to build it there though? To make it noise-proof?

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**Boardmember Rush:** If there is nobody saying to do anything. Listen, there is a lot of common sense that nobody follows in laws. You know? You can have your stereo up really loud in your backyard and I can't do anything about it. So, common sense would say you should be a good neighbor and turn it down, but you don't. So, its not written. If we don't mention it's a criteria that should be met...

**Chairman LaPerch and Boardmember Rush speaking simultaneously.**

**Boardmember Rush:** ...other business then we should talk about it. Maybe that pow, pow, pow is just as annoying 750 ft. away. I don't know. We should measure it. So, I am in favor of Ashley doing a little more... a deeper dive here and sending us a letter. I think this just shouldn't be just a knee-jerk reaction from the Planning Board, in my opinion, to sign up. Definitely agree we don't want it outside but what are some the criteria for indoor shooting ranges that exist? Let's see what other Towns and municipalities have before we just pass this thing down.

**Boardmember Eckardt:** I agree with David.

**Chairman LaPerch:** I agree.

**Boardmember Eckardt:** Because also I think one of our... As David mentioned before, I think one of the problems in this Town...and it is very hard to enforce sound ordinances. Very difficult because it happens on the weekend and so... you know... So, I would agree with David. I think if we do due diligence, we can make it much... a really good law that... where people can partake in shooting but not annoy their neighbors. And I think that's really important here... that we get it right this time.

**Chairman LaPerch:** I have no problem with this. I think we should table this, Ashley, there are some good issues here and I don't know what kind of rush the Town Board is in. If there is nobody knocking on their door, I think we should take our time and kind of investigate some of these issues that were brought up here: distance and noise mitigation in buildings. I think that's fair comments so I think, Ashley, we should table this unless you are telling us we need to do something now?

**Ms. Ley:** No, this can be discussed at the next meeting.

**Chairman LaPerch:** All right. So, before I move on here are there any other Board members that brought up a good point? David, that was a great point. Anybody else? Mike?

**Boardmember Hecht:** No, nothing.

**Chairman LaPerch:** OK. Lynne's got her points. So, listen, why don't we table this? Why don't you send a memo out Ashley with some of the comments we had and your thoughts about how we can make this all a little tighter and better.

**Ms. Ley:** Will do.

**Chairman LaPerch:** All right. Thank you. Thanks to everybody for their comments. OK. Then we will move on here. We have a decision to make. Mr. Dan Richmond has joined us so I don't want to run up their bill anymore so instead of moving on to the next item...

**3. COMMERCIAL CAMPUS AT FIELDS CORNER p/k/a INTERSTATE LOGISTICS, 51 Pugsley Road – Completeness Review of FINAL ENVIRONMENT IMPACT STATEMENT**

**MR. LaPERCH:** Let's go back to the Commercial Campus at Fields Corner. And, Ashley, once again, would you mind just giving a recap to the board of where they were, where we're going, and what's left?

**MS. LEY:** Sure. So, where we are is, for the last -- most -- better part of the year -- more than a year, we've been reviewing the draft final environmental impact statement for the Commercial Campus at Fields Corner. So, the project was -- initially came before the board back in 2018, when this board declared itself lead agency and started reviewing the draft environmental impact statement. That was accepted as complete. There was a public hearing on the document, and then the applicant went and started preparing the FEIS. In the process of doing that, they made some significant revisions to the project: decreasing the number of

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buildings, concentrating them towards the center of the site, and they've also responded to all of the public comments -- all of the substantive comments that were raised during the public hearing process. The planning board and its consultants have been reviewing the draft final environmental impact statement. There's been at least four rounds of review on that document, and the applicant has made the requested revisions. So, what's before the board this evening is a consideration of whether or not that document is complete. And if the board declares it complete, they will then distribute it to all of the involved agencies, as well as the notice of completion, which would be posted on the environmental notice bulletin. It would be circulated to all the involved and interested agencies, and the document would be made available for the public. During the public hearing process on the DEIS, it was requested that there be a public hearing on the FEIS once it was accepted as complete. So, what's being recommended is that a public hearing be set for the first board meeting in September, which is September 14th. And I believe the applicant has a presentation that they would like to make tonight.

**MR. LaPERCH:** Okay. Well, thank you for that recap. Yes. Dan, are you leading the presentation tonight? Welcome.

**MR. RICHMOND:** Thank you very much, Tom. Thank you very much, Ashley and all members of the board. As you -- for the record, my name is Dan Richmond. I'm a partner with the law firm Zarin & Steinmetz, here on behalf of the Commercial Campus. We do have a presentation. I'm going to hand it over to Peter Gilpatrick, if you could unmute him, who's going to begin the presentation. And, Ashley, I understand that Kevin Masciovecchio from JMC will be able to share the PowerPoint.

**MS. LEY:** Yes. I'm not seeing him though.

**MR. PEARSON:** He was on a few minutes ago. I saw him.

**MR. GILPATRICK:** Kevin was here.

**MS. DESIDERO:** He was here, but I haven't been able to find him to unmute him.

**MR. PEARSON:** All right. I'll send him a text.

**MS. DESIDERO:** And also, Mr. Richmond, if you could just tell me, other than Rich Pearson, yourself, and Peter, who else you need unmuted.

**MR. RICHMOND:** I think Beth Evans is here as well, as our environmental wetlands consultant, who will be part of our presentation as well.

**MS. DESIDERO:** Okay. Thank you.

**MR. LaPERCH:** Hi, Beth.

**MS. EVANS:** Good evening.

**MS. LEY:** I can -- I have a copy of the presentation, if you'd like me to pull it up to get started, or it looks like Kate wants to do it.

