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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**April 24, 2017**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

**REGULAR SESSION:**

- 1. LIFE STORAGE, INC. (aka UNCLE BOB'S STORAGE), 1639 Route 22** – Review of Application for Site Plan Amendment and Wetland Permit
- 2. TREMBLAY COMMERCIAL, 3590 Danbury Road** – Review of Application for Site Plan, Conditional Use Permit and Special Use Permit
- 3. D'UVA, 231 Fields Lane** – Review of Application for Site Plan Amendment and Wetland Permit
- 4. MEDICANIX, 251 Fields Lane** – Review of Application for Site Plan, Conditional Use Permit and Wetland Permit
- 5. BULL & BARREL, 988 Route 22** – Review of Application for Site Plan Amendment
- 6. NEW YORK SMSA dba VERIZON WIRELESS, 2525 Carmel Avenue** – Review of Request for Exemption from Site Plan Review and Conditional Use Permit

**Approve Meeting Minutes from March 13, 2017**

**Approve Meeting Minutes from March 24, 2017**

**April 20, 2017**

**VAD**

**Agenda Subject to Change**

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

INTRODUCED BY: LaPerch

DATE: April 24, 2017

SECONDED BY: Wisse

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for a Site Plan Amendment and Wetland Permit, and other supporting documents for a project entitled **LIFE STORAGE, INC., (aka UNCLE BOB'S STORAGE)**; and

**WHEREAS**, the proposed project is located at 1639 Route 22 in the HC and RC Zoning Districts in the Town of Southeast and identified as Tax Map ID 46.-3-13 ; and

**WHEREAS**, the applicant proposes the elimination of an existing outside storage area and construction of a three-story climate controlled self-storage facility, which involves the expansion of a pre-existing non-conforming use and requires Planning Board site plan, determination under 138-11D, wetland permit, area variance (side yard setback and number of stories); and

**WHEREAS**, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

**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>absent</u>
E. Cyprus, Boardmember	<u>absent</u>	M. Hecht, Boardmember	<u>yes</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

April 25, 2017

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

Re: Life Storage, Inc. (aka Uncle Bob's Storage)  
GML §239-m

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Site Plan Amendment and Wetland Permit by Life Storage, Inc., for the proposed elimination of an existing outside storage area and construction of a three-story climate controlled self-storage facility, which involves the expansion of a pre-existing non-conforming use. The proposed project will require Planning Board site plan, determination under 138-11D, wetland permit, area variances (side yard setback and number of stories). The proposed project is located on an approximately ±10 acre parcel located on 1639 Route 22, Putnam County, New York, (Tax Map ID 46.-3-13).

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  
Greenman-Pedersen for Life Storage, Inc.

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

INTRODUCED BY: La Perch

DATE: April 24, 2017

SECONDED BY: Wisee

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan, Conditional Use Permit and Special Permit, and other supporting documents for a project entitled **TREMBLAY COMMERCIAL**; and

**WHEREAS**, the proposed project is located at 3590 Danbury Road in the SR6 Zoning District in the Town of Southeast and identified as Tax Map ID 68.-2-5; and

**WHEREAS**, the applicant proposes to construct an 18,000 sq. ft., three-story commercial building with a new septic system and associated parking and landscaping on a 2.66 acre vacant site; and

**WHEREAS**, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

**UPON ROLL CALL VOTE:**

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

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

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board /vad



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

April 25, 2017

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

Re: Tremblay Commercial  
GML §239-m

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Site Plan Amendment, Conditional Use Permit and Special Permit by Tremblay Commercial for a proposed 18,000 sf 3-story commercial building with a new septic system and associated parking and landscaping on a vacant site located on NYS Route 6. The proposed project is located on an approximately ±2.66 acre parcel located on 3590 Danbury Road, Putnam County, New York (Tax Map ID 68.-2-5).

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 /vad*  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
JR Folchetti & Associates

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

**INTRODUCED BY:** LaPerch

**DATE:** April 24, 2017

**SECONDED BY:** Hecht

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan Amendment and Wetland Permit, and other supporting documents for a project entitled **D'UVA (aka FIELDS LANE DEVELOPMENT)**; and

**WHEREAS**, the proposed project is located at 231 Fields Lane in the OP-1 Zoning District in the Town of Southeast and identified as Tax Map ID 78.-2-90; and

**WHEREAS**, the applicant proposes to increase the outside storage area to 17,900 sq. ft. (increase of 5,400 sq. ft.), add a flagpole, amend the landscape plan, change the approved fence material, and replace the guide rail with boulders and timber curbing, where the expanded outside storage would increase the wetland buffer disturbance; and

**WHEREAS**, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

**UPON ROLL CALL VOTE:**

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

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

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board /rad

**PLANNING BOARD  
TOWN OF SOUTHEAST, NEW YORK  
RESOLUTION – INTENT TO DECLARE LEAD AGENCY**

**INTRODUCED BY:** LaPerch

**DATE:** April 24, 2017

**SECONDED BY:** Rush

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of an application for Site Plan, Conditional Use Permit and Wetland Permit, and other supporting documents for a project entitled **MEDICANIX**; and

**WHEREAS**, the proposed project is located at 251 Fields Lane in the OP-1 Zoning District in the Town of Southeast and identified as Tax Map ID 78.-2-92 ; and

**WHEREAS**, the applicant proposes a two-story, 10,000 sq. ft. building for general business use associated with a bio-medical equipment service company, which is a permitted principal use in the OP-1 Zoning District. Significant disturbance to regulated wetland and wetland buffer areas is proposed to access the site; and

**WHEREAS**, pursuant to §617.6(b)(3) of the State Environmental Quality Review Act (SEQRA), the aforementioned information must be mailed to all involved agencies notifying them that a Lead Agency must be agreed upon within thirty (30) calendar days of the date that the aforementioned information is mailed to involved agencies, and

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Southeast hereby authorizes the mailing to all Involved Agencies of the aforementioned information, together with Notice that the Planning Board of the Town of Southeast intends to declare itself Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action, unless objection to such designation is received within thirty (30) days.

