

**TOWN OF SOUTHEAST
PLANNING BOARD / ARB MINUTES
June 14, 2021**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Eric Cyprus; Boardmember Mike Hecht; Jim King; Lynne Eckardt and George Pangis; Town Attorney Willis Stephens; Town Planner Ashley Ley; Secretary Victoria Desidero (Boardmember Hecht needed to leave the meeting after about 2.5 hours.)

Pledge of Allegiance

Introduction

Chairman LaPerch opened the meeting with the Pledge of Allegiance and a roll call vote (results above).

EXECUTIVE SESSION: Advice of Counsel

The motion to go into Executive Session for Advice of Counsel was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

The motion to come out of Executive Session where no actions were taken was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

Chairman LaPerch went over the agenda items for the public and made note that the third Public Hearing for Provetto Brothers Farm would not be held due to a deficiency in the mailings. Boardmember Eckardt said it should be noted that the error was not made by the Town in this matter. Chairman LaPerch said correct and this will take place July 12, 2021 assuming the mailings are in order.

PUBLIC HEARINGS:

- 1. NEW YORK AMERICAN WATER MT. EBO WELL 13, 36 Mt. Ebo Road North, Tax Map ID 46.3-5-12** – This was a continued Public Hearing to Review an Application for a Wetland Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Pangis and passed by all in favor. Mike Shortell of WSP USA appeared before the Board. Chairman LaPerch said just for the public’s purposes, we did have a staff review meeting out at the site recently, correct? Mr. Shortell said correct. Chairman LaPerch said so you got some things resolved with our consultants. He said yes, we did. Chairman LaPerch said this is a Public Hearing so please direct your presentation to the public and we will follow up with some questions. Mr. Shortell said the purpose of this project is we are looking to drill a new bedrock water supply, Well 13, primarily in support of the Barrett Hill development. Assuming that well has sufficient yield and water quality, we would then be preparing plans and specifications for submissions to Departments of Health for installation of the water main, he said. We met on site with members of the Planning Board and (Wetland Inspector) Steve Coleman, he said, and we walked the route and discussed the general route and what we came away with is an understanding that going up and over the hill was the better course of action as opposed to sending any water main through any controlled area. Mr. Shortell said there was one identification of possibly limiting disturbance to the wetland buffer and that was installing the water main through an open area on Town of Southeast property but, unfortunately, I believe that was considered parks property and it would take perhaps a legislative act to grant an easement so it doesn’t look like that is really an opportunity for us so we are going to stick with the original path of up and over the hill and then staying on New York American’s property for the remainder of the water main installation. Chairman LaPerch said you don’t happen to have a site plan here? He said I do and I will share my screen. He said this is the route I was referring to and here is Well 13 over here and we would access that location with a track mounted drill rig that would come along this path and meander its way up here. We are not proposing to take down any trees, any substantial trees, he said, we are able to maneuver in and out to avoid that. He said if the well is successful we would have to take down trees from the well to about here and then again down here. This is the path through the Town of Southeast that I was referring to that is parks property, I believe, something like that, he said. He continued: so, granting