**MR. RICHMOND:** No, no, no. Kate --

**MS. ROBERTS:** I can -- I can pull it up and start the animations that are later on, Dan, if you want me to share my screen. Otherwise, we can wait a few.

**MR. RICHMOND:** Kate, I think Ashley has it. So, it might be --

**MS. ROBERTS:** Okay.

**MR. RICHMOND:** -- cleaner if Ashley starts, and then when Kevin gets back on --

**MR. PEARSON:** Kevin just -- Kevin just mentioned -- I'm texting him, and he said that his Internet dropped out, and he's trying to get back in.

**MR. LaPERCH:** All right. Well, let's see if we can help you out here, Dan. If we can -- through Ashley or Kate, whoever can tee it up.

**MR. RICHMOND:** Ashley, you have it; right?

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**MS. LEY:** I have it, yes.

**MR. LaPERCH:** All right. Let's see what we can do. Give it a try.

**MR. RICHMOND:** Okay.

**MS. LEY:** Just give me one moment. Okay. Everyone should be able to see it.

(Indiscernible.)

**MR. GILPATRICK:** Thank you. Good evening, everyone. I'm Peter Gilpatrick, an advisor to the applicant. Our agenda this evening is to take the next step in our SEQRA process and deem the FEIS complete. With us this evening to help our presentation are the applicants Harvey Schulweis and Bruce Oberfest, our JMC team with Rich Pearson and Kevin Masciovecchio, our legal team from Zarin & Steinmetz, Dan Richmond and Kate Roberts, and our environmentalist, Beth Evans.

**MR. PEARSON:** And I would add that Kevin -- Kevin is now back with us.

**MR. LaPERCH:** Let -- let Ashley drive; right? She's already got that; right?

**MR. GILPATRICK:** Okay. Next slide, please.

**MS. LEY:** There we go.

**MR. GILPATRICK:** For the past six months, working with the town planner, we have completed the FEIS by answering the questions raised in formal review and public hearings, incorporating extensive mitigations, meeting with DOT to ensure their support for traffic improvements, and satisfying DEP's concerns on environmental impacts. In short, we have addressed the big issues: on-site and off-site environmental impacts, traffic, and impacts for future development, while generating a significant economic impact for the community. Our use and development plans -- not yet.

**MS. LEY:** Okay.

**MR. GILPATRICK:** Let's just stick with the zoning and the town's comprehensive plan. We have reduced the project's environmental footprint, distanced buildings from our neighbors, and achieved New York City DEP conceptual approval. We have eliminated future build concerns with a no-build commitment over half the property -- on over half the property. We have agreed to invest nearly \$5 million in off-site infrastructure, providing needed enhancements for local traffic. The project will provide up to 1,040 new essential jobs, 800 construction jobs, and over 100 jobs for local businesses. The project will provide approximately \$30 million in new net tax revenues in its initial 15 years. Now, go to the next slide. There we go. The 329-acre property is located near the intersection of I-84 and Route 312 and is partitioned by two zone -- zoning districts, the 100-acre rural commercial land on the left, RC district, and the 229-acre OP-3 land on the right. To help orient everyone, I-84 is located at the bottom of the slide. Route 312 and Tilly Foster Farm are located on the left. Patterson and Fields Corner Road are on the right, and the nearest residential neighbors are the Hunters Glen and Twin Brook Manor communities at the top of the slide. Next slide, please. If -- the project provides significant open space. And this was an animated slide, so bear with me a second. Approximately 85 percent of the property will remain open space under the town's definition after development, and that's all of the area you see, with the exception of the building and parking lot footprints, impervious surface. 65 percent of the site will be undisturbed by development, as shown in the dark green color. That dark green color is also underneath the overlay of the yellow color. And then to alleviate concerns about future development and traffic, the applicant has designated approximately 172 acres, shaded in yellow, or over half the property, as a no-build area. That will eliminate additional building and its associated traffic. Next slide, please. We have developed a preferred alternative, and the applicant has reduced the

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project density by 17 percent, to 930,000 square feet, and reduced the building count from four to two. The buildings comply with town code and provide occupants up to 760 parking spaces, all located on the west side and the upper side of Buildings A and B. 367 spaces are required by local code, and 394 spaces are land banked for future use if needed. The site plan provides 141 loading docks and 142 trailer storage spaces isolated on the eastern or the lower I-84 side of the buildings, away from the residential neighbors, shielding truck noise and lights from homeowners. The site plan provides ample separation from its neighbors, approximately one-quarter of a mile from the residential neighbors and one-half a mile from Tilly Foster Farm. The site plan preserves dense vegetation buffers in all directions around the buildings to lessen visual and (indiscernible). The site plan provides for independent on-site water and septic systems, including a 35-foot water storage tank, which is shown as the water storage tank. The site plan provides stormwater management systems that comply with DEC and DEP regulations. DEP has conceptually approved these systems. The site plan provides for separate gatehouse-controlled access drives for each building, and you can see those. If you see where the water storage tank is, you see the two drives, one going to Building A, one going to Building B. The site plan separates auto and truck traffic on-site and prevents trucks from circumnavigating either building. Monitored truck -- electronically monitored truck barriers at either end of Fields Corner Road prevent unwanted through truck traffic. So, at this end, which is the Southeast end, and at the far end, the Patterson end, there will be barriers, and we will monitor traffic by electronic mechanisms. And at the request of the chairman, we'll provide an overview of the FEIS section by section. So, Dan, please take us through a few sections.

