

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 10, 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

Pledge of Allegiance

Chairman LaPerch: Thank you Mr. King. Well done, as always. OK. Lets start with a roll call here. (Roll call taken, results above.) We have no Public Hearings. We have three regular session items. First one would be Eurotech, 19 Sutton Place; followed by Hardscrabble Club, 22 Sutton; and the old favorite Barrett Hill, 41 Mt. Ebo Road. So, I am going to start the meeting off with Eurotech.

PUBLIC HEARINGS:

REGULAR SESSION:

1. EUROTECH, 19 Sutton Place, Tax Map ID 78.-2-16.6 – Review of Application for Final Site Plan Approval

Peder Scott of PW Scott Engineering represented the application.

Chairman LaPerch: Whose here representing them please?

Secretary Desidero: Peder Scott

Chairman LaPerch: Peder, unmute yourself, buddy. (Pause.) Peder, unmute yourself. OK, buddy. Welcome. All right. So, Peder give us an overview of the project and you're here for it looks like Final Site Plan Approval. Where are we and what are they doing there, please?

Mr. Scott: The project is taking the old Brewster Sports Center and converting it into a storage facility for platforms. Eurotech provides building construction platforms mainly in Manhattan. And what we are doing is we are adding a bunch of access doors to the building, cleaning it up, putting a fence along the front parking area out of view from the roadway itself because the contours are set down low and some barriers around the entrance driveways to take care of a lot of problems we are having with trash distribution off peak hours. So, and then we are cleaning up some landscaping as well and a new sign.

Chairman LaPerch: OK. I was over there today with another application that you are going to be representing next. I saw the garbage. I see what's going on there so I'm glad you are putting something up there. I don't have any other questions. Its been around a while. You did a nice job with this application. Lynne, do you have any questions for this applicant please?

Boardmember Eckardt: I do not on this. Thanks, Tom.

Chairman LaPerch: OK. Thank you. Mr. King, any questions please? (Pause.) Mr. King?

Boardmember King: No questions.

Chairman LaPerch: OK. Mr. Hecht, any questions sir?

Boardmember Hecht: I've got none either.

Chairman LaPerch: Thank you, sir. Mr. Cyprus?

Boardmember Cyprus: No sir.

Chairman LaPerch: OK. Mr. Rush?

Boardmember Rush: I'm fine. Thank you.

Chairman LaPerch: Good. All right. There is no further questions from my Board so I have two action items tonight. First one, I'd like to make a motion...

The motion to Grant Final Site Plan Approval for Eurotech, 19 Sutton Place was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Recommend a Bond to the Town Board spelled out by our Town Engineers was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

Chairman LaPerch: All right that passes. Peder, congratulations. Next one.

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2. HARDCRABBLE CLUB, 22 Sutton Place, Tax Map ID 78.-2-16.3 – Review of an Application for Site Plan Amendment

Peder Scott of PW Scott Engineering represented the application.

Chairman LaPerch: Peder, so I got an e-mail today saying that (Owner) Randy (Mani) was not being represented by any engineers and we thought it was important that he has somebody because even though it doesn't look like a big deal there is still a lot of professional work needed. And I guess he engaged you today?

Mr. Scott: Yeah. He came in this afternoon and we're going to help him

Chairman LaPerch: Good. So listen, I think the key here and I spoke to Randy at length, is after we go through what you are going to tell us he is going to do, I think it's a timing issue more than anything for him because of what's going on. If I kind of got the conversation, correct?

Mr. Scott: Yeah. Let me go through it if I could. I got it late. It just recently... the State of New York is allowing sports to proceed outdoors only and he represents the tennis teams for several different municipalities in the area...schools. And, basically, he needs to put in four total courts on his property so that they can engage in the High School activities. Time is of the essence and what he wants to do is... we have two... there's two tennis courts were approved in 2001. The intent is to put two more onto the property. When we looked at it, we think we don't need any variances. We think we can make it work without variances. We'll be within the front yard setbacks for the proposal but there are fencing requirements of a tennis court. And we are trying to figure out some way where we can make it happen. I don't know if he can post bonds or something or some sort of temporary facility while we move through the approval process. Our biggest problem is how do you prevent the balls from ending up in the street? And we've got some... we were thinking about maybe doing some sort of deer fence component temporarily or something just to contain the activities on the tennis court. There are not trees being removed. The whole area is lawn-scape. And literally the two courts would be adjacent to the other courts itself so we have a common wall with our courts and what exists. We're putting up three sides for fencing and we're trying to get it going by September. He started a little late on this.

Chairman LaPerch: No. Peder, I get this. I was out there today. He showed me what he has to do. It doesn't look like a lot of work to get him up and running. So, I am just kind of going to move over to Ashley right now. Ashley, best case scenario for this applicant if everything goes well... Because once again I think its... won't be until the end of September best case scenario or early October and then he's got to build it and he is kind of bumping up against the end of the season. So, I think the business decision that he is looking for tonight from us in terms of timing because I don't think what he is asking for is a big deal for approvals but I just kind of got a sense of timing for him.

Town Planner Ashley Ley: Um... So, I am not quite sure how he is going to be able to accomplish two courts without getting the variances...

Mr. Scott: I think it's an interior lot...

Multiple people talking.

Ms. Ley: But... So, the site plan that's on the screen right now is 20 years old and the Zoning changed since this site plan was issued. So, the setback is actually 100 ft. so the Planning Board is allowed to approve a 50 ft. setback without having to get any variances but, obviously this court is pretty well within that setback. And there is also then the restrictions on the height of any fence. So, I think you'd be able to get this one without any variances or maybe you could put one here?

Mr. Scott: That's what I was going to do. I was going to put one there and one... three in a row and one 90 degrees to it...

Ms. Ley: OK. If you stay out of the setbacks and avoid the need for variances, I think you could get through the process fairly quickly. You need Planning Board approval for site plan. The Planning Board would likely... I am recommending that they Classify it as a Minor Project and a

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Type II Action under SEQRA. As a minor project the Board has the ability to waive the Public Hearing and waive the referral to the ARB.

Chairman LaPerch: And... and how long if that happens... What timeline are we looking at?

Ms. Ley: So, if those two items are waived then your probably looking at just one more Planning Board meeting assuming that all of the information requested by the Town Engineer and also in my memo are provided. But mostly its an Engineering concerns with the, you know, stormwater runoff.

Chairman LaPerch: Right.

Secretary Victoria Desidero: And there does have to be an MS-4 application of which we have nothing.

Ms. Ley: Yeah. I am also concerned about lot coverage. I'm not sure if you are going to be able to avoid the need for a Lot Coverage or Open Space variance. I don't know if you have done that calculation yet?

Mr. Scott: I just... I just saw him today at 5 o'clock.

Ms. Ley: No. Yeah. I understand.

Laughter.

Mr. Scott: We'll look at it. I mean, it is clay. So, you kind of could say possibly it's not impervious and it could help us a little bit maybe.

Chairman LaPerch: Are there any other site plans... Peder, once you come in front of us for a review, everything is open to review. Lighting, everything, so, I...

Mr. Scott: Yes.

Chairman LaPerch: I've just got to make sure he is aware of that. That this is not just about the courts, it's about the whole project.

Mr. Scott: Yeah. I did inform him of that. We can move pretty quickly on the project. We'd make the next meeting for sure with submission purposes and we've already got him... we just finished another tennis court project similar to this. So, we have all the lighting pretty much worked out on another project.

Ms. Ley: So, would you be doing nighttime exterior lighting for the courts?

Mr. Scott: He would only need it in November. When you start the project, we wouldn't need lighting of course. Only the season goes to the November and it might be required lighting in that period of time. And that's when we'd have to have the lighting in place. But initially we would not need it. So, we are going to try and work something out on that.

Ms. Ley: OK. It might be... if you are looking to get the courts installed more quickly, I don't think that the Board would be able to avoid sending this to the ARB if you are proposing significant lighting. You could always go and get site plan approval for just the lot and then come back later for the lighting.

Boardmember Rush: Ashley, can you do temporary lighting for now until permanent is approved?

Ms. Ley: I mean if you are playing during the daylight hours, they wouldn't need any lighting.

Mr. Scott: We don't need lighting until November.

Multiple people talking.

Chairman LaPerch: ... (Inaudible) he can put the courts in and come back to us for an amended site plan?

Ms. Ley: Yeah. Which is an extra step but I just have concerns about um... about the lighting not being reviewed by the ARB.

Chairman LaPerch: OK. Fair enough. All right. Lynne, any questions please?

