
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

January 22, 2018

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. BREWSTER RETAIL OUTLET, 1224 Route 22, Tax Map ID 57.-2-42** – Review of a Request for One Year Extension of Site Plan Approval
- 2. JP INTERNATIONAL, Old Milltown Road, Tax Map IDs 57.-2-6.1, 6.2 & 6.3** – Review of a Request for Reduction of Performance Bond
- 3. SBW EMPOWERMENT, 10 Bridge Lane, Tax Map ID 56.9-1-22** – Review of an Application for Conditional Use Permit
- 4. VERIZON, 230 Peach Lake Road, Tax Map ID 79.-1-45** – Review of a Request for Exemption from Site Plan and Conditional Use Permit Review
- 5. GUARDIAN VETERINARY, 4 Hardscrabble Heights, Tax Map ID 78.-2-83** – Review of an Application for Final Approval of Site Plan Amendment
- 6. McDONALDS, 1618-1624 Route 22, Tax Map ID 46.-2-39** – Continued Review of an Application for Site Plan Amendment
- 7. Approve Meeting Minutes from November 27, 2017**
- 8. Approve Meeting Minutes of December 11, 2017**

January 9, 2018

VAD

Agenda Subject to Change

FOR MORE INFORMATION ON MAJOR PROJECTS UNDER PLANNING BOARD REVIEW, CLICK ON THE LINK BELOW:

<http://www.southeast-ny.gov/322/Major-Planning-Board-Projects#>

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

INTRODUCED BY:

DATE: January 22, 2018

SECONDED BY:

Rush
Armstrong

WHEREAS, GUARDIAN VETERINARY SPECIALISTS as the Applicant/Owner of certain properties located 4 Hardscrabble Heights in the OP-1 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-83 has submitted an application for Site Plan approval for proposed additional minor site plan improvements including re-paving, new lighting fixtures, dumpster relocation and enclosure, AC units, and a generator (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, declared this a Type II Action on or about 12/11/17, 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:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum to Chairman LaPerch from Insite Engineering	12/18/17
Paving Performance Bond Estimate, prepared by Insite Engineering	12/18/17
Aerial, prepared by Insite Engineering	8/1/19
SP-1, Site Plan, prepared by Insite Engineering	8/1/16; 12/6/17
LP-1, Lighting Plan, prepared by Insite Engineering	8/22/16; 12/18/17

; 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 12/20/17 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 Guardian Veterinary Specialists 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. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2018 construction costs. If the construction is not begun during the calendar year 2018, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast

Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.

2. 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.

3. 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.

4. 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) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
- b) Inspection Fees shall be paid to the Planning Board;
- c) Escrow Account shall be in good standing;
- d) 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
- e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.

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.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.

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.

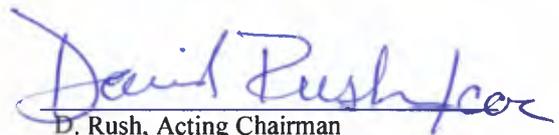
3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the 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	recused	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 6 to 0, with 1 abstain.


 D. Rush, Acting Chairman
 Southeast Planning Board

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

January 22, 2018

Re: **GUARDIAN VETERINARY SPECIALISTS,**
4 Hardscrabble Road,
TAX MAP ID 78.-2-83

At the January 22, 2018 regular meeting of the Town of Southeast Planning Board, a motion was made to establish Inspection Fees for the above referenced project. No Performance Bond for Erosion & Sediment Control and site stabilization is required because there are no erosion and sediment control measures required.

The Town Engineer's memo is attached and includes the estimate for all site improvements, which totals \$42,600.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$1,704.00 must be remitted to the Planning Board Secretary prior to filing for a Building Permit.


David Rush, Acting Chairman
Southeast Planning Board

Attachment

cc: Town Engineer
Building Inspector
Insite Engineering
Planning Board File

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Date: January 22, 2018

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: McDONALDS

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The applicant proposes a minor site plan amendment to improve ADA accessibility in parking area.

Location:

1618-1624 Route 22, Tax Map ID 46.-2-39

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Secretary Desidero from Core States, dated 12/21/17
- C-1, Cover Sheet, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-2, General Notes, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-3, Demolition & Erosion Control Plan, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-4, Site Plan, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-5, Grading & Utility Plan, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-6, Construction Details, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-7, Construction Details, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-8, Construction Details, prepared by Core States, dated 3/30/17; last revised 12/15/17
- C-9, Construction Details, prepared by Core States, dated 3/30/17; last revised 12/15/17
- Topographic Survey, Part of Lot 39, Block 2, Map 46, prepared by Gallas Surveying Group, dated 3/29/17

WHEREAS, on 10/23/17, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board has reviewed the short Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, the application, which previously included a new drive-thru lane and other site improvements has been substantially revised from the initial submission, and only minor improvements to improve ADA accessibility within the parking area are now proposed; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
Address: Town of Southeast Planning Department
One Main Street
Brewster, NY 10509
Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 841 Fair Street Carmel, New York 10512
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Architectural Review Board 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Building Inspector 1 Main Street Brewster, NY 10509

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

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

Thomas LaPerch / ca
T. LaPerch, Chairman

Southeast Planning Board



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

January 23, 2018

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: McDonalds
1618-1624 Route 22
Tax Map ID 46.-2-39

At the regular meeting of the Town of Southeast Planning Board on 1/22/18, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board issued a Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) process on 1/22/18. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,

Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Core States

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

January 23, 2018

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

RE: JP INTERNATIONAL, Old Milltown Road, Tax Map ID 57.-2-6

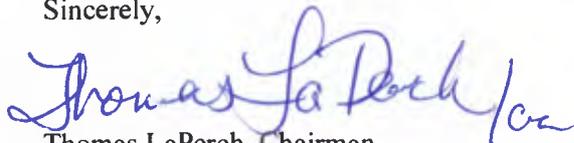
Dear Boardmembers:

At the January 22, 2018 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 reduction of the Performance Bond currently being held.

<u>PROJECT</u>	<u>CURRENT AMOUNT</u>	<u>NEW AMOUNT</u>
JP INTERNATIONAL	\$243,000.00	\$121,500.00

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
Hogan & Rossi
Planning Board File

**TOWN OF SOUTHEAST PLANNING BOARD
RESOLUTION TO EXEMPT
SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL (§138-54.1.B(3))**

INTRODUCED BY: *LaPerch*

DATE: January 22, 2017

SECONDED BY: *Cypress*

WHEREAS, the Planning Board of the Town of Southeast is in receipt of a request for an exemption by **VERIZON** to co-locate a wireless telecommunications facility at the property located at 230 Peach Lake Road, Tax Map No. 79.-1-45, in the Town of Southeast; and

WHEREAS, the Applicant proposes to install a new antenna at a height of 76 feet and concealed within the existing stealth “flagpole” cellular tower; and

WHEREAS, the Applicant also proposes to expand the existing fenced compound at the base of the tower to accommodate the associated equipment, which includes a new generator, concrete equipment pad, ice bridge, and 500 gallon liquid propane storage tank; and

WHEREAS, an additional carrier and expansion area were contemplated at the time of the original approval; and

WHEREAS, the Planning Board is in receipt of the following drawings and documents related to the Exemption Request, and has caused same to be reviewed by its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Letter to Chairman LaPerch from Michael Sheridan of Snyder & Snyder	Dated 12/18/17
Rigorous Structural Analysis Report, prepared by GPD Group	Dated 10/17/16
T-1, Title Sheet, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-1, Site Plan, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-2, Compound Plan, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-3, Elevation, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-4, Concrete Pad Details & Notes, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-5, Construction Details, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-6, Generator Details, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-7, LP Tank Details, prepared by Advantage Engineers	Dated 9/28/17; Last Revised 12/15/17
Z-8, Antenna Plan & Details, prepared by Advantage Engineers	

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments that it has received from its consultants, that all proposed improvements are consistent with the existing Conditional Use Permit for the facility;

NOW, THEREFORE be it RESOLVED, the Planning Board is empowered under §138-54.1E(3) to exempt the requirements for Conditional Use approval and related Site Development Plan approval for the location of antennas upon existing and approved structures, as appropriate) and finds that:

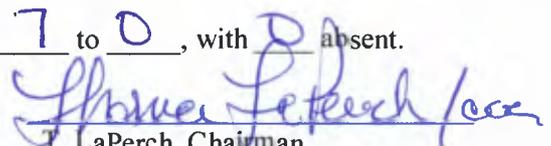
1. The addition involves the installation of antennas or other equipment clearly indicated as part of the original approval for the communication tower and facilities, including approved additional users and collocation of approved equipment and including approved accessory structures (§138-54.1E(3)(a));
2. The addition of the replacement antennas or other equipment shall not result in any increase in the total height of the structure, as originally approved, including the height of any antenna protruding above the tower facility or other structure (§138-54.1E(3)(b));
3. The addition of replacement antennas or other equipment onto an existing tower facility shall not result in any increase in bulk (i.e., volume) greater than 25% over the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility (§138-54.1E(3)(c));
4. The removal of the existing antennas or other equipment shall result in a net reduction in the bulk (i.e., volume) of the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility. The removal of the existing antennas shall not result in any significant alteration of the remaining antennas or equipment on the tower structure (§138-54.1E(3)(d));
5. The addition of the replacement antennas shall not include the construction of any new accessory structures such as equipment buildings, fencing or other site improvements unless such accessory structures or improvements are clearly indicated as part of the original approval for the communications tower and facilities (§138-54.1E(3)(e));
6. The existing structure previously obtained a conditional use approval for a telecommunications tower or facility (§138-54.1E(3)(f));

NOW THEREFORE, be it RESOLVED, the Planning Board finds that the application from Verizon is consistent with the original approval and is exempt from Site Development Plan Approval and Conditional Use Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

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


T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

January 23, 2018

Director
Putnam County Division of Planning and Development
841 Fair Street
Carmel, NY 10512

Re: SBW Empowerment
GML §239-m

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Conditional Use Permit by SBW Empowerment, for a proposed home based occupation. The Applicant proposes to utilize one room in an existing residence as an office to provide services to individuals with disabilities. No site changes or exterior modifications are proposed. The proposed project is located on an approximately ±1 acre parcel located on 10 Bridge Lane, Brewster, Putnam County, New York (Tax Map ID 56.9-1-22).

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review.

Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845)279-7736, if you should have any questions.

We thank you for your consideration and review of this application.

Sincerely,

Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
SBW Empowerment

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
November 27, 2017**

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

PUBLIC HEARINGS:

- 1. LYONS DEVELOPMENT, One Starr Ridge Road** – This was a Public Hearing to review an application for Site Plan Amendment. Engineer Joe Buschynski of Bibbo Associates and Chris Lyons of Lyons Development appeared before the Board. Chairman LaPerch said this is a Public Hearing so please face toward the public. He asked Secretary Desidero if the mailings are in order and she said yes, the mailings are in order. Ms. Desidero asked Mr. Buschynski if he wanted the larger stand and he said no, we're good. Mr. Buschynski said Lyons Development is a commercial site at Starr Ridge Road and Route 6, the southwest quadrant. The project was approved for a commercial building of 8,000 sq. ft. on two levels, he said, and when the plans were initially approved we had anticipated the portion of the building on the north end was to be occupied by a bank and those plans have changed and, as a result, we submitted an application for amended site plan approval so this portion of the structure can be occupied by Dunkin Donuts. He said part of the revision to accommodate Dunkin Donuts was some modifications to the drive thru on the north end where we were actually able to scale it down a bit. It was three lanes, he said, but now it is an ordering lane and a bypass lane so the plans changed to accommodate that drive thru. As a result of Dunkin Donuts store on the north end, we initially had plans for a coffee shop on the south end with a patio outside for seating, Mr. Buschynski said, so we brought that patio up to the store to the rear. The additional change we made was to include a partial basement for mechanical equipment, he said, the water system and part of the access to that basement will be from the exterior and a stairwell with a sidewalk around the building to access the stairs. He said those were the primary changes. Chairman LaPerch said OK, excuse us, let's just let (Town Attorney) Will (Stephens) go by here. He said thank you and asked Ms. Ley to address the issue of traffic that she was asked to re-visit based on this change. Town Planner Ashley Ley said we did look back to when the project was originally approved and there were potential improvements noted for the intersection of Route 6 but that was only if Stateline is built so, at the time of the original approvals, there was some escrow monies put in place and that would stay in place. She said we looked back at the analysis to see if the change in the use to a larger Dunkin Donuts with a drive thru would affect that original traffic analysis and the conclusion was no, on our end, and it was also submitted by the applicant's traffic consultant who agreed with that conclusion. The other issue we looked at, Ms. Ley said, was the queuing of the cars: they have shown space for the queuing of eight cars before you start blocking employee parking spaces. She said the applicant's consultant has advised that eight to 10 vehicles is what they have experienced with other Dunkin Donuts in the area so, with those being employee spaces, we don't anticipate there being an issue. Ms. Ley said the other item that was new with this recent submission was the lighting plan and the lighting plan does exceed the Town Code requirements so that is something that we need to see revised. Mr. Buschynski said our entrance lighting spills over the line and we will address it either by changing the wattage or re-locating the pole so we will get you a revised plan with the luminance worked out. Chairman LaPerch said did you get a sign approved for this project yet? Mr. Buschynski said not yet. Chairman LaPerch said thank you. He polled the Board for questions and there were none. He said at this time we would like to open up to the public and if you have a question regarding this application, please stand, state your name for the record and hopefully we will get an answer for you. So, he said, at this time any comments regarding Lyons Development? Town Councilwoman Lynne Eckardt said quick question on the lighting, I know you are going to revise it, but will that lighting be very visible from 684? Mr. Buschynski said I wouldn't think so. She said I just needed to (inaudible) because sometimes that can be very distracting and given the level that your lighting will be at and where cars will be. She said it will be facing down, I assume, correct? He said yes,

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they are 50 ft. poles, they are down lights and our closest proximity to the ramp for 684 is back here and this embankment is probably 40 to 50 ft. tall. He said I can't imagine there being any visibility of those lights. Ms. Eckardt said and the septic didn't need any... Mr. Buschynski said no change in water use. She said thank you very much. Chairman LaPerch said thanks, Lynne (Eckardt): any other questions at this time? Tom Bisogno said where is the septic? Mr. Buschynski said the property extends up to the office building property and in that portion is where the septic system is located. Mr. Bisogno said so how is it... uphill? Mr. Buschynski said yes. He said so you are pumping it up: has that been qualified by the Health Department? Mr. Buschynski said yes. Chairman LaPerch said the Board of Health approved it, yes. Mr. Bisogno said I mean I don't think I can get a pump up in my house even. Chairman LaPerch said well, sir, we are not going to address your house here: we are here to discuss this. Mr. Bisogno said well the other thing is what I notice on 312 is that other projects have been flooding 312 because of impervious surfaces and I just don't know: this looks like a large parking area and a roof. Basically, he said, that's half the property, has that been studied, if that's enough? Chairman LaPerch said yes, our consultants have vetted this project quite a bit. Mr. Bisogno said well they did that for Terravest too but Ice Pond, at the bottom of Ice Pond, has been flooding for the last five years. Chairman LaPerch said I can't speak to that matter, sir, tonight: I am speaking to this. Mr. Bisogno said I know you are speaking to this but we need to preemptively keep things from happening to the Town. Chairman LaPerch said we couldn't agree more with you. Mr. Bisogno said from here is (inaudible) reservoir systems. Chairman LaPerch said we couldn't agree more with you: we have all the outside agencies signing off on this. This is an amendment to the original, he said. Mr. Bisogno said as long as it is covered and then as far as like neighbors, just the lighting thing, what I noticed from like after Home Depot was built, I never really noticed but I started driving on North Brewster and then down where like Tonetta Lake, that road, and I noticed that they have to look at the lights all the time now and I don't think that was considered. He continued: so basically it is line of sight and lighting that has to be considered from a neighborhood point of view. Chairman LaPerch said well there are Codes that since that, you make a very valid point about the Home Depot, but there are Codes... Mr. Bisogno said I mean like I feel bad for them, I mean it's like 200 homes that have that. Ms. Ley said the lighting regulations have changed since the approval of the Home Depot and it is significantly lower lighting levels than... Mr. Bisogno said I think if Home Depot was a little more (inaudible), a little more kind they wouldn't have leveled that hill completely, like flat and it would have a tree line along the edge and you would still probably have about as much property and maybe a hair less driveway but they would have had a tree edge and I think it... I don't know. Chairman LaPerch said that is a fair comment about Home Depot... Mr. Bisogno said just those same things apply to anything that you are looking at: the amount of drainage and where the septic goes and the other thing is that Home Depot, I am smelling the septic at least once a week there so I am not sure what they are doing with the septic but as long as the septic is working, I'm cool. Chairman LaPerch said we are aware of the Home Depot issue and the ownership is working on that and your very fair comments about lighting and everything: since the Home Depot we have adjusted our Code... Mr. Bisogno said but just based on the neighbor point of view, septic point of view and especially drainage down to our reservoir system. Chairman LaPerch said I am pretty comfortable with our consultants that they have done a good job but I appreciate your comments. Mr. Bisogno said thank you. Chairman LaPerch said any other questions about this application? There were none. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch said so Ashley (Ley) next steps for this application? She said once the lighting plan is submitted and complies with the Code then the Board could consider final approval. Chairman LaPerch said Mr. Lyons, give us an update, you have foundations poured, what is your anticipation of further construction? Mr. Lyons said we will proceed forward with all the issues that were discussed tonight and we are on a deadline for April. Chairman LaPerch said good, good luck and get us that lighting plan.

