

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

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Jim King, Michael Hecht, Eric Cyprus, Dan Armstrong and Lynne Eckardt; Town Attorney Willis Stephens; Town Planner Ashley Ley; Secretary Victoria Desidero.

PUBLIC HEARINGS:

REGULAR SESSION:

1. **PROSWING STARR RIDGE, 273 Starr Ridge Road** – This was a Review of a Request by the Applicant to Set a Public Hearing. Attorney Richard O'Rourke of Keane & Beane appeared before the Board. The motion to Set the Public Hearing for this Subdivision for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.
2. **JCE ENTERPRISES, INC., 12 Old Route 6** – This was Consideration by the Board to Refer the Application to the Zoning Board of Appeals. Chairman LaPerch said the applicant was told they did not need to attend this meeting. The motion to Refer the Application to the ZBA for an Area Variance was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
3. **STATELINE RETAIL CENTER / RESTAURANT DEPOT, US Route 6** – This was a Continued Review of an Application for Subdivision and Discussion of the Overall Application. Jeff Contelmo of Insite Engineering appeared before the Board. Chairman LaPerch asked him to provide a quick overview of the project which he did. Boardmember Hecht asked if this would look like the one in Newburgh and Mr. Contelmo said this will be much nicer architecture. Boardmember Cyprus asked about how this fits with the old Stateline approval and Town Planner Ashley Ley explained the history of the project and the differences between the previously approved plan and this proposal. Boardmember Rush asked about the master plan versus the Restaurant Depot portion and Mr. Contelmo answered. The motion to Declare Intent to be Lead Agency for a Type I Action was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 7 to 0. The motion to Set the Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the Application to County Planning under GML 239-m and n was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
4. **577 NORTH MAIN STREET, 577 North Main Street** – This was a Review of an Application for Special Permit. Owner Bart Lansky appeared before the Board and explained the Special Use Permit and Conditional Use Permits he has applied for on this property and said we are back for two new uses: a kennel and a warehouse for a company called Tally Ho. He explained the two businesses in detail. Ms. Ley and Chairman LaPerch asked for clarification of the two uses being requested simultaneously and they discussed this with the applicant. Chairman LaPerch asked about the outside storage and whether or it is maxed out. Mr. Lansky said we have an open application for a Conditional Use Permit for the trucks there now. He explained all the things on the property that are considered outside storage. The Board discussed how these new requests are being handled within the previous applications. Boardmember Eckardt asked some questions about the kennel use, the dog runs and the chain link fence. Ms. Ley said the fence will need to go to the ARB (Architectural Review Board). Boardmember King asked how many vehicles Tally Ho would have parked there. Mr. Lansky said he is starting with two vans. Boardmember Armstrong asked if there is a limit on the number of dogs, about the size of the space and how the dogs are housed. Mr.

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Lansky said 50 dogs in 4,000 sq. ft. and they are in areas for training and an area for them to stay at night. Boardmember Cyprus asked some follow up questions about what is included in the count of 50 dogs and Mr. Lansky said with the tenant's existing business they keep about 30 dogs a day and they expect to grow so 50 is the number we chose. Ms. Ley said the Town Board would be able to put a cap on the number because it is a Special Permit. The Board asked additional questions about the number of dogs, the parking, the proximity of the nearest residence, sanitary issues and hours of operation. Mr. Lansky said it is a tough question about hours and Chairman LaPerch said we need a definitive answer. Ms. Ley said the dogs are not allowed outside off leash after 8 pm at night or before 8 am in the morning. Boardmember Rush said he is concerned about the noise, and sanitary issues. Boardmember Armstrong asked if this can be a renewable permit and Ms. Ley said yes, the Town Board can do that. Everyone agreed that is a good idea. Boardmember Eckardt asked if there is a drawing of this. Mr. Lansky said there was a survey where he outlined the dog area. Chairman LaPerch said next time around bring us some visuals, this is a big deal and we need to see it. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Affirm this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 7 to 0. The motion to Refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

