
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

December 9, 2019

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. ALLVIEW AVENUE a/k/a MAZZOTTA SUBDIVISION, 212 Allview Avenue, Tax Map IDs 67.16-1-6.1 & 6.2 & 6.3 & 6.4 & 6.5** – Consider Referral to Town Board for 280-a (open development) approval in connection with a Re-Subdivision Application
- 2. BREWSTER RETAIL OUTLET, 1224 Route 22, Tax Map ID 57.-2-42** – Consider adopting a Negative Declaration under SEQRA for an Amended Site Plan Application
- 3. PAUKNER ACCESSORY APARTMENT, 306-308 Tonetta Lake Road, Tax Map ID 56.12-1-1-** Consider Conditional Use Permit approval
- 4. ACE ENDICO EXPANSION, 80,71-81 & 91 International Blvd., Tax Map IDs 45.-1-29, 45.-1-31.1 & 31.2** – Review of an Application for Site Plan Amendment, Conditional Use Permit, Minor Subdivision, and Wetland Permit
- 5. WELLINGTON II DEVELOPMENT, 400-408 Route 22, Tax Map ID 78.-1-16** – Review of Application for Site Plan Amendment and Wetland Permit
- 6. COMMERCIAL CAMPUS AT FIELDS CORNER p/k/a NORTHEAST INTERSTATE LOGISTICS, 51 Pugsley Road, TM IDs: See Attachment A** – Review and discussion of DRAFT Final Environmental Impact Statement
- 7. Approve Meeting Minutes of October 7, 2019**

December 9, 2019/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#>

Exhibit A

#	Tax ID #	#	Tax ID #	#	Tax ID #
1	45.-1-4	53	45.-3-46	105	45.-3-98
2	45.-1-5.2	54	45.-3-47	106	45.-3-99
3	45.-1-5.3	55	45.-3-48	107	45.-3-100
4	45.-1-8.1	56	45.-3-49	108	45.-3-101
5	45.-1-8.2	57	45.-3-50	109	45.-3-102
6	45.-1-8.3	58	45.-3-51	110	45.-3-103
7	45.-1-12	59	45.-3-52	111	45.-3-104
8	45.-1-13	60	45.-3-53	112	45.-3-105
9	45.-3-1	61	45.-3-54	113	45.-3-106
10	45.-3-2	62	45.-3-55	114	45.-3-107
11	45.-3-3	63	45.-3-56	115	45.-3-108
12	45.-3-4	64	45.-3-57	116	45.-3-109
13	45.-3-5	65	45.-3-58	117	45.-3-110
14	45.-3-6	66	45.-3-59	118	45.-3-111
15	45.-3-7	67	45.-3-60	119	45.-3-112
16	45.-3-8	68	45.-3-61	120	45.-3-113
17	45.-3-9	69	45.-3-62	121	45.-3-114
18	45.-3-10	70	45.-3-63	122	45.-3-115
19	45.-3-11	71	45.-3-64	123	45.-3-116
20	45.-3-12	72	45.-3-65	124	45.-3-117
21	45.-3-13	73	45.-3-66	125	45.-3-118
22	45.-3-14	74	45.-3-67	126	45.-3-119
23	45.-3-15	75	45.-3-68	127	45.-3-120
24	45.-3-16	76	45.-3-69	128	45.-3-121
25	45.-3-17	77	45.-3-70	129	45.-3-122
26	45.-3-18	78	45.-3-71	130	45.-3-123
27	45.-3-19	79	45.-3-72	131	45.-3-124
28	45.-3-20	80	45.-3-73	132	45.-3-125
29	45.-3-21	81	45.-3-74	133	45.-3-126
30	45.-3-22	82	45.-3-75	134	45.-3-127
31	45.-3-23	83	45.-3-76	135	45.-3-128
32	45.-3-24	84	45.-3-77	136	45.-3-129
33	45.-3-25	85	45.-3-78	137	45.-3-130
34	45.-3-26	86	45.-3-79	138	45.-3-131
35	45.-3-27	87	45.-3-80	139	45.-3-132
36	45.-3-28	88	45.-3-81	140	45.-3-133
37	45.-3-29	89	45.-3-82	141	45.-3-134
38	45.-3-30	90	45.-3-83	142	45.-3-135
39	45.-3-32	91	45.-3-84	143	45.-3-136
40	45.-3-33	92	45.-3-85	144	45.-3-137
41	45.-3-34	93	45.-3-86	145	45.-3-138
42	45.-3-35	94	45.-3-87	146	45.-3-139
43	45.-3-36	95	45.-3-88	147	45.-3-140
44	45.-3-37	96	45.-3-89	148	45.-3-141
45	45.-3-38	97	45.-3-90	149	45.-3-142
46	45.-3-39	98	45.-3-91	150	45.-3-143
47	45.-3-40	99	45.-3-92	151	45.-3-144
48	45.-3-41	100	45.-3-93	152	45.-3-145
49	45.-3-42	101	45.-3-94	153	45.-3-146
50	45.-3-43	102	45.-3-95	154	45.-3-147
51	45.-3-44	103	45.-3-96	155	45.-3-148
52	45.-3-45	104	45.-3-97	156	45.-3-31

