

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
August 24, 2020**

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

Pledge of Allegiance

Chairman LaPerch: Thank you Mr. King, as always. All right. Good evening everybody. Thank you for tonight's meeting and a couple of minutes late, which is uncharacteristic, but we do have a short agenda here tonight. We have one Public Hearing known as WDesigne located at 3867 Danbury Road; followed by a Regular Session item of 1041 Brewster Business also known as Lyons Development, 1 Starr Ridge Road. First thing I would like to do is call a roll call here for the Board members. (Roll call taken; results above.) Once again, I apologize for the late start here but the first item is a Public Hearing for WDesigne.

PUBLIC HEARINGS:

- 1. WDESIGNE, INC., 3867 Danbury Road, Tax Map ID 69.13-1-23** – Public Hearing to Review an Application for Site Plan Amendment and Conditional Use Permit
Peder Scott of PW Scott Engineering appeared before the Board
Chairman LaPerch: Who is representing the applicant... Mr. Scott?
Mr. Scott: Yes. I am here.
The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent.
The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.
Chairman LaPerch: So who do we have tonight... representing... Peder?
Mr. Scott: Yes, I will be representing it myself tonight.
Chairman LaPerch: Can you tell us... once again this is a Public Hearing so please tell us all about the project and we'll have questions for you afterwards. Thank you.
Mr. Scott: Sure. So, basically it was approved in 1994 as "On the Border" which was a liquor distribution center. Tony Hay was the owner and we had a bunch of other tenants involved. Currently, the entire facility is empty, awaiting approval of this project and what we are doing is... On this parcel of land of 1.73 acres, there is a 19,530 sq. ft. building of which approximately 13,000 sq. ft. is to be amended to include a general business use, that of a trade shop, which is a Conditional Use in the SR-6 Zone. WDesigne basically is a company which fabricates trim materials and finish materials for various entities in the tri-state area and so you are going to have a lot of woodworking. There is some lacquer use and they are basically manufacturing and shipping components to New York City. And they are proposing to have 20 employees in the new facility, 14 of which are in fabrication, six are in the office and they have delivery trucks, approximately five of those where at... between 7 o'clock in the morning and 3 o'clock, they basically are truck operations taking place. They have personnel on the site on the fabrication side between 7 and 3:30. Office use between 9 and 5 and there is a showroom on the premises for cabinetry and such which is open 9 to 5 and Saturdays they want to be open between 9 and 3. So, in the past history of the project, it was a pretty dynamic shopping center with various uses such as a pizzeria, there was a liquor store, there was a wholesale beer distributorship and a restaurant. So, significantly, there will be less activity with the new use on the site: less traffic, less parking requirements. But the intent is not to reduce the number of parking we need which is only 44; we'll keep all the... approximately 180 parking spaces intact. But with our project approved in 1994 there was a lot of problems with it which we are trying to clean up at this point in time. They consist of a dumpster enclosure, which didn't exist; we've replaced all the lighting on the site because it was non-night sky compliant; we had to basically fix all the handicap spaces because they didn't meet handicap anymore. But we are not increasing any impervious on the site; that pretty much remains intact. We are also enhancing

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the landscaping. There was a lot of landscaping at one time but it didn't survive. And also in my Statement of Use there were numerous variances which were granted. And they are really not really apropos at this point in time except for the fact that a monument... a freestanding sign was permitted based of variances granted within zero feet of the front setback. And also the signage which exists is pre-existing, non-conforming; its about three times what's permitted by the ordinance. So we are looking for some sort of input on how to proceed: do we go to ZBA or can we use it because its grandfathered? That's a big question so we did submit signage plans just to talk about that component. There is no change in septic use; in fact there is less people. There is less need for parking. We'll meet all the handicap criteria and on the building exterior we are going to ARB (Architectural Review Board) but basically the building is worn and we are going to improve... all the siding will be re-painted; our gutters will be re-fixed and a lot of roof enhancements had to be made because again the machinery is not apropos to the current Building Department for HVAC and ventilation so there will be changes on that. But basically it is going to be an enhancement to the property. It will be cleaned up. It'll be well addressed along the frontage and the last item we have is we are going... we want to work on the pylon sign but we don't have the tenants in place right now so there are tenant signs on the front right now... on the front of the building and we are kind of leaving them alone at this point in time but we will probably have to go forward with those at a later date once the tenants are known. And that completes my um...

Chairman LaPerch: Well, Peder, thank you. I think it is a pretty good use of the property. Sounds like you are going to enhance the look out there. The question we have... I have is: how many of the remaining retail users are you proposing stay there?

Mr. Scott: Well, we have a pizzeria that went out of business and the owner is currently contemplating working toward reinstating that pizzeria under additional ownership and adjacent to that, he'd like to put in a bakery so there is a dual use, same representative and we are working on plans once this is approved to submit to the Building Department.

Chairman LaPerch: All right. Peder, I just got notified that obviously we do not deal with the sign. That is a Building Department... Initiate it with them please?

Mr. Scott: Yes.

