
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

October 29, 2018

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

- 1. SOUTHEAST EXECUTIVE PARK PARKING AREA, 85, 105-111 & 115 Independent Way, 185 Route 312, Tax Map IDs 45.1-1-3; 45.-1-2.1; 56.-1-31 & 56.-1-32.112** – Public Hearing to Review an Application for Site Plan Amendment
- 2. RUFFIAN, LLC, 3834 Danbury Road, Tax Map ID 69.-1-9** – Public Hearing to Review an Application for Site Plan, Conditional Use Permit and Wetland Permit

REGULAR SESSION:

- 1. FARM TO MARKET ROAD SUBDIVISION, 83 & 85 Farm to Market Road, Tax Map IDs 45.-2-22 & 21** – Review of Request for Extension of Subdivision Approval
- 2. NYSEG TILLY FOSTER METROPOLITAN TRANSPORTATION AUTHORITY PROJECT, (See Attached Map)** – Review of an Application for Final Approval of a Wetland Permit
- 3. CASTELLANO CONDITIONAL USE PERMIT, 160 Guinea Road, Tax Map ID 78.-1-86** – Review of an Application for a Conditional Use Permit for an Accessory Apartment
- 4. LOT 7, WESTON CHASE, 19 Tillman Lane, Tax Map ID 78.-2-102** – Continued Review of an Application for a Wetland Permit
- 5. LOCAL LAW TO AMEND ZONING CODE REGARDING ARCHITECTURAL REVIEW BOARD REFERRALS** – Discussion and Recommendation to the Town Board

Approve Meeting Minutes from October 15, 2018

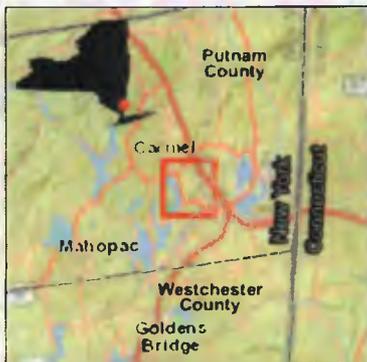
October 26, 2018

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#>



Legend

Distribution Lines To Be Worked

- 532 Circuit New - 441 Circuit Rebuild
- 531 Circuit New
- - - 531 Circuit New - 441 Circuit Rebuild

Sources ESR, NYSEG

0 1,000 2,000
Feet

Tilly Foster MTA Project

Figure: 1

Location Map

Town of Southeast & Village of Brewster
Putnam County, NY

Created: 6/24/2018

10 Maxwell Drive
Clifton Park, NY 12018

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

Date: October 29, 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: SOUTHEAST EXECUTIVE PARK PARKING AREA

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The applicant proposes a new two-tiered parking lot on Town property to provide 75 spaces for use by CareMount Medical, the current occupant of Southeast Executive Park, and for users of the Town Park. Secondary access to the parking area would be provided through a new driveway connection to Independent Way under an easement agreement to be formed with NYSEG. This new driveway would enable vehicles exiting CareMount and headed west on Route 312 to use the existing traffic light at Independent Way and Route 312.

Location: 85 Independent Way, 185 Rte. 312, 105 -111 and 115 Independent Way
 Tax Map IDs 45.-1-3; 56.-1-31, 56.-1-32.112, 45.-1-2.1

Reasons Supporting This Determination:

The following materials have been reviewed:

- L-1, Lighting Plan, prepared by LADA, PC, dated 5/3/18; last revised 10/19/18
- L-1, Planting Plan, prepared by LADA, PC, dated 5/3/18; last revised 10/19/18
- Memorandum to Victoria Desidero, Planning Board Secretary, from NYC Department of Environmental Protection, dated 10/29/18
- Memorandum to Chairman LaPerch from Bibbo Associates, LLP, dated 10/22/18
- CS-1, Cover Sheet, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- E-1, Existing Conditions, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- SP-1, Parking Area Additions & Driveway Extension Plan, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- EC-1, Erosion & Sediment Control Plan for Parking Area Additions & Driveway Extension Plan, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- P-1, Profiles, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- D-1, Details, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- D-2, Drainage Details, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18

- D-3, Erosion Control Notes & Details, prepared by Bibbo Associates, LLP, dated 3/5/18; last revised 10/19/18
- Memorandum to Bibbo Associates from NYC Department of Environmental Protection, dated 6/6/18
- Memorandum to Chairman LaPerch from Town of Southeast Supervisor Tony Hay, dated 6/22/18
- Memorandum to Vanguard Investors, LTD, from Larry Nadel, Highlands Center, LLC, dated 8/1/18
- Stormwater Pollution Prevention Plan, prepared by Bibbo Associates, dated 4/24/18; last revised 8/31/18

WHEREAS, on 9/24/18, 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 held a publically noticed meeting on 10/29/18, at which time members of the public were given the opportunity to comment on the proposed project; 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, 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 | Town Board 1360 Route 22 Brewster, NY 10509 |
| SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 | Town Clerk 1360 Route 22 Brewster, NY 10509 |
| New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner | E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509 |
| 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 |
| Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563 | Highway Superintendent 10 Palmer Road Brewster, NY 10509 |
| NYSEG c/o Deborah Wegman, Real Estate Supervisor 89 East Avenue Rochester, NY 14649 | |

