
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

May 22, 2017

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

1. **BARRETT HILL, Mt. Ebo Lot 6** – Public Hearing to Review Application for Site Plan Amendment and Special Permit
2. **LIFE STORAGE, INC., 1639-1641 Route 22** – Public Hearing to Review Application for Site Plan Amendment, Wetland Permit and Determination under 138-11D
3. **D'UVA aka FIELDS LANE DEVELOPMENT, 231 Fields Lane** – Public Hearing to Review Application for Site Plan Amendment and Wetland Permit
4. **MEDICANIX, 251 Fields Lane** – Public Hearing to Review Application for Site Plan Amendment and Wetland Permit

REGULAR SESSION:

1. **LJ COPPOLA aka KMJ HOLDINGS, 40 Farrington Road** – Review of Application for Final Site Plan Approval
2. **BREWSTER TOWN CENTRE WWTP, 1618-1629 Route 22** – Review of Request for Release of Performance Bond
3. **BULL & BARREL, 988 Route 22** – Review of Application for Final Site Plan Approval
4. **ACE ENDICO, 80, 81 & 71 International Blvd.** – Act on Applicant's Request to Postpone Public Hearing from June 12, 2017 to July 10, 2017

Approve Meeting Minutes from May 8, 2017

May 22, 2017

VAD

Agenda Subject to Change

**TOWN OF SOUTHEAST, NY
RESOLUTION
SITE PLAN APPROVAL**

INTRODUCED BY: LaPerch DATE: May 22, 2017
 SECONDED BY: Cyprus

WHEREAS, KMJ HOLDINGS aka LJ COPPOLA as the Applicant/Owner of certain properties located 40 Farrington Road in the GC-2 Zoning District in Town of Southeast and known and designated as Tax Map Number 68.-2-17 has submitted an application for Site Plan Amendment approval for a proposal to reduce the number of parking spaces, add stone walls, modify the driveway circulation, add new lighting, and modify the landscaping plan from what was approved in 2002 (the “Proposed Project”); and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, classified this as a Type II Action, indicating that no negative environmental impact would exist;

WHEREAS, the Town of Southeast Planning Board (the “Planning Board”) has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Chairman LaPerch from Bibbo Associates	4/27/17
Survey of Property for KMJ Holdings, prepared by Terry Bergendorff Collins	10/26/16; 12/14/16
Site Plan, prepared Bibbo Associates, LLP	12/24/98; 5/27/14
Proposed Landscape Plan for Building Pad, prepared by Bibbo Associates, LLP	12/14/16
Proposed Landscape Plan for Stormwater Basins, prepared by Bibbo Associates, LLP	12/14/16

; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 138, “Zoning,” (specifically Article IX thereof) of the Town of Southeast Code; and,

WHEREAS, the Planning Board is in receipt of a referral dated 2/2/17 from the Architectural Review Board recommending approval of the architecture Proposed Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.
4. Pursuant to §138-85.D , where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a sewage disposal or water supply system, no building permit shall be issued until plans for such a system have been approved by the County of Putnam, State of New York, City of New York or any regulatory agency having jurisdiction as required by law. No certificate of occupancy shall be issued until such a system has been completed and approved by such an agency as required by law or until the use or building or structure has been provided with the connections to a previously completed and approved sanitary sewer and public water supply system.
5. The Proposed Action shall be constructed in coordination with the approved site improvements for the LJ Coppola including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount necessary to fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.
2. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.

3. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.

2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:

- a) Escrow Account shall be in good standing;
- b) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and

3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.

5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.

6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.

7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.

8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.
4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
 P. Wissel, Boardmember yes
 E. Cyprus, Boardmember yes
 E. Larca, Boardmember yes

D. Rush, Vice Chairman yes
 D. Armstrong, Boardmember yes
 M. Hecht, Boardmember yes

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

Town of Southeast
Planning Board
One Main Street
Brewster, NY 10509

May 23, 2017

Town Board of the Town of Southeast
1360 Route 22
Brewster, NY 10509

RE: BREWSTER TOWN CENTRE WASTE WATER TREATMENT PLANT,
1618-1624 Route 22, Tax Map ID 46.-2-39

Dear Boardmembers:

At the 5/22/17 regular meeting of the Town of Southeast Planning Board, a motion was made to positively refer the above referenced application to the Town Board for the release of the Performance Bond currently being held.