Chairman LaPerch: OK. Um... Listen Peder, I saw that the DEP (Department of Environmental Protection) sent a letter in this morning saying that they have no problem with our Lead Agency and the only concern they have regarding the site are any kind of dangerous or hazardous materials that might be stored outside to treat wood. Are we concerned about that?

Mr. Scott: No, everything's internal and we have a recycling bin on the site plan for wood products and we have a separate bin proposed for normal refuse. We've isolated the two of those for recycling purposes and we are in compliance with DEC (Department of Environmental Conservation) regs.

Chairman LaPerch: OK. Well, thank you. That finishes my line of questioning. I am going to open it up for my Board first before we go to the Public Hearing. Ms. Eckardt, do you have any questions for this applicant please?

Boardmember Eckardt: Of course. Thanks, Tom. I think this is the one, Peder, you were talking about adding obviously landscaping and I know this will go... the ARB will be discussing this. You were kind of suggesting... I think on this one you were trying not to use... you specified non-native landscaping. Have you re-thought that at all? Just so I know.

Mr. Scott: Yeah, I actually submitted two distinct applications to ARB. They can review it. It's all native and decorative species lists and we'll go with either one that they feel is most appropriate at this point in time.

Boardmember Eckardt: And in the future, just so you know, I mean decorative plants that are non-native can be wonderful. I mean we try to stick with natives because they can thrive but I don't want you to get the impression that they won't allow anything else because...

Mr. Scott: Yeah, yeah. Our biggest problem is it's a super hot, low moisture... Its right between...

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Boardmember Eckardt: Right...

Mr. Scott: ...incredible amounts of pavement. That was the demise of the previous landscaping; it just burned all out.

Boardmember Eckardt: I know.

Mr. Scott: And all that's left is evergreens. Yeah.

Boardmember Eckardt: I know. I have been dealing with commercial landscaping this whole week so... or last week. Also, water and septic: you mentioned that there are... it sounds like there are actually going to be more people working than there were "On the Border." This doesn't have any constraints on the septic because I know that along Route 6 some places do have problems. No problems?

Mr. Scott: Yeah, we are eliminating the restaurant which was a big driver and without the restaurant we've got excess capacity, about twice what we need.

Boardmember Eckardt: OK. But that's not to say that you would never allow another restaurant, is it? That's what I am curious about.

Mr. Scott: Well, the restaurant is being eliminated completely. The footprint no longer exists. It will be part of the store. All they are left with are two narrow strips which one was the pizzeria and the other a store. They are not acceptable for restaurants... too small.

Boardmember Eckardt: OK. OK. Well, that's good to know and I appreciate that clarification.

And the last thing is I did read a letter from (Town Planner) Ashley (Ley) that she sent, I think it was July 21 and there was a violation of a boat being on the property. Has that been cleared up?

Mr. Scott: The Building Inspector stopped by today and I believe it was resolved. The past owner had an old boat sitting there and Mike (Levine) was there today and I think it is removed.

Boardmember Eckardt: OK. I'm just uncomfortable. It would be good for me to know that the violation has been cleared up. Kind of that you 'think so' makes me a little bit nervous but you know...

Mr. Scott: I didn't really look at it but I think... Let's put it this way: I'll make sure it's gone. It's pretty simple, it's on a trailer and it was in the process. I think what happened was the trailer was unusable and it was delayed in being removed from the site. And I didn't check it to be candid.

Ms. Desidero: If I may just add that the Building Inspector was out there this afternoon. He and I spoke at about 3:30 and he said that the boat and the trailer are still there.

Boardmember Eckardt: All right.

Mr. Scott: I would entertain any condition ... You can even give me a timeline... Give me a week, I'll make sure it's gone.

Multiple People Talking

Chairman LaPerch: Victoria, go ahead.

Ms. Desidero: There is nothing that the Planning Board is doing tonight that they can't do because of the violation but if it's not gone by the time you come back for final, they won't be able to issue that.

Mr. Scott: I agree. They tried but the wheel fell off.

Chairman LaPerch: All right. So you understand what you need to do, Peder.

Mr. Scott: Yes. I do. Yes.

Chairman LaPerch: All right. Any other questions, Lynne?

Boardmember Eckardt: Nope. That does it. Thank you.

Chairman LaPerch: Good questions as always. Thank you. Mr. King?

Boardmember King: So the retail store is going to go where the restaurant was and is the beer distributor staying?

Mr. Scott: No, they're gone.

Boardmember King: They're already gone?

Mr. Scott: Yes.

Boardmember King: And that space will also be used for the woodworking or cabinetry...

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Mr. Scott: Yes, he is taking over everything except for two small strips...

Boardmember King: The liquor store and the pizza place?

Mr. Scott: Yeah, two little end (inaudible).

Boardmember King: OK. So, my only real question is: all the parking in the back will be used for overnight parking of the trucks and they wouldn't be out front?

Mr. Scott: That's correct.

Boardmember King: Pretty tight up front anyway so...

Mr. Scott: That's correct. They are all sitting in the back and we added more handicap in the back. We did... Lots of the enhancements are in the rear because it was non-conforming in every aspect.

Boardmember King: All right. That's all I have.

Chairman LaPerch: All right. Thank you, Mr. King. Mr. Hecht, any questions for the applicant please?