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an easement is a little too difficult here so we will stay on New York American property again, assuming we find a good well with suitable yield and water quality. Chairman LaPerch said OK, thank you. He polled the Board for questions. Boardmember Eckardt said I just want to thank Mr. Shortell; I went out to the site and it was really enlightening. I think the shorter transmission line will be less damaging to the wetlands, she said, and it was good to talk to Steve (Coleman) and (Town Engineer) Tom Fenton and John Lord went so I have no further questions. Chairman LaPerch said thank you for that. Boardmember Rush said for the people joining this meeting they should know that Mr. Coleman is our Wetlands consultant and met on the site so I appreciate doing all the right things and thanks for going, Lynne. Chairman LaPerch said thanks for bringing it up, David (Rush); good stuff. He said I have no further questions so we are going to open it up to the public and since it is Zoom, hopefully one of our last Zoom meetings, please either raise your hand visually or announce yourself in the chat room and we will try to get to you. And please state your name and address for the file, if you don't mind, please. So, if I can open it up to the public, do we have any questions at this time, he asked? Town Planner Ashley Ley said you can use the raise your hand feature and that will make your name pop to the top of our participant list. Ms. Ley said while we are at it, for the next two applicants, when it is your turn if you could use the raise your hand feature that will make it easier for us to find and unmute you and promote you. Chairman LaPerch said good point and I don't see anybody in the chat room or visually raising their hand for any questions for this application so if that is the case, I would like to make a motion to close tonight's Public Hearing... Boardmember Rush said hey, there is a question from John Lord. Chairman LaPerch oh, John, all right. Town Councilman John Lord said hi; yeah I went out to the site and thank you Mr. Shortell for showing us where you are planning to drill the well and also the path is intended to take the water back. I know that we had hoped that you could use Town land in order to transmit... or transfer the water along but that is... in order to get permission we'd have to get Home Rule legislation passed and that would be time consuming from what I understand, he said. But since this isn't going to be happening until July, he said, when is the earliest that you would be able to determine whether that well is fruitful and... I know that we got parkland alienation legislation pretty quickly when we had the ProSwing Golf application considered, so if you could let us know and Ashley (Ley), maybe you could tell me how long it would take to get parkland alienation under these circumstances. He said I think parkland alienation came within six months of the ProSwing application. Ms. Ley said that would be my estimate: six to 12 months and it depends on the legislative schedule and I think they had a very engaged attorney who was reaching out to the various people that needed to act on it. Town Attorney Will Stephens said if I can interject the process of doing Home Rule legislation usually occurs at the end of a legislative session; this year's legislative session is scheduled to close I think this week or next week so you wouldn't be looking at an action on this until June or July of next year. Mr. Lord said and how long would it take from the time you discovered that the well is fruitful that you could start doing work to move the transmission line along? Mr. Shortell said I can tell you how the schedule would follow... for the sake of argument, say we drill the well on July 1, we should have that well drilled within a week. Within a couple weeks after that, he said, we will be doing our 72-hour yield test and collecting our full New York State Part 5 Water Quality Analysis, he said. So say we are done with the testing by the end of July, the Water Quality Analysis takes anywhere from four to six weeks so after that... we are talking July and August, probably about early to mid-September, we will know whether or not we have a viable well. Mr. Lord said and if you would start the work on the transmission starting from the well, I would guess, how long would it take to get up to I guess the existing line? Mr. Shortell said well, after we finish the yield test, we have to submit this application to the County Department of Health and that can take a couple of... three months to get that project approved. But during that period of time, he said, we'd be putting the project out to bid so really we would be ready to go later on in the year... early in the year, certainly we'd be in a position to start installing the water main early 2022. Mr. Lord said OK; and you would be completed by spring of 2022? Mr. Shortell said

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easily; we could probably get a low-ball estimate on the amount of main we have to get in would be about 100 feet a day and I think we are about 2,000 feet so we are only about three or four weeks of construction. Mr. Lord said yeah, it looks like the distance between the New York American Water property and the Town property is maybe 20, 30 feet and it would be running basically parallel so I can see that it wouldn't be worthwhile to wait for an alienation of property in those circumstances. He said but it was a good idea because I think going on New York American Water property does have some wetland disturbance or does go into the buffer and that was one of the things we were trying not to do if we were able to go on the Town of Southeast parkland property. He said all right, thanks. Chairman LaPerch said all right, any other questions now that John spoke; anyone want to follow up? If not, he said, I would like to make a motion to close the public hearing. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 7 to 0. The motion to Grant a Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.

2. **NEW YORK AMERICAN WATER TRANSMISSION LINE, 36 Mt. Ebo Road North, Tax Map ID 46.3-5-12** – This was a Public Hearing to Review an Application for a Wetland Permit. Mike Shortell of WSP USA appeared before the Board. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0. Chairman LaPerch said now we will have the presentation by Mr. Shortell on the transmission line that you described earlier today. Once again this is Public Hearing, please tell us once again about the transmission line, he said. Secretary Desidero said we need a motion to open the Public Hearing please. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor. Chairman LaPerch said it passes, we are open, thank you, Victoria. He said Mike (Shortell) you are back on. Mr. Shortell shared his screen and said this transmission line we are looking to cut in about a 20-ft. wide path to allow installation of the water main and the reason we are looking for a 20-ft. wide path is to allow for an excavator and a support vehicle to be sitting right next to each other. And, also, to have full rotating ability for the excavator, he said, so that path would be cleared from Well 13 all the way to about here: this is partially open so there is not a whole lot there but then we come down here and this is sort of the disturbance that I was talking about before or we were discussing before. He said this is primarily in the buffer so again, 20 ft. wide, then we come underneath... there is a culvert right here and we would go underneath this and come back on this existing path. So really the disturbance would be from here back to the well, he said, this area has already been cleared. Chairman LaPerch said OK, that is what you were talking about with Mr. Lord before? Mr. Shortell said correct. Chairman LaPerch said OK, thank you and he polled the Board for questions. Boardmember Eckardt said although it seems counterintuitive to cut more of a road in, having looked at the site with John (Lord) and everyone, and I think this is a much better way to go so thanks again to Mr. Shortell and thank you. Chairman LaPerch said the question I have here, Ashley (Ley) as an action item is why are we thinking the Public Hearing might continue? Ms. Ley said I believe we were waiting for revised plans or just to close the loop on the site walk and we didn't receive those yet. Mr. Shortell said well, there are a couple of outstanding issues as well: one of Steve Coleman, the Wetland Inspector's comments calls for one-to-one mitigation and I am looking to schedule a conference call with Steve to discuss the details of how we go about doing that so that issue is going to remain open until we are all on the same page of the mitigation issue. Chairman LaPerch said OK, that makes sense. He said any public comment at this point and, once again, this is a Public Hearing so does anyone in the public have any further questions for this applicant? I don't see anybody, he said... Ms. Desidero said I think John Lord... Mr. Lord said I am sorry... so this will remain open: the public hearing? Chairman LaPerch said yes, that is what we are just about to do.