**MR. RICHMOND:** Thanks, Peter. Ashley, go to the next slide, or even the next slide. Just before I start, I just want to mention, as Ashley touched on, we are here tonight on FEIS completeness. We have been working on this FEIS in close consultation with the board, its staff, members of the public, interested agencies including DEP and DOT, to comprehensively address all issues that were addressed in the DEIS. All -- we have responded to all substantive comments, as Ashley noted at the beginning of your meetings, as required by the SEQRA regulations, and now the -- the document more than adequately satisfies, respectfully, the board's hard look responsibility under SEQRA and clearly goes well beyond the rule of reason contemplated by SEQRA in terms of addressing all issues and making a document that is accessible to the public and contains the analysis the board were -- is looking for and members of the public and others have asked about. I'll start off again going -- we're going to go through the sections in terms of the order they're in the FEIS. I'll start off with land use. The project is consistent with the town's comprehensive plan. The comprehensive plan specifically refers to the area around 312 and 84 as a node of commercial development and specifically says that the Campus at Fields Corner along Pugsley Road would be compatible with this vision and includes a Figure 7.1 that specifically identifies the project site as potential commercial -- for commercial activity. We are not requiring -- requesting any rezoning. The project does not require any variances, and it conforms in all respects with the town's code. The project is a permitted use. This was confirmed by the town's building inspector by letter dated January 2019. Warehouses and distribution facilities are allowed under the light manufacturing designation under the OP-3. This includes as light manufacturing, processing and assemblage such as will occur here. Again, the comprehensive plan specifically notes that light industrial uses include warehousing and distribution facilities. And again, this would be a special permitted use which New York Law establishes that is -- that designation is tantamount to a legislative finding that the use is in harmony with the general zoning plan but will not adversely effect the neighborhood. We have --

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again, as detailed in the FEIS extensively, the project conforms to the special permit criteria for light manufacturing uses, including -- as Peter just spoke about, it has extensive buffers from the adjoining properties. And as we'll touch upon again in this presentation, the FEIS contemplates imposing conditions on delivery hours. For example -- and opposing other conditions that will ensure that this use is in harmony with the area. The project's consistent with the town's goal of protecting natural resources. As Peter mentioned, it's going to preserve substantial portions of the site. 65 percent will remain undisturbed. We have gone to great lengths to conform to the town's ridgeline conformance standards of making the project, to the maximum extent practicable, not visible off-site. We'll touch upon that when we go over the visual analysis, including that it's invisible from Route 312, can't be seen from Tilly Foster Farm and most other areas of town. And otherwise, again -- and we're preserving the frontage along Route 312, the rural commercial. Those will be committed to no building, which will help preserve the rural character of that road. And Beth Evans, our wetlands consultant, will talk about -- when we get to the wetlands portion of it, we also include an extensive, comprehensive 13-acre wetlands buffer mitigation/habitat restoration plan, which will protect and enhance the wetlands immediately upland of the wetlands. We can go to the next slide, please, Ashley. So, a quick overview of the actions we're requesting from the Town of Southeast. This doesn't include all of the other outside agencies. Again, DEP, as Peter indicated, has conceptually approved the project's stormwater management plan, and we've gotten conceptual approval from DOT as well. Once the planning board adopts findings, our next step would be to go to the town board for special permit. The planning board -- then we would go back to the planning board for subdivision. Ashley, if you could just go to the next slide, it will help explain. So, we will be dividing the property up. We're requesting that it be divided up into eight lots. Four of them are, essentially, to allow us to donate -- allow the applicants to donate significant portions of land, including -- if you see on the left of the screen, Lot 5 along from Route 312 is being offered to the county for use in connection with Tilly Foster Farm. Lots 6 and 7, along that frontage, are being offered to DOT in connection with the extensive roadway improvements we're doing there. Again, as Rich will talk about in his presentation, we're also creating a small lot all the way to the east -- right-hand side of this, Lot 8, as a truck turn-around area. Again, we've been in discussions and heavily focused on meeting Patterson's concern that trucks do not use Field Corner Road to access that. We're going to -- in work with the town, the town has indicated that they're prepared to take steps to ensure that doesn't happen. And Lot 8 would be a turn-around area that we would offer to the town in the event a truck mistakenly goes down there and needs to turn around. Lots 1 and 4, to the left, are in the rural commercial zone. Again, those would be designated for no future building development. The two circles you see are two smalls well parcels, but otherwise, that property, Lot 4A on the other side there, again, there would be no building development there. Then the main lot -- Building A would be in Lot 2, and Building B would be on Lot 3. Just go back quickly, Ashley. Just briefly touch upon -- we're also before -- then we'll be before the planning board for site plan, which would, essentially memorialize all of the conditions we have been talking about under the New York State Town Law 274-a for parking, means of access, screening and landscaping as part of the site as reflected in the site plans that are included as an appendix to the FEIS and have been the result of extensive discussions with your board, its consultants, and members of the public. Then we also are going to the town board -- we will explain -- for two slight actions in connection with the roads abutting the property. Ashley, if you could go two slides ahead, please. So first, we are proposing to straighten Pugsley Road. In connection with that, you see, in orange, we are

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offering significant portions of land. On the right, that's approximately an acre we would be offering to the town in connection with the straightening of it. There's another acre – approximately an acre along Pugsley Road that would be offered to the town in connection with that. Again, the road -- if you can kind of see, the blue is where it currently goes. That land would -- you know, is the town's right of way now, and if the road is reconfigured as requested, that's where it would remain with the town. And again, the road would be, essentially, straight through to Barrett Road. Ashley, if you can go to the next slide. One of the most significant adjustments we've made to this since the DEIS in response to comments from planning board members and town board members was to merge what, in DEIS, were Buildings 3 and 4. Ashley, if you could just jump to the next slide, please. We had this in animation, but obviously we can't do that. So that is now one building, whereas once there were two. One of the main goals of this is to move the project further away from Twin Brook Manors. It's now approximately 1200 feet away from the nearest residence there. And as a -- in connection with that, Barrett Road would be -- would be discontinued so that the building would be -- again, could be laying on top of it. We've looked at -- you know, we have been requested -- again, one of the comments we've heard, you know, that Barrett Road had connected on to John Simpson Road. We did title research, which actually indicated that that's not the case. But again, the goal here is to make this project as harmonious with the community, and we've gone through great lengths to do that. I'm going to hand this now over to Rich to talk about the traffic issues that we've gone, again, to great lengths to address, including discussions with DOT.