**UPON ROLL CALL VOTE:**

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

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

The resolution was passed by a vote of 5 to 0, with 2 absent.

T. LaPerch /rad  
T. LaPerch, Chairman  
Southeast Planning Board



**TOWN OF SOUTHEAST**

Planning Board  
1 Main Street  
Brewster, NY 10509

April 25, 2017

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

Re: Medicenix  
GML §239-m

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Site Plan and Wetland Permit for Medicenix for a proposed two-story, 10,000 sq. ft. building for general business use associated with a bio-medical equipment service company. The project is a permitted principal use in the OP-1 Zoning District. Significant disturbance to regulated wetland and wetland buffer areas is proposed to access the site. The proposed project is located on an approximately ±5 acre parcel located on 251 Fields Lane, Putnam County, New York, (Tax Map ID 78.-2-92).

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*

Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
PW Scott Engineering

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
SEQRA CLASSIFICATION**

INTRODUCED BY: T. LaPerch  
SECONDED BY: Rush

DATE: April 24, 2017

**WHEREAS**, an application is being made by **OWNER/APPLICANT** for a Site Plan Amendment to install a new post and beam canopy structure over the existing outdoor bar located within the fenced "beer garden" area of the **BULL & BARREL** restaurant on a property located at 988 Route 22, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 68.5-2-26, and is located in the NB Zoning District; and

**WHEREAS**, the Planning Board has reviewed the following documents in support of this classification:

1. Short Environmental Assessment Form (EAF) dated 4/10/17
2. Statement of Use, prepared by Owner Rick Cipriani, dated 4/10/17
3. A-100, Outdoor Area, prepared by Architectural Visions, PLLC, 8/27/13; last revised 4/10/17
4. A-101, Stateline Enterprises, Lower Floor Plan, prepared by Architectural Visions, PLLC, undated
5. A-101, Bull & Barrel, Proposed Outdoor Canopy, prepared by Architectural Visions, PLLC, dated 4/10/17
6. Black & White rendering of structure with dimensions, no preparer, undated

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

**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>absent</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 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



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

April 25, 2017

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman  
Southeast Planning Board

RE: Bull & Barrel  
988 Route 22  
Tax Map ID 68.5-2-26

At the regular meeting of the Town of Southeast Planning Board on 4/24/17, 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 classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 4/24/17. 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 / vad*  
Thomas LaPerch, Chairman  
Southeast Planning Board

cc: Town Counsel  
Town Clerk  
Rick Cipriani, Bull & Barrel

**Town of Southeast**

**Planning Board**  
One Main Street  
Brewster, NY 10509

April 25, 2017

Zoning Board of Appeals  
1 Main Street  
Brewster, NY 10509

RE: VERIZON WIRELESS, 2525 Carmel Avenue, TAX ID 67.6-1-35

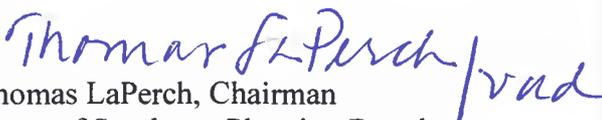
Dear Boardmembers:

At the 4/24/17 regular meeting of the Town of Southeast Planning Board a motion was made to refer the above referenced application to your Board for the following:

1. Increase the pre-existing non-conformity of the front yard setback by installing cellular antennas on the front of the building which is at a setback of 29 feet where 35 feet is required.

A copy of the Town Planner's memorandum is attached for your information.

Sincerely,

  
Thomas LaPerch, Chairman  
Town of Southeast Planning Board

Attachment

cc: Town Attorney  
Town Clerk  
Snyder & Snyder, LLP  
Planning Board File  
Zoning Board of Appeals File



***Environmental, Planning, and Engineering Consultants***

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Town of Southeast Planning Board  
Town of Southeast Zoning Board of Appeals

**From:** Ashley Ley

**Date:** April 21, 2017

**Re:** Verizon Wireless Request for Exemption – 2525 Carmel Avenue, Brewster, NY

**cc:** Edward Teyber, Esq.

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AKRF, Inc. has reviewed the request for exemption from site plan and conditional use permit approval from Verizon Wireless for proposed building mounted cellular antennas at 2525 Carmel Avenue, Brewster, NY, in the Gateway Commercial (GC) Zoning District of the Town of Southeast. As proposed, the antennas are proposed to be mounted on the front of the building, which faces NYS Route 6.

The existing building is pre-existing non-conforming with regards to setbacks as it is located 29 feet from the property line where 35 feet is required. Therefore, mounting the antennas to the front of the building would increase the non-conformity of the setback. It is recommended that the proposed antennas be relocated to the side of the building and behind the 35 foot setback. The relocation of the antennas would avoid the need for an area variance. Furthermore, the relocation of the antennas would make them less visible from the NYS Route 6.

As noted, this property is located in the Gateway Commercial Zoning District and the Town has sought in recent years to facilitate visual improvements to the properties in this corridor. If the Applicant can demonstrate with radio frequency engineering support that the proposed antennas cannot be relocated to the side of the building, then smaller or stealth antennas should be pursued.