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2. **MORROW EQUIPMENT, 425 Rte. 312** – This was a Public Hearing to review an application for Site Plan Amendment. Attorney Richard O'Rourke of Keane & Beane and Terri Hahn, Principal with LADA, appeared before the Board. Chairman LaPerch said good evening Mr. O'Rourke and Mr. O'Rourke said good evening. The motion to Open the Public Hearing for Morrow Equipment was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Mr. O'Rourke introduced himself and said here tonight with me is Peter Juhren, who is the Vice President for Operations and is in from Salem, Oregon; along with Jim Kottre, who is the facilities manager who is here as well; and we also have Tim Birrenbach who is the District Service Manager. Chairman LaPerch welcomed everyone. Mr. O'Rourke said this is an application that is an amendment to an already approved site plan approval. He said what is being proposed now is a new building that will be 24,280 sq. ft., which is to be used for general business, office and warehouse. there will be outside storage, he said, as well, which is permitted, which is less than what was in the previously approved site plan. There also will be a 98 foot tall crane and all of this is on a 55 acre property that is located on Rte. 312, which is 445 Rte. 312, that goes from the Simons auto junk yard and some other housing that is across the way. Town Attorney Will Stephens said it is across from Brewster Auto Body, you said Simons. Mr. O'Rourke said Brewster Auto Body, forgive me. He continued: this property has been Zoned going back for 50 years as commercial and industrial, most recently the Zone was changed to Economic Development which, in the grand scheme of things, is the most permissive commercial Zone that we have in the Town of Southeast. He said perhaps the best way to proceed is for Terri (Hahn) to take you through the application and also discuss what has been previously approved and what's being proposed. Chairman LaPerch said once again Terri, this is for the public. She said yes, my name is Terri Hahn, principal of LADA, PC, Land Planners. The project is located on 312 and it is located on the south side of 312, she said, and it goes from a low spot on 312 up the hill and then around the back side. The original approval, she said, was for two approximately 20,000 sq. ft. buildings for a total of 46,000 sq. ft. of buildings, one of which received Special Permit for a motor vehicle service center. She said in the discussions originally it was intended to be a 24/7 towing operation and that was how it was originally approved. Ms. Hahn continued: the project had a series of stormwater basins that have been constructed with just the exception of sand filter and had approval for 855 gallons per day for a septic system which was located in this area. The construction occurred toward the entrance road and the improvements on 312, for the most part, the basins, which are all stabilized and vegetated and built in accordance with the original approvals, she said. As I mentioned, the property is quite large, we are only using a small portion of it and the proposal is for a single building of 24,000 sq. ft. and change to be located within the original building disturbance area, Ms. Hahn said, and using the existing entry and to be for Morrow Equipment which provides mobile cranes for the construction industry throughout the area. She said this would be their replacement building, they currently have a site elsewhere in New York State and those facilities would come here and allow them to operate in the area. Ms. Hahn said overall for the site plan, just a couple of things, we are talking about fewer parking spaces than was originally approved, similar area of disturbance but we actually have less impervious surface because most of the storage area in the back here is stone and not impervious surface so we have a fairly significant reduction of impervious surface. She said if I could... we have provided erosion control plans, lighting and landscaping plans, and all the required plans for the Town of Southeast. I think at this point, she said, I would go to the building (and showed the building elevation). Ms. Hahn continued: the building, as I said, is 24,000 sq. ft., it's a lot of levels, the front entry is concrete block and is 22 feet high, there is a portion of the building in the back here which is 40 feet high and requires a variance and we are currently in process for a variance application. She said in addition, as mentioned by Mr. O'Rourke, the project includes a crane which is 98 ft. I keep calling it 10 inches but according to the picture it is 7 inches, so 98 ft. 7 in. high with what is called a jib this way that picks up equipment from the storage area,

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brings it into the building and then takes stuff from the building, from trucks and puts it out in the storage area. It runs on a series of rails, she said, which are located behind the building and she showed a new visual. Ms. Hahn said if you... as requested by the Planning Board, we did do a rendering of what the project would look like from the entrance... a nice, attractive building located up on the hill and you would just catch the jib behind that and this is consistent with the information I have provided throughout this process. One of the things, just to go through briefly, a comparison for the project, a number of different items, she said. Ms. Hahn continued: we compared the original approval that had all permitted uses: general business, office and warehouse but it also included a Special Permit for the vehicle service station: this one would not have a Special Permit, would be limited to use by Morrow Equipment; we've reduced the total square footage by 24 or 22,000 sq. ft., approximately half of the original approval; the outside storage is pretty much the same for both applications, it is what is allowed behind the building according to the Code; the original approval had 54 parking spaces, we only need 17 and are only providing 19; the building itself is further away from the property lines than the original approved project; in terms of traffic generation, the towing operation was a 24/7 operation with 10 trucks in and out of there at minimum per day, this is a typical 10 trucks per week; water and sewer usage, the original approval was for 48 employees, 855 gallons, we are talking about approximately 35 employees so it would be less use; impervious area, as I said, is reduced; the overall hours of operation are significantly reduced, it's going from a 24/7 operation to a 7 am to 6 pm, 5 days a week and then 7 to 2 on Saturday; exterior lighting on the original approval was everywhere throughout the site and on this project, there is no exterior lighting in the storage area of any kind primarily because the activities don't occur past working hours; and the stormwater basins are installed as approved, we will be required to update them to current New York City DEP (Department of Environmental Protection) requirements. She said so that is kind of a comparison there. One of the things that we did do at the various Board's request was a series of View Shed analysis including a field study involving a piece of machinery where we surveyed the actual locations, surveyed the heights of everything and then went and took pictures from those locations that were of interest to the community. Ms. Hahn said rather than go through the whole thing, you guys asked me to print these at a bigger scale so I just wanted to go through a couple of the larger ones here. She said specifically what we were looking at was the publically available locations: at the entry, at the bridge on 312, which is approximately the entry to Garrity Blvd., up at the top of Garrity Blvd. and then down at the bottom of Spring Lane. Again, we only took access from publically available locations just to confirm our visual studies: this is the view of the entry drive with the crane, the top of the crane, as noted by the field test. Mr. O'Rourke said I just want to interject one thing: in so far as the height that is in that photograph, that was done in concert with the surveyor and making sure that the height as shown in that photograph was the exact height of what is anticipated with the crane. Ms. Hahn said at every time we moved the machine, the surveyor identified the actual height, confirmed that it was correct and set that so we always knew we were at the correct height. She said from Rte. 312 and Garrity Blvd. throughout the study we actually moved the crane three times and then it was set at what we call the rest condition, which was that rendering with the building, and that was done for three days and then an additional weekend so that people would have an opportunity to see it. So, at 312 and Garrity Blvd., she said, there were no views of the piece of equipment; at the bottom of Spring Lane I am somewhat hindered by the fact that the road ends; there is a... you can see some light from the railroad tracks so there might be a view and, we highlighted that in our study, from back there but I was unable to cross public property or private property to access that. Mr. O'Rourke said how far is it from that location to where the crane will be located at its nearest point? Ms. Hahn said approximately 450 ft. She said there is a brief spot, you actually have to work really hard at it, up on Garrity Blvd. where the Boulevard ends; it's over the top of one of the existing houses, you can see the machine is up there so that we were able to find that. This is an expanded view, she continued, close up view, those are as the "as the eye sees it views" so this is a zoom lens just to

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show what we are talking about here which is, this is the piece of equipment that was used. Ms. Hahn continued to show different pictures. She said the equipment moved from several positions so that was position number one, position number two, which is known as the position that is closest towards any of the neighbors off of 312, that is located here... it's actually less noticeable. Position three, she said, is over here from that location. She said we went through the ones I focused on and I would be happy to answer any questions at this point. Mr. O'Rourke said if I may just interject one thing, just for the record, to make sure you understand what Morrow Equipment is. Morrow Equipment, he said, they have a franchise dealership with Liebherr and that's for North America, South America, Australia and New Zealand and they are a firm that is located throughout the United States, the Continental United States and elsewhere. He said this company, what they have are crane component parts and they are... the components are then amassed on top of one another and used to service construction of skyscrapers and so, Mr. Juhren, I know the power crane that's in the back is 8 ft. by 8 ft.? Mr. Juhren said most of the components are 8 ft. square. Mr. O'Rourke said and the components are 8 ft. square and they're how long? Mr. Juhren said most of them are about 20 ft. long. And those component parts, Mr. O'Rourke said, will be stacked behind the building and, as you can see, the crane would be behind the building as well from 312. Chairman LaPerch said thank you. He said, OK, Ashley (Ley), this application is being vetted by other Boards and our role tonight is to do what? So before we go to the public, he said, I want the public to kind of understand what our role here is and what we are going to be doing tonight so can you... Ms. Ley said this application first came before the Planning Board back in February of 2017; the Planning Board declared its Intent to be Lead Agency under SEQRA at that time; the Planning Board had served as lead agency for the prior application; the Planning Board referred the application out to the Zoning Board of Appeals (ZBA) because, at that time they were seeking... the applicant was seeking an interpretation of whether or not the crane was a structure or a piece of equipment. She said the ZBA did rule that it was a structure and not a piece of equipment, which means that it requires a variance for height. Ms. Ley said because the Planning Board is lead agency, before the ZBA is allowed to act on the variance, the Planning Board needs to complete the SEQRA process so, at this point in time, the applicant has submitted a full EAF (Environmental Assessment Form) with supplemental studies and they are representing to this Board that there are no adverse impacts from this project. She said at this time the Public Hearing is open for the Planning Board to receive comments on the site plan, SEQRA and any other site-related issues that the public has. Chairman LaPerch said but, ultimately, the issue of the height is not this Board's decision; it's going to be referred to the Zoning Board for their ultimate vote? Ms. Ley said to the extent that height is an issue that would be considered under SEQRA, it is this Board's concern but the ZBA will be the Board that acts on the height variance. Mr. O'Rourke said if I may, just to confirm for the record, we had the mailings in order? Chairman LaPerch said OK, thank you. Ms. Desidero said I checked the mailings earlier today, those (the envelope Mr. O'Rourke is holding) are just the... Mr. O'Rourke said are they in order? She said yes, they are in order. Chairman LaPerch said thank you. He polled the Board for questions. Boardmember Hecht said I know there was some back and forth about the number of trucks per day, have we kind of ironed that out in terms of what that actually is going to be? Ms. Hahn said we are looking at 10 trucks per week, not including like FedEx trucks and things like that, but the business related trucks. Mr. O'Rourke said and that's an average. Ms. Hahn said yes, typically. Boardmember Hecht said OK. Chairman LaPerch said any other questions? He said no, thank you. Boardmember Wissel said is it within the purview of this Board to have a condition of approval a limit to the number of trucks per week that can go in and out? He said if you say an average of 10, it could be restricted to say an average of 10 over a month but no more than 15 or 20 in a week, is that something within our purview? Ms. Ley said you have more flexibility if it is a Conditional Use Permit or a Special Use Permit but I don't believe that this is. Ms. Hahn said I think these are all permitted uses. Ms. Ley said yeah, it is a permitted principle use. *(Several people talking.)* Mr. Stephens said technically, the only way to

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apply conditions is if it is a Special Use or Conditional Use Permit. Boardmember Wissel said so they can say it's going to be 10 but it could be 50 (inaudible). Mr. Stephens said that's an accurate statement. Boardmember Wissel said would it be a fair statement to say that if the Zoning Board does not give you the variance, that this project is probably dead in the water? Mr. O'Rourke said that is correct. Chairman LaPerch said OK, thank you, so let's start with the public comment and Victoria (Desidero) whispered in my ear, if you have a question please come forward, state your name for the record so we can get it on the record here. So, he said, at this point I would like to open up to the public, please raise your hand and come forward to the front here, if you don't mind. Tom Bisogno said to be forward thinking about traffic, Rte. 312 is hammered; that needs to be a four lane road now, coming down 22 to get to 84, you got everything else going on there and that's not even the stuff that hasn't been built and approved. He said so I don't know what's going to happen but I'm watching school buses sitting there, even to get out, I mean you've got to take that into account: 312 is not Route 22, which must be a breeze to get through. So, he said, that's number one. Mr. Bisogno continued: definitely take into account traffic, I'm not sure, I think to move one of these cranes is probably 10 trucks, if they are 20 foot long, I mean just so 10 times 20 is 200 and that's not a skyscraper yet. He said so, I mean, it might be under (inaudible) but I am just thinking... now as far as a crane permanently there for how many years, let's say 20 years, that's cool, I like cranes, that's almost art to me but not everybody thinks its art that look at that. He said that's kind of cool, I like it, but it is still residential neighborhood in that area, just take that into account. They're not people that come out to a vote or, you know, or a place like this and look but people live there so just be kind, he said. I like the building, he said, just make sure the drainage, again with the drainage, I think everyone puts the exact amount of drainages until there's like too much rain and then the tracks get flooded and eventually there is going to be a derailment and that almost happened this year. He said everything was soft at Ice Pond for like five years and finally they like fixed it but it is still only a two foot pipe going from 312 all the way down to, what (inaudible) field? I mean that's like two foot, if that gets clogged up, he said, we've got problems... you're going to have problems. So that's cool, as long as the drainage is good, he said, and as far as limiting the number of parking spaces, is that limited permanently or is it just stated for now; is the building size and area in back permanent or is this going to grow in stacks of crane parts? So, just make sure that you guys know what you are doing, Mr. Bisogno said, I'm sure you know what you are doing but I am just here... I just happen to be a neighbor and my wife told me to come by and make sure the crane looks cool while she's (inaudible). Chairman LaPerch said well, glad to have you, thanks for coming. Mr. Bisogno said so, I think it's kind of good looking; I'm not sure about a crane standing there for 20 years; is there any other way of doing it, you know, but I mean, and then, of course, lighting again. He said you know as long as you can... is this like a 24 hour? Mr. O'Rourke said no. Mr. Bisogno said like closing at 5, the problem is like at Home Depot they close down at 8 o'clock and those lights stay on forever. I mean what's the broadcast about, he said, why can't they just at 11 o'clock everything dims to like 15 percent? He said you can still find the criminals that way. He said so as long as everyone is working with each other to make it neighborly, that's what I think. Chairman LaPerch said thank you for your comments. Mr. O'Rourke said do you want us to explain? Chairman LaPerch said sure. Mr. O'Rourke said if I may, just quickly, as far as the truck traffic, obviously what we are talking about on average is 10 truck trips per week, that's the average, that's what I have from Mr. Juhren and Mr. Kottre, and they know the volume and they know what they are talking about in that respect from other facilities. He said the approved plan, which is totally approved, for the towing operation is 10 trucks per day and there were two buildings, that was 10 trucks per day for one building and then three to four trucks for the other building per day so you are looking at 13 to 14 per day for the approved site plan, that's in place, and what we are doing by this use is an average of 10 truck trips per week so, in answer to the traffic consideration. He said in so far as the lighting is concerned, unlike the approved plan, which required lighting because it was a 24 hours a day, seven days a week towing

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operation, there will not be that lighting for this facility: it closes down at 5 pm. Chairman LaPerch said thank you. Gabriel Montanaro asked if he should face the public or face the Board. Chairman LaPerch said you can face us. He said Mr. Montanaro you sent us a letter and I was just going to recognize that you did send us correspondence and now you are here live: welcome Mr. Montanaro said yes, thank you. He said I just have a few points: this is a company and the submission they made to the Planning Board, just as the subject is up now regarding the traffic, just a note, I noted a discrepancy between actually both Mr. Birrenbach and Mr. Juhren's testimony, one to the Planning Board in February, February 27th, and the other to this Board, excuse me, the Zoning Board on May 15th. He said the first being that... the initial statement was that 'we average four tractor trailers per day, the most I have seen is 16 in a day in the last 15 years but that is unusual.' He said and then that was modified by Mr. Juhren in his testimony it was said that 'I think one of the concerns was trucks and vehicle traffic that we have. Over the past 12 months our vehicle traffic averaged 10 trucks per week.' Mr. Montanaro said I have two points, three points to make about that: the first is that Mr. Birrenbach who is, I believe, closer to the operation of the facility that this will be replacing, might have a slight, a better idea of the traffic that is going to be in and out of there; the second being that I understand that there is traffic on Saturdays on occasion. I made a call to the location in Millwood, which is actually yards from where I work, Mr. Montanaro said, and I was told, off the cuff, that Saturday traffic is a frequent occurrence and that, she felt that, it was 10 trucks a day; that's what she said because I had asked about traffic coming in and out and how it was going to impact if I wanted to walk there with my kid on a Saturday and she, off the cuff, said 10 trucks so I think if it's possible, I don't know if that falls over the (inaudible) we are talking about but I don't know if it's possible to do an audit that would verify the number of trucks that say went in and out in the past 12 months, something like that. He said I understand if that is not a possibility, it's an idea. The other thing, Mr. Montanaro said, is the facility will greatly expand: I understand from the viewpoint of Morrow crane that if, at some point in time, this would substantiate a large increase in capacity and ability to reach, and also reach further up into New England and what not, so I would assume that would mean that the traffic would increase as business would increase, so that's another concern. He said tractor trailers carrying a crane is a different rate of speed and a different turn ratio than a Lisi Towing so it's a more substantial thing to have a tractor trailer trying to go in around there when there is only "X" number of yards before you are at the train track and when the school buses are there. I live on Ice Pond, he said, so there are plenty of times when I come up 312 and a left (inaudible) takes a long time to make because there is a blind turn there, a lot of traffic coming around, some people don't know the speed limit and come whizzing down so I can foresee very simply a mis-judged turn, a sudden stop for a tractor trailer carrying a large crane on it, and has to stop suddenly and there is a flow of traffic that has to stop suddenly and somebody's left right on tracks and that's another great concern. He said the second point that I have that is made is regarding the sight lines and there are all in the submission, there are renderings that I had made, yes it's a yellow crane but I think that the visibility begs for another sight line test when there isn't foliage to block the view because I believe... Chairman LaPerch said are you referring to a View Shed or a sight line which is traffic... Mr. Montanaro said sight line, excuse me, I'm moving on... Chairman LaPerch said a View Shed is... Mr. Montanaro said a View Shed, yes. Chairman LaPerch said we just want to make sure we know the difference between the two. Mr. Montanaro said so, with minimal work I found some of the same spots that Terri (Hahn) had found as far as sight lines: the renderings that I made, I actually shrunk them a little bit to err on the side of a smaller crane but I think they are stark. I am, myself, not a fan of cranes, he continued, in my neighborhood and the only reason being I believe that 312 is a very heavily trafficked road: all people going into and out of all of our schools ride right by there and I think that would have a negative impact on property values to have, in the back of your mind as you are driving through our Town something that looks like scaffolding. He said the sight line of right on 312 and all around from where Ice Pond, even before you hit Ice Pond, passing the entrance and