<u>PROJECT</u>	<u>AMOUNT</u>
BREWSTER TOWN CENTRE WASTE WATER TREATMENT PLANT	\$13,200.00

The Planning Board further resolved that the following maintenance bond be posted as a condition of the release of the Performance Bond:

<u>BOND TYPE</u>	<u>DURATION</u>	<u>AMOUNT</u>
LANDSCAPE	2 YEARS	\$2,000.00

The Town Engineer's Report is attached for your consideration. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Insite Engineering
Planning Board File



Jacobson

May 19, 2017

Mr. Thomas LaPerch, Chairman
Town of Southeast Planning Board
One Main Street
Brewster, NY 10509

Re: Brewster Towne Centre
WWTP Regulatory Upgrade
1618-1624 Route 22
Request for Release of Bond
NLJ #0001-0375

Dear Mr. LaPerch:

As requested, we have made recent inspections at the above referenced project and determined that the site improvements have been satisfactorily completed and are generally in accordance with the approved plans.

It is our understanding that the performance bond held for this project is for erosion controls and restoration, and is in the amount of \$13,200. In that site improvements are now completed we have no objection to release of this bond subject to posting of required maintenance bonds as follows:

- A two year maintenance bond to guarantee the viability of all landscape plantings in the amount of 20% of the landscaping cost from the original engineer's estimate. For this project the required landscaping maintenance bond is in the amount of \$2,000.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.


Thomas H. Fenton, P.E.

THF:thf

cc: T. Hay
M. Levine
M. Bruen
W. Stephens, Jr.
S. Coleman
M. Stancati
A. Ley
Insite Engineering

**TOWN OF SOUTHEAST, NY
RESOLUTION
SITE PLAN APPROVAL**

INTRODUCED BY: LaPerch DATE: May 22, 2017
SECONDED BY: Rush

WHEREAS, BULL & BARREL/STATELINE ENTERPRISES as the Applicant/Owner of certain properties located at 988 Route 22 in the NB Zoning District in Town of Southeast and known and designated as Tax Map Number 68.5-2-26 has submitted an application for Site Plan Amendment approval for a proposal to install a new post and beam canopy structure over the existing outdoor bar located within the fenced “beer garden” area of the Bull and Barrel restaurant (the “Proposed Project”); and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), classified this as a Type II Action on 4/24/17, indicating that no negative environmental impact would exist;

WHEREAS, the Town of Southeast Planning Board (the “Planning Board”) has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

1. Short Environmental Assessment Form (EAF) dated 4/10/17
 2. Statement of Use, prepared by Owner Rick Cipriani, dated 4/10/17
 3. A-100, Outdoor Area, prepared by Architectural Visions, PLLC, 8/27/13; last revised 5/8/17
 4. A-101, Bull & Barrel, Proposed Outdoor Canopy, prepared by Architectural Visions, PLLC, dated 5/8/17
 5. A-301, Bull & Barrel, Building Sections, prepared by Architectural Visions, PLLC, dated 5/8/17
- ; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 138, “Zoning,” (specifically Article IX thereof) of the Town of Southeast Code; and,

WHEREAS, the Planning Board is in receipt of a referral dated 4/27/17 from the Architectural Review Board recommending approval of the architecture Proposed Action with the condition that no roof may be installed on the arbor, which must remain an open trellis with no permanent covering to avoid the need for an area variance; and

NOW THEREFORE BE IT RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, “Zoning,” of the Town Code, the Planning Board hereby grants Final Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.

2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.
4. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Action shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board. No roof may be installed on the arbor, it must remain an open trellis with no permanent covering to avoid need for an area variance.
5. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
6. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector.
2. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.
3. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

Construction Activity

1. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

2. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.

2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.

3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.

4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

P. Wissel, Boardmember

yes

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

E. Larca, Boardmember

yes

yes

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 8, 2017**

Present: Chairman Tom LaPerch; Boardmembers David Rush, Eric Larca, Dan Armstrong, and Phil Wissel; Town Planner Ashley Ley; Secretary Victoria Desidero; Absent & Excused: Town Attorney Willis Stephens; Boardmembers Eric Cyprus and Michael Hecht.