**MR. PEARSON:** Next slide, please, Ashley. Good evening. Rich Pearson with JMC. As several of you are aware, we have been having extensive coordination with the New York State DOT, and town representatives have been at several of these meetings. It's been regarding the project and the project mitigation improvements. The applicant is proposing to spend approximately \$4.5 million on off-site improvements to accommodate the project, and many of the improvements will make conditions better in the future compared to no-build conditions without the project and the project improvements. We would be widening Route 312 to four lanes between Pugsley Road and the I-84 eastbound ramp intersection, and we'd be signaling the intersection of Route 312 and Pugsley Road and provide turn lanes on Route 312 and Pugsley Road. Signal phasing and timing adjustments will also be provided, as well as lane use modifications at the Route 312/I-84 intersection. Approximately \$2 million will be the cost of the improvements along Route 312, not including Pugsley Road. Pugsley Road will be improved to provide two 12-foot-wide travel lanes along its entire length. A portion of Fields Corner Road would be improved, as Dan discussed, to eliminate the curves at the Pugsley Road, Barrett Road, and Field Corner Road intersections, and the cost of these improvements to the town roadway is approximately \$2.3 million. Next slide, please. Relative to traffic generation, the traffic anticipated in the DEIS has been reduced in part of that. It's a 17 percent reduction in the building size, and there was also an ancillary retail component associated with the DEIS application that is no longer proposed. We've also, as mentioned, not -- we've committed not to have any development within the RC district, and that was a concern of the town as well as DOT as to what will happen with that property in the future. The project generates less than five percent of traffic at the studied intersections compared to traffic without the project, except for the intersection of Pugsley Road and Route 312, where we have our -- our traffic going in and out. Based on the town's criteria of impact delays, which relate to levels of service and queues, the project would have a net impact on only one percent of the studied intersections, lane groups, and approaches. The overall levels of service at the studied intersections are not changed as a

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result of the project. Next screen. Truck traffic was projected in the DEIS as 510 daily trips, which was 270 trucks entering and exiting. With the reduction in the project, based on ITE data, that would be reduced to 424 daily trips and 212 trucks as presented in the FEIS. The town also requested that we look at the Gap facility in Fishkill and the Matrix facility in Newburgh, and we evaluated the truck traffic for those developments. And based on prorating our counts -- 24-hour counts at those facilities to the proposed development, we would have 130 daily trips, or 65 trucks, entering and exiting. When you take the average of the ITE data and the local data, we have 277 daily trips, which is 138 trucks entering and exiting. Majority of the truck trips are going to be directed to and from I-84 and do not occur during the local morning and afternoon peak hours. Based on the survey, approximately 60 percent of the trucks will be articulated, and 40 percent will be single user trucks. Next screen, please. Next screen, Ashley. Thank you. This illustrates the traffic improvements that we have proposed along 312 and a portion of Pugsley Road. As you may be aware, New York State Department of Transportation has been implementing improvements along 312 at the interchanges, and they are having traffic signal timing modifications at the International Boulevard intersection as well as the intersection with the I-84 westbound ramps. At the intersection with the eastbound ramps of I-84, the DOT completely reconstructed the traffic signal. They also did turn lane improvements and traffic signal improvements. The applicant is proposing, at the same intersection, to have a turn lane improvement along Independent Way, and then additional signal improvements based on the projected traffic during the peak hours. The CareMount Medical office driveway is an unsignalized intersection at 312. And independent of this application, CareMount has recently completed a new driveway connection onto Independent Way so that it provides a secondary means of egress from the property, and it provides access to Route 312 via the existing signalized intersection. Route 312 will be widened between Pugsley Road and the 84 eastbound ramps to provide two travel lanes in each direction, and Pugsley Road will be improved. Our next slide will have a little bit more detail on that. And at the bottom left of the screen, at Prospect Hill Road, there's a potential signalization of that intersection with Route 312, which I'll discuss later. Next screen. So, this is a blow-up of the plan that you just saw. So it shows from Route 312 -- excuse me -- along Route 312, between Pugsley Road and the I-84 eastbound ramps, there will be continuous two lanes in each direction, and those two lanes would continue just past the Pugsley Road intersection. It would be providing a demand responsive traffic signal that would have traffic with the green indication along Route 312 approximately 85 percent of the time during the peak hours, and even more of the time would be allocated to Route 312 during the off-peak hours of the facility and Pugsley Road. There's also turn lanes proposed, including a left-turn lane along Route 312 onto Pugsley Road, as well as two lanes coming out of Pugsley Road, where there is currently one lane. Next screen. At the January 7th meeting with DOT and the town, the intersection of Route 312 and Prospect Hill Road was discussed. And the applicant is willing to provide a traffic signal warrant analysis of the intersection based on actual future conditions with the project and other developments completed at the intersection to determine whether a traffic signal is warranted. As part of that, a second study will be provided by the applicant within six months to look at the overall operation of the signalized intersections along the corridor and possibly have timing modifications based on the actual future volumes, rather than what we have done with the projected future volumes. The applicant was going to make a fair share contribution for the traffic signal at the intersection of Route 312 and Prospect Hill Road of \$150,000, and if New York State Department of Transportation determines that the intersection does not satisfy the traffic signal warrant analysis, then that funding can be used for

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other traffic signal improvements along the corridor as desired by the town and New York State DOT. Next screen. Operational requirements are proposed for the project as well. Related to on-site operations, there would be no scheduled truck deliveries between 11 p.m. and 6 a.m. There would be no truck parking on the site outside of designated truck loading and trailer parking areas as shown on the project site plan approval drawings. No overnight accommodations would be provided on the site for truck drivers, and the truck drivers would have to adhere to state guidelines and/or local regulations regarding idling on the property. The contract carriers will be provided with approved routes to and from the facility, again, to avoid traffic on Fields Corner Road. Next screen.