Notes:

(1) Tax Lot 45.-3-148 does not appear on the Town of Southeast Tax Map.

**TOWN OF SOUTHEAST, NY
REFERRAL TO TOWN BOARD
SECTION 280-a REFERRAL**

INTRODUCED BY: LaPerch

DATE: December 9, 2019

SECONDED BY: Armstrong

WHEREAS, the Planning Board is in receipt of a subdivision application for the project known as **Allview Avenue aka Mazzotta Subdivision**, located on 212 Allview Avenue, in the R-60 Zoning District, and identified as Tax Map IDs 67.1-1-6.1,6.2,6.3,6.4, and 6.5; and

WHEREAS, the applicant proposes to merge five existing lots into three lots where Lot 1 would retain one of the existing residences and the existing pool, and access would be provided through the existing driveway on Allview Avenue. A new residence is proposed for Lot 2, which would have direct access from Allview Avenue. Lot 3 would retain two existing residences, two garages, and a cabana; and

WHEREAS, access to Lot 3 would be provided from the existing common driveway through Lot 1 requiring Town Board approval of an open development area under Section 280-a.4 of New York State Town Law for Lot 3; and

WHEREAS, the Town Board has requested a report from the Planning Board on the said proposal; and

WHEREAS, the Planning Board having reviewed such application together with its consultants, finds that there will be no adverse affect to the surrounding area or the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby recommend that the Town Board of the Town of Southeast **grant** approval to Allview Avenue aka Mazzotta under Section 280-a.4 of New York State Town Law, and the Planning Board does hereby submit to the Town Board its review on the same:

1. The proposed project would merge five existing single-family residential into three single-family lots: Lot 1 (2.58 acres), Lot 2 (2.206 acres) and Lot 3 (2.96):
2. Lot 3 would not have any frontage on Allview Avenue.
3. An easement and maintenance agreement for the proposed common driveway shall be submitted to the Planning Board and Town Attorney for review prior to the issuance of Final Subdivision Approval.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman yes
D. Armstrong, Boardmember yes
M. Hecht, Boardmember yes
J. King, Boardmember yes

D. Rush, Vice Chairman yes
E. Cyprus, Boardmember absent
Vacant, Boardmember —

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: La Perch

DATE: December 9, 2019

SECONDED BY: Rush

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a site plan amendment, and other supporting documents for a project entitled **BREWSTER RETAIL OUTLET**; and

WHEREAS, the proposed project is located at 1224 Route 22 in the RC Zoning District in the Town of Southeast and identified as Tax Map ID 57.-2-42; and