### **RECOMMENDED ACTIONS**

At the April 24, 2017 meeting, AKRF recommends that the application be referred to the Zoning Board of Appeals for the front setback area variance. However, should the Applicant chose to relocate the antennas to the side of the building and behind the front yard setback, then an exemption may be considered.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 13, 2017**

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

**PUBLIC HEARINGS:**

- 1. ACE ENDICO, 80, 81 & 71 International Blvd.** – This was a continued Public Hearing to review an application for Site Plan Amendment, Subdivision and Conditional Use Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Terri-Hahn of LADA, P.C., appeared before the Board. Ms. Hahn said we have submitted some modified plans as requested and she handed out sets of plans to the Board members. She said at the last meeting there were certain things that were requested by the Town Engineer and the Town Planner and during the public review. The first was to provide pictures of the properties in their entirety; part of the legend was cut off so we have submitted a plan to address the comments we received regarding the landscaping and the phasing plan. She showed the area of the wetland buffer disturbance, saying this small area here for connecting the pipes and this area over here for planting trees for a total of 400 sq. ft. She said we were also asked to prepare a Phasing Plan for Lot 1 with Ace Endico being Phases 1A, 1B and 1C; the property across the street is Phase 2; and then the buildings are Phases 3 and 4. She said a lot of this information was already included on the plans but this way it is all in one place. Ms. Hahn continued: we were requested to prepare a lighting plan and you can see this is the original approved configuration and it is a little "old school" at this moment but the issue was what lights that would stay on and that would be these four which are labeled as "A" and all the rest of them would be either motion sensor or timed lighting. The reason why I did not do motion or time sensors here is that it is along the pedestrian walkway, so they stay on for security but the rest can go off. Chairman LaPerch asked Town Planner Ashley Ley to give the Board and the public a sense of some of the things we asked them like merging the lots and so forth so everyone has an idea of where we are going with this. Ms. Ley said this is all part of the original Terravest project and Lot 1, which is where Ace Endico is today, and Lots 2, 3 and 4 where there were other buildings proposed and a shared parking arrangement. She said Ace Endico purchased this lot and they would like to construct a parking lot initially for their use across the street and then eventually build out their two buildings that are shown on the plan. She said in order to process this one application, we are looking to have Lots 3 and 4 merged into one lot and all the lots under common ownership and have the whole site reviewed as a "campus," which will then require a Conditional Use Permit so that these lots could not operate independently of the other building and this parking lot would only be for use by the employees of Ace Endico. Chairman LaPerch said so before we grant final approval, we should be looking for some type of legal document? Ms. Hahn said yes, they have gone back and forth with their attorneys and have come to the conclusion that they will create a third company that will own all the parcels. Chairman LaPerch said as long as Will (Town Attorney Stephens) is happy with it, we're happy. Boardmember Cyprus asked what Ms. Hahn meant about the lighting plan being "old school?" She said because I showed the (inaudible) and... there is a computer program for lighting and we haven't run the updated program yet but the lighting is all still good: there are 20 ft. high LED fixtures that match what is at Ace Endico

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 13, 2017**

now so they are shoebox down lights, dark sky compliant and so forth. Ms. Ley said we need the plant schedule to go with the landscaping plan. Ms. Hahn said it's on there. Ms. Ley said which page? Ms. Ley said that sheet is missing from this packet that you just handed out. Ms. Hahn said oh no it is not in there, we didn't make any changes so you have to go back to the previous one. Chairman LaPerch said why are we getting these tonight? Ms. Hahn said I e-mailed them on Friday but they weren't ready so I apologize. Chairman LaPerch said yes, we like things sent prior to the meeting, just in case there are hiccups along the way so in the future... Ms. Hahn said but it was just one more thing... Chairman LaPerch said we are not good with paper up here: we like e-mails. She said no problem. Ms. Hahn said there was one other thing which was the cross section for across from Ace Endico, which is what we were asked to do so I am handing that out now. She said 84 is at an elevation of approximately 640; Ace Endico is at elevation 660 so 84 is a little bit lower. She explained how the elevations were used to create the cross section, saying there is a long way between the west bound lanes and the property line, so your major screening is the existing woods along that property line and into the right of way. The parking lot and Ace Endico is located a little higher, Ms. Hahn said, so there is a view from 84 through the tops of the trees that catches the top of the building. The plantings that are part of the approved plan, quite honestly, she said, I would have to plant them at 40 feet high because of the way this view works in here. She said this is consistent with what is shown in the DEIS (Draft Environmental Impact Statement) for Terravest and that is why the larger trees are near the building because that is really the only place they would have any effect at all. If we could control what DOT (Department of Transportation) was doing, she continued, then the best place to put them would be right next to 84. Ms. Ley said obviously the DEIS was written a long time ago, we have been living with the building for many years, and there is a concern that the plantings that were installed are getting too top heavy and there is a lot of space at the bottom so that is why we mentioned at the last meeting possibly under plantings for those trees and adding additional plantings within the area... Ms. Hahn said I have no notes to that effect. Ms. Ley said I guess I was expecting, for this meeting, to see changes to that. Ms. Hahn said the explanation that you just gave was much clearer to me than what I understood before so I will solve your problem. I get it now, she said, it is not a problem. Town Councilwoman Lynne Eckardt said I would request that you turn your board more towards the audience when you are presenting at a Public Hearing. Ms. Eckardt said so you said the elevation is 640... Ms. Hahn said it goes from 640 to 620 and I took the higher elevations for the cross section because that is the most vulnerable spot. Ms. Eckardt said OK, I think we had talked at a staff meeting about monoculture issues so I had expected to see... Ms. Hahn said we have both White Pines and Spruces that are proposed. Ms. Eckardt said and some deciduous trees too? Ms. Hahn said well, there are deciduous trees within the parking lot. Ms. Eckardt said because Victoria (Desidero) was kind enough to send me what you sent her today but I couldn't read it, which isn't your fault, because it was small but was there a plant list on there? Ms. Hahn said no, there is another sheet that is the plant list. Chairman LaPerch said time out: we have too many sheets to look at here and Ashley (Ley) is trying to follow your logic here and... Ms. Ley said it's not clear to me which of the trees that are shown on the plans are original and installed and which are proposed. Chairman LaPerch said that's my point about getting us the information in advance of the meeting so we are all on the same sheets: we've got too many moving parts here. Ms. Hahn said all of the original plant material... Chairman