**MR. GILPATRICK:** Thanks, Rich. The project has limited visibility from most vantage points. To further ensure limited visibility, the following measures have been taken: building colors will mirror the surroundings; all site lighting will be shielded from residential neighborhoods and dark sky compliant. Project is consistent with the ridgeline protection law that requires minimizing off-site visual impacts to the maximum extent practicable. Restricting truck circulation to the I-84 side of the building shields neighboring residents from unnecessary light and noise. The dense vegetation surrounding the buildings further obscures visibility of the project from the community. The 12-foot berm added at the north end of Building B further shields site lines from Twin Brook Manor. The FEIS has numerous studies on visual impact, and we will feature a few this evening. Next slide, please. View from Hunters Glen's nearest unit, leaves on, is not visible. You can see the ghost line in the middle of the slide. The next slide, please. Leaves off is partially visible. And again, it's the ghosted line up toward the top. The applicant will make available green -- evergreen trees for planting at the discretion of the community to further visibility. The next slide, please. The view from Twin Brook Manor's nearest unit. It's not visible with leaves on, and the following slide shows that it's, again, not visible with leaves off. You can see the ghosting lines just above the snow cover on the hill. The next slide, please. The view from Tilly Foster Farm is not visible either leaves on or leaves off. And the reason for this -- I think we've got four slides for it. Where you see Building A and Building B, that is actually behind the ridgelines between 312 and Building A. So, we can go to the next one, two -- I think there -- again, it's not -- not seen in either of those. And we come to stormwater management. Back to Rich.

**MR. PEARSON:** The quantity and quality of stormwater runoff will be maintained and enhanced in certain locations when compared to pre-existing, pre-development conditions. The water quality practices include enhanced phosphorous removal as a result of the project being within the New York City DEP watershed, and we exceed the New York State DEC requirements. Project stormwater pollution prevention plan, known as a SWPPP, responds to comments from the New York City DEP, the watershed inspector general, and the New York State DEC. We have developed an erosion and sediment control plan, which will be implemented during construction. And the good news is that we received conceptual approval in writing from the New York City DEP after a lengthy process of review, and so we're ready to advance our project with the DEP as well. Next slide.

**MS. EVANS:** Good evening. Beth Evans, Evans Associates. As you know, I've been working with the applicants for many years in both identifying the wetlands on this property and, as part of the FEIS, figuring out how to best tailor a mitigation plan to address the only permanent impact, which is to the Barrett Road crossing. That impact is .05 acres. And what we are proposing to do immediately surrounding that impact area -- by the use of retaining walls, we can minimize the impact, but the rest of the wetland will be upgraded, restored, a habitat planted

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with native species, and buffer restorations to remove some of the invasives that have encroached in that wetland area over the years and replace them with native shrubs to protect the Barrett Road crossing. In addition, the Barrett Road culvert will be designed to be oversized so that wildlife can move back and forth under the road safely and without danger of being crushed and killed. Outside of that area, we have impacts to the town buffer and the New York State DEC buffer, which amount to about two acres of DEC buffer impact and a little over five -- five acres -- five and a quarter acres of town-regulated wetland buffers. And in order to try to compensate for those, what we feel are, unavoidable buffer impacts, we have prepared a comprehensive habitat restoration plan for a little over 13 acres of the site surrounding the buildings, which will be managed for control of the invasives which have really taken over the site, and then later planting with upland species -- native upland species that can restore a portion of the habitat that has been lost to the invasive shrubs, particularly, that have taken over the site. And if we can have the next slide. This is just a blow-up of the -- the Barrett Road crossing, showing the areas where -- the direct wetland impact in blue, the DEC buffer impacts -- disturbance in yellow, and the town-regulated wetland impacts in purple. Back to Rich.

**MR. PEARSON:** Regarding the geology, soils, and topography, the site is -- is fortunate that there is no bedrock that was encountered on the site based on all the various testing that was done, and the project will have little to no impact on geological resources. The current grading plan for the site results in an approximate balance of the cuts and fills within the property. Any potential excess amount of excavated material would be utilized as berm material within the line of disturbance. Next slide. The groundwater also would not have a significant impact to the bedrock aquifer or watershed based on the withdrawals from the project. The water usage for this project is an 82 percent reduction as compared to the previous mixed-use Campus at Fields Corner project, which was a residential commercial use. The available groundwater recharge from the precipitation under normal and drought conditions will recharge at a rate greater than the project's water demand. Next slide.