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

October 30, 2018

TO: Architectural Review Board

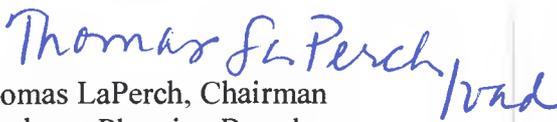
FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Southeast Executive Park Parking Area
85 Independent Way
Tax Map IDs 45.-1-3; 56.-1-31, 56.-1-32.112, 45.-1-2.1

At the regular meeting of the Southeast Planning Board on 10/29/18, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 10/29/18. 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
Bibbo Associates, LLP

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

October 30, 2018

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: SOUTHEAST EXECUTIVE PARK PARKING AREA, 85 Independent Way, TAX
IDs 45.-1-3; 56.-1-31, 56.-1-32.112, 45.-1-2.1

Dear Boardmembers:

At the 10/29/18 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. On parcel 45.-1-2.1, under 138 Attachment 5, "Lot Coverage" of 52.78% is proposed where a maximum of 45% is permitted.

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
Bibbo Associates, 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

Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: October 26, 2018
Re: Southeast Executive Park Amended Site Plan
cc: Bibbo Associates, LLP

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Letter to Planning Board Members, prepared by Bibbo Associates, LLP (with attachments), dated 10/22/18
- Site Plan Set (10 sheets), prepared by Bibbo Associates, last revised 10/19/18

PROJECT DESCRIPTION

The Applicant proposes a new two-tiered parking lot on Town property to provide 75 spaces for use by Caremount Medical, the current occupant of Southeast Executive Park, and for users of the Town Park. Secondary access to the parking area would be provided through a new driveway connection to Independent Way under an easement agreement to be formed with NYSEG. This new driveway would enable vehicles exiting Caremount and headed west on Route 312 to use the existing traffic light at Independent Way and Route 312. The proposed project involves four properties and four different property owners as summarized in the table below. The proposed project requires Site Plan approval from the Planning Board, Town Board approval of the easement/use of Town property, and ARB review.

| Owner/Property | Address | Tax ID | Zoning District | Proposed Site Changes |
|--|---------------|--------------|-----------------|--|
| Southeast Executive Park | 815 Route 312 | 45.-1-3 | RC/HC | One row of parking on Southeast property line (19 spaces), stair/walkway connection, and new driveway and sidewalk connection to other properties. |
| NYSEG | NA | 56.-1-31 | RC* | New driveway connection to Independent Way and stormwater infiltration system. |
| Town of Southeast | NA | 56.-1-32.112 | RC* | New parking areas (56 spaces) and stair/sidewalk connections. |
| Highlands Center, LLC | NA | 45.-1-2.1 | RC/HC | Driveway apron onto Independent Way. |
| * Property is located within the ridgeline protection area | | | | |

COMMENTS

The application has been revised to address AKRF comments from the March 23, 2018 and September 19, 2018 memorandum. Comments not previously addressed presented in *italics*, new and follow-up comments are presented in **bold**.

1. *The Applicant should provide documentation from both the Town of Southeast and NYSEG indicating that they have permission from the respective property owners to pursue this application. (3/23/18)*

Letters of conceptual agreement have been provided. However, formal agreements will be required prior to site plan approval. (9/19/18)

We understand from the Applicant that this item is pending. As noted previously, it must be resolved prior to site plan approval.

2. *The application should be revised to include all of the involved properties.(3/23/18)*

The site plan drawing set has been revised to include all of the involved properties. However, the Town of Southeast Application Form should also be revised to include all of the properties. Since there are multiple property owners, one form for each property can be used. (9/19/18)

Signed application forms for 3 of the 4 properties have been provided. The NYSEG signature is pending.

3. *The Site Plan should be revised to include a lot and bulk table to demonstrate dimensional compliance with the Zoning Code. (3/23/18)*

This comment has not been sufficiently addressed. A complete lot and bulk table should be provided for each property to demonstrate zoning compliance. The proposed project would increase the lot coverage of 3 developed and partially developed properties. (9/19/18)

A zoning table has been provided as requested. The Highlands parcel is pre-existing non-conforming with regards to lot coverage. The proposed driveway apron will increase the non-conformity. As such, an area variance will be required (52.78% coverage is provided where a maximum of 45% is permitted).

4. **In response to comments from the Planning Board, a new lighting plan has been provided. The new lighting plan includes bollards for pedestrians. The proposed lighting plan complies with the requirements of the Southeast Zoning Code.**

5. **A new landscape plan with additional plantings and street trees has been provided.**

RECOMMENDED ACTIONS

At the October 29, 2018 meeting, AKRF recommends that the Planning Board declare Lead Agency, open and close the public hearing, consider a determination of significance, and refer the application the ARB and ZBA.