Boardmember Hecht: Jim covered a lot of what I had so I am good.

Chairman LaPerch: OK. Good. Mr. Rush, any questions for this applicant, please?

Boardmember Rush: No. I guess we are putting a lot of faith in the ARB on this one and I know that our hope is that Peder, you will make it beautiful or, at least, enhance it and I think that's the motivation. And we look forward to seeing a nicer piece of property on our road there but...

Mr. Scott: We have proposed extensive plantings on the front and, again, our only problem is the native species which are available on a pallet aren't really conducive to the temperatures we are dealing with. This site is difficult to say the least. But we...

Multiple People Talking

Mr. Scott: Well, we are willing to bond for the plants to make sure they thrive and, if not, they would be supplemented over a period of time.

Boardmember Rush: OK. Was there a discussion about signage? I know we are...

Chairman LaPerch: Not yet, David. He's got to apply to the Building Department for signage.

Boardmember Rush: OK. All right. No further questions.

Chairman LaPerch: OK buddy. Thank you. All right. My apologies. I did not introduce our world-famous Town Engineer Tom Fenton who has joined us tonight. He has taken Ashley's slot. Tom, I want to welcome you to our meeting... our Zoom meeting. You are doing a great job. Hey, Tom if you have any comments along the way, we'd welcome them. All right, buddy?

Town Engineer Tom Fenton: Sure. Sure.

Chairman LaPerch: As our engineer, you had a chance to review this so why don't we just ask you: any further questions for this applicant?

Mr. Fenton: Well, no, not really. We did review it earlier. Joe Dillon submitted a review letter back on July 17. You know, as Peder discussed, there is very minimal exterior changes on the site so, from our standpoint, we have no issues from an engineering standpoint.

Chairman LaPerch: OK.

Mr. Fenton: He did request a number of waivers to... I noticed on Ashley's Application Summary Sheet a number of waivers to submission requirements like grading plans and stormwater plans and erosion and sediment control plans and we have no objection to that again based on the fact that there is very minimal exterior improvements and then Peder just mentioned the landscaping seems to be a concern so I think bonding the landscaping could be... would be appropriate in this case, as he mentioned.

Chairman LaPerch: Good stuff, Tom, and thanks for joining us. Tom's out on the west coast so this is a big deal. Thanks for joining us, buddy. All right. This is a Public Hearing so I am going to open this up to the public at this point and if there is any public comment, please acknowledge... Victoria will acknowledge you and your name and address for the record would be helpful. So, do we have any public comment at this point? (Pause.) Anybody see anyone?

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Ms. Desidero: So, if you want to make a comment you can use the raise your hand at the bottom of your screen... I think its under something called "Reactions." Or let us see you. That's the only thing I can say. (Pause)

Chairman LaPerch: Anybody see anybody?

Ms. Desidero: I do not.

Chairman LaPerch: OK. So, at this point I would like to make a motion to close the Public Hearing.

The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 5 to 0 with 2 absent. The motion to refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

Chairman LaPerch: Victoria, so next steps... He has got to get on the agenda for the ARB, right?

Ms. Desidero: That is correct. He needs to make a submission to the ARB...

Chairman LaPerch: And what about a sign for him? What does he need?

Ms. Desidero: He needs to start with the Building Inspector. I've sent them several e-mails. I think they know what they need to do, right Peder?

Mr. Scott: We submitted to ARB and we submitted already to the Building Inspector. We're trying to work it out.

Ms. Desidero: So the way that it works... Just so you're clear, Peder. The way it works is that if the Building Inspector determines the sign needs variances, he will deny you and then send you to the ZBA (Zoning Board of Appeals). And if it doesn't need variances then he will refer you to the ARB. But until he does either of those things, the sign can't go any further.

Mr. Scott: Yeah. Our problem is it already has variances for it but we're not sure how to work with the new regulations because we (inaudible) everyone. It's a weird one.

Ms. Desidero: I know but it's still all up to the Building Inspector.

Mr. Scott: I know.

Chairman LaPerch: Good night, Peder. Thank you.

Mr. Scott: Thank you.

REGULAR SESSION:

- 1. 1041 BREWSTER BUSINESS CORP. a/k/a LYONS DEVELOPMENT, 1 Starr Ridge Road, Tax Map ID 68.-2-2 – Review of Application for Final Site Plan Approval**
Tim Allen of Bibbo Associates and Bill McGuinness represented the application.

Chairman LaPerch: OK. Next one we are moving onto the regular session. The regular session is we are looking at the Starr Ridge Road Dunkin Donuts plaza as I refer to it but it is 1041 Brewster Business Corp. aka Lyons Development. Whose here representing this applicant at this time please?

Ms. Desidero: I have Tim Allen and is there anyone else you would like me to unmute Tim?

Chairman LaPerch: Mr. McGuinness are you joining us, sir?

Mr. McGuinness: Yes, I am.