Boardmember Eckardt: I do. Um, I'm a little unclear as to why regular fencing couldn't go in because the thought of deer fencing or something sounds a little bit horrifying to me. It would look a lot nicer if regular tennis court fencing could go in. Also, Ashley how long would the ARB take because I would imagine...

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Ms. Ley: Probably just one meeting.

Boardmember Eckardt: Right. Because this probably could use... if there are going to be that many courts there, it probably could use some landscaping as well. And I don't want to hold this up but you know and I don't mind helping an applicant but I want it to look good. And especially when we're talking about the lighting so can it be coordinated so it all gets done in a very timely fashion?

Chairman LaPerch: OK.

Ms. Ley: I mean... well the Planning Board could refer them to the ARB today and if you can get your application together for the August meeting...

Mr. Scott: We can.

Chairman LaPerch: You have that as an action item, Victoria, right?

Ms. Ley: Your muted. Yes, it was in the action items...

Ms. Desidero: Yes, I have that as an action item. I just want to point out one thing though that Peder said. When he says they could make the submission deadline for the next meeting, he means the first meeting in September. Not the next meeting; that deadline is passed.

Chairman LaPerch: Peder, you understand that?

Ms. Ley: (inaudible) Planning Board meeting.

Mr. Scott: No. Yeah. I am aware of that... the lead time. Yes. Correct.

Multiple people talking.

Ms. Desidero: I also just want to point out that we may have a problem with a quorum in August with the ARB. I just want to let you know that could be an issue.

Chairman LaPerch: Oh boy. OK. All right. Lynne, any further questions?

Boardmember Eckardt: Can I just get an answer from Peder as far as why the regular fencing couldn't go up? I'm just...

Mr. Scott: No, it's... that would just be a temporary thing until we got moving on the project itself. Our game plan is... as a minimum we need someplace they can play right away. And it's just that the... it might be that if we could play on a court and then potentially have some temporary type of fencing and replace it immediately once we get the fencing in. It's just all of this is timing to get a commitment to the schools that we could have the four courts up and running in some manner.

Boardmember Eckardt: Right. As long as we have a real timeline, I could understand that. But I do feel it should go to the ARB but that's just me. So, thank you.

Chairman LaPerch: Thank you. Mr. King? (Pause.) Mr. King?

Boardmember King: Yeah. I am having trouble unmuting today.

Chairman LaPerch: That's OK.

Boardmember King: No questions... well one question, I guess. The fourth court that is in there, would that fit perpendicular at the bottom? Or does that drop off too much there?

Mr. Scott: No. We can fit it in at the bottom. It will fit right in the setbacks.

Multiple people talking.

Chairman LaPerch: Right where the hand is there, right?

Mr. Scott: Yes, in there.

Boardmember King: Yeah. That's what I was thinking. OK.

Ms. Ley: Is it a problem that it is close to the septic system?

Mr. Scott: No. It... um... it basically... we have the old plans. We have enough room there because there is a reserve proposed. But the reserve is not encumbered by front yard setbacks. So I can slide it around to fill in between the edge of the court and the front property line. And also a fence could be within... a fence can be within 10 ft. of a septic.

Ms. Ley: OK.

Chairman LaPerch: Mr. King, any other questions sir?

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Boardmember King: Maybe I am confused but I think I agree with Lynne. Why wouldn't you go right for normal tennis court fencing or is that something that is hard to get?

Mr. Scott: We will definitely apply for tennis court fencing. I don't know how the trades would function on this but again we would... our intent would be to make it in its permanent form. But what we are finding lately is a lot of my jobs I'm having problems with supplies.

Boardmember King: OK.

Chairman LaPerch: OK. Thank you. All right. Mr. Hecht, any questions sir?

Boardmember Hecht: No questions.

Chairman LaPerch: Mr. Cyprus, any questions?

Boardmember Cyprus: I share all the fence concerns so, you know, I'm fine trying to push this ahead. But, as Lynne said, we'd just like a firm timeline and I would be OK with it.

Chairman LaPerch: OK. Good. Point. Thank you. Mr. Rush please?

Boardmember Rush: It's all been spoken. Anyway we can help them along, I would be open to that but I do think that if it should have... I think Randy's point at the end would be to have it lit and have it fenced properly. So, we'll figure out how to weave that into the fabric for him.

Chairman LaPerch: That's fair enough. Ashley, do you think these comments are workable for him in terms of what we are trying to do here?

Ms. Ley: Yes, I think so. So if you are able to pull together a site plan, you know, we did extend the ARB deadline because of all the storm damage last week for another applicant to this Friday. And that could get you on their agenda for the August meeting as long as they have a quorum and then you would be able to come to the Planning Board meeting for the first meeting in September and that is potentially when you could get your approvals if the meetings work out OK.

Chairman LaPerch: Got that, Peder?

Mr. Scott: Yes. Sounds good to me. Thank you.

Chairman LaPerch: OK, without further ado, I've got four action items here I'd like to propose to vote for.

The motion to Classify this as a Type II Action under SEQRA and Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.

Chairman LaPerch: I think I am comfortable waiving the Public Hearing here because he is just expanding something that I think is well-received in that area. So, discussion? Any comments about my thought about waiving the Public Hearing?

Boardmember Eckardt: I have a quick question on that. It backs up to residential. Do we know if... Because I know tennis can be loud but do you know if we have any record of complaints or problems that these people would want to be at a Public Hearing? I don't want to hold this up but...

Chairman LaPerch: Lynne, I honestly could not answer that.

Boardmember Eckardt: OK. All right.

Chairman LaPerch: It's a fair question.

The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Refer the Application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

The motion to Refer the Application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

Chairman LaPerch: The ZBA is not applicable if he is moving the court?

Ms. Ley: If he is out of the setback then he doesn't need a variance for that. The outstanding question is whether he needs a variance for Lot Coverage and Open Space and that...

Chairman LaPerch: How do you want to handle this?

Boardmember Cyprus: Should we refer him until he does the calculations?

Chairman LaPerch: That's what I was thinking, Eric.

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Ms. Ley: That's what I am thinking because otherwise we would have to refer him at the next meeting and that could delay everything.

Chairman LaPerch: Yeah. There is no downside to this. OK.

The motion to Refer the Application to the ZBA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

Chairman LaPerch: Peder, you are all set buddy.

Mr. Scott: Thank you very much everyone. Thanks for your help.

Chairman LaPerch: Good night.

3. BARRETT HILL, 41 Mt. Ebo Road North, Tax Map ID 46.-5-2 – Review of Application for Final Site Plan Approval

Terri Hahn of LADA, PC, Attorney Rick O'Rourke of Keane & Beane and Harold Lepler represented the application.

Chairman LaPerch: OK. Number three on agenda tonight is Barrett Hill, 41 Mt. Ebo Road North. Who do we have representing that applicant tonight, please? Unmute yourself Rick and Terri. (Pause)

Ms. Hahn: OK. Thank you.

Chairman LaPerch: Mr. O'Rourke are you going to unmute yourself? (Pause) Can someone help him out? Are we holding him back?

Ms. Ley: No.

Ms. Desidero: I've unmuted him.

Chairman LaPerch: OK. Well, he lives over in that fancy area that maybe they don't have the Internet back...

Ms. Ley: Oh, there he is. He just muted himself. You were unmuted for a second.

Chairman LaPerch: All right. We'll try... Terri, do you want to start us off here? Oh there. Mr. O'Rourke, I think you are live.

Ms. Hahn: OK.

Mr. O'Rourke: I will turn it over to Terri.

Chairman LaPerch: Thank you.

Ms. Hahn: Excellent. Good evening. Terri Hahn, principal, LADA, PC Land Planners with the site plan for the project. With me also is Harold Lepler. You can see him over my shoulder. So we are here... Mt. Ebo Lot 6 also known as Barrett Hill is a 29-acre property that has a lot of history. We actually started this project back in 2015 by creating a new Zone: the Multi Family Workforce Housing Zone. That took a little while to get established. It went through a full SEQRA review. It was established in 2016. It got mapped to the site in 2016. We went through... it requires a Special Permit and we went through that process with the Town Board. We were back in front of the Planning Board and we had just gotten an acceptance of our DEP application in... sometime mid-2017 or so and the Planning Board had asked us to finish that process and the DEP could have made changes, which they in fact did for the stormwater project. So, we finally got our stormwater approval in August of 2019 and then ran afoul of the question that came up of how long the Special Permit lasts. So, we re-upped the Special Permit. The Town Board re-affirmed SEQRA so SEQRA is complete and we now have an active Special Permit for the project. The project itself is 168 units, one and two bedrooms. There is a component for eligible households that are related to a Community Benefits Agreement that was part of the Special Permit requirements. There is also a separate agreement with the Town Board regarding Recreation Fees so that came into play. Is it possible to... I don't know how much detail you want us to go into but the big thing is that we do have full DEP, New York City DEP stormwater approvals and all of our other outside agency approvals at this time.