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 13, 2017**

LaPerch said you just handed out a revision to the original material, right? Ms. Hahn said yes. He said now she has to go back and look at the previous plans and figure things out. He said we are just trying to follow you here: you might be right but we are not following you. Ms. Hahn said no problem, so the planting that is proposed is what is in the boxes here and here. She said the planting that is associated with this building, is part of the phased plans and we are already intending to do all that so it is not part of the additional parking area. Ms. Ley said yes but we are now treating this as one large site and one Conditional Use Permit so the landscaping on Lot 1 is open for discussion. Ms. Hahn said I understand now but didn't before so that is why I didn't show it. Chairman LaPerch asked Ms. Eckardt to continue. Ms. Eckardt said so there is no ridgeline that we are dealing with here: is that correct? Ms. Hahn said no. Ms. Eckardt said it's just that it stands out so much from the highway still. Chairman LaPerch said that is why Dan (Armstrong) requested the cross section to see if there was any way we could make it look a little better. Ms. Eckardt said I think the additional plantings will be very helpful and so the plant list I have to get separately? Several people said you have to look at the first submission for that. Ms. Hahn said I will resubmit the plant list. Ms. Eckardt said I think it is really important in case other people FOIL (Freedom of Information Law) and can't find what they are looking for. She said I know you are trying to make it nice and I am sure you have nothing to hide so we just need to see all of this. She said I wasn't going to come tonight was because I couldn't find everything I was looking for in the plans, I did and I am glad to know it wasn't just me. She said I will take a look at all that and so are you keeping the Public Hearing open? Chairman LaPerch said that is why I am shaking my head. Yes, we will keep it open, he said. Ms. Ley told Ms. Hahn: for the next submission, if you could submit the full set then it would make it easier. Chairman LaPerch said in advance, not on the Friday before the meeting. Ms. Ley said at least a week before the meeting. Chairman LaPerch said at least. Chairman LaPerch said I think there are some moving parts here so, unless I hear other comments, I would like to continue the Public Hearing. There were no comments from the Board or the public. The motion to Continue the Public Hearing to April 10, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**REGULAR SESSION:**

- 1. BREWSTER FORD, 1024 Route 22** – This was a review of a Request to Establish a Performance Bond. Jamie LoGiudice of Insite Engineering appeared before the Board. Chairman LaPerch said so this is just to set the bond? Ms. LoGiudice said yes. The motion to Recommend a Performance Bond for Erosion & Sediment Control to the Town Board as written by the Town Engineer was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
- 2. HENRY TREE SERVICE, 47 Prospect Hill Road** – This was a review of an Application for Final Approval of a Site Plan Amendment. Jamie LoGiudice of Insite Engineering said the plans have not changed since the last meeting and she gave the Board an overview of the amendments proposed for the site. Chairman LaPerch said how much outside storage is there? She said 9%. He said and you are demarcating the area with stones and fence? She said yes. Chairman LaPerch asked how much outside storage they are allowed. Ms. Ley

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 13, 2017**

said anything over 5% requires a Conditional Use Permit and you can have up to 25% with the permit but they are only asking for 9%. There were no questions from the Board. Chairman LaPerch asked if there were any other issues. Ms. Ley said there were some comments from the Town Engineer: did you get that memo? Ms. LoGiudice indicated she did not. Chairman LaPerch said are you sure? Ms. Ley said the approval is conditioned on the Town Engineer's comments being addressed. There was a brief discussion about when the comments were received and it was determined they were sent on March 9. Ms. Ley said those just need to be on the plan before the Chairman can sign. Ms. LoGiudice said OK. The motion to Grant Final Approval was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed 6 to 0 with 1 absent. The motion to Recommend a Performance Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

3. **EMPIRE STATE LANDSCAPING, 2525 Carmel Avenue** – This was a review of an Application for a Conditional Use Permit. Property Owner Scott Frey appeared before the Board. There were no questions from the Board and no comments from the Town Planner. 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 Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to refer this to County Planning under GML 239-m was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch said we need to talk about a Public Hearing for this: it is very visible so I think it needs one. There were no objections from the Board. The motion to Set the Public Hearing for April 10, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Mr. Frey said we aren't allowed to ask for a waiver for that? Chairman LaPerch said it's a high profile project and it has been in front of our Board too many times so I think we need to have the hearing because we want the public to know about it. Ms. Desidero said I am going to send you something that you need to send to the neighbors. Mr. Frey asked if all the correspondence could be sent to his e-mail address and he gave it to the Town Planner. Ms. Desidero said you are on my distribution list but I was away last week.

The motion to approve the Meeting Minutes as written from February 27, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

Chairman LaPerch asked about the next meeting. Ms. Desidero said the March 27 meeting was cancelled and there was a good reason to do that because she and Ashley Ley will be out of Town. Ms. Ley said and Chairman LaPerch will be out of Town as well because we nominated him for the New York Planning Federation John O. Cross award for Outstanding Planning Board Chairman and he won. She said it was a statewide event and there were a lot of nominees. Everyone congratulated Chairman LaPerch and he said thanks but it was a team event. There was applause and Chairman LaPerch thanked everyone for making him look good.

Ms. Desidero said the next meeting is now set for April 10, 2017 and so far there is a continued Public Hearing for Ace Endico, and a Public Hearing for Empire State Landscaping which was just set. She said Farm to Market Road Subdivision wants an extension of their approval; Lyons Farm Subdivision asked for a bond release; and Mushkolaj Subdivision on Brewster Hill Road is coming

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in for preliminary review. There was a brief discussion of this project and the fact that it was discussed at a staff meeting.

Chairman LaPerch asked Ms. Ley to give the Board an update on the Morrow Crane application. She said the Building Inspector issued an interpretation that the proposed crane is a structure because it does seem to meet that definition in the Code and they are appealing it to the ZBA (Zoning Board of Appeals). Ms. Desidero said it seems likely that they will be at the ZBA in April. The Board discussed the process by which an application is referred to the ZBA, or makes an appeal based on a decision by the Building Inspector and, specifically, how that relates to this applicant.

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

**April 4, 2017/VAD**

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

**PUBLIC HEARINGS:**

Chairman LaPerch said I want to start by saying I apologize for the meeting being on Passover and that was an oversight on my part so I take the hit for that. But we needed to have a meeting and we told anyone who could not be here tonight that it was fine.