Chairman LaPerch: So hey, listen it is kind of timely that Mr. Fenton has joined us. This has been a long chase with the... we've been chasing you guys for a long time and I appreciate you finally getting here. And, second thing I would like to say is I'd like to thank our Board member Lynne Eckardt who went out to the site on her own and did some site inspections and wrote a great memo about site conditions. And I happened to follow up today on that. I was out there late today and I believe the items that needed to be addressed from the standpoint of the garbage door was fixed, the garbage was picked up on the side and he taped the sign back up pending some glue. But I truly... I like your engagement. Thank you very much for making that effort out there. So, what I would like to do is start with Tom Fenton to kind of give us a little sense of history. What

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happened, Tom, and how do we get this thing cleaned up and get them to move forward and get this thing off our plate?

Mr. Fenton: OK. I am going to share the screen and bring up the plans.

Chairman LaPerch: Thank you.

Mr. Fenton: OK. So, this is not the application but I am going to go to the As-Built first. So, this is the As-Built drawing. Submitted with this application was an As-Built drawing, an Amended Site Plan and a Landscaping Plan. We can look at all of those through the process, but just as a little bit of history on this. Probably for, I want to say maybe a year and a half we've been dealing with this now.

Chairman LaPerch: I'd say two.

Mr. Fenton: I'm sorry?

Chairman LaPerch: I'd say two years.

Mr. Fenton: Two years. OK. So the project was constructed and there were a number of items on the site that were either minor deviations or fairly significant deviations from the approved site plan. I think most of you probably know about the patio that was originally proposed outside the Dunkin Donuts that was now shifted. There was the concrete wall that had utilities on it. There were also some deviations or some discrepancies. There was... some of the slope grading was steeper than the regulations allowed. There was some technical issues with the construction of the drainage basins. So over time a lot of these items have been corrected or identified and corrected; kind of whittled it down to, you know, a few outstanding items that need to be done and so really there's a couple of things we're looking at. One of them is documenting the existing changes so that, you know, the Final Plan represents what has changed from the original Plan. The Final Plan which is being considered as an Amended Site Plan, and the other thing is to address with a couple of minor, a couple of deficiencies or discrepancies that we're proposing alternative ways of handling. So, in my... my letter of August 19th, I had a previous letter back in December 11, 2019 where I kind of went into detail on some of the items. Again, a lot of the items have been resolved from a standpoint of our issues. I just... so Bibbo submitted the Amended Site Plan and the As-Built with some changes or some proposed measures that we recommended. I think what we've come down to is really... really three issues. One being the landscaping which I'm sure we'll get into and Lynne has commented on. The other is the parking and alignment of access drives. You can see on the As-Built, the access drive has a slight skew. If I go to the Amended Site Plan, that's the Amended Site Plan and that shows the access drive. If I go to... oh, I don't think I have the approved plan on here. OK. Oh, yeah, no, that's the landscaping plan. So I don't have the approved plan but basically, the alignment of the access drive and it doesn't look like much of a variance here, but it's more of a curve than a 90 degree here, and the other issue... so there's a minor issue there. The other issue is the width of the parking aisle and spaces in this area. You can see my hand kind of going around there. So, the parking... the parking stalls are two 18 ft. parking stalls and a 24 ft. aisle, which is about a 60 ft. parking bay, if you will, and that's pretty typical. I think the issue here is that on the original plan it was 62 ft. and I think why that's significant is at the 60 ft. this side has a concrete stone retaining wall so I think what happens here is when vehicles pull in. If they were pulling into a normal parking place, their wheels might come up to the edge of the space and there might be some overhang. I think with the wall, vehicles tend not to pull in as far so I think that... that slight difference in the width, or that foot and half difference in the width, you know, ends up being more significant. So, one of the things we're recommending is that this area in here be designated for compact cars. The other thing is there's a lot going on right in this area here. There's parking, there's the drive-thru, there's the crosswalk. So, there's just a lot going on here so, you know, if you get a long truck in here, some of the... you know, King cab trucks with long beds, you know, it gets... it just gets kind of crowded in here. So, that's one recommendation. The other recommendation is to do center line stripe all the way through here. When I was out here looking, you know, some of the vehicles... because this is skewed a little bit tend to kind of filter

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across or pull in and kind of come across the center and we thought just with the center line marking all the way through, it might help better organize the traffic entering and leaving the site. So those were two relatively minor recommendations that we could make rather than say reconstructing the retaining wall to build a wider lot or reconfiguring the entrance aisle.

Chairman LaPerch: All right.

Mr. Fenton: Those are kind of the issues from my standpoint and I... You know, I mean if the applicant wants to, you know, add...

Chairman LaPerch: Let me get everything on the table here, Tom. We're going to come back here.

Mr. Fenton: Yeah.

Chairman LaPerch: I'd like to now take it to our resident expert on landscaping, Lynne Eckardt to kind of walk us through. Lynne, the deficiencies that Tom spoke about; landscaping and some of the recommendations you might have please?

Boardmember Eckardt: OK. I thought that the new plan looks much, much better. I am concerned. A lot of things were just kind of... obviously they weren't original. They were planted in grass which, unless you're going for that kind of, you know, really natural look which this does not have... really don't work at all and I think they should all be pulled out. Then, for example, over... I parked, let's see if it shows here, I parked over on the side where the terrace is now, the patio which is over....

Chairman LaPerch: Tom, can you move the icon over to where she's talking about?