Chairman LaPerch: Yeah. Ashley is bringing up the site plan here.

Ms. Hahn: OK.

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Chairman LaPerch: All right. Couple of things. I think there were a couple of issues regarding at the end there, the final details, we were looking at where the garbage was going to be located.

Ms. Hahn: That is correct and what we did was we added additional dumpsters; they are located here... I don't know if you can see my cursor.

Ms. Ley: No.

Ms. Hahn: OK. It's a... OK. How do I... The lower level buildings we added an additional dumpster for each of the levels so there is one down below... OK... slide up a little bit. OK, down here, opposite building number five. Keep going up...

Ms. Ley: Here is the maintenance building so there's some...

Ms. Hahn: There... there... The idea was that two things... it was required that in the event of any sort of inability to pick up their own garbage, the management company agreed to provide services but we also added an additional dumpster down on the lower level so that you didn't have to go up or down the hill in order to get to the dumpsters.

Chairman LaPerch: OK.

Ms. Hahn: So, if you go... if you pull it up... pull your screen up...

Multiple people talking.

Ms. Ley: You know I can... If you have it, I can always make you a co-host...

Ms. Hahn: OK. That would be great.

Ms. Ley: ... as well if you would like to share your own screen. Do you have it up?

Ms. Hahn: I do.

Ms. Ley: OK. Now you should be able to share your screen.

Pause

Ms. Hahn: This is an image... Sorry I have a couple extra images in here. This is an image of the clubhouse that is being proposed.

Ms. Ley: So, right now we are only seeing your... you have to select a different window. We are only seeing your files.

Ms. Hahn: Oh dear.

Ms. Ley: When you go the screen share it gives you the option of clicking on a bunch of different boxes.

Ms. Hahn: Hang on. Oh, I forgot to hit the share button. Sorry. Do you have the colored site plan up now?

Chairman LaPerch: Yes. Thank you.

Ms. Hahn: All right. So, the second dumpster area is right here opposite building number five.

Chairman LaPerch: OK.

Ms. Hahn: OK? Which is what was requested.

Chairman LaPerch: Hey Terri, can you do me a favor since you are in control, can I see your renderings of the front elevations?

Ms. Hahn: Yup. Here you go. So, the way that it works is from the parking lot the building is shorter so that this is the view from the parking lot and then this is the view from down below on the buildings.

Chairman LaPerch: Those lower units have direct access to the back yard?

Ms. Hahn: They could. We went back and forth as to whether or not that was a desirable thing from a maintenance perspective, they really would prefer not to do that. Um... but I believe that the stair elements had the possibility for a fire access to be able to leave the building.

Chairman LaPerch: OK, I have two final questions and, I am sure, Terri you want to handle these or is Rick there? I would like to know more about the resolution number five and the amount of money that this project will be donating to the Town Recreation Department and how it is being allocated?

Mr. O'Rourke: As far as the allocation? (echoing)

Chairman LaPerch: Yeah, Rick. I see here... if I read correctly there is \$263,796 total but

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\$100,000 of that is being specifically allocated to the Castle Park play... which... park that you will be installing new equipment in that and then the balance stays with the Town. Is that my understanding of number five?

Mr. O'Rourke: That is my understanding as well but let me get... (echoing)

Ms. Hahn: If I may interrupt, I am sorry, I've got Harold who would like to indicate that no it is in addition... the Castle Park donation is an addition...

Mr. Lepler: Over and above...

Ms. Hahn: Over and above the Rec Fee.

Chairman LaPerch: So it is 363,000 plus that this project will be giving to the Town: \$100,000 in the park and 263 that will go to the... Oh. Does this go directly to the Recreation fund, Ashley?

Ms. Ley: Yes, it has to be... It is a Recreation Fee so it has to be used for recreation purposes.

Chairman LaPerch: There you go. That's good stuff. OK. That kind of jumped out at me. I know it has been a very long process and I'll just finally ask you, and I know what the answer is, you've got plenty of water right?

Ms. Hahn: Yes, we do. The project sponsors and New York American Water have developed... They cleaned up a number of the existing wells. They drilled another well. You have documentation as part of the application process indicating how much water is now available and there is plenty of water for not just this project but all of Mount Ebo... the whole Waterworks District plus extra.

Chairman LaPerch: Plus fire suppression issues, right?

Ms. Hahn: I'm sorry?

Chairman LaPerch: Plus fire suppression issues, right?

Ms. Hahn: Yeah. The fire suppression is already built into Mount Ebo Corporate Park.

Chairman LaPerch: All right. My... I'm sorry... my final question because this has been a very long application, who is... how does the 17 affordable units... who is handling that? The Town? Is it an outside group that's going to control those units?

Ms. Hahn: The... the way that the Community Benefits Agreement was set up and typically set up as for the Fair Housing Act... it involves a third party. The... the initial discussions had a number of different players who were interested. Now that we have an approval, then we can... we can work with... it's... it's coordinated with the Town but essentially, it's a third-party existing conditions person.

Chairman LaPerch: Is that a 60% of AMI type of a deal for the 17?

Ms. Hahn: It's... the formula is all built right into the Community Benefits Agreement so... and I apologize I don't have that on the tip of my tongue.

Chairman LaPerch: It's all right. I put you on the spot. I put you on the spot. I apologize. I didn't know but I didn't know because it was never... it was never decided that I knew about that who was actually going to handle this. Is it a third-party annual agreement?

Ms. Hahn: Yes.

Chairman LaPerch: And does the Town get to see an audited statement every year of what's going on there?

Ms. Hahn: Yes. That's all built into the Community Benefits Agreement. It... it explains all of the... the responsibilities for the project sponsor, how the Town gets involved, and what the expectations of the third party is.

Chairman LaPerch: OK. Good stuff. All right. I'm talking too much. Ms. Eckardt, do you have any questions for this applicant please?

Boardmember Eckardt: I do. I'm really happy to hear about the water, so that's great news. It was one of my questions as well. Do... could you explain briefly how the timing of Castle Park will work? Is that something you plan to do after breaking ground? Are you, you know, is it a year? I mean, do we have any kind of timeline for that?

Mr. Lepler: We have to do it within 150 days.

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Ms. Hahn: There is a... My understanding is there is already an existing protocol for that with the Town Board. That there's a time period set into the Community Benefits Agreement and Resolution. So... there... that's been determined by the... with the Town Board.

Mr. Lepler: 150 days.

Ms. Ley: That's within 150 days of the filing with the Town Clerk of the Resolution granting Final Site Plan Approval.

Boardmember Eckardt: I have comments, Tom, but before I can discuss that but that... those really... that really is the only question I have right now. Thank you.

Chairman LaPerch: OK. I will come back to you. No problem. Mr. King?

Boardmember King: No questions.

Chairman LaPerch: All right. Thank you. I think this actually pre-dated you coming on board in some ways. All right. Mr. Hecht, any questions?

Boardmember Hecht: No. It's just good to see this thing coming through.

Chairman LaPerch: Good stuff. Thank you. All right. Mr. Cyprus, any questions or issues?

Boardmember Cyprus: Yeah, I mean, more just out of curiosity. It's been so long I don't recall. How do you envision this project going forward, like phased where you're building a building or two and selling some or... or are we building the whole place at once?

Ms. Hahn: No. The... the erosion control plans which are extraordinarily elaborate and were the things that were approved with New York City Department of Environmental Protection show the progression of buildings as they would be constructed once and... as they're being constructed, then those buildings would be available for sale and then we move onto the next sections.

Boardmember Cyprus: OK. Yeah. Thanks. Hard to remember, that's all. That's all I had, Tom.

Chairman LaPerch: Yes, Eric, I agree with you. Thank you, sir. Mr. Rush?

Boardmember Rush: You know the only thing... I... I can't remember if we talked about it awhile ago. It's been awhile but I really appreciate the development of all the pedestrian ways that you guys have integrated in the Site Plan. It looks really nice. I... I did have a question. Did we ever discuss electric vehicle charging stations? Because if any of these homeowners are going to buy and have an electric car, they're out of luck, or I know there are still New York State Energy Research and Development Authority incentives and programs to put in a few and, at this point, it's not, I don't believe, Ashley, you can correct me, I don't think it's a requirement but, at least not at this point, but I just think it's smart design. You're doing something brand new and in the coming, you know, few short years as more and more electric vehicles come out, if you're... if you're prepared with that, it might be an advantage for you, that's all.