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then up past, even with the foliage as seen here there is a continuous line of sight of a crane coming from the western most part of the track. He said I didn't get a photo when they (inaudible) the test to the eastern side because I missed that day that it was being done so I'm not sure what the other sight lines are but I'm sure there are more. That's that part, he said. Mr. Montanaro continued: Also, the... hold on a second, just want to make sure I have everything I was saying... Yes, so the tractor trailer traffic is an issue; the property value, I believe, is an issue; I do think there is a danger in and around the train tracks and around right where that is, that is an issue; and then, of course, the sight lines. He said I think we have to do another test if we're to really understand what this crane is and, again, I think Morrow is an excellent company, I just don't think that it fits in this scenario. I think it would be a detriment to our Town, he said. Chairman LaPerch said thank you for your comments: thank you sir. Mr. O'Rourke said the only thing I can say is with respect to the use and the truck traffic, this property has been Zoned, as I've said many times, as manufacturing and industrial for the last 50 years and its Zoned Economic Development and the approved site plan, regardless of what we are talking about, the truck traffic that is part of this application in contrast to the approved site plan is... this is significantly less so whatever problems would exist... and I know the Lisi operation now for having lived here for 40 years, and they pull in trailers and tractor trailers and everything else, so there would be, unfortunately, because of the existing Zoning, that type of use is permitted. Chairman LaPerch said all right, let me move on... Mr. O'Rourke said lastly, let me say, in terms of property values, I dare say that when you bring a facility that's going to cost \$6 million, as a commercial use, into an area with the auto body, junk yard across the street and everything else, which I know with this Board what's going to happen in terms of any kind of landscaping, um, I dare say that economically it may be in the tax... and the employment and in economics that is a valid consideration as part of the definition of environment under SEQRA. Chairman LaPerch said Rick (O'Rourke) there was a comment made that I was curious about: is this building as constructed maximizing the site, his concern is if they do well it's going to be double the size in years, do you have potential for this site to double? Mr. O'Rourke said I would defer to our Engineering and our Planners but, quite frankly, first of all, what is being proposed is what is the proposed use... Chairman LaPerch said I get that but his question was specific about, hopefully their success, if they ever get this approved, is there ability on the site to double the size of... another building I guess? Mr. O'Rourke said well, I think part of it is you would have to move a mountain. Ms. Hahn said well, no, I think more importantly what you would end up doing is reducing the amount of storage. Right now the way the site is working, she said, is it's within the area of past disturbance, it's in the areas of past related stormwater, you know any expansion of the building would... Chairman LaPerch said so there is potential if you had to give up certain portions of that? She said right. He said so there is a potential A and B it would require an amended site plan and a whole new review. She said of course, yes. Chairman LaPerch said this gentleman's question is... Ms. Hahn said there is no known... a lot of times what we would do if we know, for example, that someone is looking at something 10, 15 years, we would show a future addition here. That's not the case, Ms. Hahn said, this would have to come back through the Board and do a whole new... Chairman LaPerch said no, it's a fair question and I haven't heard it proposed that way and it is a very fair question and he is looking to the future. OK, he said, any other questions from the public at this time? Bradley Schwartz asked what is the height of the jib above the ground? Ms. Hahn said the height of the jib... Chairman LaPerch said can you explain that in English in case people don't know what a jib is. *(Someone said)* the jib is the arm. Ms. Hahn said correct. Mr. O'Rourke said the jib is the horizontal portion. Chairman LaPerch said thank you, I just wanted to make sure everyone is aware of the language. Ms. Hahn said it is approximately, I would say about 60 ft. or so, the bottom of the jib is about 60 ft., 62 ft. above the ground. Mr. Schwartz said and then approximately 30 ft. above that, what determines the need for that height? Mr. O'Rourke said that I am going to defer to Morrow to answer. Chairman LaPerch said please stand and your name please for the public? Jim Kottre said I work for Morrow Equipment for the past 36 years. Chairman

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LaPerch said welcome. Mr. Kottre said thank you, the jib is used to swing over the top of the building and that is why the jib is that high. Chairman LaPerch said thank you for your question: any other questions from the public at this time? Mr. Bisogno said can that be expanded, that thing? Chairman LaPerch said stand up please. Mr. Bisogno stated his name again and said can that jib be expanded or raised after the fact or is it going to stay that size? Mr. O'Rourke said no, this is done, this is it. Mr. Bisogno said I mean you are a crane company, you can do whatever you want. Mr. O'Rourke said no we can't. (Multiple people talking.) Chairman LaPerch said hold on. He said hello, your name please? Helen Dorkin said my question is: is this restricted to one crane, this site, or is it possible that in a year or two there will be two cranes, three cranes... Chairman LaPerch said good question. Mr. O'Rourke said once again I would let them answer directly. Mr. Kottre said this single crane will cover the entire site (inaudible)... Mr. O'Rourke said to answer the question is there a need for any other additional crane on the site besides this? Mr. Kottre said no, one crane will cover it. Chairman LaPerch said thank you. Mr. Kottre said the crane can go much higher but it is going to be erected at that height and remain at that height. Chairman LaPerch said thank you. (Town Councilwoman) Lynne Eckardt said MTA (Metropolitan Transportation Authority), have we heard back? Chairman LaPerch said no, we had a discussion with the applicant and Ashley (Ley) will tell you about the discussion. Ms. Ley said so the Planning Board did send out a letter to the MTA at the last Planning Board meeting in late October: we did hear from the MTA and we directed them to reach out to the applicant, they asked for some additional information, the applicant provided that information about a week ago and we have not heard back the final response from the MTA. Ms. Hahn said if I might, I have, however, had a conversation since then and they did indicate that there was nothing that, based on the information, that had an impact on their facilities, however, we do not have a written response, we only have my conversation. Chairman LaPerch said that's right. Mr. O'Rourke said and if I could just add something related to that, because it's germane: I was involved in another large project up in the Town of Dover, I think Ashley's (Ley's) firm was serving as Town Consultant, Planner, and that was (inaudible) a \$1.675 billion project adjacent to the Metro North Commuter line, the same as here, and our dealings with Metro North in regards to that facility, the only concern that was voiced to us was with respect to any structures that were large enough if they were to fall, would they fall on the tracks. And, he said, what we learned from MTA was that so long as you didn't have that then you were... there was nothing that MTA was concerned about, they just are concerned about their tracks. He said here, in so far as, and I talked with Ms. Hahn about this, in so far as the structures, the crane and everything else, we are so far removed from the track that none of this has, from my understanding, the potential to fall anywhere near the tracks. Chairman LaPerch said let's get it written up, Rick (O'Rourke), for the file? Ms. Hahn said the (inaudible) and the 30 ft... Chairman LaPerch said I get it, let's just get it written up, get a letter. Ms. Hahn said yeah, understood. Chairman LaPerch said thank you. Ms. Eckardt said OK, I forgot where I am, while we do traffic and, I know this Board more than any Board knows this, but I think when we are going to see Northeast Interstate Logistics tonight but they're talking about possibly 53-foot trucks coming from the highway, so that's a possibility and they're going to have, if it goes through, quite a bit of... if they are successful and hopefully they will be, a lot of truck traffic so my concern is 312 and the bridge there because it's still two lanes. Also, she said, I recently met with the MTA and they are talking about still expanding their parking lot and we have Southeast Parking approved years ago, as well. Ms. Eckardt said I understand that Lisi's would have generated more traffic but it would have been... I do have concerns with larger trucks going over the railroad tracks, I think that would be really important to... I don't know if better warning lights are going to be needed for braking and everything but I do think this is something this Board really needs to consider: these are big, heavy trucks on that. Chairman LaPerch said good point. Ms. Eckardt said that would be really important to me and also, one last... well, a few last things, sorry: if you Board members, I know you don't love field trips, who does, but if any of you have gotten to go to Millwood, I would

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really recommend that. She said I did go down and make the trip and I think that is indicative of the yard although this will be much, much more space but I think that I would really recommend that for anyone before... Chairman LaPerch said good point: I've been there. She said OK, great, thank you. And finally, she said, I was not thrilled with the presentation tonight simply because it really was addressed more to you, since the applicants are taking up the front row seating, which normally the public doesn't like, but it was hard to hear, might be my age, it was much more difficult, it was more addressed to the Board, I think, and I think we can work a lot harder on that. I don't know whether, if it's more of a full house, whether we can set up an easel here or somewhere else... Chairman LaPerch said any suggestions would be helpful. She said and I think that's it, thank you. Chairman LaPerch said thank you: good questions. John Lord approached the Board. Chairman LaPerch said Mr. Lord, welcome and congratulations by the way, our new Town Board member. (Applause from the audience) Mr. Lord said I just had a couple questions: parking, you said 17 spaces, would that be employee parking? Ms. Hahn said its employee... it's a total of 19 that's being provided and it's a combination of employee and visitors but they don't have a lot of visitors. He said so you're anticipating having 19 employees? Ms. Hahn said no, the parking calculation is based on 1.5 employees per parking space: that's the standard Southeast... Mr. Lord said the trucks, the size of the trucks going out, will they be carrying fully assembled cranes? Ms. Hahn said no, it's only parts. Mr. Lord said where are the cranes assembled: on site, at job sites? Mr. O'Rourke said yes and Ms. Hahn said yup. He said OK so what length trucks or tractor trailers would you anticipating leaving those facilities? Ms. Hahn said it would just be a standard tractor trailer... do you guys want to? Mr. Lord said a flat bed? Ms. Hahn said just a regular flat bed tractor trailer (inaudible). Mr. Juhren said they would be standard tractor trailers and they are between 40 to 53 ft. Mr. Lord said and that was the ones leaving and the ones... were both calculated in the 10 trucks a week? Mr. Juhren said that's correct. Mr. Lord said thank you. Chairman LaPerch said thank you. Ms. Hahn said if I could, just remind you back to the Lisi's, the way that their towing operation was: they have a 40 some odd foot length towing vehicle and then they had a tractor trailer that was attached to the back of it so those vehicles are twice the size of a tractor trailer as opposed to what it is we are talking about here. Chairman LaPerch said sir, a follow up question? Mr. Bosogno said I remember the whole Lisi's thing, I didn't know it was Lisi's at the time but then when I realized it was Lisi's, which is a great company, great family, I love the Lisi's, but a tow truck that big carrying a full on tractor trailer was a disaster waiting to happen and I don't know how that one got through or if it really got totally approved but don't use that as an example. He said that... 312 cannot take a disaster... that is like the pitch point of all emergency vehicles, all our school buses, pretty much every bit of traffic in Brewster, except what goes through Main Street. I don't know how else you go east - west, he said, there's 312, that's it. Chairman LaPerch said thank you. He said so any other questions at this time: yes, sir, please come forward. Keith Napolitano said actually I've got a number of points: first of all, the suggestion that this eye sore isn't going to hurt the property values for the homes that are in the area is, to me, absurd. No offense, he said, but that's an absurd assertion. He continued: I have come to different meetings such as this one, I've heard people argue over a sign being 6 inches or a foot too big and this thing does not meet current Zoning, it doesn't meet current Zoning and when this thing is erected it is going to be an albatross on this community, it's going to be an eye sore forever, for the rest... it's going to be sticking out of the woods for the rest of our years here in Brewster so to not approve someone for a sign because it's a foot too big or it's lighted improperly and then we are going to have this ugly thing there, to me, that's criminal. Mr. Napolitano said that would just be criminal to do that to the people who live in this community, to have to drive by that stretch of road every day, it's criminal to me. This is like the sixth time I have had to come to one of these meetings, he said, for someone looking for a variance to break the rules to do something that is going to harm this community, I am tired of having to leave my home and not spend time with my family and come to these meetings to do this: this is wrong. He said this is wrong to do to the

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community, it's wrong and a couple of other things: first of all a 53 ft. tractor trailer, I have to ask you sir, is it going to have to go over the double yellow line to make that turn, is it gonna be able to make that nice right hand turn into that facility without making a nice wide turn, mind you I drive trucks for a living. Mr. Juhren said yes it can. Mr. Napolitano said OK, I am not sure about that, I'd like to see it personally but I don't know that's going to happen and just so you know at one of the Zoning Board meetings, or maybe it was one of these meetings, the gentleman who is a safety expert in cranes from New York City, now I understand that the rules don't apply here, but in New York City they have a rule that cranes under load cannot operate over occupied structures for safety reasons. He said this will be operating over an occupied structure: that is a safety issue and that's all I have for tonight. Chairman LaPerch said thank you, can we address that issue? Mr. Juhren said yes, for a point of clarification, same rules in New York City apply across the United States: no crane with a load on it is permitted to swing over a building so that is true so you cannot swing a load that is on a crane over a structure. He said that's an OSHA regulation, whether it is New York City, Federal OSHAs, State OSHAs, so the point of clarification is no load can ever swing over an occupied structure. Chairman LaPerch said thank you, OK, any more questions from the public? Mr. Schwartz said I have a follow up question, in answer to my previous question about the height of the jib it was stated that has to be that high so it would go over the building but the building isn't 60 ft. tall, is it? Mr. Juhren said 40. Mr. Schwartz said and you need 20 ft. clearance between the jib and the building? Mr. Kottre said the hook on that machine is 56 ft. and the tower crane components are 20 ft. in length so if we took 20 ft. out of there, it would be too low and (inaudible). Mr. Schwartz said but it was stated that you can't swing a load over the building. Mr. Kottre said well, we wouldn't swing a load over it, but we would swing the jib over it. Mr. Schwartz said and you can do that? He said right, just no load, Mr. Schwartz said but if the building is 40 ft. and the job is 60 ft., you've got 20 ft. clearance there, why do you need so much clearance is my point? Mr. Juhren said the point of clarification if there is no load on the crane whatsoever? Mr. Schwartz said right. Mr. Juhren said this right here hangs down about 12 to 15 ft. so if this was in here and you have the crane weather vane, which allows the swing with the wind, then that would need to clear the building, this right here itself. Mr. Schwartz said yes, right. Mr. Juhren said so this unloaded post, so that's one of the reasons the crane would have to be at 60 ft. for a 40 ft. building to have clearance... Mr. Schwartz said OK, I see it now. Chairman LaPerch said thank you for that clarification. Any further questions from the public, yes sir, a follow up question, he asked? Mr. Montanaro said yes, very small, the submission to MTA, is that FOIL-able? Chairman LaPerch said yes, everything is. Ms. Desidero said it is just a referral. Ms. Ley said it is a referral letter but we have a copy of what they sent to the MTA. Mr. Montanaro said that is what I am asking about: forgive my skepticism but I wouldn't mind seeing what was submitted to MTA. Chairman LaPerch said absolutely, no problem. Chairman LaPerch said OK are there any other questions at this time? He said Ashley (Ley) before I make a motion here, is this the last public hearing for this application in the process? Ms. Ley said this would be the last public hearing for the Planning Board, I don't recall if the ZBA has closed theirs or not. Ms. Desidero said they cannot close it until they are ready to vote usually. Mr. Stephens said it is still open. Chairman LaPerch said so there is another opportunity for the public is my point and the reason for questioning, so at this point if there are no other public questions... Chairman LaPerch polled the Board for additional questions. Boardmember Wissel said just one quick question on... I assume you did the application for the variance to the Zoning Board: is it worded that you're seeking a variance for a 95 ft. crane or is it listed as a structure of 95 ft. My concern is if you wanted to put another crane on that site, he said, would you have to go back for another variance, that's my point. Mr. O'Rourke said no question about it because the application is specifically to permit this structure at a height of 98 feet 7 inches, that's is. Boardmember Wissel said just one. Mr. O'Rourke said just one. Mr. Stephens said and the building at 40 ft., which is five... Mr. O'Rourke said and the building at 40 ft. because that's necessary... Mr. Juhren said I just want to point put, I think to answer your question, also the