**MR. GILPATRICK:** The project is an economic engine. The project generates nearly \$30 million in new tax revenues over its initial 15 years. The project generates up to 1,040 new full-time, essential jobs on-site. Of these, 551 are day shift jobs. The project generates 115 full-time indirect or induced jobs for local businesses. The project generates over 800 construction jobs. If all on-site and off-site jobs are created, the project generates approximately \$40 million of new annual income. Next slide, please. There are minimal demands on emergency services. The project requires no new capital building or equipment investment by the public sector. The current public cost for municipal services by an employee working in town is \$130 per year. The next slide, please. The applicant will fund all utilities. The project will provide a water distribution system to existing on-site wells. The project will use DEP conceptually approved septic fields for wastewater management. The project will access electricity and gas utilities at its expense. Next slide, please. State of New York has confirmed that the project has no significant adverse impacts of historic or cultural resources. Next slide, please. Project meets or surpasses all noise restrictions enacted by the local, state, and federal levels. Measures recommended by an acoustical consultant include distance, providing approximately a quarter-mile of distance from the buildings to the nearest residence, design using buildings to shield residences from truck dock activity and truck noises, and mitigation by providing a 12-foot tall berm between Building B and Twin Brook Manor, and also acoustical screening of noise-generating equipment. The next slide, please. Construction. All construction activities will be code compliant. Contractors will comply with local committed hours to work. The next slide,

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please. Air quality. Field test and analysis by third-party experts conclude that the current air quality is excellent and will remain excellent following development. All air quality regulations will be followed and include -- including anti-idling policies. And the next slide, please. There are no recognized environmental conditions at the property. The project does not pose any adverse impacts related to hazardous materials. Users and occupants will not handle, or store handled -- hazardous substances as defined by New York State DEC regulations. And the next slide is -- thank you, Ashley. And we would love to entertain your questions and comments.

**MR. LaPERCH:** Okay. I just unmuted myself. That was a very impressive presentation. Long time coming, but I think you hit on all the talking points that we -- I, personally, have heard through the public hearing comments and found offline, online. So, I think you did an exceptional job with your presentation. But I'll start off by giving you my two cents here. This is a game changer of a project for this town. And I thought it was very important for myself, as chairman, to be involved in as many off-site, high-level meetings with the outside agencies, so I can hear for myself what the state and the DEP were saying about this project and what they were insisting on. And I got to tell you that all the talking points at these meetings were met by this applicant, I mean, from a traffic standpoint and from a DEP standpoint just recently, which was a long wait, I believe. But my opinion is, I think they did a pretty good job of answering the questions of the public. They still got some ways to go, but I think the hot button issue -- the most we've heard for the last couple of years is traffic, and I, personally, do not think that anybody else is going to do a better job of mitigation of the traffic issues that this applicant is proposing to do. So, I feel pretty comfortable with what they're going to propose and how they're going to go about it. I know there's some other issues out there, but for the most part, my personal opinion is that you have hit all the hot button issues. Maybe not to everybody's satisfaction, but in my opinion, you've done a good job of trying to answer them in a reasonable manner. So, I have no further questions. And what I'm going to do right now -- my board is -- now I'm going to ask each board member to, kind of, give their opinion of any questions, obviously, moving forward here, and then we'll conclude with a vote. So, Ashley, unless I'm missing the process here, is this what you'd consider the next steps?

**MS. LEY:** Yes. I think going one by one through each board member to ask any questions that they may have of the applicant and then the vote.

**MR. LaPERCH:** Okay. Good. All right. So, Lynne, you happen to be our newest member. I'm going to ask you to start off the evening and put you on the spot with your thoughts. If you'd unmute yourself, I'd appreciate it.

**MS. ECKARDT:** Thanks, Tom.

**MR. LaPERCH:** Thank you.

**MS. ECKARDT:** And, Tom, thank you, by the way, for -- because I had been on the town board when we started this, and you really have participated every step of the way when -- and I tried to do my part and -- but I want to thank you. And I'd also like to thank the applicants because this was very thorough, and they have been very courteous and very professional, and it really has been a pleasure to deal with them. That said, I do have some concerns still. I think they have answered a lot of the questions. I'm still really stuck on the possibility of Fields Corner Road and Pugsley becoming cul-de-sacs. I know they'll be monitored, but my concern with the gate is even more pronounced now because we have the possibility of ProSwing coming in, and I do have concerns about a lot of children playing baseball and emergency vehicles getting in if that is closed. I know the sheriff did weigh in on it, but they do not use Knox Boxes. So, this doesn't -- still doesn't sit well by me. And I know this is just my opinion, but I do want to

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express that. I was happy to see the water tank on there finally. That was great. I really appreciate that. And also, I'd like to say that I do appreciate the 172 acres. Before, it was considerably less in the no-build. So that -- that was very helpful as well. I have concerns still about ridgelines. Whereas they did touch on some, it will be visible from other parts of town. This just happens to be a really -- real bugaboo for me, so that is on me. But I think after Home Depot, we tried really, really hard. And I know they've tried to minimize them, but I still have a problem with them. Also, in the age of COVID, I was wondering on -- if any of the estimates of employment have changed as far as automation. I can see why warehouses are where they are and how important they are now, but I am concerned that there may be more -- and that's good, not a bad thing -- but that there may be more automation than we think now and fewer jobs. And I think those are -- those, pretty much, cover my concerns at this point, and I want to thank you all for the time to express those concerns. Thanks.

**MR. GILPATRICK:** Tom? Unmute, Tom.

**MR. LaPERCH:** Mr. King, can I have your comments regarding the presentation and the application?

**MR. KING:** I thought most of my concerns were met. I'm really excited about the project, and it seems like they've gone above and beyond as far as the lighting and the moving around of the trucks, parking, and making the buildings smaller. I have -- I have no questions. I know that the -- probably, for most people, the traffic is the issue of highest concern, and I don't know -- I don't know what else they could do to make it better. But that was my original concern, and I feel like they've gone all the way to the end to do what best they can do to make it -- to make it livable down there. So --

**MR. LaPERCH:** Thank you, Mr. King. Mr. Hecht, your comments, please.

**MR. HECHT:** Yeah. So I echo some of your comments, Mr. Chairman, on the effort and thoroughness, but I also, kind of -- with Lynne, I still have some major concerns, traffic being one of them, kind of, the fit with the community being another. So, I have some concerns. And I guess one thing that, kind of, really worries me is, you know, there's certain things that would have to be covered by enforcement, whether it's idling and -- you know, after the fact, and we don't have a very good history, I don't think, in our town with really being persistent on enforcement. It, kind of, concerns me that, you know, everything goes in, and then after the fact, we realize that some things aren't being adequately addressed. But in terms of the presentation, I thought it was thorough, and I'm okay with moving along.