Ms. Hahn: Quite honestly, the project is old enough that it was not the thing and it wasn't originally envisioned. There is nothing in the project that would prohibit us from doing it. So, it's not shown on the Site Plans but I think we're seeing it happen more and more often and I'm pretty sure that the project sponsors would be happy to provide that in several locations. I don't think we need to solve that problem right now, but I... I think it's certainly something that we can anticipate seeing in the future.

Boardmember Rush: OK. I appreciate that. I just would hate to have an antiquated brand-new project.

Ms. Hahn: Understood.

Chairman LaPerch: Well said. Well said. OK. I think that kind of wraps things up. Unless there's any final comments, I'd like to bring this to a vote. I think you answered all... all our questions. It's been a long journey.

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The motion to grant Final Site Plan Approval for Barrett Hill at 41 Mt. Ebo Road North was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 1 (Eckardt) with 1 absent.

Boardmember Eckardt stated: I would just like to state now that I am going to be voting 'no.' I am going to be voting 'no' as I did when I was on the Town Board. My concerns are I had really hoped this remained Senior Housing. I am concerned about the students adding to the School District. (Inaudible) in North Salem had estimated there would be 21 children attending North Salem schools and right now there are 61 new... there are 61 students. So I have concerns that our school district is already overburdened and I also question, although if no one challenges it, there won't be a problem, but I've never been really comfortable with workforce housing as none of the groups are protected classes. So I will vote 'no' on this for those reasons. Thank you.

Chairman LaPerch: Next steps for this applicant, Victoria?

Ms. Desidero: I'm not sure where we are on a bond.

Ms. Hahn: I believe that we established a bond originally. We just need to work with Tom to update it. He was without power and we really didn't get into any of those discussions at this time.

Ms. Desidero: That's the only thing I'm aware of, Tom. That would be the last step.

Chairman LaPerch: I agree with that. OK. So we have to vote on the bond? They can't start without the bond?

Ms. Desidero: Well, we can't vote on it tonight because we don't have a recommendation from the Town Engineer.

Chairman LaPerch: Right.

Ms. Desidero: Yeah.

Chairman LaPerch: Are you aware of that, Terri?

Ms. Hahn: Yes.

Chairman LaPerch: OK, you can't start. All right, listen, thank you. Congratulations and good night.

Ms. Hahn & Mr. Lepler: Thank you. Thank you very much.

5. ROUTE 22 MASTER PLAN AND ZONING DISCUSSION

Chairman LaPerch: All right next item on the agenda is the discussion of the Route 22 Corridor Update. The first thing I want to do is say how proud I am of Ashley and... and Victoria of what they presented and the public seeing in terms of the... the survey and the website. It's professionally done and it just makes it stand out in a big way and I've already made a couple of calls to some outside agencies, the EDC of Putnam County to make sure everybody knows what's going on because I think we need to get the word out. One of the things I've heard about the last time we did a review of this; nobody really knew about it; which I don't really agree with but now with social media we have a lot more platforms. So, we're getting the word out and I believe that we did an outstanding job with the survey that we did and the presentation of our website and I... I think last time I asked Ashley said or Victoria said we had, first day we had 12 people respond. So what we're looking for out of this whole assignment is to kind of get some outside-the-box thoughts about what is missing, what makes sense, and just have a really open discussion about things and make sure that we get it right, that we get all the input we can. So, I'm excited about it. We will not... originally, we could have the discussion start the first meeting in September at the Logistics Center but that's not fair. So, we're going to push it back so we can do at the next meeting. So, I just want to go around the Board here and kind of get your initial intake, your official take... take on what you saw on the website, any improvements because we still can tweak it. So, Lynne, what are your thoughts?

Boardmember Eckardt: I... I thought it look great. Does... does anyone have any insight yet, I know it's early, about... about what the... what people are saying on the survey or are there any

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takeaways yet?

Ms. Ley: Yeah. So... so far, we have 57 responses on...

Chairman LaPerch: Whoa!

Ms. Ley: Yeah. So we're doing pretty good. It's slowed down a lot. We could tell that there was no power and internet last week because we were getting pretty consistent responses every day and then all of a sudden there was about four days where we got nothing. So, today there was a big spike. So, you know, I... I do have some... some draft language for all of the Planning Board members if you have... you're part of a, like a Facebook group of your neighborhood or, you know, your local HOA, or like a school group that you might be part of or a sports team; anyone... any group that has a lot of members from the Town or residents or business owners from the Town. I have a blurb that you can send along with a link to the Town website and the survey specifically. So that's... I think the more that we get this out on social media, the better responses we'll get from a wider variety of people.

Chairman LaPerch: The question is is there anything that's jumping out at you with the early responses?

Ms. Ley: Yeah. So, sorry, I went out on a tangent there.

Chairman LaPerch: That's a good point; a good tangent.

Ms. Ley: So, I would say that we're... we're pretty split right now in responses on multi-family... on a mixed-use multi-family commercial housing. That seems to be pretty split but all of the other housing options... so the trend has been more to discourage new housing and then it's clear that everybody recognizes this as a retail commercial corridor because for, the most part, all of the retail commercial uses have been popular and are... are in the 'encourage' trend, and I would say the overwhelmingly popular items are farmers' markets and theater of performing arts. I think just about everybody said 'encourage' for both of those. Some of the comments have been focused around adding more recreation things for residents to do; things for families to do. Those are popular comments. I would say overall the traffic trend has been that there is some traffic. It is stop and go at times but it's... only... very few people have said it's... it's a traffic jam all the time and nobody's saying it's free flowing, it's great. It seems everybody kind of agrees that there's certain times of the day where it's a little rough but most of the time during the day it's OK. There are some suggestions on some, you know, adding more jug handles, adding medians, adding sidewalks along the main commercial section of Route 22. So, overall we're getting some pretty constructive comments and good feedback and once we, you know, close the survey, I'll be able to publish the results and, you know, graphs and pie charts and, you know, all of the individual comments I'll be able to provide to the Board.

Chairman LaPerch: This is exciting. That was good stuff. Thank you. Lynne, any other comments?

Boardmember Eckardt: Yeah, I've been reading as much as I can on commercial strip corridors; really riveting, but I do think... (laughter) I do think we can really do a lot with landscaping and... and if we really map properly like, and take into account obviously wetlands, and it doesn't all have to be uniform necessarily but it could be really nicely coordinated. So that's where I'm really going to try to put my focus because it's where I know the most... and I think connections and walking and vehicular connections between shopping areas will be key here too. So, that's where I'm headed with it and I'm really glad to hear that the survey... people are answering the survey.

Chairman LaPerch: Good stuff. Right. Exactly. We've still got time.

Boardmember Eckardt: We really... we really need to have people involved and thanks, Tom, for all your effort on this.

Chairman LaPerch: This is good stuff; very exciting. Mr. King, any comments about how we can improve or thoughts about what we're doing to improve things?

Boardmember King: First, I like what Lynne said about connecting driveways. It keeps people; especially certain seniors like my mother from having to hit the main road. She can stay in the lane.

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When does the survey close?

Ms. Ley: We haven't set a close date yet but I'm thinking not until September.

Boardmember King: Cool.

Chairman LaPerch: Getting it out to your networks is more important, I think. That's what I'm trying to messaging tonight.

Boardmember King: Yeah, you know, I agree, and I haven't done anything because...

Chairman LaPerch: All right. Shame on you. All right.

Ms. Ley: I'll circulate the blurbs to the Board so you can just cut and paste those. I have a short version and a long version.

Chairman LaPerch: They're very good versions; both. All right, Mr. Hecht, I know you're on the clock here. What are your thoughts? Give me some input about what you think we're doing here. You... you're pretty wired in the community. What have you done to help us get the word out?

Boardmember Hecht: I'll start doing that for sure. I've been a little slacker on that too but I think it's a great idea. I would eagerly await the results to see what feedback is because I think there's a lot that can be done and stuff that's pretty straightforward. So I'm kind of excited to see how this unfolds.

Chairman LaPerch: Please... please use your rolodex. Get the word out, Mike, because I know you've got a good base there and we, of course, appreciate it. Eric, I know you're wired so please tap into your network. What are your thoughts about what we're doing?

Boardmember Cyprus: Yeah. I... I think it's great. I don't know that I could improve the survey or the site in any way. I was excited to see it. You mentioned the EDC, Tom, they actually shared it on Facebook this afternoon and I shared their Facebook to a large local Town (inaudible.)

Chairman LaPerch: Oh, good. Thank you.

Ms. Ley: That was probably the bump that came in this afternoon.