- 1. ACE ENDICO, 80, 81 & 71 International Blvd.** – This was a continued Public Hearing to review an application for Site Plan Amendment, Subdivision and Conditional Use Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Terri Hahn of LADA, P.C., appeared before the Board. Chairman LaPerch asked Town Planner Ashley Ley to explain the status of this application. Ms. Ley said there are two comment letters from the consultants that are pretty extensive so we recommend that some of these items be addressed before we close the Public Hearing. She recommended that the Public Hearing be continued to June 12, 2017 so that the applicant has time to respond to those memos. The motion to Continue the Public Hearing to June 12, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.
- 2. EMPIRE STATE LANDSCAPING, 2525 Carmel Avenue** – This was a Public Hearing to review an application for a Conditional Use Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Owner Scott Frey appeared before the Board. Chairman LaPerch asked where the property is located and Mr. Frey said it is on Carmel Avenue across from Suburban Propane. Chairman LaPerch said and you have a tenant? Mr. Frey said yes, it's Empire Landscaping. Chairman LaPerch asked what the tenant planned on doing and Mr. Frey said they will be storing trucks and maintaining their equipment in the shop. Chairman LaPerch asked if they would be working outside of the fenced in area and Mr. Frey said only when they are doing cleaning but at the end of the day there will be a clean parking lot without anything beyond the fence. Chairman LaPerch said and you are here for what? Mr. Frey said we need a permit for this use at this location. Chairman LaPerch asked if anyone in the audience had questions or comments. Resident John Lord asked if this is across from Suburban Propane and Mr. Frey said yes. Mr. Lord said and you are putting stuff behind the fence? Mr. Frey said yes, basically. Mr. Lord said that is a tough spot. Secretary Desidero said I just want to mention that we did have a call from one of the neighbors today asking what this was about and she said she has no problem with this neighbor and how the property is being used now. Chairman LaPerch asked Ms. Ley why they are here. She said this is a change of use from what was there previously. Mr. Frey said I have a question about the permit and the use. He said moving forward and let's say Empire moves out and a new tenant moves in, what happens? Ms. Ley said if he leaves and another landscaping business comes in they would be able to move in and as long as they stay within the requirements of this Conditional Use Permit they would be good. Mr. Frey said of so if I have a landscape gardener, painter or contractors in general... Ms. Ley

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said this is a permit for General Business Use so anything that fits into that definition would be allowed. Town Councilwoman Lynne Eckardt said is that a chain link fence or a slatted fence? Mr. Frey said it is a slatted fence and it needs a few new slats. Ms. Eckardt said if you want to change the fence in the future how does that work? You should know we don't like chain link fences with those slats. Ms. Ley said it can be repaired without any permits but a new fence would require ARB (Architectural Review Board) review. If they change the location of the fence that would probably trigger the need for a variance, she said. Ms. Eckardt said is there room in front for landscaping? Mr. Frey said no, there is not much room there. Mr. Frey said we would probably not replace the fence and we chose the color that is there now to make it more attractive. Ms. Eckardt said I just think in the future it could be made to look better. Mr. Frey said we will keep that in mind. The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. The motion to Grant a Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent.

**REGULAR SESSION:**

- 1. FARM TO MARKET ROAD SUBDIVISION, 83 & 85 Farm to Market Road** – This was a review of a Request for Extension of a Conditional Subdivision Approval. Chairman LaPerch said the action tonight is to grant two 90-day extensions of final subdivision approval and even as long as I have been on this Board, I had to call Ashley (Ley) because I thought these got one-year approvals. Ms. Ley said this is a conditioned subdivision approval and she explained the process for filing the Plat with the County within 90 days. If they don't, she said, they can be granted 12 90-day extensions after the conditional approval as opposed to site plan which is for a year. She said the Board granted two 90-day extensions last time so she recommends doing the same thing this time because 90 days is a relatively short period of time. Chairman LaPerch said so I called and asked because they can clear the land without filing and I thought that was a bit of a disconnect. Ms. Ley said so, in this case, since it is final conditional subdivision approval one of the conditions was to either bond for all of the stormwater practices for the subdivision or to construct them and it is my understanding that they chose to construct them so they did take out some... She said Victoria (Desidero) is looking at me... Ms. Desidero said wouldn't they have had to pay their inspection fees? Ms. Ley said they didn't pay them? Ms. Desidero said no. Ms. Ley said they are out there clearing trees? Ms. Desidero said they have MS4 and I thought what the Town Engineer said was that they weren't really clearing trees but doing something with the undergrowth so it was not really a disturbance? Ms. Ley said I didn't go out and look at it. Ms. Desidero said they have MS4 and they may have posted an Erosion & Sediment Control Bond but they didn't pay inspection fees. Ms. Ley said OK. Ms. Desidero said my issue has been the inspection fees because without them there is no money to cover the Town Engineer going out there to inspect and so I keep telling them they will need to keep their escrow account funded but they don't really want to do that either. She said I told them they had to put some money in there to even be on the agenda tonight, which I told several other people on the agenda tonight, and they sent me \$250 but \$250 won't cover much time of the Town Engineer going out to do inspections. Ms. Desidero said I was told they were doing minimal clearing. Chairman LaPerch said if you