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

INTRODUCED BY: LaPerch

DATE: October 29, 2018

SECONDED BY: Hecht

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a site plan, wetland permit and conditional use permit and other supporting documents for a project entitled **RUFFIAN, LLC**; and

WHEREAS, the proposed project is located at 3834 Danbury Road in the SR-6 Zoning District in the Town of Southeast and identified as Tax Map ID 69.-1-9; and

WHEREAS, the applicant proposes to construct a new driveway, a three-space parking lot near the existing one-story garage and two-story residence/office, and gravel outside storage area with 19 parking spaces for a general business use; and

WHEREAS the Planning Board scheduled a public hearing on the applications for site plan, wetland permit and conditional use permit for 10/29/18; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 9/24/18; and

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

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast will serve as Lead Agency for purposes of SEQRA for this Unlisted and Coordinated Action.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
absent

D. Rush, Vice Chairman

yes
yes

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

yes
yes

E. Larca, Boardmember

yes
yes

J. Gress, Boardmember

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

Date: October 29, 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: RUFFIAN, LLC

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Site Plan, Conditional Use Permit, and Wetland Permit approval to construct a new driveway, a three-space parking lot near the existing one-story garage and two-story residence/office, and gravel outside storage area with 19 parking spaces for a general business use

Location: 3834 Danbury Road, Tax Map ID 69.-1-9

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Town Planner Ashley Ley from JR Folchetti & Associates, LLC, dated 10/5/18
- Memorandum to Wetland Inspector Stephen Coleman from JR Folchetti & Associates, LLC, dated 10/5/18
- Memorandum to Town Engineer Joseph Dillon from JR Folchetti & Associates, LLC, dated 10/1/18
- Stormwater Pollution Prevention Plan, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised October 2018
- Preliminary Plan Cover, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised October 2018
- Drawing Index, Legend, Symbols & General Notes, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Property Survey, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Overall Site Layout Plan, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- General Site Layout Plan, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Grading Plan, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18

- Driveway Plan & Profile, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Lighting Plan & Details, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Site Landscaping & Wetland Buffer Mitigation Planting Plan I, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Site Landscaping & Wetland Buffer Mitigation Planting Plan II, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Site Drainage Plan & Stormwater Piping Profiles, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Flow Control Structure (FCS-1) Details, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Erosion & Sediment Control Plan & Notes, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Erosion & Sediment Control Details, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Typical Details I, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Typical Details II, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Stormwater Infiltration System Details & Notes, prepared by JR Folchetti & Associates, LLC, dated August 2018; last revised 10/4/18
- Memorandum to Planning Board Secretary Victoria Desidero from NYC Department of Environmental Protection, dated 10/25/18

WHEREAS, on 9/24/18, 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 held a publically noticed meeting on 10/29/18, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the long 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, 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 | Town Board 1360 Route 22 Brewster, NY 10509 |
| SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 | Town Clerk 1360 Route 22 Brewster, NY 10509 |
| New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner | Zoning Board of Appeals 1 Main Street Brewster, NY 10509 |

| | |
|--|---|
| 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 |
| Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512 | E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509 |
| Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563 | |

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

D. Armstrong, Boardmember

M. Hecht, Boardmember

J. Gress, Boardmember

yes
absent
yes
yes

D. Rush, Vice Chairman

E. Cyprus, Boardmember

E. Larca, Boardmember

yes
yes
yes

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**

10/30/18

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Ruffian, LLC
3834 Danbury Road
Tax Map ID 69.-1-9

At the regular meeting of the Southeast Planning Board on 10/29/18, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 10/29/18. 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
JR Folchetti & Associates

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

Date: October 29, 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: NYSEG Tilly Foster MTA Project Wetland Permit

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Applicant is seeking a Wetland Permit for the construction of new double circuit distribution lines on multiple parcels adjacent to the Middle Branch Reservoir. The Proposed Project involves the development of 2.04 miles of new double circuit distribution line (new 532 Circuit and rebuild 441 Circuit), 0.67 miles of new double circuit distribution line (new 531 Circuit and rebuild 441 Circuit), 1.40 miles of new distribution line (531 Circuit), 0.07 miles of new underground distribution line (351 Circuit), and 0.07 miles of new underground distribution line (352 Circuit). The Project will require work on 151 structures.

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Rachel Silva of TRC, with Attachments A, B, C, D, E, dated 10/11/18
- Memorandum to Planning Board Secretary Victoria Desidero from NYC Department of Environmental Protection, dated 9/27/18
- Memorandum to Brian Bury, NYSEG, from NYS Department of Environmental Conservation, dated 9/21/18
- Memorandum to Stephen Coleman, Wetland Inspector, from TRC, dated 7/24/18
- Wetland and Waterbody Delineation Report, prepared by TRC for NYSEG, dated September 2018

WHEREAS, on 8/27/18, 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 held a publically noticed meeting on 9/24/18, at which time members of the public were given the opportunity to comment on the proposed project; 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, 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 Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563 | Town Board 1360 Route 22 Brewster, NY 10509 |
| SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603 | Town Clerk 1360 Route 22 Brewster, NY 10509 |
| New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner | Highway Superintendent 10 Palmer Road Brewster, NY 10509 |
| New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director | Building Inspector 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 | Chief, Eastern Permits Section Department of the Army New York District Corps of Engineers Jacob K. Javits Federal Building New York, NY 10278-0090 |
| Village of Brewster 50 Main Street Brewster, New York 10509 | |

UPON ROLL CALL VOTE:

- | | | | |
|---------------------------|---------------|------------------------|------------|
| T. LaPerch, Chairman | <u>yes</u> | D. Rush, Vice Chairman | <u>yes</u> |
| D. Armstrong, Boardmember | <u>absent</u> | E. Cyprus, Boardmember | <u>yes</u> |
| M. Hecht, Boardmember | <u>yes</u> | E. Larca, Boardmember | <u>yes</u> |
| J. Gress, 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, NY
RESOLUTION
WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch DATE: October 29, 2018
SECONDED BY: Cyprus