Boardmember Cyprus: Yeah. Yeah. Well, yeah, I... but between EDC and me, we... hopefully a couple of people took it. So, but yeah, again, I forget who just said it, but yeah, I am anxious to see the results. I mean 57 is exciting but, you know, I want to, obviously, I want to get as many people as... as we can involved. So I thought it was great.

Chairman LaPerch: I appreciate that, and David, your thoughts, and how do we improve and get the word out?

Boardmember Rush: I mean, yes, sending out, Ashley, you send us that link. We can send it to neighbors and friends and ask them to get involved; sort of a grass roots campaign if you will, but I think that'll give us more thoughts... I do like some of the ideas... the farmers' market kind of concept is very appealing to me and are we allowed to have any pedestrian bridges that would go connect over Route 22?

Ms. Ley: You'd have to get a Department of Transportation permit for that. I'm not saying... I don't think it's something that would be banned but there would be a permit process associated with that.

Boardmember Rush: Because somehow maybe creating a pedestrian, you know, if we are going to create that area to make it more enticing, if people are on one side, they could go to the other without having to get into a vehicle again and, you know, whatever, but anyhow. So, yeah, I... I.

Chairman LaPerch: Very forward thinking, David.

Boardmember Cyprus: If David wants to walk over the bridge from Dunkin Donuts to the Go Kart Shooting Range, he deserves it. (Laughter.)

Boardmember Rush: Well, you know, but I mean I think that if you could create something that was, you know, interesting, then people would participate because, you know, because now they could get an ice cream and they could wander around or something if it was (inaudible.)

Boardmember Cyprus: I was just teasing you. I agree.

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Chairman LaPerch: All right, listen, I... I'm going to go off script here. Mr. Lord, I see you're here. You have any comments about how we approve before we move on? You're muted.

Town Councilman John Lord: Yeah. Hi. I know that we... there was an overlay at one time; Route 22 corridor and the idea was, I think, to have access roads in addition to Route 22 to get some of the traffic off. Is that still in anyone's vision and I think it was supposed to be on the west side... no, the east side of Route 22? Is there a possibility of doing something like that on the west side?

Ms. Ley: On the west side, part of the original vision, and this has been implemented by the Board for the projects that have come through recently which haven't been that many, they are all supposed to have stub end connections between their parking lots so people can drive through the parking lots on the west side of Route 22 without having to get on... back onto Route 22. So that was on the Site Plan that was before the Board awhile ago for the Apple...it was supposed to be Apple Farms where the old landscape or nursery was over there next to Mount Maya, but unfortunately that was one of the projects that never came through. More recently, the Seven Stars that had a stub end that was going to remain. So, it... the Board has been continuing to do that. It's just that we just haven't had a lot of new projects.

Chairman LaPerch: All right. Thank you, John. That's a good question. I'm going to move on to your associate, Mr. Larca. I see you're joining us here. Have you joined us? Do you have any questions on how we improve the survey or get the word out more, Eric?

Town Councilman Eric Larca: No, I... I just shared it myself. I took the survey. I saw Eric shared it. No, just looking forward to seeing the results so thanks, guys.

Chairman LaPerch: Spending some of that money from Barrett Hill too, right? All right. Mr. Alvarez, you've got to unmute yourself. I'd like to know if you have any comments about what we're doing here. We'd love to get some input on how we can do it better.

Town Councilman Edwin Alvarez: Can you guys hear me?

Chairman LaPerch: Yes.

Ms. Ley: Yes.

Mr. Alvarez: Hi, good evening. No, no comments or anything; just wanted to hear what everybody else had to say. I don't think I can add anything to the survey right now at this point in time.

Chairman LaPerch: All right. Get the word out.

Mr. Alvarez: Yes.

Chairman LaPerch: Cathy Croft (Town resident.) I know you've been sitting here all night. I know you're kind of involved. What are your thoughts about this? How do we get the word out better and how do we improve it? Unmute yourself. Cathy? Going once...

Cathy Croft: All right. OK. I think it's a great idea. I didn't realize there was a survey so I'm in the process of sending out emails right now. So, there you go.

Chairman LaPerch: Good. We'd like some input from everybody.

Ms. Croft: And I... Tom, I don't agree that the last time you visited this... this, you know, the Comprehensive Plan, it really was well advertised because Victoria went to great pains to contact, you know, all the condos, all the organizations within the Town that had email lists. So...

Chairman LaPerch: You know, I thought so, Cathy, but you know no good deed goes unpunished.

Ms. Croft: Of course not. Thank you.

Chairman LaPerch: All right. All good. All right, listen, let's wrap this subject up. I think I got great input. Let's keep pushing the awareness of this to everybody and so I'm going to move on now to... I'd like to approve the minutes as written for the July 13, 2020 meeting. Any comments please?

4. LOCAL LAW TO ALLOW INDOOR SHOOTING RANGES

Boardmember Cyprus: Are we not doing the shooting range?

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Chairman LaPerch: I don't have that on my agenda here. I forgot about it, Eric. You're right. Let's back up. Let's go back to the... the letter that was received by... that was written by Ashley for the... sent to the Town Board regarding the shooting range. Let's start with Lynne. Your comments please?

Boardmember Eckardt: I did speak to you today and I wanted to say that I've been (inaudible)... and I read Ashley's comments. I do have some additions. I don't want to hold this up but I'm hoping that the Board might want to reflect on this before we send it along. David Rush, I think, made a lot of good comments last time about the possibility of what if a shooting range was in a building with other business and as far as decibel level. When the more I thought about it, the more I thought it really should be a freestanding building. My concerns would be if it were in a complex that there could be a restaurant that served alcohol which is a big 'no-no' with gun ranges or just either could be problems with neighbors as I know Mike Hecht has often said about enforcement in the Town and it can make for a nightmare. So I would really like to recommend that the gun range be...be freestanding. And the other thing that I spoke to Putnam County Sheriff Langley today... We were talking about it to get some input I thought perhaps from him and he was saying... telling me that successful gun ranges usually sell guns, and obviously ammunition, targets and the like when I spoke to Ashley about it. So, we might want to make provisions, I mean, if... if someone wants to do a gun range, I would like it to be successful and... and be well maintained so if allowing them to sell guns makes the gun range more viable and more profitable and therefore better maintained, I'm all for that. So I was wondering if we could make provisions for that ahead of time so... so the Board or we don't have to scramble down the line should something come along and we'll have some guidelines in the law. So those were my two thoughts on that.

Boardmember Hecht: So, it's... it's Mike; just a quick comment for her comments. I agree with the bar. We might not want a bar as part of the complex, but I've been to a bunch of those. The acoustics on those ranges, the sound's not going to get out so I wouldn't... I would agree with Lynne that it would be nice to kind of try to figure out where it belongs and if it is, you know, if they're... if they're looking at a complex as a bar, maybe try to persuade them to do a freestanding. If there's no sensitive areas, the acoustics should not be an issue. They... they design those tunnels and everything so you can barely hear them.

Chairman LaPerch: Thanks, Mike. All right. Mr. King, any comments?

Boardmember King: No. I agree with Mike. All the... both of the gun ranges that I've been to have amazing acoustics and, although ideally it would be a freestanding building, I don't know that it needs to be, you know, noted as such.

Chairman LaPerch: OK. Mr. Cyprus?

Boardmember Cyprus: I think we're trying to do a little too much in the Code and... and not let the Special Permit process do its thing. Like I expressed at the last meeting that I don't know why we were putting hours of 9am to 9pm in the Code; that in every other project, hours are determined as part of the Special Permit. You know, I think I would probably prefer a standalone building too but to Mike's point, every project should stand on its own and, you know, that feels like a Special Permit issue to me as well. I think David's noise concern, while I agree with Mike and Jim that I don't think it will be an issue, I think that was a great point but again, well not really again, I don't know why we would only be worried about noise to an adjoining business when it's a shooting range. Like we're either concerned about noise and, you know, the 3-5 decibels... whatever... Ashley came up with should just apply to any business, there are plenty of businesses that generate noise, rather than tying it specifically to a shooting range. So I feel like we're making...we're trying to make the Code too restrictive and I don't know why we'd want to keep responsible gun owners and law enforcement from... from getting training. So I'd like to... to have the Code allow it and let the Special Permit process do its thing.

Chairman LaPerch: Thank you for your comments, Eric. David?