WHEREAS, the applicant is seeking an amendment a site plan approved in the 2016 to meet the NYCDEP redevelopment requirements for a SWPPP and reduce the impervious surface area by 25%; to install drainage improvements at the existing gas station/convenience store currently undergoing renovations and replace 3,230 sq. ft. of asphalt with pervious pavement and install new runoff leaders and conveyance piping from the roof and canopy to a level spreader; and

WHEREAS the Planning Board waived a public hearing on the proposed site plan; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 10/7/19; 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

D. Rush, Vice Chairman

yes

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

absent

M. Hecht, Boardmember

yes

Vacant, Boardmember

—

J. King, Boardmember

yes

The resolution was passed by a vote of 5 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: December 9, 2019

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: BREWSTER RETAIL OUTLET

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Applicant") is seeking an amendment to Brewster Retail Outlet Site Plan approved in the 2016. To meet the NYCDEP redevelopment requirements for a SWPPP, the Applicant proposes to reduce the impervious surface area by 25% and to install drainage improvements at the existing gas station/convenience store currently undergoing renovations located at 1224 Route 22 in the RC Zoning District (Tax Map 57.-2-42) (the "proposed project"). The proposed project would replace 3,230 sf of asphalt with pervious pavement and install new runoff leaders and conveyance piping from the roof and canopy to a level spreader. No other changes to the previously approved site plan are proposed. The Project Site is a pre-existing non-conforming use and will require a determination by the Planning Board under §138-11.D, and amended Site Plan Approval. No new area variances will be required, as the proposed amendments are consistent with the 2016 approvals.

Location: 1224 Route 22

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to John Folchetti, J. Robert Folchetti & Associates, from NYC DEP, dated 11/19/19
- Memorandum to Chairman LaPerch from NYS DEC, dated 1/13/19
- Memorandum to Secretary Desidero from NYC DEP, dated 11/12/19
- Memorandum to Jason Coppola, NYC DEP from J. Robert Folchetti & Associates, dated 11/6/19
- Memorandum to John Folchetti, J. Robert Folchetti & Associates from NYC DEP, dated 10/22/19
- Site Plan Amendment, Narrative Report, prepared by J. Robert Folchetti & Associates, dated September 2019
- G1-5, Original Conditions, prepared by J. Robert Folchetti & Associates, dated September 2019
- G2-5, 2016 Approved Plan, prepared by J. Robert Folchetti & Associates, dated March 2016; last revised 9/27/16
- G3-5, Post Remediation Conditions, prepared by J. Robert Folchetti & Associates, dated September 2019

- G4-5, Amended Site Plan, prepared by J. Robert Folchetti & Associates, dated September 2019; last revised 9/27/16
- G5-5, Erosion & Sediment Control Plan, prepared by J. Robert Folchetti & Associates, dated September 2019

WHEREAS, on 10/7/19, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board has reviewed the short Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered 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 Clerk 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Building Inspector 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Architectural Review Board 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	Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512

UPON ROLL CALL VOTE:

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

The resolution was passed by a vote of 5 to 0, with 1 absent.

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

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT
FOR PAUKNER ACCESSORY APARTMENT**

INTRODUCED BY: LaPerch DATE: December 9, 2019
SECONDED BY: King

WHEREAS, an application is being made by **WARREN PAUKNER** for a Conditional Use Permit for an accessory apartment on a property located at 306-308 Tonetta Lake Road, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 56.12-1-1, and is located in the R-20 Zoning District; and

WHEREAS, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), 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. Correspondence from Attorney Michael Liguori of Hogan & Rossi, dated 8/5/19;
2. Application for Conditional Use Permit, prepared by Michael Liguori, dated 7/24/19;
3. Short Environmental Assessment Form, prepared by Michael Liguori, dated 8/5/19;
4. Survey, no preparer, undated;
5. A & B Floor Plans, no preparer, undated, showing “third bedroom to be removed” from Structure B.
6. ZBA Extension of Previous Variance Approvals to Expire 12/31/19, dated 6/17/19;
7. S-1, Sewer District Extension Plan, prepared by Bibbo Associates, dated 10/2/17
8. Memorandum from Levon Bedrosian, Town of Southeast Special Districts Administrator, dated 11/18/19
- 9.