WHEREAS, NYSEG TILLY FOSTER/ METROPOLITAN TRANSPORTATION AUTHORITY as the applicants have applied for a Wetland Permit for the construction of new double circuit distribution lines on multiple parcels between the MTA railroad line in the Village of Brewster and the NYSEG Tilly Foster substation at the corner of NYS Route 6 and NYS Route 312. Two routes are proposed and one route would generally follow NYS Route 6 from the Village of Brewster to the NYSEG Tilly Foster Substation, and the second route would generally follow Putnam Avenue from the Village of Brewster to the existing NYSEG Right of Way east of the Putnam County Rail Trail to the NYSEG Tilly Foster Substation (the "Proposed Project"); and

WHEREAS, the Proposed Project involves the development of 2.04 miles of new double circuit distribution line (new 532 Circuit and rebuild 441 Circuit), 0.67 miles of new double circuit distribution line (new 531 Circuit and rebuild 441 Circuit), 1.40 miles of new distribution line (531 Circuit), 0.07 miles of new underground distribution line (351 Circuit), and 0.07 miles of new underground distribution line (352 Circuit). The Project will require work on 151 structures; and

WHEREAS, the Proposed Project involves a total permanent impact to Town of Southeast regulated wetlands and wetland buffer of 136.4 square feet (<0.10 acre) and temporary impacts of 1.84 acres; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 9/23/18 in connection with the Proposed Action, as depicted in the Wetland & Waterbody Delineation Report dated September 2018 and prepared by TRC Companies, Inc.; 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, issued a Negative Declaration on or about 10/29/18, indicating that no negative environmental impact would exist; and

WHEREAS, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 9/23/18 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

UPON ROLL CALL VOTE:

| | | | |
|---------------------------|---------------|------------------------|------------|
| T. LaPerch, Chairman | <u>yes</u> | D. Rush, Vice Chairman | <u>yes</u> |
| D. Armstrong, Boardmember | <u>absent</u> | E. Cyprus, Boardmember | <u>yes</u> |
| M. Hecht, Boardmember | <u>yes</u> | E. Larca, Boardmember | <u>yes</u> |
| J. Gress, 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, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR CASTELLANO ACCESSORY APARTMENT**

INTRODUCED BY: LA Purch DATE: October 29, 2018
SECONDED BY: Gress

WHEREAS, an application is being made for a conditional use permit for an accessory apartment on a property located at 160 Guinea Road, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 78.-1-86, and is located in the R-60 Zoning District; and

WHEREAS, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short Environmental Assessment Form (EAF) dated 8/23/18, 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; and

WHEREAS, the Planning Board is in receipt of the following documents in support of this application:

1. Memorandum to Southeast Planning Board Members from Westchester Modular Homes, dated 10/16/18
2. Project Description, prepared by Westchester Modular Homes, dated 10/16/18
3. Site Plan for Jeffrey Castellano, 160 Guinea Road, prepared by Anthony Pisarri, P.E., dated 8/15/18; last revised 10/02/18
4. Topographic Survey of Property prepared for Richard Button by Terry Bergendorff Collins, dated 7/18/08
5. Memorandum to Town Planner Ashley Ley from Anthony Pisarri, P.E., dated 9/7/18

WHEREAS, pursuant to §138-56.1.D(6) of the Code of the Town of Southeast, the Putnam County Department of Health approved the water supply and sewage disposal systems on 12/20/16; and

WHEREAS, pursuant to §138-56.1.D(1) the Planning Board hereby finds that a greater amount of floor area is warranted by the specific circumstances of the particular building and authorizes the proposed apartment to comprise 30% of the gross floor area of the residence; and

WHEREAS, per §138-56.1.D(4), a separate entrance shall be provided for the accessory apartment and the Planning Board having reviewed and considered the colonial style of the proposed residence finds that location of the separate entrance is in keeping with the single-family character of the dwelling and the neighborhood; and

WHEREAS, the Planning Board has determined on the basis of its own review, and the review of comments received from its consultants, that the information submitted by the applicant is in substantial compliance with Chapter 138, "Zoning," of the Town of Southeast Code; 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 Conditional Use Permit 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).

1. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.
2. The owner of the lot upon which the accessory apartment is located shall occupy and maintain as his/her legal residence at least one of the dwelling units on the premises per §138-56.1A.
3. Per §138-56.1.D(3), "no more than three persons shall occupy the accessory apartment."
4. Per §138-56.1.D(5), no fewer than three off-street parking spaces suitable for year-round use shall be provided on the lot.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes
absent

D. Rush, Vice Chairman

yes
yes

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

yes
yes

E. Larca, Boardmember

yes

J. Gress, Boardmember

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

**TOWN OF SOUTHEAST, NY
RESOLUTION
WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch DATE: October 29, 2018
SECONDED BY: Gress

WHEREAS, GHASSAN ATALLA as the Applicant/Owner of certain properties located 19 Tillman Lane/ (aka **LOT 7/WESTON CHASE**) in the R-160 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-102 has applied for a Wetland Permit to construct a single-family home and accessory pool, patio, driveway, and rain garden. A portion of the driveway would be located in the Town of Southeast regulated wetland buffer and the New York State Department of Environmental Conservation (NYSDEC) wetland control area. Approximately 0.1 acres of Town regulated wetland buffer would be disturbed to construct the driveway. No direct disturbance to Town of Southeast or NYSDEC regulated wetlands is proposed; and,