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Boardmember Rush: So, I... I guess the... the sound ordinance can't really help us with this and I know Ashley, you put in some performance criteria that would be part of a Building Permit for how to construct one of these gun ranges, but I really think that we shouldn't just do, you know... as this is just allowing that use, I'm not sure how... I'd love to see how our Building Code is going to put the proper, you know, instruments in place for constructing a gun range the right way. I don't know what they are. I wish I did but I don't think we should really leave it up to interpretation. I... I would certainly respect it if my fellow Board members would... would be able to read what that restrictive stuff is and to... to Mike's point, I know that the gun shooting ranges all have like, you know, the absorptive like lead walls and whatever but things that they would normally do. So... so I just want to make sure that our gun range that we would have in Southeast is held to that level so that we don't have somebody that's just going to say 'yeah, I've got a freestanding building, I've got concrete block walls and, you know, let's go,' but I... I don't think it's just a normal sound so I guess in that regard, Eric, I'm not sure where you were saying that just like it's not just noise. It's shooting noise and shooting is associated with a lot of other things and one of them is, you know, getting shot. So, I'm not sure... I'm not sure how to contain it but I do like if we... if we all agreed that it should be a standalone building. To me, it seems like that's a... that's a 'win-win' for everybody. You know, for the gun... gun range point of view, to have a standalone building as well as any other, you know, safety issues that we might have, and then that's really about it but I... I... Ashley, I've got to believe that... and... and I could do some more research, I just haven't... what criteria there are for, you know, gun ranges. I know myself I have projects that are in Brooklyn that, since all of the commotion that's been going on with... with protests, I'm now putting up ballistic panels all the way around a project which has no windows but it's just like a metal... metal building and that to protect the people inside. So, you know, it's... it's... the building structure even standalone is not something that can withstand, you know, the output of a level five, you know, whatever they're going to shoot. I just want to make sure we have the right things in place, whatever that is.

Ms. Ley: So what the... the draft letter outlines some new provisions and one of which to address this issue is that 'applications for indoor shooting ranges shall be required to submit a certified report from a licensed Sound Engineer that demonstrates compliance with this section' which is the requirement that they have to measure ambient noise before the project and then they have to demonstrate that the project would not increase it by more than five decibels during daytime hours or three decibels during nighttime hours. In terms of specifying specific building materials, that is something that really needs to be in a Building Code and not in a Zoning Code. So I'm hesitant to add... to add anything that would be very building specific. In addition, technology is constantly changing so I think it's more important that we have a performance metric to cap the noise level and rely on the licensed Sound Engineer to design it properly than to have something specific about materials in the Zoning Code.

Chairman LaPerch: Lynne?

Boardmember Rush: I'm sorry. If you're going to have something about sound, then why don't we just simply say that, you know, the perimeter shall be, not bulletproof, but basically of a level of construction that would not allow any of the ammunition to leave the premises?

Chairman LaPerch: David, David, here, let me jump in here. I... I believe the conversation with Lynne and... this afternoon with the... the Sheriff... I think we're trying to reinvent the wheel that's already out there in terms of local and Federal standards for gun... shooting ranges. I don't think... I think they have to comply with what's Federally mandated here unless I'm missing something. Lynne, is that part of the conversation we had this afternoon?

Boardmember Eckardt: Yes. ATF does rule on a lot of this and we'll... and I do want to say that my concern is... is aside from people, I... I believe everyone on the Board when they say they're really soundproof, but my concern when it's in a complex might be who has... what if... what if a bar wants to go in the same building? Is that OK? I... I don't know, but are we setting up future

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problems? And... and that is really my concern, not to dissuade the Town of Southeast from having an interior gun range but are we... are there going to be problems down the line? That's why I thought freestanding might be better. It wasn't just because of noise. I'm sure that that is often mitigated. So, but yes, ATF will... they do....

Chairman LaPerch: They have the criteria.

Boardmember Eckardt: Yes.

Chairman LaPerch: OK. Well, listen, I... I think, you know, we're kind of splitting hairs here. I think that we're all agreeing that we want, you know, the sound is an issue and in an ideal situation, a freestanding club and that's why the Town Board gets paid big money to kind of make these decisions but I think our recommendations are pretty... pretty broad enough and the fact that we have Federal regulations as an overlay to these will let them craft something that's going to make sense for the Town because I think we've covered all the hot point issues and Lynne, your point of 'next to a bar', that's where the Town Board is going to kind of figure things out. I think they've got to... three of the Town Board members are here and I think they get that sense of your concern there. So I think our... our letter that was drafted by Ashley kind of states what we feel other than maybe tweaking it to say preferably a freestanding building would be preference if possible. Is that something that we can add? Ashley?

Ms. Ley: We can add it. I think... I think we need to do a straw poll on that.

Chairman LaPerch: OK.

Ms. Ley: I'm not sure everybody was behind that.

Chairman LaPerch: OK. Who wants to add a 'd' section that says that a 'recommend a freestanding building, if possible'? Is that... is that the language you're looking to put in? What do you think of what we're putting in here because if it's not....

Ms. Ley: Yes. I would... I would add a point to it that the... all indoor shooting ranges shall be freestanding buildings.

Chairman LaPerch: Very limited. That's kind of locking us in here. I'm not sure.

Boardmember Eckardt: What the Town (inaudible.)

Chairman LaPerch: All right. Let's put that to a vote then because that's really what we're saying... that's what we're saying.

Boardmember Eckardt: Tom, the Town Board doesn't have to accept our recommendation.

Chairman LaPerch: No. No. They can say (inaudible) and see you later.

Ms. Ley: No. They know.

Boardmember Eckardt: No, but I agree. I think there are many... there are probably the majority of the Board does not agree with me on this and that's fine. I... I would agree with Ashley that we probably do want to take an informal poll.

Chairman LaPerch: I agree with you. Let's do it. Lynne, we'll start with you. Would you like the language that says... the language to be recommendation... the language to be 'freestanding building' from the Planning Board?

Boardmember Eckardt: I would. Thank you.

Chairman LaPerch: All right. Mr. King?

Boardmember King: No.

Chairman LaPerch: Thank you. Mr. Hecht is gone. Thank you. Mr. Cyprus?

Boardmember Cyprus: I don't want to hold up this process and I'll just be... I'll cut to the chase. I'm not comfortable with the letter 'as it is' so I'll probably vote 'no.' So whether you add it or not, it doesn't matter, but I think that's, you know, to (inaudible) points the Special Permit... you know, part of the Special Permit. It's either right for a specific site or it's not.

Chairman LaPerch: Thank you for your comments. Mr. Rush?

Boardmember Rush: Well, I think Eric to your point, if I'm trying to open up a gun range in Southeast, it would be helpful to know that I have the ability to do so rather than spending all the money to like go through the process to find out whether or not we like it or not. So I... I do from

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that standpoint think we should maybe have some guidelines to at least help people get in other than just, you know, if it's allowed or not but... I... I would support at... at this juncture and, you know, I... I still think I understand it's just a recommendation to the Town Board. I would support a recommendation that if... if we could have a stand... a freestanding building, it would certainly in my mind make it a little... a little safer and that's part of what I would like to protect the public with.

Chairman LaPerch: All right. Thank you.

Boardmember Cyprus: And David, just... just to go back to what, you know, my 'no' is more about some of the wording of the... the noise stuff in the letter. I don't really think I have a big issue with the freestanding building, just... it just came up and I'm just not comfortable enough to recommend it at this point.

Boardmember Rush: You know, that's fair. I... I... I... I mean we don't... it's... it's hard for us to identify why would somebody... ideally nobody would build a building from scratch, you know. You're not going to go to the Dill's Best site and... and build it there, although that's probably a really good location for one, but if somebody found a building that was already existing that they could go into and I don't know how many we have, it might be tough to find that kind of a type.

Chairman LaPerch: OK. Good discussion here. All right, so Ashley what are we voting on here; language please?

Ms. Ley: I got... I guess, well I need to know your straw poll.

Boardmember Rush: I don't think that's (inaudible), Tom.

Chairman LaPerch: I... my point here is I... I prefer to have a freestanding building.

Ms. Ley: OK. So I think the straw poll goes in favor of adding the language 'the indoor shooting range.'

Boardmember Rush: The Town Board can always change it too, right?

Ms. Ley: Yes. It's just a recommendation.

Chairman LaPerch: This is just a recommendation but if we don't have a quorum of... of a vote... if it fails, no recommendation gets made? Is that the way it works? How's this vote if it fails? (Pause.) Oh, got you, got you. (Laughter.)

Ms. Ley: I guess we could...

Ms. Desidero: I think you... you either have to wait until you have more people or you... if it doesn't... if it fails, Ashley, then it doesn't get made, right?

Ms. Ley: It doesn't get made. What... we could revise it until it can... until we can get enough votes to pass.

Boardmember Rush: I think that's a good idea. Why don't you... why don't you revise it?

Chairman LaPerch: Why don't we just table it? Let's table it. Let's table it until...

Multiple people talking.