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Mr. Lord said thanks a lot. Chairman LaPerch said Mike, I want to ask you; do you have a timeline here or a date that we could pencil you in on to come back or do you want to wait? Mr. Shortell said if I could wait I would rather do that; we have to reconcile the issue with Steve so I don't know what that schedule would be. Chairman LaPerch said give us a call... Ms. Desidero said don't we need a date, Ashley (Ley)? Ms. Ley said yes we should continue it to a date so it doesn't have to be re-noticed. She said if you don't think you are going to be able to make the next meeting, we could put you on for the first meeting in July? Mr. Shortell said I am looking to schedule the meeting with Steve next week... the conference call or site visit. Ms. Desidero said how about July 12? He said OK. The motion to Continue the Public Hearing to July 12, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

3. **PROVETTO BROTHERS FARM, 679 Milltown Road, Tax Map ID 47.-3-27** – This was a Public Hearing to review an Application for a Special Permit. Chairman LaPerch said once again for the public who have recently joined us, number three on our agenda has been adjourned to July 12 due to a mailing deficiency. Once again, Provetto Brothers mailings were not done correctly, he said, so we are adjourning that until July 12 and hopefully we will see them on that date. Ms. Desidero said do we need a motion for that, Ashley (Ley)... She said yes. The motion to Adjourn the Public Hearing to July 12, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Pangis and passed all in favor.

4. **SUBTRACT, INC., 20 Welfare Road, Tax Map ID 36.-1-44.2** - This was a Public Hearing to review an Application for a Conditional Use Permit. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Jason Smith appeared before the Board. Chairman LaPerch said this is a Public Hearing so we have the owner of the property here. He said can you please state your name for the record and the Public Hearing please? Jason Smith said but was inaudible. Chairman LaPerch said I can't hear you: you've got static. Ashley, while he's trying to figure things out, when is the... when can we have live meetings again, he said? Ms. Ley said I think the Supervisor said next month or August. Chairman LaPerch said you're not coming through. Ms. Ley said I'm very staticky. Chairman LaPerch said very staticky. Ms. Desidero said we had this problem last time I think...Mr. Smith said yes, I did... how's my audio? Ms. Ley said much better. Mr. Smith said OK. Chairman LaPerch said thank you. Mr. Smith said apologies, I don't often use this computer but it has a better webcam. My name is Jason Smith and I'm here representing Subtract, Inc. Chairman LaPerch said OK. This is a Public Hearing so please tell us about your application please, what you're looking to do, and then I'll open it up the Board then to the public for questions. Mr. Smith said sure thing. My wife and I are looking to run an S Corp out of our home here, he said and what we're looking to do is manufacture firearms parts and firearms themselves to bid on government contracts and to facilitate private party transfers which, in the State of New York, each transfer of a firearm requires an FFL, which is a Federally licensed firearms dealer. The reason an FFL is required is because a background check must be performed to transfer a firearm lawfully, he said. So, we would have both parties... where one party, if this party is mailing a gun from out of state or receiving a gun from out of state, and we would conduct all the paperwork needed, the background checks and the recordkeeping, and charge a fee for this. Mr. Smith said so that's what we're looking to do and we have been granted the FFL from the ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives), which is a lengthy and involved process which took approximately three months. It involved a pretty thorough background check and a site visit by an ATF investigator, he said. We were found to be compliant and eligible for an FFL, he continued, so now I'm here seeking a Conditional Use Permit so I can run the corporation out of my home. Chairman LaPerch said OK, let me make sure I understood what you just presented to the public and back to the Board. So if, as an example please, if I buy a gun from a licensed gun seller, I would potentially engage you to receive it where I would come pick it up. Mr. Smith said