5. **NORTHWOOD TREE CARE, 25 Fields Lane** – This was a Continued Review of an Application for Site Plan Amendment, Wetland Permit, Special Permit and Conditional Use Permit. Peder Scott of PW Scott Associates appeared before the Board. Mr. Scott offered to give an overview of the application for the new members on the Board and Chairman LaPerch said please do. He used the plans to give the history of the businesses and uses on the property and explained what his client is proposing in a phased approach. He also described variances previously received for the site. Mr. Scott described the “wood mill” use on the site in detail and an interpretation they need from the Zoning Board of Appeals. Chairman LaPerch said this is rather confusing and asked Mr. Scott to respond to the Town Engineer’s memo regarding drainage which he did using the plans. Boardmember Eckardt asked about the mulch and having real boundaries to keep things from spreading. They discussed the type of fencing that would work best. Boardmember King asked if the mulch is dyed on the premises and Mr. Scott no, they are currently creating natural mulch. Ms. Ley said can you put that as a note on the Site Plan and he said yes. Boardmember Hecht asked for clarification of where this is on Fields Lane and Mr. Scott showed him using the plans. Boardmember Cyprus asked for clarification on the timing of the request for interpretation from the ZBA. Ms. Ley said typically this Board refers to the ZBA after SEQRA is complete and that would be her recommendation: to refer for the interpretation and the necessary variances at the same time. The motion to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
6. **ALFACOR, LLC SPECIAL PERMIT, 14 Fields Lane** – This was a Review of an Application for a Special Permit for Excavation and Grading. Nicholas Gaboury of Bibbo Associates appeared before the Board. He explained how the owner moved some excess material from one site to another which resulted in a violation. He said this application for a Special Permit for Excavation and Grading is to rectify that violation. Mr. Gaboury used the plans to show where the piles are located and all of the erosion and sediment control measures they installed on the site. Chairman LaPerch said you did file for MS4 and this permit in a timely way. Boardmember Eckardt asked what is the fill? He said it is soil from the hillside excavation for the warehouse on 131 Fields Lane; natural soil and some boulders taken off the hillside. Mr. Gaboury said there are two additional

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requests that the owner would like to incorporate into this Special Permit: one is to include an additional 1500 cubic yards of material to be moved onto the site. There was a lengthy discussion as to whether the additional requests were reviewed by the consultants and it was determined that the consultant memos do not reflect the request. It was determined the plans showed the additional fill but the cover letter did not mention it. Mr. Gaboury agreed to change the letter. He said the other item is the trimming of the trees that are on the site. He used the plans to show where the trees are and said his client would like to cut the trees down to the stump prior to the hibernation of the northern long-eared bat ending. There was another discussion about who received this request and whether it was addressed by the consultants in this round of memos. Chairman LaPerch said I think we have to put this off to the next meeting until after our consultants have time to review this and I would like to get Tom (Fenton, Town Engineer) out there. Boardmember Eckardt expressed concern about trees being cut down prior to site plan approval. After some discussion it was decided to set the Public Hearing and hold off on classification and referrals until the next meeting. The motion to Set a Public Hearing for Feb. 24, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

7. **GAS LAND SOUTHEAST, 3411 Danbury Road** – This was a Review of an Application for Site Plan Amendment. Chairman LaPerch recused himself and left the dais. Chris LaPine of The Chazen Companies appeared before the Board with his client Mitch Nesheiwat. Mr. LaPine explained the location of the gas station and the proposal to enlarge the building and modernize the existing store including some changes to the layout of the pump area and increasing the sidewalk width for ADA accessibility and to add some landscaping. He explained they would be moving the building to the rear of the property which will require zoning variances. Acting Chairman Rush polled the Board for questions. Boardmember Eckardt asked if the back will have access by a road and Mr. LaPine said there is no road but there will be access to walk around there. They discussed whether there would be any issues with firefighting if there is no vehicle access. She asked Ms. Ley if the lighting will be re-done. Ms. Ley and Acting Chairman Rush said the lighting and landscaping plans are required as part of the application. Boardmember King asked how growing the building in the back will increase the distance to the canopy and Mr. LaPine said they are moving the whole building back creating more space in the front. He explained how they keep the station and store in operation during the construction. Acting Chairman Rush asked about the distance between the building and the landscape in the back. Mr. LaPine answered using the plan to show the grade changes. They discussed the access to the rear of the building relative to the grades. After some discussion, Ms. Ley asked Mr. LaPine to bring to the next meeting a section that shows that area. Acting Chairman Rush suggested it could be a green roof. The motion to Classify this as a Type II Action under SEQRA and Minor Town of Southeast Project was introduced by Acting Chairman Rush, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 recused. The motion to Refer the Application to County Planning under GML-239m was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed all in favor. Acting Chairman Rush asked the Board about waiving the Public Hearing and it was agreed it could be waived as Ms. Ley said the ZBA will be required to have a Public Hearing on this. The motion to Waive the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor. The motion to Refer the Application to the ARB was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor. The motion to Refer the Application to the ZBA was introduced by Acting Chairman Rush, seconded by Boardmember Cyprus and passed all in favor.

The motion to Approve the Meeting Minutes from January 13, 2020 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor with Boardmember Eckardt abstaining.

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

February 7, 2020/VAD

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