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have MS4, doesn't that mean you also have final approval? Ms. Desidero said no, you can have MS4 for your house too. Ms. Ley said he is on a 90-day clock and has a whole list of conditions that must be met before you (Chairman LaPerch) are able to sign the Plat and he would be able to file the Plat with the County. She said one of which is the construction of these common improvements but I didn't realize they hadn't paid all their fees. Ms. Desidero said but they can't make the common improvements without paying their inspection fees? Ms. Ley said right. Ms. Desidero said it was also brought to my attention that this might now be sold to someone for a different use which is another reason we don't like people to clear trees before they have committed to what they are planning to do. Ms. Ley said right. Chairman LaPerch said so am I understanding correctly, he owes us money? Ms. Desidero said I can't say he owes us money and maybe the Town Attorney can help me out here. When they are given their bond amount, she said, they are told to pay their inspection fees and they have not paid their inspection fees and Mr. Mattikow said they don't want to pay the inspection fees because they are going for the extensions and are not ready to do anything. Ms. Ley said you certainly can't sign the Plat without the inspection fees. Ms. Desidero said or the Rec (Recreation) fees. Chairman LaPerch said I thought we got the Rec fees. Ms. Ley said that is a condition before the Plat is signed and without that being signed, they are not officially a subdivision yet. Chairman LaPerch said but he is allowed to do work? Ms. Ley said well he can do the work that is conditioned: in this case the common improvements. She said you don't want to create a lot without a road going to it and, in this case, there is a road but you don't want to create a lot that is part of the requirements for the SWPPP (Stormwater Pollution Prevention Plan). Chairman LaPerch said I've only been down there a couple of times but if my memory serves me correctly, he seems to have cleared the lots that have road frontage, not the subdivision lot. He said it is the Farm to Market lots that seem to be cleared. Ms. Ley said some of the conditions involved improving the drainage along that road, Farm to Market Road, as well. Chairman LaPerch said I remember that discussion. Chairman LaPerch said do we have a problem here? I am not looking to have a problem, he said, but is this legit? Ms. Ley said I think we need to talk to (Town Engineer) Tom Fenton. Chairman LaPerch said can we grant this extension if there is something going on there: maybe the sequence is off. Boardmember Armstrong asked if the Plat is filed and Ms. Ley said no. He said and the original approval was good for 90 days and he has had three since then? Ms. Ley said the initial approval plus two extensions. Boardmember Armstrong said so it is coming up on a year. He asked when the expiration date is on the one they have now. Ms. Ley said May 9, 2017. Boardmember Armstrong said I kind of feel like we are getting a dance here and I think we should say they complied with whatever they needed to do in the first 90 days, they have gotten two extensions and now if they are not in compliance with what they needed to do then... He said how many more meetings do we have before the extension expires? Ms. Desidero said one. Ms. Ley said so the final conditional subdivision approval sets out all of the conditions that need to be met before Tom (LaPerch) can sign the Plat so what they are asking for is an extension to meet the... Boardmember Armstrong said but they are not complying and they are not here... Chairman LaPerch said no, that was a Passover issue or he would have been here. Boardmember Armstrong said OK so we have one more meeting and he can explain the situation and then we can give him another 90 days. He said I am not ready to give him another 90 days now. Ms. Desidero said I am sorry I cannot remember all of the details on this and I haven't done that many subdivisions since I have

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been in this job but generally they pay their inspection fees after they get conditional approval. Chairman LaPerch asked Ms. Ley if she is comfortable with this. Ms. Ley said I am comfortable with postponing the vote until the next meeting. Chairman LaPerch said so before the next meeting, what do we need to accomplish? Ms. Ley said I would like to know that all the finances are in order: the fact that they haven't met all the conditions is why they are asking for the extension so that is fine. Ms. Desidero said Al Mattikow has spoken to many people in Town about this, possibly even the Town Attorney, so I am not the only person who knows these inspection fees haven't been paid. What I am surprised about, she said, is that I am hearing they are supposed to be making improvements. I was told they were just clearing out a little bit so it would look better when they were showing it, she said. Ms. Ley said that is what I assumed they were doing when Tom (LaPerch) said he saw clearing because that is one of the conditions of the approval. She said they didn't want to bond for all of these improvements but they were going to make some of them before the lots were sold. Ms. Ley asked Town Attorney Stephens what he is aware of. He said very little actually. He said do they have MS4 and a SWPPP in place? Ms. Desidero said they have MS4 and a SWPPP, yes. He said they do and is their Erosion & Sediment Control Bond in place? Ms. Desidero said they have a bond but they are clearing land for a subdivision that they haven't paid... Mr. Stephens said I understand they are clearing land but that would be a violation if there was no SWPPP in place. People can clear a property, he said, if their Stormwater Pollution Prevention Plan is in place and I could do that so long as I have the appropriate permits in place. Ms. Desidero said I agree with you. He said I don't know why they would be treated any differently. She said my only question is if the SWPPP includes stormwater management controls that they will never complete if they don't continue down the path of having a subdivision there. Mr. Stephens said right and there is some, this is rumored actually, that they are looking to sell that subdivision. Ms. Ley said if they sell it and it doesn't become a subdivision then, whatever the new owner wants to do with it, the SWPPP will have to be amended. Chairman LaPerch said so is there any harm of voting to grant the extension? Mr. Stephens said personally, I don't think so. Chairman LaPerch said that is what I am thinking. He said what is the down side? Ms. Desidero said there is no down side and there is also no downside to asking Mr. Mattikow to come to the next meeting to answer any of these questions and he will still meet the deadline to get his extension in time. And clearly, she said, he has good reasons for doing this the way he is and, of course, for not being able to be here tonight. Mr. Stephens said I will also say that I have a message on my office phone from Mr. Mattikow but I haven't heard it yet. Ms. Desidero said I guess my only concern is that I thought what we tried to avoid is having a lot of land cleared that then doesn't get used for something. *(Several people talking.)* Mr. Stephens said this Town does not have a land clearing ordinance so as far as I'm concerned... Chairman LaPerch said is he in compliance? Mr. Stephens said that's what I am being told: that he has the permits in place and put up the necessary Erosion & Sediment Control bond so, therefore, he is like anyone else, say Joe Schmo who has a 10-acre lot that he wants to turn into a pasture, there is nothing we can do to stop that. Chairman LaPerch said fair enough: does everyone understand that? Ms. Eckardt asked Ms. Ley if this is in the (endangered) bat zone? Ms. Ley said they are out of the bat zone. Ms. Eckardt said that is what I thought. Chairman LaPerch said Ok so everyone is comfortable with Town Counsel's information? No one had questions. The motion to Grant the Third and Fourth of the 12 Permitted 90-day Extensions for the Farm

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to Market Subdivision approval was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 1 with 2 absent. Boardmember Armstrong voted no.