Boardmember Eckardt: Yes. I parked over there.

Mr. Fenton: The new patio?

Boardmember Eckardt: Yes.

Mr. Fenton: Right here?

Boardmember Eckardt: There were... you know, I'm happy to list this but there were a lot of little rhododendrons and they're all dead. My other pet peeve and I... is that when you plant the new stuff, please, please, please take off the tags and the ribbons and all of that. It really makes any even nice planting look terrible. Where I parked, right there, Tom, there was a real problem with, I mean I am not a featherweight, but those... I can't believe those three parking spaces there are legal. They are really tight, and I mean tight.

Mr. Fenton: Right in here?

Boardmember Eckardt: Right. No, down further towards the... not there... further... There are parking spaces in next to there, believe it or not, in between the two places where you're putting your little hand.

Mr. Fenton: Right in here.

Boardmember Eckardt: Yeah. Yeah.

Mr. Fenton: OK.

Boardmember Eckardt: There are three spaces there and I really thought... at first, I go 'uh-oh, I'm in the handicapped space' because it was large, but I really would take a look at that because I really agree with you because I think the traffic there is really confusing. Not good at all.

Mr. Fenton: OK. Again these markings aren't shown on the plan so either they should be not designated as parking places or shown on the plan as... as code compliant parking spaces.

Boardmember Eckardt: OK. Because they're very, very narrow. I have a pretty small car. If three cars were parked there, I'd have a pretty hard time getting out of your car, I think.

Mr. Fenton: OK.

Boardmember Eckardt: The terrace is really a shame that it's there but Tom, I don't know how you feel about this, but there's absolutely no furniture at all on it so I don't even know why it's there. Even, you know, I think especially in these times where people want to be outside that I would really recommend minimally... I mean... I also think it could look very inviting from the road

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if you had tables and chairs and umbrellas, but you know, people from Dunkin Donuts rather than sitting in their car juggling coffee might really enjoy sitting there.

Chairman LaPerch: Good point.

Boardmember Eckardt: You know, I... I do think that could be... I think it could attract business as well. So, I would really urge them to do something there. The electric meters... they are very well landscaped with, I think they are Norway spruces or white spruces, but the one spruce that really hid it from Route 6 and maybe even Starr Ridge had been chopped off. Obviously, it had died and then it had just been chopped down. You can see a stump remaining in the group. I took pictures of everything and I would be happy to share them if anyone needs to see them. So I would... I would really like that to be replanted, OK? And, let's see, what else... there are a lot of viburnum alongside the back walk or front walk facing Route 6. They're very tight. I love viburnum. They look nice. They could be thinned, if possible, and transplanted elsewhere. They can leave them. It's not the end of the world, but they're going to really outgrow that spot and they are doing well. Yeah! So that part was nice. I spoke to Steve Coleman. He was fine with the cattails that are in the retention basins. He had no problems with leaving them there and not ripping anything out and reinventing the wheel. So that's good. They just seeded themselves in but they're fine now. Let's see, I think... I mean I like the new plans. Oh, one other thing, I wasn't clear on. I don't know if anyone can answer, but in the corner... the other... the far corner that's close to... I'm trying to think... oh, OK, it would be the northeast corner down over... keep going... way, way over near where the bridge is on Route... you know, where I-684 is but not near the retention basin. Anyhow, there's some shrubs that are, I think they're RM, but they weren't anywhere... yes, they weren't anywhere on the Code. I could not find them in the Code so I don't know if they're proposed there or if they are there, but I didn't see... I don't know what those are and I would be curious to know what those were. Let's see, what else? You know, I'm happy to work...

Chairman LaPerch: Hey, Lynne, can I make a suggestion?

Boardmember Eckardt: Of course.

Chairman LaPerch: Would you be willing to meet with one of the representatives out there and share your memo with them? Do a walk-through?

Boardmember Eckardt: Yeah. I'd be happy to and not bore everyone to tears and I apologize.

Chairman LaPerch: Yeah. That's what I figured. I think it's better because you're... and you know your stuff and I'm going to let the applicant speak now and see who could meet with you, but I think it would be better served if you... you met them out there and kind of walked them and give your expertise because everything makes sense to me but I think it's better served if you meet them.

Boardmember Eckardt: Yeah, and it's hard for Tom to follow where I'm talking about and I did, by the way, there are some plants that are thriving... I mean this isn't all terrible and I don't mean to be...

Chairman LaPerch: No. I think it is all good and if you could... we'll try to figure it out towards... at the end of this session here, who you can meet with. But I think it would be worth it.

Boardmember Eckardt: Yeah. I'd be happy to.

Chairman LaPerch: I appreciate it. Thank you. All right. I am going to now open it up to the applicant. Tim, can you first take a shot at some of Tom's recommendations and your thoughts please?