Ms. Ley: Well... I think you... I... I would prefer not to wait on the referral because the Town Board's having a Public Hearing on it later this month.

Boardmember King: Everyone, I have to apologize. I've got to step away for two minutes. My windows are open and it's lightning like crazy outside. I've just got to go. I'll be right back.

Ms. Ley: OK.

Ms. Desidero: Now you don't even have a quorum to vote.

Boardmember Rush: Quick, let's vote. (Laughter.)

Multiple people talking.

Ms. Desidero: Oh, now you do have a quorum to vote.

Boardmember Rush: I want a mail-in ballot. (Laughter.)

Ms. Desidero: But Ashley... I think you ought to try to work this through, Tom, or you're... you're not going to have any recommendation.

Ms. Ley: Yeah. I think we need to get everybody on the same page or as close to as many people in agreement as possible.

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Chairman LaPerch: I didn't realize we were... (inaudible.) I didn't realize the Town Board was having a Public Hearing this... So, yeah, you're right. Let's... I... I would like to say the language we're going to be voting on has to do with whether this is going to be a freestanding building or not.

Ms. Desidero: I think Eric has other concerns.

Boardmember Cyprus: Yeah, but... but that's fine. I'm mean I'm one person. We... I don't... I think something will pass and I don't think we'll... all of us will ever agree on every single bullet point and recommendation.

Chairman LaPerch: This is a different issue. This is... this is... you're right, Eric, I agree.

Boardmember Rush: Can I ask another question, Tom?

Chairman LaPerch: Yeah, sure.

Boardmember Rush: So the original intent of this was for the Planning Board to make a recommendation for this use type, correct?

Chairman LaPerch: Yes.

Ms. Ley: It's on the local law. Yes. You're making a report and recommendation on the local law.

Boardmember Rush: So what if we... what if our language says 'the Board agrees with this use type to be added. During our discussions, it was determined that indoor would be preferable to any exterior ranges and the following other discussion points were brought up', and you could say, you know, if it's a standalone building, maybe preferred... either, either... it's just a recommendation, right?

Ms. Ley: Yes. It's just a recommendation.

Boardmember Rush: To Eric's point, we're not trying to write the Code here because it doesn't exist yet, but....

Ms. Ley: Well, you're commenting on a local law, which the draft local law exists.

Boardmember Rush: Right, but if you also added language that it would adhere to whatever those Federal, State standards of a shooting range would be, you know, I'm good with that... if they exist. I guess they must, right? I'm not a... I'm not a gun owner/shooter so I wouldn't know.

Chairman LaPerch: Yeah. I... I think... I think the correlation back to me would be that, you know, what was brought up tonight was about a standalone building. That's... that's the issue to me; of whether that's something we recommend. We are planners. This... they're looking for our input here. So if... if we're going to give them our input, let's kind of let them know that, based on the vote, that the Planning Board was in favor by a vote or not in favor of this recommendation. I... I have no problem with 'a', 'b', and 'c.' I just think we're voting on the 'd', which is we add additional language about, you know, we prefer this applicant... this Special Permit only accommodate standalone buildings for this use, in my opinion.

Boardmember Cyprus: I think you should add that today and we vote.

Chairman LaPerch: Yes. OK. So, we're going to be voting on 'd' which means... with the recommendation would be to the Town Board that this Special Permit only be issued through a gun club that has a standalone building.

Boardmember Cyprus: We're voting on the whole thing. You're just adding 'd'?

Chairman LaPerch: Yeah. I'm just adding 'd.' Yes, thank you, Eric, exactly. All right. I will make that motion. Do I have a second?

Boardmember Eckardt: I will second.

Chairman LaPerch: Second. All right. Ms. Eckhardt, how do you vote?

Boardmember Eckardt: Yes.

Chairman LaPerch: Mr. King?

Boardmember King: No.

Chairman LaPerch: Thank you. Mr. Cyprus?

Boardmember Cyprus: No.

Chairman LaPerch: Thank you. Mr. Rush?

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Boardmember Rush: Yes.

Chairman LaPerch: And I vote 'yes.' So it's voted 3 to 2. So (inaudible) can tell them that... they can tell us they like it and they don't have to listen to us, right?

Ms. Ley: It didn't... it didn't pass.

Chairman LaPerch: Three to two.

Ms. Ley: You didn't... it's not a quorum. That's just the majority of the people who are here. We need four.

Chairman LaPerch: Oh, that's a quorum issue. That's what you said earlier, Victoria.

Ms. Desidero: That's what I was trying to say.

Multiple people talking.

Chairman LaPerch: OK. So...

Ms. Ley: Well, what we could revise the letter to say is that the... the majority of the Planning Board is in favor of adding indoor shooting ranges as a Special Permit use within the recommended Zoning Districts and three of the Planning Board members recommend the following text revisions.

Chairman LaPerch: Yeah. OK. I mean they have to get this...

Boardmember Rush: If you want to do it that way, we're back to the guideline idea. You know, it was discussed. Maybe this is something worth considering but, you know, let the Town Board decide. I don't know.

Chairman LaPerch: Well, they're going to make the ultimate decision. I think all three Board members are on here now. They get the sense of what's going on here

Boardmember Rush: Three of the... we got three of the Town Board members on here, maybe we should...

Ms. Desidero: I don't think you can combine a Town Board and a Planning Board meeting, guys.

Ms. Ley: No.

Chairman LaPerch: No. I'm not going there either. No. No. (Laughter.)

Ms. Ley: Not without pre-noticing it.

Multiple people talking.

Chairman LaPerch: Ashley, Ashley, do me a favor? Write down that list as you stated it, OK?

Ms. Ley: So I'm adding... I'm changing the first paragraph the last...the second sentence to read 'majority of the Planning Board members recommend adding an indoor shooting range as a Special Permit use within the recommended Zoning... within the Zoning Districts recommended in the local law... in the draft local law.

Boardmember Rush: Ashley, my... my whistle elbow just hit me and I don't think you should say the majority of the Planning Board because we aren't.

Ms. Desidero: No, you're not the majority.

Ms. Ley: We're going... you're going to re-vote. You're going to re-vote. So if everyone on this call... it will be... if everyone...

Chairman LaPerch: Hold on. Hold on. Timeout. Timeout. Victoria?

Ms. Desidero: So, I'm kind of just saying... I feel like I'm a little bit on the fence bystander. In other words, I don't really have an opinion one way or the other but I feel like what you're trying to accomplish isn't going to happen because it's not just that one thing that there are Board members that have issue with... It doesn't matter who those Board members are or what their issues are. You may still get the 'no' votes. I don't think it's just this one thing...

Chairman LaPerch: OK.

Ms. Desidero: Stand alone building. I mean... Can the Board members just comment as to whether or not it's just this one thing?

Ms. Ley: No. I think... I think the more the 'no' votes.... I know the 'no' votes from Eric were on everything. I wasn't... Jim, was it the same for you, that you would disagree with the addition of the noise items?

Boardmember King: Well, I... yeah, yes.

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Ms. Ley: OK.

Chairman LaPerch: OK.

Ms. Ley: So if we... if we change the first paragraph to read 'that the majority of the Planning Board members recommended adding an indoor shooting range as a Special Permit use in the specific Zoning Districts' and then the whole next section is a... the minority of the Planning Board recommended that the following text revisions be considered.

Chairman LaPerch: That's fair. Yeah. That's what our input is.

Ms. Ley: Then I think we're getting the text revisions to the Town Board but... what's that?

Boardmember King: Are we missing two people or more than two people?

Chairman LaPerch: Two.

Boardmember Rush: Yeah, Mike and Dan.

Boardmember King: Dan and Mike. OK.

Chairman LaPerch: Yeah. I think it's really important to get some input here because they're ultimately going to take all of the input and craft a Special Permit, and I think you're getting both Jim's and Eric's, you know, other opinions, and we have three that have on one side at this point. They're not going to wait around for another vote, you know, and now we have Mike and Dan are out, so we've got to craft some language that kind of gives them both sides of the story here, right, Victoria?

Ms. Desidero: Sure.

Boardmember Eckhardt: I also think it would be... I think it would be helpful for the public too who can weigh in at the Public Hearing and maybe the public does not at all want a freestanding building or... restrict... some of the restrictions that Eric mentioned. So, I think this is really more food for thought.

Chairman LaPerch: Yeah. I... I... I think we're beating up something that, you know, will eventually be sorted out on the next level through Public Hearings. So if we can craft something that lets the Board know that we had two different opinions on a couple of issues, that would be the best approach here.