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 10/28/18 in connection with the Proposed Action, as depicted on drawings dated 10/10/18 and prepared by Bibbo Associates; and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), found the proposed action to be a Type II Action under SEQRA and thus no further environmental review is required; and

WHEREAS, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 10/28/18 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby **GRANTS** a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

UPON ROLL CALL VOTE:

| | | | |
|---------------------------|---------------|------------------------|------------|
| T. LaPerch, Chairman | <u>yes</u> | D. Rush, Vice Chairman | <u>yes</u> |
| D. Armstrong, Boardmember | <u>absent</u> | E. Cyprus, Boardmember | <u>yes</u> |
| M. Hecht, Boardmember | <u>yes</u> | E. Larca, Boardmember | <u>yes</u> |
| J. Gress, 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

October 29, 2018

Hon. Tony Hay, Supervisor
Town of Southeast
1360 Route 22
Brewster, NY 10509

Re: A Local Law to Amend the ARB Referral Process

Dear Supervisor Hay:

The Town of Southeast Planning Board (Planning Board), pursuant to §138-93 of the Code of Southeast, would like to recommend amendments to the ARB referral process. The draft local law is attached for your consideration.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

CC: Town Board
Town Clerk
Town Attorney
ARB

Town of Southeast, Putnam County, NY
Local Law No. ___ of 2018

A LOCAL LAW entitled: "A Local Law to Amend the Architecture Review Board Process." Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the Code of the Town of Southeast to simplify certain aspects of the Architecture Review Board process for minor projects.

SECTION 2: AMENDMENTS TO CHAPTER 3, "ARCHITECTURAL REVIEW BOARD"

Section 3-3, "Jurisdiction" is hereby amended, in part, to read:

A. The ARB shall review and advise on all plans in the following categories:

(1) The Planning Board shall seek the advice of the ARB on all plans for all commercial projects classified as a "major project" as defined in Chapter 138. The ARB shall provide an advisory report to the Town Board prior to Planning Board site plan approval.

(2) The Planning Board shall seek the advice of the ARB on plans for any application classified as a "minor project" as defined in Chapter 138 that involves exterior modifications to an existing structure for which the Building Inspector estimates the cost to be in excess of \$5,000, and all new structures. All other minor projects would be referred to the ARB at the Planning Board's discretion. If ARB review is required or sought, the ARB shall provide an advisory report to the Planning Board prior to site plan or conditional use permit approval.

(23) The Town Board shall seek the advice of the ARB on all Town of Southeast municipal or recreational structures and facilities construction projects which may affect the visual environment, including but not limited to the construction of new Town of Southeast municipal facilities.

(34) The Zoning Board shall seek the advice of the ARB when reviewing commercial projects which may affect the visual environment.

(45) Plans for new residential structures in existing residential subdivisions of five or more lots or proposed subdivisions filed with the Planning Board.

(56) Plans for exterior alterations or exterior additions, including the addition or replacement of fences and stone walls, but excluding general maintenance or the in-kind replacement of existing materials, to commercial properties, for which the Building Inspector estimates the cost to be in excess of \$5,000.

(6) ~~All major project, as defined in Chapter 138, development plans (site plans) submitted to the Planning Board, such plans to be submitted to the ARB by the Planning Board in time to provide for an ARB advisory report to the Town Board prior to Planning Board site plan approval.~~

~~(7) — All minor project, as defined in Chapter 138, development plans (site plans) submitted to the Planning Board, such plans to be submitted to the ARB by the Planning Board in time to provide for an ARB report to the Planning Board prior to site plan approval.~~

(87) Plans for construction or erection of signs as described in Article XII of Chapter 138 of the Code of the Town of Southeast. The ARB shall use the guidelines established in § 138-77 in reviewing sign applications.

(98) Petitions for special permit and conditional uses, as defined in Article X of Chapter 138 of the Code of the Town of Southeast, when ARB advice on such a petition is requested by the Town Board.

- B. Plans in which approval of design and specifications have been legally and specifically delegated to the Town Board and/or the Planning Board may be exempt from mandated ARB review, with the exception of site plan approvals as designated in Subsection A(61). The Town Board and/or the Planning Board may, at its discretion, request ARB review in the case of such plans.

SECTION 3: VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 15, 2018**

Present: Chairman Tom LaPerch; Vice Chairman David Rush; Boardmembers Michael Hecht; Eric Larca; Eric Cyprus; Dan Armstrong (joined the meeting late); Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Boardmember Jack Gress

PUBLIC HEARINGS:

REGULAR SESSION:

1. **TRINITY LUTHERAN CHURCH CLOTHING SHED, 2103 Route 6** – This was a review of an application for Final Approval of a Site Plan Amendment. Alex Hillis of St. Pauly Textile appeared before the Board. Chairman LaPerch said you are here for a Final Site Plan approval; you've been to all the other Boards, correct? Mr. Hillis said yes, nothing has changed with the application and the Architectural Review Board (ARB) didn't require anything additional. Chairman LaPerch said well, your application actually spurred a conversation about future situations like this... Mr. Hillis said I heard. Chairman LaPerch said no, it's a good thing: it was a healthy conversation and we are going to think about how to streamline things better because it was kind of an eye opener what you had to do for this shed. Mr. Hillis said yeah, actually, I told (Secretary) Victoria (Desidero) that it was kind of nice to hear that maybe future people with such small projects wouldn't have to go through this. Chairman LaPerch said we are an open Board: we get it and we understand. When there are problems we try to address it, he said. He polled the Board for questions and there were none. He asked Town Planner Ashley Ley if there were other issues and she said no. The motion to Grant Final Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 2 absent.