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public, putting another crane on this (inaudible) would actually deter our operations because we'd have crane interference between the two so it would actually make our operations more difficult to have more cranes on the site. Chairman LaPerch said thank you. Chairman LaPerch said I'd like to make a motion to close tonight's public... (*A woman came forward.*) Melinda Montanaro said if the public hearing will be closed is there... Chairman LaPerch said for the Planning Board... She said for the Planning Board? He said yes. She said is there... He said we are going to make a motion anyway, we'll see what happens but yes. She said is there any way to get an answer on whether or not we can request another site test without the foliage, in the winter months, without the foliage? Ms. Montanaro said can we get an answer on that before the public hearing is closed? Chairman LaPerch said that's a fair question. Ms. Ley said it would be up to the Planning Board to request an additional crane test if you feel what they have presented has not sufficiently... Ms. Montanaro said because the foliage is gone for almost half the year in this area. Chairman LaPerch said fair question. Someone in the room said: "I second that." Chairman LaPerch said no need to second it. Ms. Ley said another option would be for the applicant to take additional photos from those locations and, using the data that you've already pulled, do additional photo sims (simulations) in a leaf off condition. Ms. Hahn said we could provide that. Chairman LaPerch said was that a yes? Boardmember Larca said wasn't the Zoning Board going to... weren't you going to come back after this site study and the Zoning Board was going to determine whether there would be another view study done without the foliage because I remember I attended the Zoning meeting and that was brought up and there wasn't a follow up meeting since then because it's been deferred so is that their determination to make or ours? Ms. Ley said it's within this Board's purview under SEQRA to ask for additional photo sims if you... Chairman LaPerch said well what you suggested to have done and then was agreed upon, would be presented not to our Board... Ms. Ley said it would be to this Board and the ZBA. Chairman LaPerch said so they would have to come back so the Public Hearing would not be closed? She said you could still close the Public Hearing and have it reviewed at an open meeting and then it would be at the Board's discretion to allow public comment. Chairman LaPerch said Counsel? Mr. O'Rourke said I just conferred with Terri (Hahn) about this and obviously what we've done is... twice we've had the crane out there and Terri tells me that what we can do is we can take the photos presently and use them as was suggested by Ashley (Ley) and what we would do is use those with the present state of foliage and then see what it looks like. He said we could do that. Chairman LaPerch said I'd like that. He polled the Board and everyone agreed. Boardmember Wissel said yes and that doesn't restrict the Zoning Board from (inaudible). Chairman LaPerch said no, I think it is a good suggestion and if it doesn't preclude us from closing the hearing, we're just adding another task. Ms. Hahn said since I know exactly where I took all the pictures, I know what my camera settings were, I can reproduce the photos and (inaudible). Ms. Montanaro said and then can we just make sure the rendering of actual crane then if it's going to be similar... Ms. Hahn said I wouldn't go that route, that requires another whole... we've been careful to limit our photo simulations as in the past amongst the groups and the Board and it's been values so I would simply do this in the same way. Ms. Montanaro said right, although that's not a... Ms. Hahn said that's fact. Ms. Montanaro said with all due respect though, the test crane doesn't have a 200 foot arm 70 feet in the air so if we're simulating the crane anyway, why can't we just simulate the correct crane? Ms. Hahn said it's up to the Board. Mr. Juhren said if I remember correctly, we proposed to do a simulation and that was not acceptable to the people who were here (*multiple people talking*). Chairman LaPerch said I'm sorry, say that again please, I was side-barring, my apologies. He said your comment sir? Mr. Juhren said the comment was we had proposed initially to do a simulation of the photographs and we would transpose the crane into the pictures and that was not acceptable to the Zoning Board or to the public comment, they wanted to see an actual, physical and that's what we did. Chairman LaPerch said OK. Mr. O'Rourke said in other words, we proposed it, it was denied and now it is being requested again and that's fine, we'll try our best but... Ms. Montanaro said right but now that it is being requested again and it is going

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to be a simulated picture, let's just simulate it with the correct crane. Mr. O'Rourke said and that is what we wanted to do the first time. She said right so I think we should do that. Mr. Juhren said but the first time the public was the ones that did not want to do that: the Zoning Board was in favor of doing that, the public didn't want to hear that, the public wanted to see the actual, physical machine there which is what we went to the expense of doing... Chairman LaPerch said that's right. Ms. Montanaro said that wasn't the actual crane, that was... Mr. O'Rourke said you cannot get an actual crane up there. Mr. Juhren said you can't get a crane up there. Ms. Montanaro said no, I know that, that's why I'm saying we are going to simulate it, let's just simulate it with the correct... Mr. Juhren said but that wasn't acceptable the first time... (*Multiple people talking.*) Chairman LaPerch said OK, wait, wait, wait, Rick (O'Rourke), my meeting... you agreed to take the photos... Mr. O'Rourke said yes. Ms. Desidero said to simulate the photos. Chairman LaPerch said to simulate the photos? Mr. O'Rourke said yes. Boardmember Cyprus said the question is do they use the crane that was there or do they use a similarly... Ms. Ley said I would recommend using the images that you are using here so that it's a full size frame... in a leaf-off condition. Ms. Montanaro said that's... OK ... that's... yes, thank you. Chairman LaPerch said thank you. Mr. Montanaro said you know this one is important to me. Chairman LaPerch said it is important: that's why we are discussing it. Mr. Montanaro said yes, thank you. He said so the additional sight line test, the additional test that we are requesting... Chairman LaPerch said the additional View Shed. He said the View Shed, thank you, the necessity of that is not to find exact same view points where we've already seen or can see the crane but to discover all the other viewpoints that we wouldn't have had with the foliage so what I am suggesting is with the foliage down as it is now, there are more spots where you can see it. He said so seeing that mock crane where I can re-do the renderings that I had done from multiple viewpoints, potentially one from North Brewster Road that I've seen, definitely down in Spring Knolls and Spring Lane, that is a vastly more impactful way to manage it. I am not sure, he said, if its cost-prohibitive to put the small crane there again but to do that when there is no foliage is a seriously more impactful process. He said thank you. Mr. O'Rourke said my only concern is this: we have agreed to do the photo simulation which the public the last time told us not to do. Now we're willing to do it; my only problem and point with all of this is I don't want this to be a situation where we then do the photo simulation, we're told it's not good enough, and we have to do it more. I would respectfully request that the Public Hearing be closed, he said. He continued: we could work with property owners and try to do the photo simulations as requested, provide that information, but I don't want ongoing situations like 'well that's not good enough, this isn't good enough' because, if that's the case, there's no reason to do this. Chairman LaPerch said I get it and that's a very fair comment from your side: I get that. Chairman LaPerch asked Ms. Ley what the applicant was offering to do. Ms. Ley said they are offering to re-do the photo simulations in a leaf off condition so it is comparable to this level of detail with photos taken from the three or four locations that they showed this evening. In terms of the potential impacts or identifying new locations where the crane would be visible, she said, typically you would look at a worst case scenario. So, in this case, they're showing the crane where it would be most visible both in the summer months and then even more so in the winter months so any other additional locations where it would be visible would be less of an impact than what they've already shown, Ms. Ley said. Boardmember Wissel said but it would be impacts from people that weren't impacted with the foliage up. Ms. Ley said possibly. Boardmember Wissel said so I understand his point, if there are areas in Town that with foliage up you don't see it at all whereas when foliage is down you see it. Chairman LaPerch said what kind of undertaking would it be to do a little wider scope of pictures? Ms. Ley said we should be able to tell from topography where the potential visibility would be and do additional photo sims without having to put a crane back up. Ms. Hahn said I mean we already did a general View Shed study for the property. Chairman LaPerch said we're talking about with the leaves off. Ms. Hahn said we did an overall View Study and identified those areas that are within that View Shed based on the topography. She said I mean there's a standard process for

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going through that. We had already done that, she said, we then narrowed it down into those areas that you could actually see things and then those are where we took the pictures. Chairman LaPerch said OK. Ms. Hahn said we are professionals: we're going to drive around and do what we're supposed to do, which is to identify what needs to be done and make any changes accordingly. So we will go through our standard process of driving, doing what we're supposed to do, showing what those changes are, she said. Cathy Croft approached the Board and said one of the questions I have is: I thought it was within your Board's purview to request a 3D rendering and I haven't heard anyone mention that so I'm just throwing that out there. Ms. Ley said yes it is. Ms. Croft said the other thing is: will there be a turning lane to widen the road turning in... like a right-hand turning lane to widen the road turning in headed east? Ms. Hahn said the DOT (Department of Transportation) granted an approval for this project already and the road improvements were already done so there's a pull off lane before you get into there. I don't know if you have noticed the configuration, she said. Ms. Croft said so what's there now is what is going to be. Ms. Hahn said that's what the DOT... Chairman LaPerch said (to Ms. Croft) so the answer is no. Ms. Croft said will you leave this Public Hearing open for a 10 day comment period? Chairman LaPerch said the answer is yes, I'm going to make a motion. Ms. Croft said and the other thing was we were talking about the trucks turning in there but also when they're leaving making the left hand turn out and I also thought it was really dangerous with Lisi's when it was going to be really big tow trucks going in and out of there. I just thought it was an accident waiting to happen, she said. Maksim Chepel from Garrity Blvd. said I'd like to make comment about the importance of taking new pictures from new locations because my house faces that hill, the front of the house, and now without leaves I can see it. You don't have those pictures so you can't simulate a view from my house, he said. The entire north... well actually east side... of Garrity Blvd, he said, which is up on the hill, can see that place now so you know it's very important to make new pictures in your studies and leaves are gone for five-six months, well not six but five months so that would be my comment, thanks. Keith Napalitano said in one of the Zoning Board of Appeals meetings the leaf off issue came up, foliage issue was raised and the applicant seemed to be in a hurry to get this test done prior to the foliage coming down and I believe, I'd have to listen to the meeting again, there was some suggestion that they could do it again with the leaves off, with the foliage off. He said that occurred during a Zoning Board of Appeals meeting so for them to be resisting now or for this to be an issue, it really needs to be done with the leaves off and the other thing that test did not include is the jib. I don't know what the feasibility of including the jib is, he said, but to not have a 200 ft. jib as part of this test; the piece of equipment they used for the test was a very narrow piece of equipment. He said the crane's going to be...how wide is the crane going to be sir? Mr. Juhren said the jib is 131 ft. Mr. Napalitano said OK sorry about that. He said how about the vertical portion of the crane, what's going to be the width of that? Mr. Juhren said 8 ft. Mr. Napalitano said just one more thing to consider, maybe we do need to do a test to see if a 53 ft. tractor trailer can make that right hand turn without having to go into the opposing lane to make the turn because I don't think they can do it, thank you. Chairman LaPerch said thank you. Ms. Montanaro said sorry this is just a comment: there seems to be back and forth, I just want to clarify the jib is 206.7 ft., not 130 ft., 130 ft. is just from one portion, OK I just wanted to say it's 206. ft. and 7 inches. Chairman LaPerch said OK, total length, thank you. Chris Cataldo of Garrity Blvd. said nobody addressed the noise issue. She said this machine is 200,000 lbs.: it's going to make noise. She said I'm back to back to the auto wrecker and they have a machine that runs there, thank God not on a daily basis, but the noise that comes off that machine...and it's not one hour, it goes for five and six hours straight, would make you go berserk. This machine is going to be running on a six, we were originally told five days a week, she said, now I hear six days a week. It might not be a full day on Saturday but it will be a six day week, she said. Also, she said, the traffic load: I'm right at the corner, I'm the second house in off 312 on Garrity and if someone pulls over in front of the auto wreckers, the traffic that backs up there goes up as far as North Brewster Road, past the train tracks.

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She said if one of these tractor trailers pulls out of this facility and breaks down, the traffic will back up God knows how far going in both directions and we have EMS and fire on the corner of that road; how are they supposed to get to an emergency if there is a breakdown across 312. Nobody addresses those issues, she said. The traffic log during the day is unbelievable, she said, trying to get out off Garrity to cross over to go east heading towards Route 22, you can get killed over there because of that blind curve. She said people come roaring around that curve even though there's a speed limit. They pay no mind to it, she said, and I believe, like Mr. Napalitano said, trying to swing a tractor trailer across those two lanes, I don't even see it visually having to have to go off the edge of the road to get over the train tracks. And anything that hits that train tracks, a heavy truck, the bang that comes off when they hit the train tracks and go over it, everything rattles, she said. Ms. Cataldo said my home rattles when they go over there and when they down-shift coming down 312 approaching those train tracks they're on the down-shift you can hear it like it's right next to you. She said they are going to be pulling out of this facility with a load, those trucks have to rev their engine 13 gears to get to where they're going; even if they don't even get into their 13 gears they have to roar to get up and over that track. Chairman LaPerch said I appreciate that but it is a commercial property so at some point there will be trucks, even if this application doesn't fly, so there will be other trucks coming through. Ms. Cataldo said well I deal with that, I do. Chairman LaPerch said all right so it's not just this particular application, it's to the site. Ms. Cataldo said I got it and now they're saying 10 trucks a day, it could be more than 10 trucks a day or 10 trucks a week they say; it could be more or less. She said but then, also, aren't we opening up Pandora's Box? Let's just say the property across the street decides to be sold or opened up and there's another facility just like this one that wants to come across the street and put the same type of facility with trucks going in and out of there: where is that going to leave us then, she asked? We are going to have no peace... we don't have peace now, she said, but we're going to have next to nothing if this continues. She said 312 is like a hub all of a sudden for development. It's never great development, she said, nobody cleans up Dykeman's. Everyone wants to keep dumping on Dykeman's and it's just going to become more and more of a nightmare over there, she said. Chairman LaPerch said fair enough, thank you for your comments very much. He said I'd like to see if I could wrap this up here and make a decision on the Board. Boardmember Hecht said I just have a real quick question: if we don't close the Public Hearing does that prevent the ZBA from their stuff that they have to do? He said do they still have their Public Hearing and all that? Ms. Ley said well, before the ZBA can vote this Board needs to issue a SEQRA Determination. She said it's my recommendation that the SEQRA Determination not be made until the Board hears back from the MTA (Metropolitan Transportation Authority) and until some of the comments that were raised this evening are addressed. Boardmember Hecht said I'm not trying to close the Public Hearing, I just want to understand. Ms. Ley said if the Public Hearing is closed this evening it would be my recommendation that a 10 day written comment period be left open. Boardmember Hecht said are we still allowed to have potential new sites and pictures as that could open up new dialogue. Chairman LaPerch said no, fair point. He asked the applicant would you be ready for a December 11 meeting? He said I would like to keep it open until December 11 so at this time I would like to make a motion to keep the Public Hearing open and continue to December 11: is that the date Victoria (Desidero)? She said yes, December 11 is the last meeting of the year, yes. He said and during that time period they will provide us with what Ms. Ley? Ms. Ley said the Board has requested additional photo simulations in a leaf off condition, revisiting some of the other streets that are in the area. She said I know you have already provided sight lines so bring them up to date with the leaf off conditions or bring them to the next Public Hearing to discuss those again. She said another issue that was brought up several times this evening was the ability for trucks to turn in and out of this site: you could run "Auto Turn" on the 53 foot tractor trailer and bring that in. Ms. Hahn said yes. Boardmember Larca said would the trucks only be making the left out of the facility to head towards 84 or 684? Mr. Juhren said I don't see any reason why they would make a right

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hand turn because they are going to be heading to the highway. Boardmember Larca said OK, thank you. Chairman LaPerch said good question, thank you. The motion to continue the Public Hearing to December 11, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Mr. O'Rourke said thank you, in so far as the submission for consideration on December 11, if I may ask today is the 27th so what is the deadline because we are trying to expedite the process and be responsive. *(Multiple people talking in background.)* Chairman LaPerch said please, while we are having this sidebar, please leave the room with your comments. Ms. Ley said if you could get everything by Tuesday the 5th? Chairman LaPerch said we are going to work with you on this. Mr. O'Rourke said we'll try but we want to be ready for December 11. Chairman LaPerch said we get it, we want to work with you so just do your jobs.

REGULAR SESSION:

1. **DiDOMENICO / PALAIA, 89 Vails Lake Shore Drive** – This was a review of an application for a Wetland Permit. Architect Richard Vail appeared before the Board. Chairman LaPerch said from what my consultants tell me you are all right but let's just talk about it: do you have a map for us? Mr. Vail said yes and introduced himself. He explained that his client is proposing to add a deck that would be close to grade level and showed the deck area on the plans. Chairman LaPerch said it isn't a big deal, there were two comments from the Wetland Inspector: did you get his comment letter? Mr. Vail said yes. Chairman LaPerch said do you have any problems with those two comments? Mr. Vail said no, I actually have an updated site plan... Chairman LaPerch said and then you are going to try to get a temporary easement? He said right. Chairman LaPerch polled the Board for questions and there were none. Ms. Ley said I just have one thing: my Summary Sheet was issued before the Wetland Inspector issued his memo and, in his memo, he recommends that the application be classified as a minor disturbance and a minor Wetland Permit so the Board does not need to set the Public Hearing. Chairman LaPerch said so we only have one action tonight and that would be... Ms. Ley said potentially, you could approve the project tonight if you... Chairman LaPerch said oh, it's your lucky day, OK. He polled the Board again for questions and there were none. The motion to Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 5 to 0 with 2 absent. Chairman LaPerch said I am going to take the recommendations of Ashley (Ley) here. The motion to Grant a Minor Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent.

2. **RED ROOSTER LOT LINE ADJUSTMENT, 1566 and 1560 Route 22** – This was a review of an Application for Subdivision to merge two lots. Jamie LoGiudice of Insite Engineering appeared before the Board. Chairman LaPerch said this is more procedural: you are just merging the two lot lines? She said yes, there are currently two lots that are subjects of this application: one lot has the mini golf and the field and the other lot has the existing Red Rooster on it. This project was part of a site plan approval where the Red Rooster is adding seating to their existing restaurant, adding an outside deck and re-configuration of the parking so in order to do that they have to extinguish this existing property line that runs right here as it runs through their proposed deck. Chairman LaPerch said thank you. He polled the Board for questions and there were none. The motion to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Grant Final Conditional Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 5 to 0 with 2 absent. Chairman LaPerch asked for next steps and Ms. Ley said the next step is get Health Department sign off and then bring the Plat to the Town. Chairman LaPerch asked

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when they will get started on construction and Ms. LoGiudice said currently they are waiting on septic approval and then they will get their Building Permits.