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 10/18/19; 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.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>absent</u>
M. Hecht, Boardmember	<u>yes</u>	Vacant, Boardmember	<u>—</u>
J. King, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 5 to 0, with 1 absent.

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

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

INTRODUCED BY: LaPerch

DATE: December 9, 2019

SECONDED BY: Armstrong

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

WHEREAS, the proposed project is located at 80, 71-81 and 91 International Blvd. in the OP-2 Zoning District in the Town of Southeast and identified as Tax Map IDs 45.-1-31.2, 45.-1-31.3, and 45.-1-29; and

WHEREAS, the applicant proposes a 117,600 sq. ft. addition and 63,405 sq. ft. parking garage for the existing Ace Endico warehouse and office building, which requires the relocation of an existing portion of International Boulevard, along with the existing utilities within the right-of-way, to Lots 31.1 and 31.2. The proposed addition and parking garage would be located on Lot 29 and would be in lieu of the previously approved buildings for Lots 31.1 and 31.2, which totaled 119,906 sq. ft. Existing stormwater management infrastructure would remain on Lots 31.2. The proposed project requires Town Board approval for the relocation of a portion of International Blvd., and a front setback variance from the Zoning Board of Appeals; 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 Type I 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>
D. Armstrong, Boardmember	<u>yes</u>	E. Cyprus, Boardmember	<u>absent</u>
M. Hecht, Boardmember	<u>yes</u>	Vacant, Boardmember	<u>—</u>
J. King, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 5 to 0, with 1 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

December 10, 2019

Director
Putnam County Division of Planning and Development
2 Route 164
Patterson, NY 12563

Re: Ace Endico Expansion
GML §239-m and n

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan, Subdivision, Conditional Use Permit and Wetland Permit by ACE ENDICO for a 117,600 sq. ft. addition and 63,405 sq. ft. parking garage for the existing Ace Endico warehouse and office building, which requires the relocation of an existing portion of International Boulevard, along with the existing utilities within the right-of-way, to Lots 31.1 and 31.2. The proposed project is located in the OP-2 Zoning District on three parcels located at 80, 71-81 and 91 International Blvd., Putnam County, New York (Tax Map IDs 45.-1.31.2, 45.-1-31.3, and 45.-1-29).

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 / pad

Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Bibbo Associates

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

INTRODUCED BY: *LaPerch*

DATE: December 9, 2019

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 **WELLINGTON II**; and

WHEREAS, the proposed project is located at 400-408 Route 22 in the RMF Zoning District in the Town of Southeast and identified as Tax Map ID 78.-1-16; and

WHEREAS, the applicant is proposing to maintain a parking area that was expanded without site plan approval, install a new fence within the wetland buffer, and to permit a new commercial use within the existing one-story office/shop/storage building; 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*
D. Armstrong, Boardmember *yes*
M. Hecht, Boardmember *yes*
J. King, Boardmember *yes*

D. Rush, Vice Chairman *yes*
E. Cyprus, Boardmember *absent*
Vacant, Boardmember *—*

The resolution was *passed* by a vote of *5* to *0*, with *1* absent.

T. LaPerch

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



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

December 10, 2019

Director
Putnam County Division of Planning and Development
2 Route 164
Patterson, NY 12563

Re: Wellington II
GML §239-m

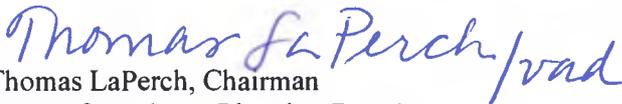
Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment and Wetland Permit by WELLINGTON II for a proposal to maintain a parking area that was expanded without site plan approval, install a new fence within the wetland buffer, and to permit a new commercial use within the existing 1-story office/shop/storage building. The proposed project is located in the RMF Zoning District at 400-408 Route 22, Putnam County, New York (Tax Map ID 78.-1-16).