2. **LYONS SUBDIVISION, Milltown Road** – This was a review of a Request for Release of a Performance Bond. Chairman LaPerch said this is a very old subdivision and we have a recommendation from our Town Engineer to release the bonds. The motion to Recommend Release of the Bonds to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.
3. **NYSEG DINGLE RIDGE SUBSTATION, 18 & 21 Branch Road** – This was an Application for Final Approval of a Lot Line Adjustment. Ms. Desidero said the applicant is represented by a firm that is located in Rochester, NY, so I told them they didn't need to drive down for this because I asked Ms. Ley and she said everything was in order. The motion to Grant Final Approval of the Subdivision for this Lot Line Adjustment 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 this is the one off Danbury Road. Ms. Desidero said yes Mr. Tremblay is giving some of his land to NYSEG and they are coming in next for a Site Plan Amendment.
4. **BARRETT HILL, Mt. Ebo Lot 6** – This was an Application for Site Plan Amendment and Special Use Permit. Terri Hahn of LADA appeared before the Board. Chairman LaPerch said this was bounced around at the Town Board level and you are here now to start at the Planning Board level? Ms. Hahn said yes. Chairman LaPerch asked Ms. Ley to explain the background of this project. Ms. Ley said two years ago the applicant applied to the Town Board for a Zoning Change and a Zoning Text Change to convert the existing Barrett Hill property to allow Market Rate Housing with an Affordable Housing component and a Preference List component that was not necessarily "affordable." The application was received by the Town Board, she said, and they declared lead agency under SEQRA. She said there was a disagreement between the Planning Board and the Town Board because the Planning Board had sought to be lead agency but, in the end, the DEC (Department of Environmental Conservation) ruled that the Town Board should be lead agency. Ms. Ley said the Town Board created a Floating Zone last Fall and then later mapped that Zone to this property in the late Fall/early Winter. She said the applicant is here now with their site plan because they have changed the arrangement of the buildings since the previous approval. She said so this now needs Planning Board Site Plan approval and Town Board Special Use Permit approval in order to be constructed as currently proposed. Chairman LaPerch said ARB? Ms. Ley said yes, ARB and it will be considered a Major Project. She said because the Town Board already completed SEQRA, that does not need to be re-opened. She said at such time as the Planning Board is ready to issue their Site Plan approval, you could issue a findings statement validating the Town Board's review. Chairman LaPerch said so our comments should be relegated to the Site Plan? Ms. Ley said yes and the recommendation to the Town Board on the Special Permit. Ms. Hahn said she agreed with everything Ms. Ley said. Ms. Hahn gave the location of the project saying it is 29 acres on Mt. Ebo Road North and was in the OP-2 Zone originally and now is the OP-2/Multi Family Workforce Housing District Floating Zone. She said it has

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initials to go with that: MFWHD. Originally this was approved by the Planning Board for 168 units, she said, and it remains 168 units but those original units were two and three bedrooms and these are one and two bedrooms. The buildings and units have gotten smaller, she said. She added that the number of buildings was six large buildings and now it is eight much smaller ones so that they could break up the site more than previously. The other change between the original plan and this, she said, is that the big buildings had parking underneath them and now we reduced the square footage of the buildings and the parking is on the outside now. Ms. Hahn explained how the building entrance will work with access to the units noting that all but one building will have two stories on one side of the entrance and three stories on the other side. The one building in the back will have three stories on one side and four on the other to get up to the 168 units, she said, but that is out of the way and the best place for that particular building. She explained the location of the Club House is the same as where it was previously located and is centrally designated with two floors, a pool, and party/conference room with a management office as well as a separate small maintenance building. Ms. Hahn said the road configuration area disturbance and amount of impervious surface is the same. She said we have been working with the DEP and will continue to do so because one of the things they required is that we will leave our basins in place as they are already installed but we now need to add green infrastructure into the approvals. She continued: we have a current DEP approval but based on our conversations with DEP, they will reissue a new approval based on the new regulations on the new plan. Ms. Hahn handed out black and white pictures to the Board members and explained the photos. She said the architects are working on renderings of all four sides of the building as well as the Club House so we will have it in time for the Public Hearing. She said the previous building we had was three stories above the parking so each building was four stories high so they have come down in height and size but in order to keep the same number of units we added two buildings. Ms. Hahn said they will be using Mt. Ebo water and sewer and the sewer lines have already been brought into the site and they just need to connect... Chairman LaPerch said this is the last remaining lot up there. He said it is a project that started years ago and was put on hold due to market conditions? Ms. Hahn said yes. He said so they called a time out and you are now re-inventing this project so we get all the infrastructure is there. He said I don't mean to interrupt you but I think the Board is pretty aware of what is up there. Ms. Hahn said the only thing I wanted to say is that because we reduced the number of bedrooms, there is a reduction in the amount of water and sewer that's required. Chairman LaPerch said but you don't need it because there are no other lot up there. She said that is correct. He said so the basic footprints and impervious surfaces are the same, which in theory, fits into the old one in terms of impacts. Ms. Hahn said yes, we are actually a little smaller in terms of disturbance but the same impervious surface. He said so tell us who is going to be living here? Ms. Hahn said there was a document called the Community Benefits Agreement and this property is considered Workforce Housing but they are designating a number of units, I think it's 34, that would be targeted for what we are calling Preference Groups such as first responders, local teachers, municipal employees, Veterans, and persons with disabilities. She said it is a fairly elaborate document and the next version should be coming out... Chairman LaPerch asked if it was approved by the Town Board and Ms. Hahn said it will need to be as part of the Special Permit. She said there will be a third party who will actually manage the distribution to make sure it actually meets those requirements and it is