3. **NORTHEAST INTERSTATE LOGISTICS, Rte. 312 and Pugsley Road** – This was a review of an Application for Subdivision, Site Plan, Wetland Permit and Conditional Use Permit. Chairman LaPerch asked Ms. Ley to provide the Board with the history of this project. Ms. Ley said so this site was previously before the Planning Board in the early 2000s for approval of 156 lots: it was attached single family homes, there were some commercial uses on the site. They're now here, she said, to propose a logistics center and all of the 156 lots would be merged down to five lots and they will be providing more detail on the specifics. Chairman LaPerch said OK so they are looking for a text amendment or what exactly are they looking for from a Zoning standpoint? Ms. Ley said the majority of the property is currently Zoned OP-3, a portion of the property is Zoned RC and they are looking for a Zoning Map Amendment to re-zone the portion of the property on the west side of Pugsley Road to OP-3. Everything on the east side of Pugsley Road would remain RC. The other amendment they are seeking, she said, is a Zoning Text Amendment to add a new Use to the Code and that would be the 'Logistics Center' and they are proposing that that be a Conditional Permit Use in the OP-3 Zoning District. She said the area where they are located is the only portion of the Town that is Zoned OP-3. Chairman LaPerch said that was my question, thank you. He welcomed the applicants. Attorney Daniel Richmond of Zarin & Steinmetz introduced himself and said I am pleased to be here this evening, on referral from the Town Board, to present an exciting proposal to amend the Town Zoning Code to allow logistics centers as a use in the Town's OP-3-District. He said we are also before your Board on site plan, subdivision, wetlands and Conditional Use applications for the actual logistics center. As we will explain, while the Town Zoning currently permits traditional distribution centers such as "warehouses," the evolution of online retail and other changes in technology and our economy warrant updating the Town Zoning to allow this use that is of growing importance and demand, and a proven job creator, he said. Mr. Richmond said with me here this evening, as you know, Joe Sarchino and Rich Pierson from JMC, the projects' engineering and architectural consultants, Beth Evans from Evans Consulting, Bruno Pietrosanti, our architectural consultant, Peter Gilpatric, the project manager and Harvey Schulweis, the project sponsor. He said by way of background, the OP-3 District currently exists in proximity to the Route 312 Interchange off of I-84, generally along Pugsley Road and Field Corners Road and it includes property commonly known as the Campus at Field Corner. Our client, Putnam Seabury Partners, he said, received final approval in 2006 from this Board to subdivide and re-subdivide the Campus project: the approved Final Subdivision Plat, which was filed in the Office of the Putnam County Clerk on June 8, 2006, created 143 residential lots and a large commercial lot. Mr. Richmond said this subdivision project remains valid, but Putnam Seabury is now advancing a proposal that would provide significant benefits to the Town and the region. He said Logistics Centers are essentially distribution centers, which, in addition to traditional storage functions of warehouses, add a number of additional valuable services including handling, shipment, consolidation, repackaging, labeling, assembly, aggregation, management and other similar activities of non-hazardous goods and materials. The Town Zoning Code presently allows warehouses, he said, but the Code definition does not appear broad enough to cover the full range of uses contemplated for logistics centers as the current Code defines "warehouse" as "a building or structure used for the storage of commercial non-polluting and non-hazardous manufactured goods." And we are proposing 'Logistics Centers' which are currently in great demand in our society, including because of the increasing use of online shopping for retail, he said. Articles in

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the New York Times, he said, which we provided as part of our Zoning Petition which I believe the Board was supplied with, have reported how these logistics centers have been a boon to the economy in many parts of our country, producing hundreds of thousands of jobs since the economic recovery began in 2010, and adding workers at four times the rate of overall job growth. He continued: they are a highly desirable Use for the Town, including because of the jobs they would create; the taxes they would generate; their low demand on municipal services, including the obvious fact that there are no school children associated with the use; and their limited environmental impact, including low demand for sewer and water. He said the Town is well positioned geographically to benefit from this trend as it is within truck driving distance of multiple commercial centers throughout the northeast, as well as being in close proximity to a marketplace with literally millions of potential end users. He continued: there is relatively little available warehouse space of this kind for rent in many metropolitan areas where the land is at a premium; e-commerce companies, in particular, need these parcels to guarantee they can quickly dispatch goods to homes and businesses. Mr. Richmond said the Putnam County location is convenient to the area employment centers of Westchester, Dutchess and Orange as well as Fairfield and Litchfield Counties in Connecticut. Nearby centers of commerce include White Plains, Poughkeepsie, Newburgh, as well as Greenwich, Stamford and Waterbury Connecticut. Mr. Richmond said the Campus Property would be a particularly appropriate location for a logistics center: it's easily accessible off of I-684 and I-87, and is situated along Interstate I-84 directly off Exit 19, which is a full four way interchange; the Site's location off the Route 312 Interchange and Pugsley Road will allow ample transportation access without disturbing local traffic within the Town. He said our development team has devoted significant time in coming up with zoning that works for this Use and for the Town and were guided in significant part by New York State's Development Profile for Warehouse/Distribution/Logistics Center Sites, which was developed as part of New York States "Build Now" initiative to promote development that allows municipalities to demonstrate to prospective businesses that they are ready for new development, jobs, and economic growth. Proposing a new 'Logistics Center ' Use as a Conditional Use, he said, would allow the Planning Board authority, as was remarked earlier on other applications, to impose conditions that are tailored to the center and, in particular, we are proposing to Amend Section 138-4(b) of the Zoning Code to add 'Logistics Center' as a defined term and would define 'Logistics Center' to include a building or structure used for the receipt, storage, distribution, handling, shipment, consolidation, repackaging, labeling, assembly, aggregation, trans-loading, refrigeration, management or similar activities for non-hazardous goods and establish that it may include associated office space and/or facilities and we're also proposing that it allow accessory retail space, provided that such space shall comprise no more than 2% of the total floor area and, again, it is not proposed that these be retail centers but only that they have a small area that may be able to accommodate like a Fed Ex distribution facility where people can come in and out. He said we are also proposing to amend Article X of the Zoning Law to incorporate a section allowing logistics centers as a conditional use and recommending certain conditions including: only on lots of at least 25 acres; establishing Design Guidelines, such as that no commercial building to be used for this purpose of a logistics center be shall be closer than 50 feet from the boundary of any residential Zoning District. He said as we get into the site plan details you will see that, in fact, the uses we are proposing are no closer than 650 ft. from any residential use but the proposed Zoning would also include landscaping, including appropriate buffers. Mr. Richmond said we are also proposing to amend Attachment 5 of the Zoning Law, which establishes the Permitted Uses in the OP-3 District, to include a logistics center and, again, this is the only OP-3 district in Town and, finally, we are proposing to amend the

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Zoning Map, to include the real property which is listed as Section 45, Block 1, Lot 4 to the OP-3 Zone. Allowing this use would promote several important planning and economic goals set forth in the Town's Comprehensive Plan, he said, including that it says that it seeks "a diversified base of business and industry, strengthens the Town's tax base, and provides employment opportunities for area residents while preserving the Town's rural character and protecting the Town's portion of the regional drinking water supply." He said the development team has spent considerable time over the past year coming up with the logistics center site plan and to show that it can be located on this site in an environmentally sensitive manner while leaving significant open space on the property. Mr. Richmond said at this point, I am going to hand this over to our consultants who will give you details of the plans. Mr. Sarchino said I'll start off and just to make sure you saw where the re-zoning is so I'll just show that. He spent a few minutes showing where the Zones are and the changes proposed using the visuals projected on the screen. He showed the proposed development plan saying it is basically a four building arrangement and showed where the nearby roads are, saying we are proposing to improve Pugsley Road and Barrett as well as make improvements to Rte. 312, which we will talk about later. Mr. Sarchino showed the Board where each of the four buildings are located and talked about the access and parking associated with each. All of the buildings will have loading docks, trailer parking and stormwater management, designed to meet DEP requirements, he said, and there will be below grade septic systems as opposed to the Sewage Treatment Plant that was originally approved for the project. He said the proposal is to use the two existing wells and there will be a water tank to support all four buildings. Based on this, Mr. Sarchino said, this is proposed to be a five-lot subdivision, taking out all those little lots that exist now and leaving one lot for each building and one vacant lot. He said with that, I am going to turn it over to my colleague Rich Pierson who will provide the ridgeline analysis. Mr. Pierson said the Zoning Code has ridgeline performance standards and what we have shown here are the ridgelines that apply to the property: there are two ridgelines, the first one is by Buildings 1 and 2 shown in orange and that is the bottom of the ridgeline. The ridgeline is the upper 50 feet of elevation for this area, he said, and what we have now is showing the existing tree line within the ridgeline, the Code focuses on minimizing the removal of trees. He said in this case, the site for many years was a farm so there are relatively few trees as opposed to if this was a forested area. Mr. Pierson said the Code allows for removal of up to 40 trees per acre and we are having the tree survey updated but the total number of trees that are proposed to be removed as part of this application will be substantially below what is permitted by Code based on our preliminary analysis. He used the plans to show ridgeline areas on the site and the impact the development will have on each area. Mr. Sarchino said we are going to turn it over the Beth Evans to review some of the Wetland components. Chairman LaPerch said welcome Beth (Evans). Ms. Evans said we were asked to re-confirm the wetland boundaries on this site and, in order to do that, this site is so overgrown, so thick, that we had the surveyors go out and actually re-stake the wetland boundaries that we had flagged previously. She said I believe this is the fourth time we have confirmed the wetland boundaries on this site and the wetlands have not changed. We have gone into some of the interior portions of the wetlands, she said, to re-evaluate the habitat value and things like that and we have updated the wetland delineation report and we have also submitted an biological assessment report looking at the habitats that are on the site and their values in terms of endangered or threatened species. Ms. Evans said what the slide is showing is the wetland disturbance with the improvements to Barrett Road and also some of the improvements on (Rte.) 312 to facilitate turning onto Pugsley Road. Otherwise the wetland disturbance is to the old State regulated wetland boundaries and Town regulated wetland boundaries, she said. Some of the wetlands on the site are State regulated and

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their 100-ft. adjacent area, we have kept all buildings out of the adjacent and there is some grading that is shown in yellow that is minimized in some cases with retaining walls to keep grading out of the adjacent areas. Ms. Evans said the Town's regulated wetland buffer extends 66 ft. further than the State wetland and those impacts are shown in purple: the majority of those impacts are presently overgrown species and we were really shocked after 10 years to see how much of the site has been taken over by invasive species with limited habitat value in terms of the buffer. While we have what may seem like a lot of wetland buffer disturbance proposed, she said, actually the wetland buffer disturbance, if you take the whole site area is only about 5% of the site in buffer areas. The mitigation for that, she said, is somewhat atypical: instead of doing a planting plan, a fancy mitigation compensation plan, we are proposing to do some restoration of the habitat by removing the invasives and re-planting these areas on the site. Ms. Evans said we were actually able to observe some wildlife not able to penetrate through some of that invasive plant material. Mr. Sarchino said now I am going to turn it over to Rich (Pierson) who is going to review some of the traffic study that we have done. Mr. Pierson said we've been working with your consultant, AKRF, to determine the scope of the traffic study and we've also been coordinating with the New York State Department of Transportation (DOT) and we met with the State DOT last week. We've looked at conditions at six intersections along Rte. 312, we've looked at conditions on weekday morning peak hours, afternoon peak hours and on Saturday mid-day hours, he said. Mr. Pierson continued: we've looked at conditions in the future with and without our project, including other developments in our analysis such as the Crossroads project and other projects that we have coordinated with AKRF and, as part of that, we have done a conservative analysis, we believe, of future traffic generation based on the proposed use and we will be revising and expanding our study based on recent comments from AKRF. One additional aspect of this project, he said, we are working with the Town Board and the New York State Department of Transportation on the fact that larger, 53-ft., trailers who travel within one mile of the farthest ramp of the Interstate, which is shown under Section 5 as the westbound ramp from 84, and while we can take our trucks on a portion of Pugsley road, at this time we would need to extend that beyond the one mile and we are working with the State and, again, we are very comfortable that once Pugsley Road is improved, it will satisfy the criteria that the State is looking for so it's a matter of us having that road re-constructed as we intend to do. He said we have been working with the State also on improvements to the intersection of Rte. 312 and Pugsley Road and the improvements are generally similar to what we had proposed with the previous residential development and includes a left turn lane along Rte. 312 and a right turn lane along Rte. 312. We've made the turning radii very generous for trucks to turn off of 312, he said, without crossing into the Pugsley Road exiting traffic and similarly we looked at that for the reverse maneuver. He said we are proposing a double left turn with shared right turns because most of our site traffic will be destined back toward 84 and we have two receiving lanes proposed at that location which would then take it back down to the one lane. Mr. Pierson said we are also proposing a traffic signal, based on our analysis, we satisfied the warrants for a traffic signal installation based on our projected full build occupancy and we discussed with the State having the traffic signal installed earlier if we did not build all four buildings at once and they were fine with that approach. He said there is also a possibility that there might be a round-about at this intersection, it is something the State asked us to look at as an option for intersection improvement and it will be included in our revised analysis and it will be reviewed by your Board as well as the State Department of Transportation and your consultant, AKRF. Mr. Sarchino said I think we will turn it over to Bruno (Pietrosanti) to go over the architecture a little bit and he will show you what was proposed as far as the buildings go. Chairman LaPerch said welcome. Mr.

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Pietrosanti said what you see here is a typical building simulation and what this will basically be is a high tech look to blend in with the specifics that we are coming up with. The building will be roughly 40 ft. high to the roof line of the building, he said, and we do have some large spans. He said portions of the building will have two stories where there is office space above and there may be a lobby for employee entry. Mr. Pietrosanti said the building will be built of a steel frame construction, a mixture of masonry along with some panelized effects. In terms of colors, he said, we are going to be very respectful of the environment so that it blends in but, again, it is a high tech building so very much how you see in Europe, it is very respectful of their environment, more so than we are, where they actually have their high tech and new technologies mixed in with the environment and this is a very important element that we feel will be successful here. He said so we will have translucent panels that bring in natural light, canopies along the back end area where you have the loading docks and we are working with the grade change there. We have variations of heights along the façade, as I mentioned, he said and the panels throughout so that we don't have these large banks of one color expanse. Mr. Sarchino said we learned from the previous application today so that we have a 3D visualization for the Board to look at and with the leaves off so... Chairman LaPerch said thank you. He explained he would be showing going eastbound along 84 first with leaves off. He said you don't really see the building and, again, this simulation is based on actual GIS topography we have with the leaves off. Mr. Sarchino then showed a simulation as if you were travelling from east of the overpass where 84 drops down going west. Chairman LaPerch asked how this was done and Mr. Sarchino explained how the simulations are created and that they can be done with leaves on or leaves off. He showed a simulation with the leaves on. Next he showed the Board travelling up Rte. 312 toward Pugsley Road including the proposed right turn lane and widened radii for trucks to make the turn. Chairman LaPerch said well done for the first time out, we have a long way to go so we are not going to talk about the comment letters now because it is a work in progress. He said I do want to make you aware we are concerned about the wetland letter that Beth (Evans) you are going to work on, correct? Ms. Evans said. Chairman LaPerch said I have a couple of questions: does the Fire Department have any special needs or need to know about these building heights: are they capable with their current apparatus... Mr. Sarchino said I think 45 ft. and three stories is permitted in the Zone and these are, at the highest, 43.5 inches and it is really one story but there is a mezzanine for offices but we are within the Code but we can check, of course, with the Fire Department. Chairman LaPerch said I saw the Gap thing was a disaster so... He said just as an aside, I have been part of this process for a while now, and at one of the meetings, it's not public yet, but they have offered to donate land, do you want to speak to that? Mr. Sarchino said yes... Chairman said would you use the aerial to show it? Mr. Sarchino said in a meeting with the County, the easternmost portion of the property, where we are proposing Building 1 in this area, the County had suggested that they might want a new access drive for the farm to come up through the property so the applicant and the owner is willing to carve off a parcel here, approximately 3 to 3.5 acres, to donate to the farm to provide a new access to the property off the improved Pugsley Road. Mr. Richmond said the County said it might also potentially be used for housing and educational facility for autistic youth. Chairman LaPerch said Discovery Center. Mr. Richmond said yes, they are presently using Tilly Foster to help and they are now proposing to expand that and we are going to see if we can help make that work. Chairman LaPerch said I think the big issue I can see here is the traffic, which you heard from the previous application, your traffic studies along with AKRF, this was all taking into account all the proposed development coming online like Crossroads so can you speak to that issue in terms of that? Mr. Pierson said as I mentioned we've looked at these six intersections; we've looked into the future when this project is

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expected to be completed, we've applied a general growth rate for incidental traffic from a variety of sources. He said we've included the traffic from the Crossroads development, the bridge reconstruction on Prospect Hill Road and potential diversions associated with that, also the office development on Prospect Hill Road, improvements proposed as part of the Crossroads project and AKRF has asked us to do an alternative analysis without the Crossroads improvements and we'll do that. He said we have looked at the traffic: we want the traffic to work as much as you do; it is important for us to be able to market the property and have it function properly so we have worked with your consultant and will continue to work with AKRF and the New York State Department of Transportation so that everyone is comfortable with our proposal. Chairman LaPerch said the actual traffic will be less on this site compared to the old application, is that true? Mr. Pierson said it might be if you were to include the additional commercial component with the previous application, which is approximately 250,000 sq. ft. of commercial, but we looked at it conservatively with just the 143 single family homes that were approved, although it was conditioned at that time that there would be more commercial development, so we are generating more traffic than with the single family homes only. We have not done that comparison with the additional commercial component, he said, that was not specifically approved by your Board. Chairman LaPerch asked Ms. Ley to walk the Board through the process for the Zoning issues they are going through. Ms. Ley said simultaneous to the applicant filing the site plan application with the Planning Board, they also filed a Zoning Petition with the Town Board. The Town Board has jurisdiction over any changes to the Zoning Code or Zoning Map, she said, but the Planning Board is required to issue a report and recommendation to the Town Board for the Zoning change requests. She said what is happening tonight is the Planning Board declaring its Intent to serve as Lead Agency and the Planning Board would conduct the SEQRA review of the project and once SEQRA is complete, that's when the Planning Board would issue its report and recommendation. She said the applicant can then go back to the Town Board where they will hold a Public Hearing on the Zoning Text and Map amendment and then the Town Board would vote on whether or not to make those text and map changes. Once the Town Board has taken its action, the applicant would then come back to the Planning Board for continued site plan review and approval. He asked her if the referrals to the ARB and such would be done by then and she said at the time SEQRA is complete, the Planning Board could refer the application to the ARB but the applicant may choose to complete the Zoning review with the Town Board before they go to the ARB. Chairman LaPerch asked Mr. Richmond if that is his understanding as well and he said yes. Chairman LaPerch said we are just starting this application but are there any initial questions regarding this? Boardmember Larca said the original approval stated that the participants will be responsible, in some part, for road improvements including widening of the bridge over 312 so I just wanted to know... you made a statement that the traffic will be more for this use but it is probably true statement that it will be less for the Town just more in that 3/4 of a mile range, which would include that bridge? Mr. Richmond said what I think you are referring to is what was contemplated at that time that there would be a transportation improvement district and the Campus would contribute like any other project and I think that never came to pass. He said I don't think it was contemplated that the Campus at Fields Corner project would in itself expand the bridge: I am pretty sure it wasn't. Mr. Richmond said I think the overwhelming majority of the traffic to the logistics center would be to the I-84 interchange. Boardmember Larca said right, so it is more traffic but more in a condensed zone but would probably effect that bridge more. Mr. Pierson said we will have your consultant look at that but based on our analysis that the volume of thru traffic along that bridge can be accommodated without additional lanes being required. He said there are additional lanes at the

