

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 9, 2020**

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

**PUBLIC HEARINGS:**

1. **NORTHWOOD TREE CARE, 25 Fields Lane** – This was a Continued Public Hearing to Review an Application for Site Plan, Special Permit and Conditional Use Permit. Chairman LaPerch said the Public Hearing needs to be continued and explained a meeting was held at a staff review and that the applicant was encouraged to get the application in shape. The motion to Continue the Public Hearing to March 23, 2020 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**REGULAR SESSION:**

1. **ALFACOR, LLC, 291 Dens Corner Road** – This was a Continued Review of an Application for a Special Permit under Chapter 69. Nicholas Gaboury of Bibbo Associates appeared before the Board. Mr. Gaboury said at the last meeting we had a Public Hearing for the project for the imported fill. Chairman LaPerch said I think you answered all our questions to our satisfaction. Mr. Gaboury said I think we have answered all the questions. Chairman LaPerch polled the Board for questions and there were none. The motion to Grant a Special Permit for Excavation & Grading was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 absent. Mr. Gaboury asked about when the applicant can bring the additional fill to the site. Town Planner Ashley Ley said it is approved and the MS4 was all filed? She said call (Town Engineer) Tom Fenton tomorrow and check in. Secretary Desidero said you can call me in the morning because I am pretty sure MS4 is already signed off. Mr. Gaboury said for the main project, we would like to get back on track with the status of the SEQRA determination for the overall project. Ms. Ley said we submitted some comments on the traffic study back to you in January and I don't think there was another submission after that. He said I asked for the comments to be forwarded to me... Chairman LaPerch said we will do it.
2. **RUSH CONDITIONAL USE PERMIT, 81 Allview Avenue** – This was a Review of an Application for Conditional Use Permit to board horses. Vice Chairman David Rush recused himself and left the dais. Chairman LaPerch welcomed Carina Rush and said we will ask you some questions. Ms. Rush said I did get a letter from my neighbor and read it to the Board: *"To Members of the Southeast Planning Board, Our next door neighbors, David and Carina Rush at 81 Allview have let us know that they are pursuing a permit that would allow them to board a few horses on their property. We have no objections and we support them in their endeavor. Most sincerely, Joe Racioppo."* Chairman LaPerch said why don't you just walk us through what you are proposing. Ms. Rush said we had four horses on our property before and we are down to one and she is 30 years old. She said she is very lonely. We don't want to bring anyone on board that we don't know, she said, we are not doing this for money but we would like to legally invite maybe a friend to keep a horse or two at our property so that's it. Chairman LaPerch said you did have four horses and you have the facilities to host four horses? She said exactly. He polled the Board for questions. Boardmember Armstrong asked about the resolution which, he said, notes an aerial of the property with no preparer... Ms. Desidero said it says 'no preparer, undated' because when it comes in as an aerial it is just a picture. He said so it is informational. Ms. Desidero said it is just a Google shot so

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PLANNING BOARD MINUTES  
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you can see what's on the property. Boardmember Cyprus said when we get to your 'consider waiving...' the barn exists and there are no changes outside? Ms. Rush said correct. Chairman LaPerch asked Ms. Ley to walk the Board through this. Ms. Ley said it is a Conditional Use Permit application; they are not proposing any changes to the property, the barn currently exists and it has held four horses in the past. They are proposing to board up to four horses, she said, which the draft resolution states that the maximum number of horses shall be four. Boardmember Armstrong asked are these applications, once approved, have an indefinite life or a term? Ms. Ley said the Board typically doesn't put a time limit on it but you could if you wanted to. The motion to Classify this as a Type II Action under SEQRA and Minor Town of Southeast project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent and 1 recused. Chairman LaPerch polled the Board as to whether or not a Public Hearing should be required and no one objected to waiving it. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch said since no changes to the outside of the property are proposed, I have no problem waiving the referral to the ARB. No one disagreed. The motion to Waive a Referral to the ARB was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Grant Approval of the Conditional Use Permit for the Rush horse barn at 81 Allview Avenue was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 1 absent and 1 recused.

3. **DREW REALTY/SITE ONE, 160 & 170 Fields Lane** – This was a Continued Review of an Application for Site Plan, Wetland Permit, Conditional Use Permit and Subdivision. Chairman LaPerch said we have no actions on this project tonight? Ms. Ley said that is correct: the comment memos identified a couple of additional items that were missing so there were no actions proposed for this evening and then the applicant asked to be removed from the agenda to come back to another meeting once they have been able to address those items and, also, he was sick.
4. **BREWSTER RETAIL OUTLET, 1224 Route 22** – This was a Review of an Application for Final Approval of a Site Plan Amendment. Sean Hamilton of JR Folchetti & Associates appeared before the Board. He said the DEP (Department of Environmental Protection) approved the stormwater pollution prevention plan that addressed the violation they had issued. Chairman LaPerch said let me just recap here, the DEP signed off on this but this approval is subject to the DOT (Department of Transportation) permit, correct? Ms. Ley said that's correct. Chairman LaPerch said this was an approved project and the DEP came and wanted to re-visit some issues; they got comfortable with it and we have a sign off from them but the DOT finally chimed in and said that some of the curb cuts have to be adjusted. Mr. Hamilton said correct. Chairman LaPerch said so we are giving you an approval subject to you satisfying their demands. He polled the Board for questions and there were none. Ms. Desidero asked if there was a condition in the resolution for the DOT and Ms. Ley said there is standard language in there. The motion to Grant Final Approval of the Site Plan Amendment was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 6 to 0 with 1 absent.

Chairman LaPerch said we don't have any Meeting Minutes to approve this week. He asked Ms. Desidero for the next meeting agenda and she said it is March 23 and we will have the continued Public Hearing for Northwood Tree Care; Bill Henry Tree Service is coming in for Site Plan Amendment; the NYSEG Line 803 Rebuild for a Wetland Permit; AT&T at 3925 Danbury Road for a Site Plan Amendment; and Classic M&J Properties of 4 Sodom Lane South coming in for a Special Permit.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
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The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**April 5, 2020/CC/VAD**

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