Mr. Allen: Yeah. Actually we've looked at Tom's memo. We've also looked at Ashley's memo. Fundamentally we have no problems with it. It's what we've been discussing, as you had mentioned, the last couple of years in terms of what we are doing here. So, initially there were a lot of issues that the stormwater was a little too small, the slopes were too steep, all that was corrected. The one thing that Tom had mentioned was the parking configuration with that wall being there. The one thing we didn't want to have to do was rip out that whole wall and cause more disturbance. So, therefore, you know it made sense that we made those compact spaces as Tom is highlighting right now and just try to work with the site the way it was actually constructed which was... The

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reason why it was 2 ft. short was the wall. There was supposed to be a 2 ft. overhang there that was never constructed. The wall was put in and then what was done was done. And we tried to work with Tom on that. Some of the basins have all been re-configured to meet slopes and what have you. As Lynne said, there is a whole new landscaping plan that's before you that we will certainly work with Lynne on. Alan Filtch had prepared that landscape plan. Some of the landscaping had died off; some of it, as Lynne said, is still there so we will try to kind of combine the two plans so that it meets the Board's satisfaction. So...

Chairman LaPerch: So, Tim, can you work with... can she call your office and coordinate a site visit with whomever on your team?

Mr. Allen: Sure, yeah. It would probably be more appropriate to have Alan out there than me but...

Chairman LaPerch: Whomever. If she could just call your office. We are heading into the planting season again so I want it done as soon as possible.

Mr. Allen: Absolutely.

Chairman LaPerch: All right. Any other comments regarding our comments here, Tim?

Mr. Allen: I don't think so. Bill, do we have any other than obviously put the planting plan in front of them and Bill DeBonis has to pull the trigger on that. But we'll...

Multiple people talking.

Chairman LaPerch: He sounded all in this morning... this afternoon. He said he will do whatever it takes,

Multiple people talking.

Chairman LaPerch: OK. Let me move on here. I want to get some other comments...

Mr. Fenton: Tom, can I have one other comment?

Chairman LaPerch: Yes.

Mr. Fenton: So, I just wanted to mention this is a drawing... one of the drawings that was submitted and it just shows... Two things I really wanted to mention. The black was as approved and the blue... a little bit hard to see on this plan... but the blue is the as constructed so you can see some of the deviations there. But the comment I wanted to make was... it was my third comment in the letter and that is... you know... we had some recommendations about a center line striping, some directional arrows and the compact car spaces. But I also recommend that when they do the striping that they re-stripe the entire lot because everything is already fading pretty much and the markings are important on a lot like this. So, I think everything should be re-stripped and they can address the issue that Lynne mentioned with the smaller spaces and make sure that the lot is marked as shown on the amended site plan.

Chairman LaPerch: Good point, Tom. Appreciate it. OK. Thank you. Mr. King, any comments for this applicant?

Boardmember King: No comment.

Chairman LaPerch: OK. Thank you. Mr. Hecht?

Boardmember Hecht: No comments

Chairman LaPerch: OK. Mr. Rush, any comments sir?

Boardmember Rush: I only have my comment about the awnings not matching the roof but that's it.

Chairman LaPerch: OK. OK. So, listen I have been talking to the applicant on and off over the last couple of weeks. They approached us about something different. So, it's kind of a little bit of a curve ball here but it in a good way. David, I think you are going to be excited to hear this. I would like the applicant to share with the Board, there's a use on the property they've been approached by that I think is timely as Mr. Rush been talking about the last couple of months. They were going to come in later on with it but Mr. McGuinness, can you tell us what we've been talking about with the other area there.

Mr. McGuinness: Sure. Can you hear me?

Chairman LaPerch: Yes.

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Mr. McGuinness: The owner has been approached by Tesla to put in a super charging station as part of the parking lot which would involve adding some stalls. We don't want... We are not prepared to speak to the engineering of it until we do more analysis of it but there are two representatives of Tesla listening on the call right now: Mr. Shiva Krishna and Mr. Edward Noseworthy and they are listening to see if they can get some sort of gage of some sort of conditional support or enthusiasm for it. Um...

Chairman LaPerch: OK. Bill, do me a favor. Show us where it is going and what are your challenges to achieving that?

Mr. McGuinness: Well, it's going to be... it's gonna have to do with... Well, first of all... OK... I'm not sure how I can show you on your screen but if you can see as you enter the property off Starr Ridge Road, on the left there is sort of a hatch turnaround drive for trucks right there.

Chairman LaPerch: Right in front there, Tom.

Mr. Fenton: Right here. Right here.

Mr. McGuinness: Right. So the intent would be to have, I believe it's a minimum of eight stalls is what they need off of that access drive. And the issues we are going to have are really having to do with impervious coverage on the site and the use of a part of the septic expansion area. And we do have strategies for both but we need to do more analysis on it and, understandably Tesla would like to gage the support before spending some money on engineering. Um, so the idea would be to have the stalls up there. They'd be additional parking stalls.

Chairman LaPerch: All right. Well, listen, I think you hear what the theme is here: it's all about landscaping here so I think it's kind of a good use. I think we kind of have to recognize that that's the wave coming but I am concerned about those stations. How many are you talking about?

Mr. McGuinness: A minimum of eight.

Chairman LaPerch: All right. How would we landscape that? That would be a high priority to this Board. I would tell you that.

Mr. McGuinness: Yeah.

Boardmember Rush: It will be landscaped with beautiful Tesla cars.