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intersections at the traffic signals where the traffic has to get stopped and wait for their green until they can be processed. Boardmember Larca said the other concern I would have with traffic, or just to point out, would be the eastbound lane has two lanes on the ramp and I think the westbound does not but would there be a stacking issue? Chairman LaPerch said good points, thank you. Boardmember Hecht said just from the fire standpoint the Chairman mentioned before, I am assuming you will have some on-site water storage capacity for the Fire Department to tap into. Mr. Sarchino said we are sizing the water storage capacity now and we do show a tank. Boardmember Hecht said it will need to be rather significant. Mr. Sarchino said yes, it will be 100,000 gallons or so. Boardmember Hecht said just on the traffic, I am deeply concerned, if my math is right we are talking about 200 bays for tractor trailers to dock to -- that's a lot of trucks and then going down toward Pugsley is a really sharp decline. He said if you ever try making a left out of the glass building where the medical offices are, it is nearly impossible today to make a left out of that building. The traffic study that gets done has to be right, he said, it would be terrible if it got approved and I think the Chairman mentioned the whole metro north parking area and you heard the crew who was in here before talking about 10 trucks a week and now we have 200 loading bays on 312 with school buses and everything else: that could really cause some issues. Mr. Pierson said we have 200 bays but it's not like there is going to be a truck going in and out of each of those bays during... Boardmember Hecht said I know but you really have to hone in on what that traffic is going to be like. Mr. Pierson said what we have provided, and the data is a conservative analysis and we've been asked to provide an even more conservative analysis based on the recent reviews. He said the type of facility this is, as was mentioned, some of them are more robotics based and would have fewer employees and, potentially, fewer trucks as well. They discussed this in detail with Boardmember Hecht. Boardmember Cyprus said to Ms. Ley: a lot of things that were mentioned that take place in a logistics center, truly take place in a warehouse as well but I don't know if that is a gap in our Code that we should look at. They discussed how it might be adjusted in the Code. Boardmember Cyprus asked about the ridgeline restrictions saying he thought we had more ridgeline restrictions than we do. Ms. Ley said the ridgeline performance standards is one small section of the Code and it is 138-12 (I). She read: "*Ridgeline protection. Buildings, structures, including towers or storage tanks or other improvements, within any area defined as ridgeline shall not, to the maximum extent practicable, be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline; nor shall excessive clearing of any ridgeline area be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to the natural land. The term "excessive clearing," for the purposes of this section, shall mean the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. Ridgeline protection. Buildings, structures, including towers or storage tanks or other improvements, within any area defined as ridgeline shall not, to the maximum extent practicable, be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline; nor shall excessive clearing of any ridgeline area be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to the natural land. The term "excessive clearing," for the purposes of this section, shall mean the*

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removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed." She said so what it is really saying is you are not allowed to have excessive clearing within the ridgeline and that if you are going to be locating any structures within the ridgeline, they cannot be visible above the tree lines, to the greatest extent practicable, from public rights of way and private property. So what they have tried to show in their analysis, she said, is the limited visibility this would have from I-84 and Rte. 312. She said there could be some other locations that need to be looked at such as some of the residential neighborhoods that are upland of this area. Mr. Pierson said one other thing that I neglected to mention is that we have a series of retaining walls and by having those retaining walls, it minimizes the extent of clearing so if we had done it without the walls and just graded out these areas, there would be more removal of trees in that area. Mr. Richmond said I think the ridgeline protection act is really a View Shed protection act which was generated as a result of like Home Depot where they would have buildings located on top of high hills causing visual obstruction and visual interference so I think we have been trying very hard in doing the visual analysis to conform to that and to show that we can build on the ridgelines in a way that is not going to cause View Shed disturbance. Mr. Pierson said and along those lines, our proposed buildings are essentially at the same grades as 84 as compared to The Home Depot and Michael's and Kohl's where I believe it is approximately 150 ft. above 84 in the west bound direction so a vehicle coming along 84, you're looking up at those buildings, as compared to our buildings being essentially at the same grade. Mr. Sarchino used the plans to show what their plans are on the ridgeline and said what we did was we took the ridgeline down here 19 ft. for Buildings 3 and 4 so the buildings are at 50 ft. but we dropped the grade 19 ft. so we are trying to get the exposure of the building down. He talked about how they used retaining walls and balanced them by spreading the fill. Boardmember Cyprus said the traffic light by Independence Way, heading toward this site, is two lanes and then you talked about adding a turning lane in and asked if keeping it two lanes the whole way would help at all. Mr. Pierson said for the inbound traffic we wouldn't need to have that coming toward Pugsley Road: that right turn is proposed to get the trucks off of the road and be able to have a convenient turn without impeding the traffic along Rte. 312. Boardmember Cyprus said he thought if they were always in that lane then they would not ever be impeding the regular traffic. Chairman LaPerch said good question. Boardmember Cyprus said the last thing: the one mile you were describing, can you go over that again? Mr. Pierson said the State has a regulation that is actually not that well known: I've been doing this for 34 years and I only learned about it four years ago. He said you can have 53 foot trailers and other similar large vehicles within one (1) mile of Interstate ramps, it's within one mile of the farthest ramps so, in our case, it's one mile from the westbound ramps to our site. So, no matter what type of road your site is accessed on and, in this case, he said, we have access from a portion of Pugsley Road where our first two buildings are and they are within the first one mile so that the larger trucks would be, essentially, allowed to use Pugsley Road as it exists today in unimproved condition based on the State's general requirement. Mr. Pierson said but the State has a provision where certain roadways can be designated for trucks to travel on that are beyond the one mile, for example, Rte. 312 allows you to be on that road for its entire length going to Route 6 and then Route 6 also allows large trucks to be on that road. He said you can travel on those other roads but you cannot have that one mile extended from those other roads without permission from the State so the State has a provision where either the applicant, on their own, or the Town on their own, or, in our case, a combined request from both the applicant and hopefully, the Town Board, to have Pugsley Road designated as an access highway so that the trucks can be travelling along a greater distance than one mile. The criteria from the State, he said, is that the roadway widths are at least 10 ft. wide,

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which with our improvements we will have 12 ft. wide lanes on Pugsley Road and also a portion of Barrett Road as well to serve the site; and then also that the turning trucks do not significantly travel over the double yellow line, as you were concerned about with the previous application, so we are proposing very wide, comfortable turning paths, not only here at the intersection at 312 but also at the driveways to each building. He said we did do the simulations to make certain that those trucks would not cross the double yellow line when they make their turns. He said the third criteria relates to accident history along the roads and, in the case of Pugsley Road, there is such low traffic volume there is no accident history. Mr. Sarchino used the plans to show the turning radii, the curbing and the striping layouts and how they allow for the trucks to make the turns. Boardmember Cyprus said thank you, I didn't know that was a State requirement. Boardmember Wissel said I am assuming from the size of this whole center this is pretty much going to be running 24 hours a day? Mr. Richmond said our proposal would be that we be allowed to operate on a 24 hour basis. Boardmember Wissel said for planning purposes, let's assume you are, what kind of lighting are you going to have? My concern, he said, is it is on a ridgeline and it is going to be 24 hours of lighting, is that going to be a substantial eyesore with that light? Mr. Sarchino said we proposed a 27 ft. high pole on a three-foot concrete base so they are 30 ft. high and they are all dark sky compliant so they are all directed downward. He said we don't have leakage of light with full cut offs. He said we did the analysis where, I think Ashley's (Ley's) office did say we had some encroachment down here at the beginning but we were just trying to light the entrance but we can eliminate that and there is no encroachment off the property line. He said we luckily ended up with good existing trees generally all the way around as well. Chairman LaPerch said please show Phil (Wissel) the nearest condos in the back there, where they are. Mr. Richmond said I also want to point out that the building lot nearest Building 1 is also owned by Putnam Seabury and is not proposed to be developed. Mr. Sarchino used the aerial to show the buildings and the closest neighbors and all of the plantings and existing tree lines. He said our closest neighbor is 600 ft. to the building and we have evergreen plantings proposed just behind the building. Chairman LaPerch said as a follow up question: were there houses proposed in that area? Mr. Sarchino said yes, if I come back to the this plan, you can see where our property line is and houses were proposed all the way back into this area where our buildings end approximately here, our development, I should say, so we took all of this away, all of the single family homes. Ms. Ley said what is the elevation change between the town houses and Building 4. Mr. Sarchino said it is approximately 50 ft. but I can get that information for you. Mr. Stephens said which is higher and which is lower? Mr. Sarchino said this is lower and then he showed a simulation of the view from Twin Brook Court. Chairman LaPerch said sure, we have some neighbors here and, although it is not a Public Hearing, I am kind of picking up on some body language. Mr. Sarchino showed the simulation and explained where he took it from. Chairman LaPerch said if I get you permission to go on the property, can you get us some more photos? Mr. Sarchino said oh yes, absolutely, that we didn't do without asking. A woman in the audience said I am in Patterson right down the road from that and... Chairman LaPerch said we can't go there yet, thank you, I just want to get as many visuals as possible for the Public Hearing. Boardmember Wissel asked if they anticipate putting any types of illuminated signs on the buildings and how high up? Mr. Sarchino said we haven't gotten that far but typically you usually do have a name on the building but the notion of probably getting a monument sign at the entrances would be all we would need but maybe just a number on the building or something like that: that's probably where we are headed. Chairman LaPerch asked Mr. Sarchino if there are any green elements on this like solar or green rooftops since they are large buildings? Mr. Sarchino said not at the moment, no. Chairman LaPerch said I took David (Rush)

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question. He said this was a great start and we appreciate the effort you put into this and it has been a long time coming. He said you met with us a number of times and tried to incorporate some of the initial concerns we had but we obviously have a long way to go here. He asked Ms. Ley for a sense of next steps. Ms. Ley said the actions before the Board tonight are to Declare Intent to be Lead Agency for a Type I Action under SEQRA, to classify the project as a Town of Southeast Major Project, to refer them to Putnam County Planning for 239 m and 239n, that's because it is both a site plan and a subdivision application, to refer the application to the Town of Patterson because of its distance, and set a Public Hearing for the Site Plan and Conditional Use Permit as well. Ms. Ley said the referral to Patterson is that they need to get the Public Hearing notice and they will also get the application as part of the SEQRA review. Chairman LaPerch said it has been a long night and it was a great presentation, so thank you. The motion to Declare the Planning Board's Intent to be Lead Agency for this Type I Action under SEQRA for Interstate Logistics at Rte. 312 and Pugsley Road was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Classify this a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. The motion to refer this to County Planning under 239m and 239n was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch asked the applicant if they would have enough time to be ready for a Public Hearing on January 8. Mr. Sarchino asked if they could get back to the Board on that. They discussed this and it was agreed to wait until December 11, 2017 to vote on this. Mr. Sarchino asked if they can contact the Town consultants to set up meetings in the meantime and the Chairman said yes. Chairman LaPerch said please contact Victoria (Desidero) and Ashley (Ley) about your intentions for timing going forward. Mr. Richmond asked about setting up a site walk as there has been some interest from Town Board members to do this. Chairman LaPerch said we also want all of this online so please continue to update the materials with us as we go along.

Chairman LaPerch asked if there were any comments on the Meeting Minutes of November 13 and there were none. The motion to approve the November 13, 2017 Meeting Minutes as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

Chairman LaPerch asked Ms. Desidero about the next meeting and she said it is on December 11 and we have a Public Hearing for Salmons Daily Brook Estates Wetland Permit; LJ Coppola coming in for a request to release their bond; final approval for Mazzotta Lot Line Adjustment; a new application for sketch plan review from Lower Terrace Realty at 250 Route 22; another new application for site plan and conditional use permit for ACU LED, LLC at 1535 Route 22; and a third new application for sketch plan review for Interior Rock at 3903 Danbury Road.

Chairman LaPerch said we have a Staff Review coming up and a few people coming in. Ms. Desidero said yes, we have someone interested in Lakeview Plaza coming; John Folchetti for Las Mananitas and Durante on Fields Lane, who is looking at buying the property next to him; and Joe Buschynski for the Weston Chase subdivision and a subdivision called Roth on Foggintown Road.

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

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

PUBLIC HEARINGS:

- 1. SALMONS DAILY BROOK ESTATE, LOT 49** – This was a Public Hearing to review an application for Wetland Permit. Engineer Joel Chase and Contractor Joe Reilly appeared before the Board. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch said this good evening and welcome back. He said this is a Public Hearing so please turn that board as much toward the public as possible so they have an opportunity to see what we already know. Mr. Chase introduced himself and said this is 4 Salmons Hollow Road, it's Lot 49 and is the last undeveloped lot in Salmons Daily Brook Estates. He said it's a two and a quarter acre parcel and has local wetlands in the western portion of the parcel. The remaining area of the property, he said, is mostly in the adjacent area, the Town regulated buffer. He said we are proposing a four bedroom residence with a private well, private septic system and because we are in the adjacent area we do require a Wetland Permit and the project (inaudible) Beth Evans assists with that and she came up with a wetland mitigation plan and also developed a wetland monitoring plan and we are here tonight to continue the project review and answer any questions the public may have. Chairman LaPerch said thank you. He said just for the public standpoint, Mr. (Boardmember) Larca is not here tonight, but he did tell us he was not going to be available. With that, Mr. (Boardmember) Hecht, any questions before we open to the public. He said no. Chairman LaPerch polled the Board for questions and Boardmember Wissel said did you say it was a four bedroom house? Chairman LaPerch said yes, we have to change the resolution. Town Planner Ashley Ley said previously it was a three bedroom house. Mr. Chase said it was a three bedroom but the Health Department now allows you to estimate each bedroom at 150 gallons per day. Ms. Ley said so how many bedrooms... is it four or five? He said it is a proposed four bedrooms. Boardmember Wissel said obviously the resolution needs to be changed: that was my only point. Chairman LaPerch said good point. He said at this time I would like to open it up to the public and if you have a comment, please stand, come forward please and give us your name so we can have it for the record. Mitch Morra said I am the adjacent homeowner to this property. Secretary Desidero asked him to spell his last name and he did. He said the previous owner Ross Allen had dumped fill on the property back in 2006, which went unpunished or I don't know exactly the legal term for it, but he's caused some flooding on my property. Mr. Morra said I lived there approximately nine years before that and never had flooding in my basement: after he dumped the fill, I had a foot of water (inaudible) so my concern is: is there going to be any kind of remediation or assurances that this is not going to continue once the project gets started? Because, to be honest with you, he said, a foot of water in the basement is something that, you know, it took me weeks to get it remediated. That water stopped when I put a drain system in, Mr. Morra said, but I don't know once construction starts, I don't know if that's going to happen again so I would just like to know what kind of curtain drains or whatever you are going to do to keep the water off my property because after the fill was dumped now my property is a little bit lower than this is so... with the wetlands there, I don't know what will... Chairman LaPerch said it is a fair question. Mr. Chase we tried to keep the development as far... as close to Milltown Road as possible and there are 75 ft. setbacks to the property lines: we are proposing... Boardmember Armstrong said can we see where this gentleman's property is? Mr. Chase said I guess it is on the other side of the wetlands? Mr. Morra said yes. Mr. Chase said we are proposing for stormwater mitigation measures, we are proposing a large rain garden and, in addition, we will have it heavily vegetated to help with the run off along here and it is going to be a grass site and we have plenty of landscaping. He said in terms of their... I am not sure... Mr. Morra said well there was a hydrologist that looked at it and engineers have looked at it but, you