**MR. LaPERCH:** Thank you, Mike. Thanks for your comments. Mr. Cyprus, your comments, please.

**MR. CYPRUS:** Sure. Well, I guess, to stay on topic, from a complete -- completeness point of view, I am good. It seems like most of the consultants are good. Ashley, you had a couple, but it looked like they were open. But it sounded like you were okay if, you know, somehow we moved it ahead as complete and -- and your comments were addressed. So, from a completeness point of view, I'm good moving it ahead. Just to add some other general comments, you know, when this project started, obviously, as I'm sure many of us did, I had a bunch of concerns. And, Tom, as you said, I think they've really done a great job of coming back and addressing everything that they've heard from anybody. But one thing -- and I don't really have a solution for it. It's, kind of, what Lynne had brought up. The road to Patterson. I'm still, kind of, unclear and -- I don't know. Something about that, I don't really like, but I don't have a solution for it. So, I'd like to see us, you know, continue to discuss that. But, you know, as far as the vote goes, I'm good moving it ahead as complete.

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**MR. LaPERCH:** All right. Thank you for your comments. Mr. Rush, your comments, please. David, thank you.

**MR. RUSH:** I was muted. Sorry. Well, being last, everyone's already, pretty much, encapsulated the thoughts that I would have. My own personal opinion and question is: In the age of COVID here, is this building type -- do they have the foresight of the future of electric vehicles? And I say that because I really think that it's something that -- whether you like it or not, it's going to be here. With that will come self-driving trucks. And when self-driving trucks don't have people in them, and they can just, kind of, show up whenever they want, I don't know what that's going to mean to anybody. But I'm just saying it in, sort of, a -- I don't know if you provided for enough power at this building if you then start having to refuel vehicles, and then who knows? So that's your job. But the -- as far as the environmental impact statement work, I really do appreciate Chairman LaPerch's extra effort and Ashley and all of our consultants. I know that everybody really worked hard and thank you for addressing all of those issues professionally. Thank you.

**MR. LaPERCH:** Thank you. David, I just want to comment. You always bring in a topic or an issue that never was brought out. Again, I mean, you're so forward-thinking, and I appreciate your -- that's a great point, because we're heading in that direction, and you're right. That's something for a developer to think about. But thank you for your forward thinking on that.

**MR. RUSH:** Now you got -- now you got Tesla and Amazon in competition. It's going to happen.

**MR. LaPERCH:** Yeah. It's a good point. That's an excellent point. Well done. All right. I do not have any further comments or anything, so I think it's time that we vote on this. So, I'm going to make a motion to consider the FEIS for the Commercial Campus at Fields Lane, 51 Pugsley Road, complete. I will make that motion. Do I have a second, please?

**MR. CYPRUS:** Second.

**MR. LaPERCH:** Who's my second?

**MALE SPEAKER:** I believe Eric.

**MR. LaPERCH:** Eric. Mr. Cyprus, thank you.

This is a roll call vote. Ms. Eckardt,  
how do you vote?

**MS. ECKARDT:** No.

**MR. LaPERCH:** Thank you. Mr. King?

**MR. KING:** Yes.

**MR. LaPERCH:** Mr. Hecht?

**MR. HECHT:** No.

**MR. LaPERCH:** Mr. Cyprus?

**MR. CYPRUS:** Yes.

**MR. LaPERCH:** Mr. Rush?

**MR. RUSH:** Yes.

**MR. LaPERCH:** Mr. LaPerch votes yes. So that was a four to two vote with one absent, correct, Victoria? Thank you. Thank you. You have the vote. Okay. I will ask the applicant, Mr. Richmond, are you good with knowing that we're moving this to the September 14th meeting for a public hearing? Are you guys ready for that, before I propose this?

**MR. RICHMOND:** Yes, Mr. LaPerch. We are ready for that.

**MR. LaPERCH:** All right. Great. All right. I'd like to set a motion to -- make a

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motion to set the public hearing for September 14th, 2020, for this application. I'll make that motion. Do I have a second, please?

**MR. KING:** Second.

**MR. LaPERCH:** Second by Mr. King.

All in favor?

**BOARD MEMBERS:** Aye.

**MR. LaPERCH:** Well done. We'll see you on the 14th. Thank you for coming tonight.

**5. ROUTE 22 MASTER PLAN AND ZONING DISCUSSION**

**Chairman LaPerch:** OK. Last topic. Here we go. The last topic here is the Route 22 Master Plan and Zoning Status Update. Let's start that discussion with Ashley. Ashley, can you give the Board what we are looking to do and how we are going to do it?

**Ms. Ley:** Sure. So, since the last meeting I had a conference call with Tom and Lynne talking about the next steps. Right now, we are developing a survey and a draft of that survey will be ready earlier... or later this week. And there will be a link to that survey from the Town's Website. We also have a preliminary call with DEP to discuss some of their thoughts on the corridor and some of the septic and sanitary sewer concerns that we have for the corridor. We are also developing a press release that will be sent out so that by the time we get to September we should be able to hit the ground running with some thoughts on... some real solid thoughts on what to do on Route 22.

**Chairman LaPerch:** OK. Ashley, is this more about uses or what actually are we discussing? Is it going to be the Use Table, is it going to be the setbacks? Because I think, you know, once again we talked about engaging stakeholders and we've got to talk about how that occurs because there's certain properties we know we have been getting calls on for many years, that the uses don't work or the septic doesn't work. So, I get the septic thing and hopefully Matt Gianetta can help us but the uses seems to be what I think is going to be the topic of conversation. Is that what you think it's...