Laughter

Chairman LaPerch: Right. My point is I think we are up to listening and it sounds like a good use as long as it can be shielded and I am going to ask for some comments from the Board so your applicant can get a sense as to whether this is worth chasing. So, Lynne, why don't we start off with you?

Boardmember Eckardt: I don't know enough, Tom, to really comment. I'd like to know... I mean that's a very, very pretty area which... I don't know how much space it's going to take so I don't feel qualified to really speak on it. I am... my concerns are the lot already as far as activity and how tight it is. I'm not against this proposal at all but I would really need to know a lot more before I can...

Chairman LaPerch: No, no. That's fair. Absolutely. OK. Mr. King any thoughts for them as we are moving forward here?

Boardmember King: Just off the top of my head, to Lynne's point, anything to the left of where you come in, you know, before the supporting wall starts there, you'd have to widen the entrance because it is already too narrow in my opinion. So, I guess that might be a little bit of a challenge.

Chairman LaPerch: That's good feedback. They want feedback and I don't disagree. These are good comments. They've got to gage their business opportunity here but I agree with that thought too.

Boardmember King: Other than that, it sounds like a terrific idea.

Chairman LaPerch: OK. Mr. Hecht, your comments?

Boardmember Hecht: Yeah, the entrance is very narrow. I agree with Jim on that. Also, I would like a pretty good landscaping plan just to keep it in conformance with the area.

Chairman LaPerch: Fair enough. Good stuff. Mr. Rush, your thoughts?

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Boardmember Rush: So, as much as I would love to have this here because I do have a Tesla. Um, I really think that putting it in that location is not a great idea. Number one, you've got to back your car into a supercharger so I am not sure how navigating going in and backing in... eight cars mind you... Usually when I see these that are connected with Dunkin Donut type things, they're are sort of off the beaten path and I understand that. I wonder is there no opportunity down by the other corner... the opposite corner. Yeah, is that not a doable solution at all?

Mr. McGuinness: We are happy to look at any possible solution and present you all the options. I don't want to speak to other solutions without exploring them. So we are happy to look at it.

Boardmember Rush: Yeah, I just think that it's a little ambitious... and this would be awesome because I think that the closest one is Danbury but... And I think it would be a great location; a lot of people would come in for that. But coming in and then backing in as other people are trying to leave and come in, I think we are asking for trouble. I really do.

Chairman LaPerch: I never knew that, David. I didn't realize you had to back in. That's an interesting insight.

Boardmember Eckardt: Tom...

Chairman LaPerch: Yeah, go ahead Lynne.

Boardmember Eckardt: Sorry. What about the... the old Dunkin Donuts property? Would that be big enough? Something over there or do they want...

Chairman LaPerch: They don't own it.

Boardmember Eckardt: OK. Well, I know but... OK.

Chairman LaPerch: He just... it is just for this application where we have to speak to this issue. But they don't own that... uh...

Boardmember Rush: Put in a Vegan ice cream place there and then we can put supercharger down the (inaudible).

Boardmember Eckardt: I understand David's point and I didn't know about the backing in either but he makes some really good points there.

Multiple people talking.

Chairman LaPerch: I'm sorry. Did anyone else have a question here?

Mr. Allen: I'm sorry. Can I speak for a second?

Chairman LaPerch: Yeah. Sure.

Mr. Allen: Back to David's point, I mean, the analysis will also have to include what the ultimate design of... what's going to remain in that building. Right now its fairly vacant so this may be something that we can discuss down the road but, as Bill had said, we will certainly explore all options but without knowing the actual tenants there and how that... You know, we may not need all these spaces. And that is something that we don't know yet so that's part of our analysis.

Chairman LaPerch: It is but you needed some feedback from the Board to get a sense for your...

Mr. Allen: Understood. Understood. We appreciate it.

Chairman LaPerch: I personally agree with everybody's comments. It is kind of a gateway right there and eight stations, I didn't realize it was going to be eight, eight would be a lot of stations to hide. So, if they can be relocated and kind of figure things out but I am hoping some of this feedback will give you some kind of a sense of making a good business decision if you want to move forward.

Mr. McGuinness: Well, if I could add something. The concerns that are being voiced are technical: engineering and landscape-related and not so much with whether or not the use would be welcome or not. And its on us to work through with the consultants, engineer and landscape architects to come back with something that works given your concerns. But, having said that, um... of there is no immediate resistance to the idea of it, that's a better message to hear than not liking the idea of it at all. So we can see how to overcome your concerns or address them and come back with a full plan that we could work through properly.

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Chairman LaPerch: Once again, Bill, to make sure... very clear... that it has nothing to do with what we are discussing tonight. This was just an aside that I thought was worth having a discussion for your applicant. All right?

Mr. McGuiness: Appreciate that Tom.

Chairman LaPerch: It's a separate application. They just wanted some feedback on what they thought. OK. So, I think we are finished with this in terms of what we wanted to discuss regarding amended site plan. So I have four actions here tonight so let me get to them.

The motion to Classify this as a Type II Action and Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent.

Chairman LaPerch: I think... my comment is the second action item would be a Public Hearing. I don't see a need for a Public Hearing because I think we are down to landscaping on this. Unless I have any comments back from you... I would like to make a motion to...