PUBLIC HEARINGS:

REGULAR SESSION:

1. **STATELINE RETAIL CENTER, US Route 6** – This was a review of a request for Extension of Site Plan Approval. Jamie LoGiudice of Insite Engineering appeared before the Board. Chairman LaPerch asked Town Planner Ashley Ley to explain how the extensions work. Ms. Ley said when an applicant is granted their initial approval for a Site Plan, it is valid for one year and they are allowed to ask for three extensions of one year each for a total of up to four years that a potential project approval could stay valid. She said so this is their third extension and would be good until June of 2018 and then if they still haven't pulled Building Permits, they would need to come back for re-approval if they wanted to proceed. Chairman LaPerch asked Ms. LoGiudice if there are any changes proposed to the plans and she said no changes. Boardmember Armstrong questioned whether they are within their original approval and if it is still valid and until when? Ms. Ley said until June 2018. Boardmember Armstrong said and that will be the last of this three year series? She said yes. He said how did it... the final site approval was 4/26/10 so that means they got two, three-year extensions at least. Ms. Ley said they did receive approval on 4/26/2010 and then they asked for three extensions but when those ran out, they had to re-apply for Site Plan approval again and we had to re-do SEQRA. He said OK I understand. The motion to Grant a One Year Site Plan and Wetland Permit Approval Extension until June 9, 2018 for Stateline Retail Center was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 5 to 0 with 2 absent.

2. **STARR RIDGE SUBDIVISION, 131 Starr Ridge Road** – This was a review of an application for Final Conditional Subdivision Approval. Engineer Anthony Pisarri appeared before the Board and said it is a two-lot subdivision and I think we are here for final conditional approval. Chairman LaPerch asked Ms. Ley for the history of this application. Ms. Ley said this was originally known as T&N Funding and there more lots so we are down to two lots and there is a very large wetlands in the rear of the property, there are two houses that are proposed near the front. She said the applicant was able to get enough sufficient frontage by having sort of an odd shaped lot so they did not need to go to the Town Board for a 280-a, however, they did have to get a variance from the Zoning Board of Appeals (ZBA) for a lot width variance. Ms. Ley explained the conditions of the Plat approval. She said there are some existing stone walls on the property, one of which separates the wetland from the house lot, and I am recommending that those stone walls be kept in perpetuity to help prevent any creep into the wetlands, and I am recommending that be added as a note on the Final Plat. She said there is no Wetland Permit required but there is buffer area on the lots, in particular Lot 2, so I am recommending that any trees or vegetation that's within the wetland buffer stay in its natural state in perpetuity and that it not be permitted to turn to lawn or no fill may be placed in that area and I am also recommending that that be added as a note to the Final Plat. In addition, she said, we are

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 8, 2017**

recommending that because of the extent of the wetlands on the property, that there be a note on the Plat that there will be no further subdivision of the two lots in the future. Chairman LaPerch asked if the applicant was on board with that? It's a big deal so you need to understand that, he said. Mr. Pisarri said they understand. Boardmember Armstrong said so how many acres is this in total? Mr. Pisarri said about 42 acres. Boardmember Armstrong said so there will be two units and one exists? Mr. Pisarri said no, there are no homes there now. Boardmember Armstrong asked if they had considered donating the unusable land to a nature conservancy or designate it as a wetland conservancy? He said if you did that then you might get a break on your taxes because you would have less land. Ms. Ley said we wouldn't object to that but we have not required it as part of the approval. She said it would be up to the future owners. Mr. Pisarri said it is a very weird shaped lot, Lot 2, so they would have to donate a chunk out of the middle, and it would be up to the future owners. The motion to Grant Final Conditional Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Recommend a Performance Bond to the Town Board as written by the Town Engineer was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch said you can't do anything because of the bats, you know? Mr. Pisarri said yes, we know the bats have us until the end of October. Ms. Ley asked if they reached out to the DEC (Department of Environmental Conservation) for a "Take Permit." He said we did but it would take so long that by the time we got it, if we ever got it, we would be able to take the trees down anyway.