2. **ROTH NURSERY SUBDIVISION, 291 Foggintown Road** – This was a continued review of an Application for a Subdivision. Joe Buschynski of Bibbo Associates appeared before the Board. Chairman LaPerch said I just want to make sure everyone knows what is going on here because there are a couple of moving parts within this one. Mr. Buschynski said this is a 38-acre parcel adjacent to Springhouse Estates on the east side and the property was the subject to eminent domain for the purpose of drilling wells to serve the Springhouse Estates water system. He said there was approximately six acres removed and the proposal is to divide the property into five lots ranging from 2.5 to 22 acres and to access the lots from Acorn Road in Springhouse Estates. He said when that subdivision occurred years ago, there was a right of way left between Lots number 12 and 13, which are now 40 and 32 Acorn, Loughlin and Mazzella. When we last appeared, Mr. Buschynski said, we were here as Sketch Plan and since it has become a very detailed subdivision plan and we would like to move forward. Chairman LaPerch said so there's five lots, correct? He said yes. Chairman LaPerch said I forget is that a Town road or a private road? Mr. Buschynski said a Town road is proposed. He said and this is a deal that was struck with the Town to accommodate the well, correct? Mr. Buschynski said yes as part of the eminent domain procedure. He said OK, I just want to make sure everyone knows how this was started and he polled the Board for questions. Boardmember Rush said this lot would be recreational worthy, right, you would have that as part of this application? Mr. Buschynski said there was a Stipulation of Settlement, which outlined the terms, how the property would be divided and Recreation Fees were waived. Ms. Ley said that's correct: the Stipulation of Settlement was circulated to the Board as part of their initial application. The motion to Declare the Planning Board Lead Agency 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. Chairman LaPerch said I definitely think we need a Public Hearing and asked Mr. Buschynski if November 26 was a good date for him. He said yes. The motion to Set the Public Hearing for November 26, 2018 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 15, 2018**

- 3. RED ROOSTER DRIVE-IN, 1566 Route 22** – This was a review of an Application for Re-approval of Site Plan Amendment, Wetland Permit and Conditional Use Permit. Zack Pearson of Insite Engineering appeared before the Board. Chairman LaPerch said so basically what happened here was that Red Rooster had an approval and someone didn't pay attention to re-up it... Mr. Pearson said yes and we got the subdivision correctly filed; that happened in November and what happened is they were not looking to build during their busy season so that kind of lapsed and now their... Chairman LaPerch said how long has it been lapsed again? Ms. Ley said it lapsed in August. Chairman LaPerch said we made a determination Board, that this is close enough to the expiration that it shouldn't have any impact: there's absolutely no changes, correct? Mr. Pearson said no changes. Chairman LaPerch said so with everyone's pending vote, we would like to re-approve this and get him back on an approval status. He polled the Board for questions. Boardmember Rush said this is identical to what we already approved? Mr. Pearson said yes. The motion to Affirm the Prior Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 0 with 1 absent and Boardmember Armstrong abstaining because he was just joining the meeting. The motion to Classify this as a Minor Town of Southeast Project as before was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch said I think there shouldn't be a Public Hearing because it is still in place and nothing has changed. Boardmember Larca said I just have one question: when do you expect to start construction? Mr. Pearson said they have a Building Permit application in... Chairman LaPerch said pending this... so soon. Chairman LaPerch polled the Board regarding waiving the Public Hearing. Boardmember Rush said they had something about lighting that I remember... Ms. Ley said they fixed that before final approval last time. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The motion to Grant Final Approval for Site Plan, Conditional Use Permit and Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 0 with 1 absent and Boardmember Armstrong abstaining.
- 4. LIFE STORAGE, 1639 Route 22** – This was a continued review of an application for Site Plan Amendment and Wetland Permit. Engineer Jerry Bergman and Rich Pasternak of Life Storage appeared before the Board. Chairman LaPerch said we got our letters from our consultants and I think the most work you still have to do is with our Wetland Inspector: he still has a lot of questions. Mr. Bergman said we've already had a phone call with him this afternoon: is it solved? It's not solved yet, he said, but it will be solved. He said I don't know how much of a presentation you want? Chairman LaPerch said I think we can talk through it but the other consultants don't have many issues yet until you resolve the wetland issues so why don't you tell us what you are talking to the Wetland Consultant about doing? Mr. Bergman said he basically is asking what happened with DEP (Department of Environmental Protection). We had extensive meetings both on site and in office with the DEP, he said, we did deep holes, we did test heads, we did perk tests and, in the end, we decided it is best to avoid the DEP buffer. Chairman LaPerch said so you are building outside the buffer? Mr. Bergman said we are building outside the DEP's buffer and the DEC's (Department of Environmental Conservation's) buffer; we still have some in the Town's buffer but we are outside the 100 ft. but within the 166 ft. He said we shrunk the size of the footprint of the building considerably by about 2,000 sq. ft. We are proposing a three-story building and we understand what the Zoning says... Chairman LaPerch said how many variances will you need with that? He said just one because we are still under 35 ft. Chairman LaPerch said what's the variance for? He said maybe for three-story, we are not quite sure, we need to read that a little closer because it's kind of a gray area about stories but we are saying we probably do need that. Mr. Bergman said we do not need the original variance for side lot because the footprint is smaller so that went away. Chairman LaPerch said so you reduced your footprint, you are outside the