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know, it is undetermined whether the fill actually caused the flooding but prior to the fill being there we never had flooding so once you start upsetting that property, is there any assurances... Chairman LaPerch said well I will say this that you are actually on record now for your concerns and they are using best practices and standards set by the engineering world that we have signed off on with the wetland and everything so, at this point, I can't give you any assurances it's not going to happen but you are on record moving forward if there is a condition that exists, we are aware that you had concerns but, as of now, our engineers are pretty comfortable with the plan that they submitted. Chairman LaPerch said I can't give you 100% assurances, I am sorry. Mr. Morra said I understand and I am not trying to stonewall this... Chairman LaPerch said I get it and it's a fair question... Mr. Morra said I would just like to know, you know, what recourse do I have? Chairman LaPerch said I can't really give you a good answer for that other than you are on public record now that you have a concern for past history of what went on there so that would be a matter you would have to take up with the Building Inspector if and when it happens and I hope it doesn't happen. Ms. Ley said can you address whether there is any fill being proposed within the wetland itself or anywhere... Mr. Chase said no there is none proposed, we are staying out of the wetland area, we are raising the grade slightly in the septic area, the reserved septic area to the south of the property but the other septic area, which is the primary system, I don't see how that would impact flooding or... Mr. Morra said there are two septic areas? Mr. Chase said the reserve area and the primary area. Chairman LaPerch said there's always a reserve area. Mr. Chase said and, of course, the Health Department requires you also construct the reserve area. Mr. Morra said the reserve area is on Salmons Hollow Road? Chairman LaPerch said do you want to come up sir? You can come take a look at it, he said. Mr. Chase said it is adjacent to Salmons Hollow Road. Mr. Morra said so it is bordering my property? He said and the reserve... I don't want to take your time up. Chairman LaPerch said no, no, it's your public hearing, take your time. Mr. Morra said the reserve area is... when does that come into effect, after... Mr. Chase said all they do at this stage is they bring in the soil for the reserve area and they seed it. Mr. Morra said that is exactly where Mr. Allen had dumped his fill so that's my concern is that fill did not drain well and it's caused the problems so I just wanted that out there. He said thank you. Chairman LaPerch said thank you Mr. Morra: do I have any other public comment at this time? Monique Gallowitz said I have a similar question for this gentleman: I live in an adjacent property but on Bridey Lane so my questions were where exactly is the wetlands and was it encroaching and what does that... you know, it takes the rains or does it kind of take the water because I definitely (inaudible) right here... these questions but I just wanted to get a closer look. Mr. Chase said yes, so come on up. He said this is the outer property line here and the wetlands are the darker lines you see here. He said this area is all proposed landscaping and we have specific planting requirements so that goes about 20, 25 ft. off of the wetlands, larger still in some areas and, in addition, there's a rain garden right here which will receive rooftop run off and a small drainage from uphill. Mr. Chase said in terms of curtain drains, each septic system will have a curtain drain and all the curtain drain does is it lowers the ground water table, it's not mitigating the stormwater. Ms. Gallowitz said so if this is Milltown, then I guess Sherwood Hill would be up that way so then I am somewhere up here so is there... I guess concerns I have are.. Mr. Reilly said this is all water, wetlands right now, so we are not going to be adding any more water into the wetlands besides the regular stormwater that's here we are going to be putting into a pond. He said but most of it is going to just go into the ground. She said and underground is drainage or... Mr. Reilly said there is underground drainage around the house, footing drains, and there is a curtain drain along (inaudible). She said OK I just have similar concerns as well. Chairman LaPerch said no, thank you, good questions. She said thank you. Chairman LaPerch said any other questions at this time from the public? John Lord said you said Mr. Allen dumped fill there, was that was it determined that he had dumped fill there? Mr. Morra said are you asking me? Mr. Lord said I am asking anybody. Mr. Morra said I witnessed dump trucks with fill... Mr. Lord said but was there a violation? Mr. Morra said there was never any

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follow through by the Town. Ms. Ley said I recall that this was raised back in 2006 but I don't recall if there was ever a violation issued or not. Chairman LaPerch said that is the same recollection I have: I don't remember the history. Mr. Lord said I remember... Mr. Morra said I have paperwork from 2006 I the car but I don't know if that's pertinent to... Chairman LaPerch said well, we have our files which we will check out. Mr. Lord said would the Wetland Inspector take into account that there might be fill in that area? Mr. Reilly said oh yes, they are well aware of... what was dropped off in here was fill for the septic and that is out on the table, everyone knows about it, and, from what I understand, Mr. Allen was under the assumption that this was where the septic system was going and he brought in septic sand and I guess it was premature to have it there. Mr. Lord said so when the Wetland Inspector looked into it, he took into account that that fill was there and that was part of the assignment... Ms. Ley said he is aware. Mr. Reilly said and also the Putnam County Health Department because there was test holes done in this area after the fill was in place. Chairman LaPerch said that's where you did the perks? Mr. Chase said yes, we did the perk tests there. Mr. Lord said yeah, I remember when you came in about 2006 with problems with the flooding of your basement. He said thank you. Chairman LaPerch said yes, thank you, good questions: any other questions from the public? Chairman LaPerch polled the Board for questions. Boardmember Armstrong said this gentleman here... so I am not familiar with the site unfortunately, I haven't been out there, so the changes that were made to the site that you believe created your water problem? Mr. Morra said back in 2006 or so, yes. Boardmember Armstrong said and it has existed ever since that time? Mr. Morra said well, I put a drain in my basement... Boardmember Armstrong said you put the drain in? Mr. Morra said I didn't put it in, a company did and it cost (inaudible)... Boardmember Armstrong said you had to deal with it? Mr. Morra said yes, sir. Boardmember Armstrong said and this lady is also concerned about additional, whatever additional you are going to be doing there, I mean it just seems to me that whatever was done to the site has changed, somehow has changed the course of the water. You are saying no, he asked Mr. Chase. Mr. Chase said it is hard to nail that down: I would... Boardmember Armstrong said what's the grade there, what's the elevation difference between the two sites? Mr. Chase said the two sites? Boardmember Armstrong said between this gentleman and this lady and you? Mr. Chase said there is about 15 ft. elevation difference, depending on where you are on the site. Boardmember Armstrong said you are 15 ft. higher? Mr. Chase said well, yes, it does roll up toward Milltown Road but the drain... Boardmember Armstrong said but it doesn't drain to their property? No, most of the surface drainage does make it way down towards the wetland, yes, he said. Chairman LaPerch said is that new curtain drain going to divert it? Mr. Chase said the wetland is the low point on the site so I think... Mr. Reilly said you can't change the wetland. Chairman LaPerch said so it will capture it. Chairman LaPerch said any other questions? Boardmember Armstrong said but something has changed because, I mean, this gentleman has a problem... Chairman LaPerch said well he had a problem, I think is it a recurring problem... Boardmember Armstrong said but he fixed it himself. Mr. Morra said right. Chairman LaPerch said and how long has it been since that occurred? Mr. Morra said 10 years... well nine years, I haven't had water. Chairman LaPerch said OK, so it seems he solved the issue and then they went out and perked them so the County and our Wetland Inspector are comfortable with the soils so I understand his issue but it is corrected for nine years now. Boardmember Armstrong said so your concerned that any additional development will cause more water? Mr. Morra said yes, well, I mean if they are gonna upset the water tables, I know you can't, nobody can make any assurances, but I just don't want to go through that again. I mean am I going to have flooding or are they going to somehow alleviate the water from coming back down onto my property, Mr. Morra said. He said that's my main concern that I don't get flooded out. Mr. Reilly said so was it the lawn that was flooding or your basement? Mr. Morra said just the basement, underground water was perking up from below the basement, I have an eight foot basement, you know a regular basement and it actually perked up through the basement. Mr. Chase said and does your foundation have gravity drainage or you have to pump out that ground

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water? Mr. Morra said well I had to have a drain, I had the basement edge excavated and put a drain around the... Mr. Chase said and it is routing it out someplace? Mr. Morra said a sump pump. Mr. Chase said oh a sump pump, so it is a low basement and you don't have gravity drainage so it is ground water issue. Mr. Morra said I know but prior to the fill you put there and we lived there from 1997 to 2006 and had not one drop of water in the basement but once he put that fill there, it changed the water table somehow, I believe, I am not a hydrologist but that's my... you know... concern going forward: is it gonna change again? Chairman LaPerch said well, at this point, we have our engineers giving us information that they are comfortable with their plans to date and, as I say, the best I can assure you is you are on record now and we will have to monitor it even closer if the vote passes at this point. He said any other questions Mr. (Boardmember) Armstrong? Boardmember Armstrong said well, I mean, we are kind of leaving it at loose ends because it seems to me there wasn't a problem and now there is a problem and now there is a potential problem. I would suggest that at the minimum you write a letter to the Planning Board, he said, documenting what you have said, that's number one. Is it possible to put some kind of detention area on your site, he asked? Mr. Chase said we do have an oversized rain garden that accepts drainage, has the drainage area from up hill and also accepts the rooftop drainage. The foundation drainage and curtain drains, he said, that's just standard for that to discharge (inaudible). Mr. Reilly said so the work that we are proposing to do shouldn't change the hydraulics beneath the surface so I have been in the building business for quite some time and for someone's basement to leak has nothing to do with neighboring property underground. He said I could understand if there was some kind of a watercourse and it was dammed up and it redirected and there was a stream of water going onto the neighbor's property, I can understand that. He said so every home that gets built has footing drains and it sounds like, possibly something was clogged up and it could have been at the same time as the fill was placed there. Mr. Morra said can I ask a question? Chairman LaPerch said sure. Mr. Morra said are you a hydrologist? Mr. Reilly said, no, I'm not: I am just speaking from experience. Mr. Morra said all right, I respect your experience but there was a hydrologist in there and said it very well could be from the upsetting or the fill had changed the water tables: My question is, I don't know if this is the right forum, but are you going to address it if does become an issue, he asked. Mr. Reilly said it would be tough to address: I mean if your footing drains are working right now, and if I can see that they are flowing, there is an outflow, then there shouldn't be anything that we are going to do that's going to cause any kind of more water going toward your foundation footings. Mr. Morra said OK but you don't know what's underground: you don't know how it upsets the water tables or how you are going to impact those so I just... are you willing to address it if... Mr. Reilly said no because we do know if we... how we are going to impact it so right now we are going to place fill on the surface, there is going to be more septic sand that is going to be placed on the surface here and here. He said we are going to go ahead and excavate this foundation and I think we are going to be cutting into yours about six feet; we are going to take our footing drains and the outflow of our footing drains, which is the outflow of underground water, and it is then going to be dumped off into this retention pond. He said so our footing drain is going to be right before the retention pond. Mr. Morra said so how far is that from the property line? Mr. Chase said 100 feet or so? Mr. Morra said from the westerly edge of... Mr. Reilly said yes, here is where the outflow is so what we have right now is this... this is the wetlands that's there today. It's going to go back into the wetland area, he said, and the wetlands going to do what it's been doing for all the years you have been living there and, you know, before that. Chairman LaPerch said I think there's no guarantees but you are using best practices and standards based on engineering that we have our consultants looking at. Mr. Reilly said right. Chairman LaPerch said Dan (Armstrong) I am not sure what else this applicant can do, very honestly, other than we monitor it and, hopefully, that nothing will happen. It sounds like he has been pretty successful in nine years and what they are proposing is what our consultants are comfortable with, he said. Boardmember Armstrong said if they are creating more impervious surface then they have to take care of that on site. Ms. Ley said

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they are proposing a rain garden to take care of that. Boardmember Armstrong said so theoretically there will not be any additional run off onto the neighbors' properties? Chairman LaPerch said that's what the mitigation was from (Wetland Inspector) Steve Coleman's recommendation. Boardmember Cyprus said but run off is not the issue, correct? Chairman LaPerch said its ground water. Boardmember Cyprus said its underground water so Dan (Armstrong) is trying to address run off but that's not what I believe his concern was. Chairman LaPerch said it is the water table? Boardmember Cyprus said right. Mr. Chase said I understand a wet basement is extremely problematic but you have a wetland in between your property and this property and it just seems like you have high ground water over there and since you put in foundation drainage and you put in your de-watering pump, you've resolved that issue. Mr. Chase said I can't see how this fill pad over there that was installed impacted the ground water on your property... Mr. Morra said you can't understand it but you are not a hydrologist... Mr. Chase said I am not trying to... Mr. Morra said I am just saying we don't what the impact is: they don't know that, it changed the water tables and you are going to dump more fill: is it going to change the water tables... we don't know that and, you know, I am going to be facing an issue possibly and I would just like to know if the gentleman is going to address that if it does come to that. Somehow, he said, either by additional drainage or I don't know what the answer is: I am not a hydrologist either. Chairman LaPerch said I don't think this is a perfect science either way, the hydrology... Boardmember Armstrong said so the bottom line is this plan has met the minimum requirements for retention of water onsite? Mr. Reilly and Mr. Chase said yes. Chairman LaPerch said yes. Boardmember Armstrong said I don't know where we go from there. Mr. Morra said I just want to make you aware of this... Chairman LaPerch said it is a very fair concern and that's why we have a public hearings and we appreciate you are on record here and, unfortunately, I don't think there is a perfect answer for you tonight. Mr. Morra said no, I realize that, and I don't want to take up any more of your time. Chairman LaPerch said I appreciate it, thank you. He continued to poll the Board. Boardmember Rush said I think I'm OK: I am just curious in 2006 you said had this problem, is that correct? Mr. Morra said yes, sir. Boardmember Rush said so, at that point, were the neighbors still living there in the house? Mr. Morra said there was no neighbor: it's a vacant lot. Chairman LaPerch said if there are no other questions, what I would like to do is the first action. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Grant a Wetland Permit for this application 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 said thank you and good night.

REGULAR SESSION:

- 1. LJ COPPOLA, 40 Farrington Road** – This was a review of a Request for Release of a Performance Bond. Frank Reilly of LJ Coppola appeared before the Board. Chairman LaPerch said this is pretty simple: this is a motion to recommend a reduction of the performance bond as written by our Town consultant, Mr. Fenton (Town Engineer). He asked if the Board had any questions and there were none. The motion to Recommend the Reduction of the Performance Bond was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.
- 2. MAZZOTTA LOT LINE ADJUSTMENT, 90 & 114 Reservoir Road** – This was a review of an Application for Subdivision to merge two lots. Alex Mazzotta appeared before the Board. Chairman LaPerch said this is more for us but even so, I want the public to know what is happening, so you can move the board back so they can see it. Mr. Mazzotta said we have Reservoir Road here and we have my parcel which is a single family home here on 67.-1-13 which is 114 Reservoir Road and then right now we have vacant land comprising 17.57 acres which is owned by my father and my

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uncle. So what we are proposing to do, he said, is a lot line adjustment, take my parcel's lot line to this mid-point here, taking and shrinking or reducing the size of this lot to 8.7 acres so there's 8.7 acres being added to my parcel. Chairman LaPerch said right. Mr. Mazzotta said and the resulting parcel would be shrunk by that amount and left with 8.7 acres. Chairman LaPerch said so both lots would be conforming for the Zone? Ms. Ley said yes. Chairman LaPerch polled the Board for questions. Boardmember Hecht asked if the area they are merging is cleared or not cleared. Mr. Mazzotta said the area is all wooded. He said are you going to keep it wooded and Mr. Mazzotta said I will. Boardmember Armstrong said the lots remain in conformance with the Zoning ordinance with regard to frontage, size, everything? Ms. Ley said they are actually making the one lot more conforming, the one with the house on it with regard to size and setbacks. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Grant the Final Conditional Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch said what are the next steps for this applicant? Ms. Ley said he just needs to get his signature from the Putnam County Department of Health and then he can get his signatures from the Town and file with the County. Ms. Desidero asked Mr. Mazzotta to please be sure to have them add a box for the Assessor/E911 Coordinator's signature. Boardmember Armstrong asked if there are any Recreation fees and Ms. Ley said this is a lot line adjustment so no because no new lots are created.

3. **LOWER TERRACE REALTY, 250 Route 22** – This was a review of a Sketch Plan Application for Site Plan. Todd Atkinson and Paul Pelusio of JR Folchetti & Associates appeared before the Board. Chairman LaPerch said tell the Board where this is please. Mr. Atkinson said it is just south of the Indian restaurant, Jaipore, on Route 22. Mr. Atkinson said what we are looking at doing is a 3 acre property right now, its divided between the GC District, so that's the first 200 ft. back from the frontage is listed as GC, the remainder of the property is listed as R-160. He said we are looking at working only in the GC area up front and right now we are proposing a two-story building, which would be garage at the lower level, office at the upper level that's 1,680 sq. ft. at each level which gives you about 3120 so its 1,660 sq. ft. per level. He said we are looking right now at having five employees within the building; we've designed a septic system right now for 75 gallons a day and we have parking per Town requirements at seven parking spots. Mr. Atkinson said we are also proposing outside storage which is this area here and also an area here: that's about approximately 5% of the total parcel area but we didn't realize that's going to be based on the Use so we are going to change that number and go to around 11% total. Mr. Atkinson said obviously this is Route 22 so we are looking at entering the site here, parking here, storage area here and here with an entrance to the upper floor on the back side here, pushing it into the hill slightly and using the contours that are established out there. He said there is already a pad that was built out there back in (inaudible)... Chairman LaPerch said I see that. He asked any variances needed? Mr. Atkinson said one variance would potentially be needed but we are going to discuss this with our client, that would be the setback that Ashley (Ley) pointed out, I believe, for the parking area? Ms. Ley said the Town Engineer pointed it out and that is correct: it is for the parking area. Mr. Atkinson said we are going to speak to our client to see if we can just pull that back in to get the setback or if we will go after a variance. Chairman LaPerch said any landscaping proposed? Mr. Atkinson said we are proposing screening as requested in the meeting with the Planning Board as well in comment letters, screening along the front of the property, we left the majority of the trees in this area as they are but we will propose a screening plan on the next submission, pending

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approval of the staff. Chairman LaPerch polled the Board for questions. Boardmember Cyprus said a couple of the comments were about fencing so are you good with that? Mr. Atkinson said yes, we are. Boardmember Rush said this is just sketch so at some point we are going to see what it looks like, right? Mr. Atkinson said correct we will submit renderings with preliminary. Chairman LaPerch said good, thank you. Ms. Ley asked if the site has been inspected by Steve Coleman for wetlands? Mr. Atkinson said yes, actually, I got the letter on December 7 where he says there is no wetland review required. She said thank you. Chairman LaPerch said at this point there are three actions I'd like to take. The motion to Declare the Planning Board's Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Major Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the Application to County Planning under GML 239-m and 239-n was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