3. **BREWSTER ICE ARENA, 11 Sutton Place and 64 Fields Lane** – This was a review of an application for Site Plan Amendment. Engineer Doug Hahn and Owner Steve Santini appeared before the Board. Chairman LaPerch said I understand the outdoor rink needs a roof? Mr. Santini said yes, on a day when it is not sunny, the conditions on the outside rink are optimal but we are finding that there are fewer days like that and the use of the rink is mostly from 4 to 7 pm in the winter when the kids are in school and, between the snow, the rain and the sun, the rink is not useable a lot of the time. He said if Mr. Hecht were here he could tell you because his son plays hockey and he has been out there when we have had to cancel the practices because of the condition of the rink. We are proposing a pitched roof only, he said. Ms. Ley said originally the outdoor rink was constructed on an already mostly paved area so the disturbance was minimal and this is over the top of that so, again, there is not much disturbance. However, she said, because of the sheer size of the roof this is a major project and cannot be a Type II Action under SEQRA. She said the nature of the project is still pretty minor given the rink is already there. Chairman LaPerch asked if they would be adding lights. Mr. Santini said we have to move the pole lights so there will be less spillage because the new lights will be under the roof. He said we would like to keep two of the pole lights so people can see when entering and exiting the rink. Ms. Ley asked if they saw her memo. Mr. Santini said yes, actually your memo said it was a 20,000 sq. ft. roof and Jacobson's said it was 30,000 sq. ft. but yours was correct. Mr. Santini said we also wanted to mention that we are considering adding solar panels to the roof at some point. Ms. Ley said you will want to mention that to the ARB (Architectural Review Board) when you go there. And if there is any equipment associated with the solar roof that will be on the ground, she said, you will need to show that on the site plan. Chairman

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 8, 2017**

LaPerch said are you doing solar on both structures? Mr. Santini said only on this roof at this time to be eligible for the incentives. Boardmember Wissel asked if they will be changing their hours of use and he said no. Boardmember Wissel asked when the lights go out and he said 10 pm. Boardmember Rush asked if the Board would see some visuals of what this will look like at some point. Mr. Hahn turned the page on the plans and showed an elevation of the structure with the roof. Boardmember Rush said you are not open in the summer? Mr. Santini said no we are only open until March 1. Boardmember Rush said so as you know the sun is at different angles at different times of the year so you may need something to keep the sun from clobbering that one area at certain times. They discussed the way the roof is to be constructed and how it will keep the sun from melting the ice in the one area of the rink especially. Boardmember Rush said you might need to add a valance or shade of some sort on the one side to keep the sun out when it is setting. They discussed this at length. Boardmember Rush asked about the solar system they are going to use. Mr. Santini showed the existing NYSEG transformer and poles and explained how the solar power will be transferred. He explained the payment options the solar companies gave them and said we pay about \$8,000.00 a month for electricity for the outdoor rink alone. Chairman LaPerch said wow, that is a lot. Mr. Santini said we pay about \$25,000.00 per month for the main building. They discussed this and how much they will potentially be able to save with the solar. Boardmember Rush asked if it will be a standing seam metal roof and they discussed ways to make the roof more interesting and attractive. The motion to Declare Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Classify this as a Town of Southeast Major Project and Set a Public Hearing for June 12, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Boardmember Rush suggested they consider doing something visually cool with the roof and Boardmember Armstrong said he seconds that suggestion.

The motion to approve the Meeting Minutes for April 24, 2017 as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor with Boardmember Armstrong abstaining because he missed a part of the meeting.

Chairman LaPerch asked about the next meeting and Secretary Desidero said we have four public hearings: Barrett Hill, Life Storage, D'Uva and Medicenix. She said we also have LJ Coppola coming in for final site plan approval; Brewster Town Centre Waste Water Treatment Plant for a Bond Release; and Red Rooster for final approval and to establish a bond.

Chairman LaPerch said we have a staff meeting coming up and who is coming in for that? Ms. Desidero said Jack Karrell who is representing the Bertolinis but I can't remember where they live. Boardmember Wissel said Sherry's Lane. She said that's right and they need a Wetland Permit and MS4. The other one, she said, is Claire McLean of Oval Tennis who is now looking at a property at 1535 Route 22.

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

May 16, 2017/VAD