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 15, 2018**

boundaries of DEP and DEC; and you still have to work some things out with the Town consultant? He said correct: really, I think we are here tonight to get some sort of feeling from the Planning Board that they don't have a real issue with this plan, then we are going to go ahead and do all the wetland work because there is a lot of design in the mitigation and so on. Mr. Bergman talked about what they discussed with Wetland Inspector Steve Coleman. Ms. Ley said the other issue they are looking at from the Planning Board is this is expanding a pre-existing, non-conforming use so the Planning Board will need to make a determination under 138-11(D) that the changes that they are making are lessening the impacts of that pre-existing, non-conforming situation so one of the things they've been doing is storing lots of equipment and vehicles in the back of the property and all of that aspect of the use would go away with this new application and everything would be inside a building. They did submit the original plans, she said, which do show that the outside storage area in 1996 did go as far as the fence so we do have some documentation to back that up. Chairman LaPerch said baseline stuff? She said yes. He said do you feel that they are doing that? She said I think removing all of those vehicles from the wetland buffer is an improvement over the existing condition but I think we need to see some additional wetland mitigation and restoration of that area which is what they are working out with Steve Coleman. Chairman LaPerch polled the Board for questions. Boardmember Larca said just remind me: with this different plan you still would not be able to see this new portion from the road? Mr. Bergman said no, in fact the top of the building is going to be somewhere greater than 10 ft. below the front of the building. Boardmember Larca said do you have a slice of that? Mr. Bergman said we will do that for you, absolutely, we will do cross sections. Boardmember Armstrong said I am a tenant there and I have been there for a long time and I may not be able to vote for this but I just have some questions. He said it seems to me that over the past couple of years there's been a lot of die-off of landscaping in the front, it looks like disease and I am just wondering if you are going to address replacing whatever is dead there and, maybe, improving it. The second issue, he said, is at my unit, which is at the front, three doors down from the office, and the parking is really very catch as catch can, if you like, and there is no designated... when someone comes in to pay their rent or even people looking for new spaces, there is no parking system, whatsoever. He said for the tenants, particularly in the front units, myself included, it is very difficult to get into your unit. Boardmember Armstrong continued: it seems to me, and I don't know whether in the original plan there was any addressing of parking for potential tenants or people who have the front units so I really think that's got to be looked at because it doesn't work. The management there is excellent, he said, and I have no complaints about the way it operates but this, to me, is something we should look at. Mr. Bergman said we will look at that and, as far as the landscaping, I'm sure this Board is going to require us to do some more landscaping and if we have some dead stuff there, we will replace it. Chairman LaPerch said right, you will have a new landscaping plan from this Board and, if not, the ARB will address it. Boardmember Cyprus said I stopped in the other day to inquire about a unit and I will agree with him on the parking: when you pull in, you have no idea where you are supposed to park. He said there's two gates and a no parking sign and you kind of just stop in the middle. Also, Ashley (Ley) mentioned the outside storage: are you getting rid of all the outside storage for this or just what's in the buffer? Several people said everything in the back and it is all in the buffer. Boardmember Cyprus said so where is the remaining outside storage? Ms. Ley said there is no outside storage in the proposed plan: all outside storage would be removed and everything will be within the three-story building, correct? Mr. Bergman said yes. Boardmember Cyprus said did it go to three stories when you shrunk the size or the original was three stories? Mr. Bergman said no, the original was two but the footprint was either 2,000 or 2,500 sq. ft. larger than this footprint: this is much smaller. Boardmember Rush said we don't have new visuals of what that proposed three-story building will be yet, right? Mr. Bergman said I do not and he explained they drew up something internally and it would be just over the roof of the second building which is a whole story below the front building. They discussed the cross sections that

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 15, 2018**

were shown at the staff meeting and when the new renderings might be available. It was also discussed that they would not need a height variance but would need a variance for three stories from the Zoning Board. Ms. Ley said the referral to the Zoning Board would be made when SEQRA is complete. Boardmember Hecht said while we are talking about the wish list for screening and so forth, since we are adding additional storage space, the building is getting bigger and its got more (inaudible), is there any way we could put a fire gate in on the right side? It's really hard to get our trucks in there, he said. Mr. Bergman said well, we are going to sit down with the Fire Department about... on the right side... Boardmember Hecht said on the right, where Kelly's is, there should be a gate where we can just pop into the far right of the building. They discussed how this might work and how difficult it is to get the fire trucks into the site. Ms. Ley asked if all the buildings are sprinklered. Mr. Pasternak said only half of the new building that we re-built and then this building would be a tie off of that system and be sprinklered again. Boardmember Rush said and climate controlled: you are not putting the ACs on the roof, are you? They both said no. Chairman LaPerch said you have solar panels going on too? Mr. Bergman said we haven't talked about that but they do have solar panels going on some of their buildings. Mr. Pasternak said we are. Chairman LaPerch asked is that a discussion for our Board and Ms. Ley said it went to the ARB. Mr. Pasternak said all their new buildings are getting solar panels and they discussed that it can be there or not. He said if this Board doesn't want it, we can just not have them. Chairman LaPerch said I think that was the ARB's call. He said I just want to circle back to two Board members who said there is a parking issue: what are you going to do about it? Mr. Bergman said we are going to have to look for some parking. He said we did extend two or three more spots in the new plan and maybe that's enough, I am not sure. Chairman LaPerch said I don't know your business but it seems to be a confusing place to figure out where to park so maybe a more defined area? Mr. Bergman said we will definitely look at that. The motion to Declare the Planning Board Agency 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.