4. **ACU LED, LLC, 1535 Route 22** – This was a review of an Application for Site Plan Amendment and Conditional Use Permit. Peder Scott of PW Scott Engineering & Architecture and Owner Charlie DeLuca appeared before the Board. Ms. Desidero said it is pronounced ACULED? Mr. DeLuca said yes, it is my name spelled backward. She said why is there a space and he said so it is pronounced ACU LED. Mr. Scott said so this is an existing parcel, its residential use in the SR-22 Zone, its 3 acres in size, it has a long access way down to 22... Chairman LaPerch said so this is behind ACME... M&T? Mr. Scott said M&T Bank is right here. Boardmember Cyprus said so it is back to where that mark is? Chairman LaPerch said it is that long, narrow driveway with access to the back, correct? Mr. Scott said yes and the Zone is SR-22. He said it contains two existing homes and we're talking about Uses and Charles (DeLuca) would like to talk about his business real quickly and Ashley (Ley) has some recommendations for us that we can discuss very quickly. Ms. Ley said I did, I think they mis-categorized their business. Mr. DeLuca said so me and my wife developed the business a decade ago here in Southeast, we own a home in Southeast, we love Southeast and we have a business that right now is on Old Doansburg Road in Mt. Ebo and we've outgrown the office space so we are looking to move into other office space. When we found this 1920s farmhouse, he said, we think it would be a dream to restore it back to its former glory and be able to move our company into it, which, basically, our company is we are administrators. So we are administrators for catalog companies and advertising, he said, so as far as what we fit into as far as Personal Services and Office Use, it's kind of both, we don't really make anything, we just go to work 9 to 5 as administrators so we look to make the downstairs our offices and computers and desks and (inaudible). Chairman LaPerch said that's it? Mr. Scott said so we were hoping to qualify this as a Personal Services and Office Use in our application and we would do some improvements: we have to add some parking; we have a bio-detention basin. He said there is no Zoning, there are no setbacks on the property so everything is pre-existing, including the well, the septic, everything stays the same. We are proposing storage here, within the building, and the lower level would be offices and upper level would be an apartment, he said. Mr. Scott said I did provide in the package what the building looks like and we will go to the ARB (Architectural Review Board) and indicate to them the improvements, also something I spoke with Mr. Dillon (Joe Dillon of Jacobson Associates, Town Engineer) today and he wants more definition on the handicap access way into the building to make sure it complies with ADA (Americans with Disabilities Act). He said beyond that there are no Zone lines and we talked about bio-retention and every item is

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easily addressed. Chairman LaPerch said no variances? Mr. Scott said we would like to request a waiver, if possible, of a Public Hearing as it is a tenant in-fill... we would be conforming. Chairman LaPerch said no variances? He said no variances. Chairman LaPerch said that is my question. Mr. Scott said but if we could get a waiver on the Public Hearing? Chairman LaPerch said we will talk about it. Boardmember Hecht said so there are two structures? Mr. Scott said yes, there is a garage building and a two-story frame house and here is a picture of the garage. Boardmember Hecht said and where is the nearest neighbors? Mr. Scott said in a big footprint, we are isolating the wooded area and behind this is reservoir and this direction is the shopping center, M&T is right here and to the north of us is a large unimproved site, mostly wooded. Boardmember Cyprus asked about the Use. Ms. Ley said so when they filled out their application they had identified themselves as a General Business Use which is something that is more akin to a landscaper, contractor, contractor's yard, that's typically what we classify as General Business Use, something that has a shop where they are constructing something or maintaining something. She said and that is not a permitted use in this Zoning District but the way they have described it, it does seem more akin to a Personal Service or an Office Use since they are not constructing anything and all of their work is done on computers. Boardmember Cyprus said so what is the storage or garage area for? Mr. Scott said it will be utilized as record storage and as ancillary use of this space with one single tenant. Boardmember Armstrong said so is the Use consistent with the Zoning ordinance? Mr. Scott said yes. Ms. Ley said as a Personal Service or an Office Use it is a Conditional Use Permit Use in this Zoning District. Boardmember Armstrong said so you are saying as they described it, it is consistent with the Zoning ordinance? Ms. Ley said yes. He said are you going to have employees? Mr. DeLuca said yes, we have employees. He said how many employees will be there? Mr. DeLuca said there will be five. Boardmember Armstrong said are they showing parking for the five? Mr. Scott said he have 11 spaces. Boardmember Armstrong said will people come to this office? Mr. DeLuca said not on a regular basis, they don't, but we may have clients but most of our clients are based in Minnesota and across the US but we do have them where they do come to our office. Boardmember Armstrong said do you have visitor parking provided? Mr. Scott said yes, we do, our parking tabulations indicate we have extra parking. Boardmember Armstrong said so you are consistent with the Zoning ordinance? Mr. Scott said yes, we meet the parking requirements. Boardmember Rush said I was just asking Ashley (Ley) about lighting. Chairman LaPerch asked if they submitted a lighting plan and Mr. Scott said yes I did. He showed the plan and explained where all the light fixtures are located. He said we meet the Town requirements and talked about a buffer of trees on the property line. Chairman LaPerch said so anything else before we go through the items here? Ms. Ley said no, the use was the big issue. She said I recommend submitting a revised Statement of Use that includes the corrected information. Mr. Scott said yes. Mr. DeLuca said so we will amend it to Personal Services. Boardmember Armstrong asked if the lights could be on a timer or a motion detector and Mr. Scott said sure, a motion detector is probably best. Boardmember Armstrong said you will include that on the plan? He said yes. The motion to Classify this as a Type II Action under SEQRA and a Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the Application to County Planning under GML 239-m was introduced by Chairman LaPerch, seconded by Boardmember Armstrong 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 asked the Board if they have a problem with waiving the Public Hearing. Boardmember Armstrong asked how close the neighbors are and Mr. Scott showed him using the plans. Boardmember Wissel said so is there any

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chance that the neighbors across the reservoir can see this? Mr. Scott said no and all of the lights face toward the pine trees, away from the reservoir. He asked again and Mr. Scott said no but the existing houses are sitting there on the hill and all the activity are on the other side of the house. Boardmember Wissel said so the answer is no? Mr. Scott said I am going to say no. The motion to waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch asked for next steps and Ms. Ley said they need to go to the ARB to have them review the lighting, improvements to the building and so forth and once they get approval they can come back to the Planning Board for Final Approval.

5. **INTERIOR ROCK, 3903 Danbury Road** – This was a review of an Application for Site Plan Amendment. Peder Scott of PW Scott Engineering & Architecture represented his client before the Board. Chairman LaPerch said just tell the Board where this is. Mr. Scott said this is Route 6 and it is basically before the Planning Board and in frontage it's Route 6 and the rear is 84 and it stands between the two of them. He said EEC Electric is off the west and the other side of it is RRC, the car garage, so its nestled between those two and has a wetland, which is from a pipe that discharging from 84 located on the west side of the property. Mr. Scott said the plan you have highlights what's really going on here and the reason I did that is we had to do a couple of things to this project. When we first did the project four years ago, he said, the wetland line was in green so we designed everything with the building up against the green line but there is a seep that discharges down the hillside that the DEP (Department of Environmental Protection) and the DEP said well we think the seep should be included in your wetland and they amended this portion of the project. The seep is not a watercourse, he said, because it doesn't continue all the way down to Route 6 but they added a strip of land about 60 ft. as shown in the blue which pushed all of our buffer lines away from where they were before the DEP showed up so what happened is now it looks like we crowded so much into the buffer but it is all because this little seepage showed up which is really a seep from some old existing grading that took place on the property. He said so Steve (Coleman, Wetland Inspector) is concerned about that but we are hoping we can meet with Steve (Coleman) and say hey, ya know, listen this is a seep not a wetlands at that portion. Mr. Scott said we are maintaining a large portion of the 3.6 acre site: it's all being maintained in a big buffer but a couple of things have to happen. A, he said, my curb cut off 6 to get to the property is right here and we are climbing up a hillside and we will re-look at the geometry of this roadway and move it as far as we can to the east. In addition, Mr. Scott said, as Steve (Coleman) said we'll put a wall in there: that's not a problem but the building size itself, we lost so much property because the blue pushes us over so far, we're being jammed up against the property line and we are hoping we can mitigate this with Steve (Coleman). The second item, he said, is the property as designed has a wall proposed in the front as a retaining wall and that is to fit parking as proposed in the front so to mitigate that we've applied to the State of New York to purchase a strip of land available in front of the property because for some reason the setback of the property starts at about 5 ft. away from Route 6, which everyone else has, and then it winds out and comes back down again in a weird trapezoidal shape so we've applied for a land purchase from the State of New York and it's not going really quickly because we've been at it for quite awhile. But what we would like to do is continue with our application, he said, and work with Steve (Coleman) if we could to mitigate what is going on here. He said all this land purchase does is to mitigate the need for a variance for a wall in the front yard of the property and we want to pursue that if we can but there are so many balls in the air to try to get this thing approved that I can't move this forward... Chairman LaPerch said I understand that's at your risk. Ms. Ley said one of Steve's (Coleman's) comments was whether or

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not you could flip the building on the vertical? Mr. Scott said yeah, what it is... She said is it too steep? He said everything on this piece of property is pretty steep from 84 down to 6 so basically we always build our properties and our buildings parallel to the road because we use the back of the building as a retaining wall so you start low, you go through the building, you jump up 15 ft. and that wall at this orientation serves as a retaining wall. If I flip it 90 degrees, he said, my retaining walls would be massively tall because the length and I would be digging into a huge hillside trying to make the site work. He said I think I would rather look at enhancements of some other items to address the issue because remember this is 166 ft. wetland buffer line and the green is fully compliant, it's just the little seepage showed up in blue and that's where the problem is. He said if we move 50 ft. into that seep right here, nothing else changed much except the back corner and that's what I am hoping to do with Steve (Coleman) is work out something with that. Is it a great wetland, he said, no it's not, it's basically an outflow that has been there forever from the highway and it's also moved into this area because of grading in the past but we are going to look at pushing it as much as we can to the west to make it work. So I was hoping we could continue with Steve (Coleman), Mr. Scott said, and I wouldn't come back until I work something out with him. Chairman LaPerch said I would say it's at your own risk. Mr. Scott said yes, we would have to work with him first. Chairman LaPerch said yes, that is the main issue here. He polled the Board for questions. Boardmember Cyprus said can you show me in relation to RRC again? Mr. Scott said yes, RRC is right here and showed him on the plan and with the aerial. They talked about how every project on that side of the road is encumbered because of the grading between 84 and Route 6. Ms. Ley asked if there is already a curb cut there and he said yes and showed where previous excavation work was done. Mr. Scott said one good thing is there are two non-conforming billboards that will need to come down. Ms. Ley said that would be a condition of any approval. He said right we put the driveway right through it so we would make sure they would go. Boardmember Rush said I know that you wanted to build this in two phases? Mr. Scott said yes, what we want to is: we have to build retaining walls and everything so we plan on building the lower level first and make a flat roof on it and get the whole front finished and then a year or two later, we build the parking in the rear and the second floor. Boardmember Rush said so you do two roofs then? Mr. Scott said yes, we've done it in the past and it works out pretty well and the client's needs are basically, he has his own business and he lives in Kent but is moving his business here, which has very small machines that go underground into buildings in Manhattan and, initially, he will get his office up and running and then put the second floor will be storage of these small machines. He explained what the machines do. Chairman LaPerch said good question. He asked if there is anything else before the actions and Ms. Ley said I guess they reached out to Victoria (Desidero) about the 239-m referral, do you want to wait until you submit for Preliminary for that? Mr. Scott said I don't mind the referral but basically we know what we have to do, we have to appease Steve (Coleman) so there may be minor changes. Chairman LaPerch said so do you want the referral and he said yes, I do. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Classify this as a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. The motion to Refer the Application to County Planning under GML 239-m was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

6. **GUARDIAN VETERINARY, 4 Hardscrabble Heights** – This was a review of an Application for Final Approval of Site Plan Amendment. Jamie LoGiudice of Insite Engineering appeared

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before the Board. Chairman LaPerch said I have recused myself on this application previously and will do so again now. He left the dais. Acting Chairman Rush said do you want to tell us a little about what we are trying to do tonight? Ms. LoGiudice said so the project went to construction and after various obstacles they had on site we are back officially with this. One of the major changes, she said, is the proposed generator behind the masonry wall: it is currently built and (inaudible), we attempted to come back as a field change for that item but (inaudible). A couple of other items that we are revising, she said, originally we had (inaudible) light bulbs with a fixture that was going to be swapped out to LED lights, now we are adjusting the (inaudible) and four other light poles on the site so those will be replaced with LED lights (inaudible); currently we are looking, as per Ashley (Ley) to adjust this light on the property line that spills over so we are looking at shielding for that light or taking it out completely and putting in a (inaudible) light somewhere to give us a little more light along this access drive to the parking lot. She said other adjustments were NYSEG came out and wanted a temporary retaining wall around the (inaudible) and putting in a new transformer pad so that is shown on the plan. She said the additional mechanical units that are AC Units and she showed where they are on the plans. Ms. LoGiudice said we do show the bollards, the gas meter and there was a violation that (Building Inspector) Michael Levine had given to the site, there were four that were given and based on our recent Staff Meeting, we have shown all of the... the four violations are addressed on this plan... the last being the asphalt on site and the (inaudible): it was in ill-repair and (inaudible) they have gone out and done a full replacement in a couple of areas to fix (inaudible) and the broken up sections of the asphalt. Also they are repairing all of the curbing, she said, that was basically (inaudible). She said so with all of this, we have the last one, I believe, is just the dumpster: we did have a dumpster in this location by the loading dock, we did just shift that over to the other dumpster (inaudible): that is also built and is not wooden as was previously proposed, unfortunately the contractor (inaudible) put up a chain link fence with black slats so we are asking (inaudible) discretion of the Architectural Review Board. I think that is everything that has changed, she concluded. Acting Chairman Rush said so this is some clean-up work; are there other issues, Ashley (Ley)? Ms. Ley said no, the big things that came up at the Planning Board Staff Meeting were some very large, chunks of pavement missing and gaps in pavement so one of the things that were discussed was, since the paving plants are closed for the season, that they would be patching and filling this winter as they can in order to get a CO and then it will be required to be re-surfaced and striped in the spring of 2018 when the plants are back open. Acting Chairman Rush said will that be noted on the approval? She said yes and it is also a note on the plan. He asked the Board for questions. Boardmember Cyprus asked Ms. LoGiudice if her client is good with the re-paving and she said yes, we do have it on the plan and they are filling and patching now. Boardmember Armstrong asked if this is going to be a 24-hour-a-day operation? She said it is. He said so you need all the lights all the time? Ms. LoGiudice said we do need them the majority of the time, yes, we do have them on from dawn to dusk, they do have dimmers on them so they will reduce when people are not (inaudible). Boardmember Armstrong said that's good. Acting Chairman Rush said we have a couple of items here. The motion to Classify this as a Type II Action and Minor Project was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 1 absent and 1 recused. The motion to Refer the application to the ARB was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor. Acting Chairman Rush asked if there were any objections to waiving the Public Hearing. Boardmember Wissel said there are no residents around there. The motion to Waive the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor.

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7. **LYONS DEVELOPMENT, One Starr Ridge Road** – This was a review of an Application for Final Approval of Site Plan Amendment. Engineer Joe Buschynski of Bibbo Engineering and Developer Chris Lyons appeared before the Board. Chairman LaPerch said there were some issues here, can you just walk us through it? Mr. Buschynski said part of the missing link was the lighting intensity, to make it in conformance with the Town Code and we talked to our consultant and Ashley (Ley), had it re-reviewed by the lighting company and it is correct. Ms. Ley said it is now in conformance with the Code. They discussed what the maximum allowed at the property line is and that you will still be able to see. Chairman LaPerch asked if there were any other issues and Ms. Ley said they amended their landscaping plan to reflect the changes in the lighting plan. Mr. Buschynski said we had trees proposed in these islands which conflicted with the lighting so we are going to make them shrubs in just two of the islands. Chairman LaPerch said I pass by there almost every day, that is a big difference in grade with all that fill you have up there, isn't it? He said are your septic in? Mr. Lyons said our septic pad is in but we have to let it settle for three to six months. Chairman LaPerch polled the Board for questions. Boardmember Rush said no sidewalk, right? Mr. Lyons said yes, in the front. Ms. Ley said not on the street, though. The motion to Grant Final Amended Site Plan Approval for Lyons Development was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. Ms. Ley said they will need to submit a revised amended site plan map and revise their building permits.

Chairman LaPerch said the Meeting Minutes aren't ready for a vote yet. He asked Ms. Desidero about the next meeting and she said we don't have approval of the schedule for 2018 yet but I can tell you the first meeting will likely be on January 8 and we have two applications: one is a Conditional Use Permit for a limousine company; and the other is a request we got today for extension of final approval for the gas station on Route 22 that I think we call Eagle. Chairman LaPerch said I know what is going on with that: he is in a legal battle with Getty: he was promised when he bought the property that they would clean it up and Getty is re-negging on it. Boardmember Cyprus said Eagle is the one by the DOT (Department of Transportation)? He said yes and I had been in conversation with (Building Inspector) Michael Levine about the Rte. 312 gas station and why the delay is going on and I found out, unfortunately, the applicant has had some personal issues and that delayed things but they also have some meetings with the DOT scheduled regarding turning lanes and such. He said there are five outstanding items with the DOT. He said they are hoping to be back online this spring. Chairman LaPerch said we had someone come in to talk about Lakeview Plaza who has an interest in buying it. He briefly listed a few other people who came in to the meeting.

Boardmember Hecht said I may miss the meeting on the 8th but I will try to work around it.

Chairman LaPerch notified the Board that everyone needs to be up to date on earning their training credits according to (Supervisor) Tony Hay who has called him a couple of times. There is a lot of concern at a Town Board level regarding the Boards being up-to-date with these credits, he said.

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

January 5, 2018/VAD