**Ms. Ley:** Yes. Yes, absolutely. So, uses... I don't think that the lot restrictions on... well certainly in the area that was re-zoned as SR-22 the lot restrictions there are very flexible. So, really its more about the uses and then once you get outside of the SR-22 where it is more traditional zoning we'll be taking a harder look at the dimensional regulations.

**Chairman LaPerch:** And you also are going to reach out to the DOT for us to kind of...

**Ms. Ley:** Yes, right.

**Chairman LaPerch:** ...figure out their five to (inaudible) if they have a plan...

**Ms. Ley:** Yes, if they have any plans for widening or re-striping, any major improvements along the corridor.

**Chairman LaPerch.** All right. So, how does the Board member get involved here? How are we going do this that I can get input, not only from the Board, but more importantly from the public and make sure they are aware of it and stakeholders and property owners get this. So, I want to see how this works because that's the most important part of this, getting input.

**Ms. Ley:** Right. So, right off the bat we are developing a survey. There will be a page on the Town's Website where people will be able to go to get all the basic project information, give us some of their initial feedback on the corridor. We are also looking at doing basically like a Google Map where you can put pins along the corridor to identify some areas of concern or if you have thoughts about a particular property or concerns about a particular property in the corridor. That will be also linked from the Town's Website and as we get into September each meeting we will discuss one... We've divided the corridor into three sections. From the south... we're going to go from the south to the north. And we will focus... each meeting will focus on one of those sections. The Board members will each have a discussion about the preliminary thoughts that I will provide

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in advance of the meeting. I'll be soliciting your feedback on those thoughts and then at the end of each meeting, there should be a specific time for the public to ask questions.

**Chairman LaPerch:** Oh good. OK. All right. And so this is going to start the first meeting in September?

**Ms. Ley:** Yes.

**Chairman LaPerch:** OK. So, between now and then we are going to kind of get together and plan and talk to the outside agencies and figure things out?

**Ms. Ley:** Yes. Um... yes but that September 14<sup>th</sup> meeting could end up being a very long meeting but yes, it will (inaudible).

**Chairman LaPerch:** Hey listen, if we have to move it, we have to move it. I mean I get it. But that's what we are going to do. So, this is exciting. I think it's time for it. I think, you know, we've got to revisit some of these issues, and I appreciate the Town Board giving us the funding to do this so, Ashley, thank you for the update. And we should be receiving something from you... kind of an outline and action items...

**Ms. Ley:** The survey draft will be later this week. Everyone got an outline of the approach a few... at the last meeting.

**Chairman LaPerch:** OK. Thank you. I'm looking around. Lynne, any comments in moving forward here? Anything you'd like to see?

**Boardmember Eckardt:** I do... I think your take on having the public and especially stakeholders involved is really key. And I'm really interested to hear new ideas and how we can really revitalize and make the area more attractive so, you know, I'm committed to trying to get this done as best we can.

**Chairman LaPerch:** Excellent. Thank you. Mr. King, any thoughts or comments about process?

**Boardmember King:** No, it's exciting.

**Chairman LaPerch:** Good stuff. Thank you. Mr. Hecht, any questions?

**Boardmember Hecht:** No questions.

**Chairman LaPerch:** Thank you. Mr. Cyprus?

**Boardmember Cyprus:** Nope. I'm good. Nothing (inaudible).

**Chairman LaPerch:** You remind me of that... what's that guy... Home Improvement, the neighbor with the fence you only see half the head?

**Laughter**

**Boardmember Cyprus:** Oh. Sorry. (Inaudible) How's that? Better?

**Laughter**

**Chairman LaPerch:** Yes. All right. David, your thoughts about process or anything?

**Boardmember Rush:** Well, are we going to have a standalone shooting range as one of those potential uses along the corridor?

**Laughter**

**Chairman LaPerch:** Hey listen. I make a good point.

**Boardmember Rush:** It's either that or we're going to have... or Brewster is going to have a drive-in theater. You know a big drive-in theater, so nobody has to get out of their cars.

**Chairman LaPerch:** Yeah... Lynne's muted. Ut-oh. She muted herself. All right. Thank you. So, we've got some kind of a roadmap here, Ashley. So, we are looking forward to starting this in September and we'll jump on the phone Wednesday morning with Matt Gianetta, correct?

**Ms. Ley:** Correct.

**Chairman LaPerch:** OK. Thank you. All right. That wraps up that section. That's number five so I am moving on to number six. I'd like to approve the minutes as written for the meeting of July 13, 2020. Any comments?

**Ms. Desidero:** Nope. Sorry. There are no meeting minutes.

**Chairman LaPerch:** Oh. OK.

**Ms. Desidero:** Is that on your cheat sheet or it may still be on the agenda...

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**Chairman LaPerch:** No, I am working off the agenda. Sorry.

**Ms. Desidero:** I'm sorry. I didn't change the agenda because there were too many pieces to it, but those minutes are not done. I apologize.

**Chairman LaPerch:** One less thing. We don't have any updates or behind the scenes. I know that the... Just a quick update, I believe that the Restaurant Depot deal is closing this week. He's been clearing the site. I think it looks a hundred times better and cross our fingers the deal goes through, but I think it is. Other than that, there's been no update from anybody looking to do any business in Town as of now. Other than you know that Seven Stars deal with Salsa Fresca fell apart. OK. And he has it back on the market, unfortunately. Other than that, it was a long meeting. Thank you all. It was a big project and I appreciate comments as always were on point, so I thank you very much. So, you have a good night.

The motion to Close the Meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**August 20, 2020/VAD**

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