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
Hahn Engineering

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
October 7, 2019**

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

PUBLIC HEARINGS:

REGULAR SESSION:

- LIFE STORAGE, LLC, 1639 Route 22** – This was a review of an Application for a Site Plan Amendment and Wetland Permit. Engineer Jerry Bergman of GPI and Owner Rich Pasternak appeared before the Board. Mr. Bergman said there are two existing buildings, one is general use and one is climate controlled; they are planning a third building on the lower part of the site that will also be a climate-controlled building. The building was 11,000 sq. ft., three-story building totaling approximately 30,000 square feet, he said. There are wetland issues on the property, he said, and we have dealt with DEP (Department of Environmental Protection), DEC (Department of Environmental Conservation) and the Town. DEP is no longer involved and we have revised the building down to a 6,000 sq. ft. blueprint, Mr. Bergman said, and still a three-story building with a total of 18,000 square feet, climate controlled with a sprinkler system. Existing sprinkler system will be expanded if needed and we consulted with the Fire Department to know what we have to do, he said. He said we have dealt with the wetlands, both with DEP and DEC, and the DEC plan is here, the Town has it and has already signed off on the delineation as well as the Town's consultant. Most of the comments have been taken care of and the remaining will be taken care of, he said. Mr. Bergman said we also have a letter from the Planner and have answered most of those comments. Chairman LaPerch asked Town Planner Ashley Ley to give the Board an overview of some of the outstanding issues. Ms. Ley said one of the comments that is pending is the building is two stories in the front and three stories in the back and it was identified on the plans as being a three-story building, the applicant wants an interpretation from the Building Inspector and the Zoning Board of Appeals (ZBA) to see if it is in fact a three-story building because it is two stories in the front. She said I recommended that he reach out to the Building Inspector on that. Mr. Bergman said we read the interpretation a bit differently and if we need the variance, we will do the variance but if we don't need it and don't have to go to the ZBA... Chairman LaPerch said I agree. Ms. Ley said that was really it. Chairman LaPerch said it is really an interpretation needed from the Building Department, if he comes back with a letter saying he doesn't need a variance, its one less step unless there is another variance. Ms. Ley said that was the only variance. She said the other item is it is an expansion of a pre-existing, non-conforming Use which the Planning Board is allowed to do if you make a determination under 138.11(D) and in the determination you have to identify how this project is mitigating a concern that relates to the pre-existing, non-conforming nature of the business. In this case, she said, there is an existing outside storage area within the wetland buffer in the back in close proximity to where this new building is proposed. As part of the project they will move all of the outside storage out of the wetland buffer and everything will be moved inside, she said. Ms. Ley said as a condition of approval, the Board can prohibit any future outside storage because the building would mitigate the pre-existing, non-conformance. Mr. Bergman said we spoke to my client and he is willing to eliminate the outside storage area and he will take all the outdoor storage off the property. Chairman LaPerch said I like that. Mr. Bergman said we will change those spaces into customer spaces which was a prior comment. Ms. Ley said the outdoor storage in the front of the building was not on the approved plan but I do recall seeing the back area on the approved plans. Mr. Bergman said it is vehicles being parked there not really storage. Chairman LaPerch polled the Board for questions and there were none. Ms. Ley said (Secretary) Victoria (Desidero) found that we never closed the Public Hearing so the recommendation for tonight has been changed to continue the Public Hearing for October 28th. The motion to Continue

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the Public Hearing to October 28, 2019 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