Boardmember Rush: Tom, I have a quick question first. If we waive it are we going to be able to see it post-ARB?

Chairman LaPerch: Victoria?

Ms. Desidero: It has to go to the ARB, which is another one of the actions for tonight, and then they would have to come back for final approval so you would see it again.

Boardmember Rush: OK. My apologies. I will second the motion.

The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Refer the Application to Putnam County Planning under GML-239-m 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: All right Mr. McGuiness and Mr. Allen, you've got a path here. Hope to see you this year again.

Boardmember Rush: Good luck with the supercharger. That would be awesome.

Multiple people talking.

The motion to Approve the Meeting Minutes of July 27, 2020 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

Chairman LaPerch: Victoria, what do we have to look forward to in September?

Ms. Desidero: Well, September 14 we have a Public Hearing for Commercial Campus at Fields Corner... Very big deal, I think. Just so everybody knows, the Town has actually increased the capacity of our Zoom app so that we can handle more participants. So, I think that is going to be the big event of the night. Then we have two small applications coming in for final approval: one is Home Depot, which has gotten through all the rest of the process and they are back for final; and the other is Palmer Plumbing coming in for final approval.

Chairman LaPerch: Victoria, are they going to be on before or after Logistics?

Ms. Desidero: So, that's a really good question that I was going to raise at some point. Normally we always do the Public Hearings first but if there is any way that we can alter that for this meeting I think it would be very fair to the other applicants because, as everybody knows, a final approval is usually very quick and don't think the Public Hearing is going to be quick.

Chairman LaPerch: I would like to do that unless I see any comments from the Board here that we would just shuffle the deck and put them on first.

Boardmember Eckardt: Tom, I don't have a problem with that but as long as the audience when they tune in that it is explained to them about the timeframe because you don't want to lose people because they get annoyed or... As long as they know...

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Chairman LaPerch: Well, I am assuming Lynne, that's going to be on the agenda. They'll see that you know it will be out there... I agree with you. I don't want to get them annoyed that they have to hang around for half an hour before the main show. But I think out of fairness to the other applicants, let's try to get them teed up. Home Depot should go relatively quick and Palmer, I haven't seen in a while but I think I know what we need to talk to him about. So I would like to get them on first, Victoria, if we could?

Ms. Desidero: So, I am going to just look into it and see if there is any reason we are not allowed to do it but I am guessing there isn't and I'll just flip the agenda when I put it out so the people who are interested in Commercial Campus will know that these other two items are going to be up front. And, again, I can't imagine either of them taking more than five minutes... generally speaking as things usually go.

Chairman LaPerch: I agree with you and maybe more people will join us for Logistics if it is a little later so that is my take also.

Boardmember Eckardt: Tom, could I just say: could we just then, if it is comfortable, start the Public Hearing at 7:45 say or something so people... I mean we wouldn't technically start it then at 7:30 if we do have to approve those two projects.

Chairman LaPerch: Well, we don't typically put timelines on each item. We just open the meeting at 7:30.

Boardmember Eckardt: Right but since its not going... Usually the Public Hearing starts at 7:30, that's all. I didn't know if...

Chairman LaPerch: Oh, I see your point. Victoria?

Boardmember Eckardt: I don't know whether we can do that but if Victoria can look into it, that would be great.

Ms. Desidero: I can look into it but my immediate reaction is if you do that and the other two items are done in five minutes, you will have to wait until 7:45.

Boardmember Eckardt: Yes, we did that the Town Board level.

Ms. Desidero: And so I don't know how you feel about that, Tom?

Chairman LaPerch: Well, let's just...

Multiple people talking

Chairman LaPerch: This is a big application. If we have to start at 7:45 and we have to kill a couple of minutes, Jim King will sing for us. All right?

Boardmember King: Maybe we can start at 7 and knock those two things out and take a 15-minute break and everyone start back at 7:30?

Chairman LaPerch: No. We can't do that. We can't do that. OK. Victoria, let's move on here. We did have the item on the agenda for Route 22. I believe Ashley said before she went on vacation, we had over 140 responses or something like that?

Ms. Desidero: I believe we are over that. I don't know the exact number but I believe it is somewhere in the 170 range.

Chairman LaPerch: Good stuff. Very good. So that item will be moving to the following meeting, right?

Ms. Desidero: I took it off tonight and I specifically took it off the agenda online because I didn't want people who are interested to come and be disappointed that we weren't really going to be talking about it...

Chairman LaPerch: Good point.

Ms. Desidero: But I think we decided to have it on the 28th... the second meeting in September. Is that right, Tom?

Chairman LaPerch: Yes. OK. All good. So I think that wraps it up. Tom, thanks a million for jumping on from the west coast and I'm glad everyone got to see you for a change. It is always Tom Fenton on paper but you do exist. We appreciate you helping us out here.

Mr. Fenton: OK. No problem

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Ms. Desidero: Thank you, Tom.

Mr. Fenton: Sure. Thank you, Victoria, for your help.

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

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THE FULL AUDIO RECORDING OF THIS MEETING IS AVAILABLE AT:

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