Ms. Ley: Yeah. So here's the ... you should be able to see that now... So the first paragraph was amended. So I... I think... it seems like the majority of the Board is in favor of adding this use and where the disagreement is is on the text revisions and now it reads 'the minority of the Planning Board recommended... recommends that the local law be revised to include the following noise mitigation provisions for indoor shooting ranges.' Then...

Boardmember Cyprus: I... I don't want to be the difficult one because obviously I'm fine with that, but I mean it was the majority of the people here tonight, and I don't want to... I don't want to minimize their voice in any way. So, I mean if they're comfortable, I'm fine but, you know, it... it was three people that wanted it, out of five. So...

Ms. Desidero: So maybe it should be (inaudible) number seven.

Ms. Ley: We could just say three of five.

Ms. Desidero: Maybe it should be the majority of the Planning Board members who voted.

Ms. Ley: OK. We could say that.

Boardmember Rush: You know, I have another thing about the whole 'sound' part. Can't we just say no indoor shooting range will be permitted or... or should be designed by the standards of the state and Federal shooting range academy of the world? I have no idea. So, I... I just don't know who's going to... who's going to go outside of this thing and measure five decibels, and I... I just don't think it's enforceable.

Multiple people talking.

Ms. Ley: Well, no. It's enforceable in that it needs to be done in advance... it needs to be done by the Applicant's licensed Sound Engineer. They would need to provide the estimated levels during the Special Permit process and then... then they would... once it's constructed before they're able to get their Certificate of Occupancy, they would need to go back out and measure the sound levels

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to ensure that they're compliant and that report would need to be provided to the Building Inspector before a Certificate of Occupancy could be granted. That's how it's drafted right now. So, you... it's enforceable in that the... the Certificate of Occupancy could be held until enough mitigation is... is put into the building that there's... sound is not heard.

Boardmember Cyprus: David, this is Eric, and like I think I like where you're going there, and Ashley, like don't be offended. Like, I don't know where three and five came from. You know, to me it's arbitrary, you know, and not to make it ridiculous example, but so you build the shooting range literally in the middle of nowhere. There's no ambient noise. The place can only generate three decibels. Like that just seems ridiculous to me. So, you know, I have no issue with the later parts of that, the soundproof thing and I fully understand that shooting ranges have a whole bunch of regulations that they will need to meet, but the three and five over ambient is really what I have the issue with on noise.

Ms. Ley: OK.

Boardmember Cyprus: And my other point, and not to say that, you know, my other issue was with the... the hours thing, and I'm not trying to be difficult with that, but, you know, that is my other issue with the... the local law as it's proposed.

Chairman LaPerch: All right. Those are very fair questions, Eric, and points I... and I don't disagree with that. I mean, once again, whatever's going to be built here, you know, it's going to be held to a higher standard other than the local law or what we put together here. So, where are we on this? Are we comfortable with the new language here? Are we re-voting or is it we're just tweaking the language of the vote to say the majority of the Planning Board members at the time of the meeting voted three to two to submit this recommendation?

Boardmember Cyprus: I think that's the... I think just fixing that one sentence (inaudible) is the best.

Chairman LaPerch: Yeah. I agree, Eric.

Ms. Desidero: So do we need another vote though?

Multiple people talking.

Chairman LaPerch: Let's get it up to the Town Board and let them figure it out under the Special Permit. I think they're going to, you know, do it. So, if we could just add that language that said that the majority of the Planning Board members present at the meeting.

Ms. Ley: OK.

Boardmember Rush: Ashley, I just saw something from Kingston... city of Kingston, NY. Did you see that?

Ms. Ley: Yes.

Boardmember Rush: OK.

Ms. Ley: Yeah. So, in... in drafting this local law, I looked at Kingston, Rochester, Smithfield, the Navy Environmental Health Center, Queensbury EPA, Malta.

Boardmember Rush: I mean, there's a lot of... lot of... there's a lot of discussion about coordination with the local Police for doing these things and fingerprinting and all this other stuff, so I... I don't know. I mean that should be part of the Building Code, right?

Ms. Ley: So there are... so there are requirements within the full draft that include some security measures. There needs to be a certified rangemaster, supervised... supervision, there's rules against gambling and alcohol. They need to keep an Insurance Certificate on file with the Town Clerk.

Boardmember Rush: It says here 'proper supervision, firearms instructors' and it's got all these different agencies that people could become certified...

Ms. Ley: Yes.

Boardmember Rush: You know, shooting range. There aren't any...

Ms. Ley: That's included in the current draft. That type of language is included.

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Boardmember Rush: Whatever our state, Federal guidelines are and recommendations is what we should certainly follow. I don't want somebody to, you know, put a sign on a building and.... Right?

Unknown: Right.

Chairman LaPerch: Last... last little tidbit for me, and it's not for me, but someone just texted me a pretty good question: is alcohol banned in these facilities?

Ms. Ley: Yes. Well, it is banned in this draft local law.

Boardmember Rush: This one. No... no... no alcohol.

Chairman LaPerch: And... and... so it's not a proximity thing so it's next to a bar too then?

Ms. Ley: Yeah. So, it... so under item 'c' in the draft local law...

Boardmember Eckardt: And it is in most of the local laws.

Ms. Ley: Yeah. I think this is pretty consistent. There's 'no alcoholic beverages shall be possessed or consumed on the premises and no person under the influence of alcohol, mind-altering drugs or controlled substances as defined by article 220 of the New York State Penal Law shall be allowed on the premises.'

Chairman LaPerch: OK. All right. I think we beat this up enough. I think we got everybody's input in a good way; a good conversation.

Boardmember Rush: Ashley, this one actually says, 'no range should be located nearer than 1,000 ft. from any entrance to any school, church, hospital.' I think we were toying 750 ft.

Ms. Ley: So the original draft was 1,000 ft. then it got up to 1,500 ft. and now it's down to 500 ft. So that's something that the Town Board's been... been editing.

Boardmember Rush: I guess... and then there's like all these tests required; semi-annual... semi-monthly tests. They've got to test a gun. I guess you could go there and you could get a gun from the range or you could bring your own gun. I'm not sure, and there are hours of operation on this one, Eric.

Boardmember Cyprus: Right, yeah, and I just think... I... I don't think it belongs in the local law, and it's clearly just me.

Boardmember Rush: Is this a local law, Ashley, the Kingston thing?

Ms. Ley: Yes, well, that is their... that is their law. That is their... in their Zoning Code.

Boardmember Rush: OK.

Chairman LaPerch: Are you good, David?

Boardmember Rush: Yeah. No, I mean... it's...it's...

Chairman LaPerch: I agree. You're doing some homework for us.

Boardmember Eckardt: I read through the Kingston law. That's one reason I thought freestanding; especially as I said in the building where there could be a restaurant or a bar that serves... that serves alcohol so that was my concern, but I think, I mean, I don't... I understand the differences of opinion and I think they all make sense so I think sending it to the Board even if we're not all on the same page is probably a good thing.

Chairman LaPerch: I agree.

Boardmember Rush: There is something about ballistic security here too, so that's what I was talking about; just a requirement.

Chairman LaPerch: OK. Once again, I believe the Federal standards are going to be so high in this type of case.

Boardmember Rush: It's expensive.

Chairman LaPerch: It's not cheap venture. OK. Any other points? Are we sending it off with that tweak to the language, Ashley?

Ms. Ley: Yes, I believe that the Board was OK with the... with it as revised.

Chairman LaPerch: Victoria?

Ms. Desidero: May I... I don't want to split hairs, but it does say with the members of the Board who voted, right, not who were present?

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Ms. Ley: The majority of the Planning Board members who voted recommend that this local law be revised.

Ms. Desidero: OK. Because Mike Hecht will be listed as present for the meeting, but he wasn't here for the vote. So, thank you.

Chairman LaPerch: That's a good point, Victoria. That's why I wanted to ask you to make sure we're representing it the right way. OK. So that passes. OK. So I think the last item is the minutes of the meeting July 13th, correct?

5. MEETING MINUTES

The motion to Approve the Meeting Minutes of July 13, 2020 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

Chairman LaPerch: Next meeting, Ashley will not be there. Do we have a big agenda do you know?

Ms. Desidero: We have two items that... one is the Public Hearing for WDesign, which is that project over on Danbury Road.

Chairman LaPerch: Right.

Ms. Desidero: And we also got an application for a Site Plan Amendment for One Starr Ridge, which is where the new Dunkin Donuts is. They're trying to rectify some of the issues that were created between what was approved and what was built.

Chairman LaPerch: Good stuff. All right. Thank you all for hanging in there and adding to tonight's meeting which is always good stuff. The input was great; especially on Route 22.

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

September 3, 2020/VAD/jcc

THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:

<https://www.southeast-ny.gov/337/Planning-Board-Audio-Files>