2. **PUTNAM PAWS DOGGIE DAYCARE & GROOMING, 1481 Route 22** – This was a Review of an Application for Site Plan Amendment. Alicia Cuccia of J. Design Group and Owner Bailey Santucci appeared before the Board. Ms. Cuccia said we have a one-acre lot and the subject portion is leased by Bailey (Santucci). It is a mixed-use property consisting of commercial and single-family apartments and the remainder of the site has a gas station which is not part of this and will not be touched. This is in the SR-22 Zoning District and mixed-use is permitted by the Town of Southeast, she said, and the existing approved Site Plan is from 2014. We are proposing a new 24x32 ft. two-story building, she said and the first floor will be a two-car garage; the second story will have storage. Ms. Cuccia said the addition is for business use and will have a deck on the second story level at the back of the building and... Chairman LaPerch said where is 22? Ms. Cuccia pointed out where Route 22 is on the plans and said the deck is not able to be seen from Route 22 and the purpose of the deck is to create a safe space for their daughter to play and access to the grass area behind the building, which will be fenced. She said we will add a pergola in the front over the existing stone patio and they would like to extend the existing roof and add a new concrete pad in the back which is easier to clean and maintain. The existing building was approved with accessory use at 18.5%, she said, and being the building is commercial they will not exceed 20%. Chairman LaPerch asked what about septic: is there a Board of Health issue here? Ms. Santucci said I believe Curt (Johnson of J. Design Group) looked into it and last fall the septic fields were expanded. Chairman LaPerch asked for something for the file. Ms. Ley said even though you aren't adding apartments you are expanding the footprint so you would need something from the Health Department indicating the existing septic is fine. Ms. Cuccia agreed to provide documentation. Chairman LaPerch polled the Board for questions and there were none. Chairman LaPerch said is the garage is just for storage for expansion and there is no setback issue here? Ms. Santucci said yes and no setback issues. Ms. Ley said to address the materials submitted for residential use, can you please submit a new set of materials that clarify it is for business use? 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 Gress and passed by a roll call vote of 4 to 0 with 3 absent. Chairman LaPerch polled the Board about waiving the Public Hearing and there were no objections. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to refer the application to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

3. **FICARRA CONDITONAL USE PERMIT, 8 Bridey Lane** – This was a review of an Application for Final Approval of a Conditional Use Permit for an Accessory Apartment. Ms. Desidero said the applicant was told she didn't need to be here tonight. Chairman LaPerch said this was a Conditional Use Permit and we had an issue with the Board of Health, did we resolve that? Ms. Ley said in the past the Board of Health has provided the Town letters whether or not the expansion or conversion of a space within an existing dwelling to an accessory apartment had sufficient septic capacity for the change. In this case, the Board of Health said they would not provide the letter, she said. The Town Engineer followed up with the Health Department and it was clarified that because the bedroom count within the dwelling is not changing, they do not need anything further from the Health Department. Ms. Ley said going forward if the existing permit for the dwelling is for the total number of bedrooms, as long as it is not changing, then you do not need anything from the Health Department. Chairman LaPerch polled the Board for questions and there were none. The motion to Grant a Conditional Use Permit for an Accessory Apartment was

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introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 4 to 0 with 3 absent.