Chairman LaPerch polled the Board for comments on the September 24 Meeting Minutes and there were no comments. The motion to approve the Meeting Minutes from September 24, 2018 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

5. **LOCAL LAW TO AMEND ZONING CODE REGARDING ARCHITECTURAL REVIEW BOARD REFERRALS** – This was a review and discussion of a proposed Local Law Change. Chairman LaPerch asked Ms. Ley to give the Board an overview. Ms. Ley said this is a draft that was circulated to some representatives of the Planning Board and the Town Board based on a conversation at our last staff meeting. It was in regards to the Trinity Lutheran Church application, she said, where the shed was referred to the ARB and there was a question from the ARB as to whether or not a project of that scale should be going to the ARB so this draft change would allow the Planning Board to refer minor projects to the ARB at its discretion. She said the definition of a Minor Project relies on the definition that is currently in the Code in Chapter 138. Ms. Ley said Major Projects would continue to go automatically to the ARB and would then be approved by the Town Board ultimately. She said the other changes that are in here are just clean-ups that reflect the changes to item number one and then item number two. Chairman LaPerch said just randomly how does the guy who was here tonight... is that addressed in any of these... the storage? Ms. Ley said so, a project like the storage that was classified as a Minor Project, the Planning Board would have made a determination at the time that they concluded the SEQRA review whether or not they would refer that project to the ARB. So first it would have to be a Minor Project, she said, and then, as a Minor Project, you would evaluate whether or not there were significant changes to the architecture or landscaping that would make an ARB review both productive and helpful to the Town. There

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 15, 2018**

have been some situations where there have been projects referred to the ARB that had very little changes at all, some very simple parking lots with no new landscaping, things that the ARB received and then questioned why they were looking at it, she explained. Chairman LaPerch said I agree so, what is it you are looking for from the Board tonight? Ms. Ley said the Planning Board has the ability to recommend changes to the Town Board under Section 138-93 of the Code so if the Planning Board agrees with these changes, you can refer them to the Town Board and then the Town Board would have a Public Hearing on it... well, first they would discuss it and then if they want to entertain it, they would schedule a Public Hearing. Chairman LaPerch said I personally think I would like the Board to look at this instead of voting on it tonight and get some feedback. Boardmember Rush said I have questions on it. Chairman LaPerch said I think we all do so I would like to push it to the next meeting in case there are issues that might pop up or recommendations. Boardmember Rush said so, in the case of the fellow who was here tonight, if they show us what they are trying to do and it is in some formal document so we don't say 'yeah it's small, let them do it.' He said and they put up a fluorescent green something then I've got a problem. Chairman LaPerch said but if it is memorialized... Boardmember Rush said yes, there has to be something that shows the intended... we are now going to act like our own little ARB for little projects like that, that's OK and it might be a pre-packaged little shed or building or something but we should look at it. Chairman LaPerch said we are not saying we are not looking at it. Ms. Ley said but it is still included as part of the requirements for a site plan submission that they submit elevations. Ms. Desidero said can I just say... is that really the type of application that you are trying not send to the ARB or is it the types of applications where there are only stripes on the paving or where the ARB actually looks at it and says 'what are we looking at: there is nothing to see here.' She said I don't think that's the way to shorten his process... it should be that he didn't have to come back after all of that, that's my opinion, but I don't think that is the type of project you are talking about not sending, that's a structure on a commercial property. Boardmember Cyprus said yeah, like you said, I think we've had like striped parking lots... Chairman LaPerch said but there is not a definition for that. (*Multiple people talking.*) Boardmember Cyprus said I am just saying from my point of view... Ms. Ley said there is a lot in the bucket that is minor. Chairman LaPerch said so how do you make the determination, if it is a structure, I agree with you, there should be an ARB look-see but what is the threshold here? Ms. Ley said so the baseline is "minor" and to define a "minor" within a "minor" is very difficult because there are some situations like the NYSEG project where we had a very concerned resident about the landscaping and there was no structure there, it was changes to a parking lot, but in that case the parking lot, the curbing was very important visually so I wouldn't want to automatically negate those. Boardmember Cyprus said no, I think our discussion is fine: I was just sharing my opinion on the shed. Chairman LaPerch said I know, it's a good point. That's why I want to put this on hold for a month and let's think about it, he said. He said maybe we will think of something else and get some other feedback but I agree that any structure should be an ARB review. Boardmember Cyprus said the one question I had, just for everyone else, I wasn't clear on if it is changing who's voting to accept the ARB recommendation and she is not suggesting that: it is still the Town Board would vote to accept... Chairman LaPerch said yes, I agree with that. Ms. Ley said for Major Projects and back to the Planning Board for Minor: that's the way it is today. Chairman LaPerch said yes, we need to keep that with the Town Board. He said let's put this on hold until next month, OK?

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

October 26, 2018/VAD