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intended to be a long term relationship, and inside of that there is an affordability component that would allow for, within that preference group, for percentage of units to be affordable in accordance with the Putnam County requirements. Chairman LaPerch said my question is this is going to be an ongoing management issue to ensure the balances are kept and said is that going to be third party outsourced. Ms. Hahn said typically that is how it is done similar to what is at Stonecrest. Chairman LaPerch asked if the applicant cannot achieve the ratios, has the Town Board addressed how long they have to achieve those ratios? Ms. Hahn said we believe that as soon as we let people know about it, our waiting list will far exceed anything that we have. But, she said, within the criteria described as part of the Community Benefits Agreement, it is in there and it is a fairly long period of time and it changes so whatever I say now may be wrong in time. They discussed that it has been discussed in great detail. Boardmember Larca asked if it has been communicated to the School system about how many children may be added. Ms. Hahn said two things happened: they were aware of the project; the project changed so now we are talking about one and two bedroom apartments and so those are limiting, in order to maintain those school age children requirements. Ms. Ley said that is what it was when it was referred to them: it was one and two bedrooms. Ms. Hahn said I don't think it was as defined when it was referred to them. Ms. Ley said in the EAF (Environmental Assessment Form) it was one and two bedrooms. They discussed the differences between the two projects and what was sent to the schools. Boardmember Larca asked if they can't rent some of the units that are set aside, can they be rented to whomever after a certain amount of time? Ms. Hahn said for the most part those units will be turned over to that third party who will be responsible for renting those units out. Ms. Hahn said it was originally one length of time and then it changes but I can't remember what it was. Ms. Ley said originally it was six months. Boardmember Hecht asked if they finalized the occupancies for the one and two bedrooms? Ms. Hahn said within the regulation itself there are maximum occupancies with studio efficiency being two; one bedroom is three; and a two bedroom is five. She said it says it right in the regs. Boardmember Hecht said is the roofline an attic with dormers and Ms. Hahn said those are the stairwells. She said it is not occupied and there is a defined firebreak between each one of the pods. Chairman LaPerch told Boardmember Hecht he should go get his kid. Boardmember Wissel said we won't be able to vote on the Meeting Minutes and Chairman LaPerch said that's OK. Boardmember Armstrong asked what is the target market for the units other than the allocated ones? Ms. Hahn said within the EAF there was an anticipated rent amount and, again I am forgetting it, but there were some numbers inside there that would max what we anticipate. Boardmember Armstrong asked if they had any forecast for when they will be ready for occupancy and Ms. Hahn said depending on the market it could take as many as three years and they will do one building at a time. Boardmember Armstrong said he walked the site on New Year's Day and he noticed there was a lot of soil moved around and Ms. Hahn said there is a big topsoil pile and all that soil is to go back into where it belongs. He said it is a very uneven site. She said that was all done as part of the original approval. Boardmember Armstrong asked about the retention ponds and Ms. Hahn said they are completed with the pipes in place and everything is functioning. Boardmember Armstrong asked if what has been done there has any connection to any other site off this site. Ms. Hahn said no it is related to this site except for some other work done for the Temple. Chairman LaPerch asked the point of the questions because all of this work was part of the original approval. Boardmember

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Armstrong said I am just curious but now he understands all of that is already in place. He said has the ARB approved this and Ms. Hahn said no they still need to be referred. Ms. Ley said she recommended they be referred to the ARB after the Public Hearing. Boardmember Armstrong said his experience with these types of complexes is that they get to be a little barracks-like and he asked about the elevations and the façades. Ms. Hahn said the pods have variation. Ms. Ley asked if there will be elevators and Ms. Hahn said no, she didn't think so except for one building and handicap accessible apartments will all be on the first level. 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 set the Public Hearing for May 22, 2017 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

Ms. Desidero said the Meeting Minutes cannot be approved as there is not a quorum present.

Chairman LaPerch asked about the Staff Meeting on Thursday. Ms. Desidero said we have the woman from Schech Pools and the guy who has the brick ovens on North Main Street and the people who want to do the five lot subdivision on Brewster Hill Road. Chairman LaPerch said on that subject, they were supposed to be on the agenda tonight but we thought they needed to do a little more work on their plans, that they need some cleaning up based on the comment letters we got from our consultants , so we moved them to the staff meeting.

Chairman LaPerch asked Town Attorney Will Stephens for an update on Lakeview Plaza. Mr. Stephens said the owners met with the Supervisor, the Building Inspector and myself as well as their two attorneys and several others. He said there had been an auction scheduled and there is an issue and a number of violations pending. He said most especially there is a failing retaining wall at the back that is cordoned off and they are preparing to repair it and have a court ordered escrow account set up to pay for that. He said their intention is to try and become better neighbors than they have been in the past.

Chairman LaPerch said the person I know is no longer involved in the business but I am aware of a violation at the gas station on Route 22 and 312 and I asked Ashley (Ley) about it. Ms. Ley said she spoke to the engineer and it seems they have some problems with the DOT (Department of Transportation) and the contractor went ahead without all the proper permits. She said they were issued a violation from the Building Department and I sent them the site plan approval for the site to help them but it is really between the engineer and the DOT. Mr. Stephens said they were out there working today and there were some issues with the proper maintenance of their erosion and sediment control measures but it looks like they had taken care of that today. Mr. Stephens and Ms. Ley talked about the DOT blasting permit and the violations issued by the Town.

Chairman LaPerch asked about the next meeting and Ms. Desidero said it is on April 10 and so far we have a pretty busy agenda: Tremblay Commercial on Danbury Road has a new site plan and some other permits they need; D'Uva on Fields Lane is coming in for a Site Plan Amendment; and Medicanix is a new project on Fields Lane that needs Site Plan, Wetland Permit and possibly some type of Use permit; and Life Storage, which is Uncle Bob's, is coming for a Site Plan Amendment and a Wetland Permit. Today I got another application for an exemption for Verizon who wants to put up an antenna at 2525 Carmel Avenue.

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
April 10, 2017**

Chairman LaPerch asked for the status of the NYSEG Putnam Lake Substation. Ms. Desidero said we have not heard from them yet and I get a call at least once a month from their neighbor who I will call when the application comes in. Chairman LaPerch asked about the stop work order on Route 22. Ms. Desidero said I think they were issued violations because they started work out there and left things kind of a mess with their erosion and sediment control measures. Chairman LaPerch said once again I apologize for the meeting tonight and that was my call so it won't happen again.

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

**April 22, 2017/VAD**