4. **BRAVCOR, LLC, for VALOR FITNESS, 66 Fields Lane** – This was a Review of an Application for a Conditional Use Permit for a Recreation Use. No one was present to represent the application. Chairman LaPerch said Ashley (Ley) can you explain what these permits are for? Ms. Ley said these are for existing office/warehouse spaces that want to be used for recreational uses. One being a baseball training center and the other a fitness center which require a Conditional Use Permit because that was not originally approved and they received violations. Chairman LaPerch polled the Board for questions as well as the need for a Public Hearing. Boardmember King asked if this was the Cross Fit that was reviewed prior? Ms. Desidero said no, that's not the same building. Chairman LaPerch said yeah, I was confused myself but it might have been a different building, regardless it is a fitness use here. Boardmember Hecht asked to clarify that it was not on the road by the old tennis place. Chairman LaPerch said it is the building closer to the Ice Arena. The motion to Classify this a Type II Action under SEQRA and a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Approve the Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 4 to 0 with 3 absent.
5. **BRAVCOR, LLC, for 9er BASEBALL, 66 Fields Lane** – This was a Review of an Application for a Conditional Use Permit for a Recreation Use. No one was present to represent the application. Chairman LaPerch said any questions or Public Hearing issues? Boardmember King said this is coming to us but aren't they already open? Ms. Ley said yes, they are just legitimizing it. She said they both received violations for operating without a Conditional Use Permit. The motion to Classify this a Type II Action under SEQRA and a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Approve the Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 4 to 0 with 3 absent.
6. **BREWSTER RETAIL OUTLET, 1224 Route 22** – This was a Review of an Application for Site Plan Amendment. Engineer John Folchetti of Folchetti & Associates appeared before the Board. Chairman LaPerch said this is also known as Eagle Gas Station... it's been a while. Mr. Folchetti said the original application was approved in December 2016, 2017; he was approved for funding in 2018. He said under a prior agreement the prior owner was required to do the clean up. The original approval we were going to replace the islands and piping from the pumps to the new islands, he said, but once they started digging, they found contamination and excavated about 8-10 feet near the north border all the way south. Mr. Folchetti said that generated a Stop Work Order from the Town and a Notice of Violation from the City of New York because the City did not review the prior application because we weren't taking out the tanks. Taking out tanks triggers a new gas station which is forbidden within 500 feet of a reservoir and this site is within 500 feet, he said. The City issued that in January, he continued, and we had to convince the City this was not a new application. He said this entire action was based on the fact that the investigations prior to his purchase showed no contamination in the ground. Mr. Folchetti said the City of New York agreed but that triggered a Stormwater Pollution Prevention Plan (SWPPP) which led us to this point. There is no place on site to treat any runoff as all of it is occupied under prior approval, he said. There is a caveat in the redeveloping criteria in the State Stormwater Regulations that if you reduce

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the pre-existing impervious surface by 25% you are covered, so that is what we have done, he said, showing the plans. Mr. Folchetti said what you see on the Site Plan here in red represents what we are going to convert, that was previously pavement and we are going to extend the pervious pavers around the backside of the building and extend them to cover more than 30% between the building and the proposed new parking spaces; that's why we are here for Site Plan Amendment. The City of New York is reviewing the SWPPP and that application is pending at this point in time and I think we will have resolution within the month. Chairman LaPerch said Ashley (Ley) this was an approved project and then as they started work, they got flagged, which caused this whole two years, so really this has been... another Public Hearing does not make sense because they already had approval. He said this is only about Stormwater management; I personally do not see a reason to have another Public Hearing but you are saying that you still have a little to do with the DEP? Mr. Folchetti said the application is pending in front of the City right now. Ms. Ley said the Planning Board was Lead Agency under SEQRA for this and now the project has been changed. So, SEQRA has to be updated and the DEP is probably looking for the Town to issue a new SEQRA determination on this amended project, she said. In terms of, other than the change from pavement to pervious pavers, she said, there is really not much of a change in the overall site plan. Ms. Ley said the number of pumps stays the same, the canopy stays the same, they previously received a number of variances for the canopy and those still run with the property so, other than the pervious pavers, nothing has changed. Chairman LaPerch said that's my thoughts, thank you. Chairman LaPerch polled the Board for questions and there were none. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Classify this as a Minor Town of Southeast Project was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to refer the application to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent.

Chairman LaPerch asked Mr. Folchetti for the status of the Palmer Site Plan Amendment application and Mr. Folchetti said we will get the application out tomorrow. Chairman LaPerch said so that means he is on what agenda? Ms. Ley said he might have missed the deadline for October so November. Ms. Desidero said they will be on for October 28th. Chairman LaPerch and Mr. Folchetti discussed whether or not there might be a DEP resolution by then. Chairman LaPerch said and your other client, Las Mananitas? Mr. Folchetti said it is on my desk. Chairman LaPerch said when can we expect to see it? Mr. Folchetti said November.

The motion to approve the Meeting Minutes of September 9, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

The motion to approve the Meeting Minutes of September 23, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

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

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