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yes, sir, so as an example, if you were to purchase a firearm from an online site such as Gun Brokers... Chairman LaPerch said right. Mr. Smith continued and said which, if you're not familiar, Gun Brokers is E-bay for firearms, you cannot as an ordinary citizen simply receive a firearm in the mail, OK? What you would have to do is give the seller an address of an FFL in your area and the firearm would be sent to that FFL... in this example, me. I would take possession of the firearm, he said, you would come to my premises and I would background check you. The background check system is called NICS, he said, and it's a Federal background check system. Mr. Smith said I'd run you through the system, make sure you're actually not a prohibited person, you're mentally well, you don't have a felony, etc., etc. and then I would release the gun to you, and I have very strict recordkeeping requirements from the ATF. In the event that what they call a gun trace should happen, you can basically follow the paper trail and see where the gun ended up, he said. The paper trail would end with me, Mr. Smith said, and I would say, 'yes, Chairman LaPerch purchased this gun from me on this date. Here's the records for it. Here's the background check forms,' and so on and so forth. Similarly, on the way out, if you're interested in selling a personal firearm in New York State, you would probably be advised to approach an FFL, he said, but it's not required. Mr. Smith concluded: you can actually ship your gun out of state to an FFL in the purchaser's state and that process would happen as I just described in the purchaser state. Chairman LaPerch said thank you for the explanation. Chairman LaPerch said the second part of my question would be explain the... what you consider manufacturing of what parts, guns, what you would be doing at home? Mr. Smith said sure so I'm looking to obtain a C&C mill. This mill would allow us to manufacture parts, mainly receivers for rifles and pistols, he said. He said however, any parts that can be manufactured out of metal we would potentially be able to manufacture. Sometimes there are government contracts for parts for firearms or military vehicles or what have you, and we would potentially be able to bid on these contracts, he said, and if we were awarded the contract, we would be able to manufacture however many parts that whatever department wanted them essentially. Chairman LaPerch said it would give you the ability to bid on government contracts? Mr. Smith said yes, sir, that's one... that's one thing. Another thing that it would enable us to do is manufacture parts and then simply sell them online ourselves to the public, he said. Chairman LaPerch asked what are your business expectations of how many guns you would be, I'll use the term, intermediary for? What kind of buying are you looking at, he asked? Mr. Smith said yeah, you're talking about just transfers, correct? Chairman LaPerch said yes, please. Mr. Smith said yeah, OK, good question. So, what I actually did, he said, I was curious about this myself because I received several letters from my neighbors that were concerned about the volume of traffic. So, in order to be better prepared to answer that, I called a few FFLs, he said, I actually found an FFL about 11 miles from here that has the very same type of license that I do, and this person stated they do two transfers per day on their best days, mostly because it's about 45 to 60 minutes of paperwork. It wouldn't be very, I guess, lucrative to do more than that a day and he says that's on a good day they do two a day, he said. Mr. Smith continued: so, that's about the volume you're looking for, and I would expect far less than that simply because I'm not an established business like the FFL that I called. This person has a storefront, he said, and they've been in business for years so I would not expect to be doing the same volume as him. Chairman LaPerch said that's it for me right now. So, I'm going to open it up to my Board before we go to the public. So, public people if you'll hang on there, we're just going to go run through the Board here, he said. Mr. Pangis, do you have any questions for this applicant please?_Boardmember Pangis said I do have some questions, yes. He said the FFL license, I have a few questions on that: Was the applicant, let me rephrase, was the FFL license issued to you individually, or is it issued to the S Corp that you're going to be using as transfer agent? Mr. Smith said yes, good question: It's issued to the S Corp. Now, the ATF has a notion of an RP, a Responsible Party, he said, so, even though Subtract Incorporated is the licensed holder, a human being is going to have to, you know, act on behalf of the corporation, so the ATF requires that the individual be subject to the scrutiny, not the corporation. So, both my wife and myself are RPs on

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the license. Mr. Pangis said OK, now when you did your application then for FFL, should I, would I be correct in presuming then you used your home address for the S Corp? Mr. Smith said yes, sir, yes, sir. Mr. Pangis said if you were ever to go to a different location, would you have to amend your FFL license to be a transfer agent there? Mr. Smith answered yes, sir... now... the... these licenses are very, very strict. I'm personally aware of many cases where the licensee has made a mistake and been subject to criminal prosecution, he said, so, one of the things that is very strict is this license only applies to the address stated on the license. If you were... so let's say if you had a storefront and you were moving storefronts, you have to amend the license and a brand-new investigation gets kicked off, he said. They come to visit the premises because part of the application process is making sure you're not too close to schools or other areas that would prohibit you from having an FFL in that area, and any what they call 'acquisitions and dispositions' or A&D must occur at the address, he said. Mr. Smith continued: I cannot deliver a firearm to somebody because that would be me disposing of that firearm off the premises and the only exception to this is gun shows within the State of New York. So, I'm permitted to register Subtract for a gun show to get a table at a gun show, and I can perform A&D at the gun show; performing background checks and what have you, he said. I'm allowed to go to out of state gun shows but I am not permitted to do any A&D out of state, he said, I can take orders, I can, you know, advertise firearms, I can bring firearms there to put in display cases, but I'm not permitted to do A&D. So, yes, the address is very, very important in the FFL, he concluded. Boardmember Pangis said OK are you considered for purposes of the transfer the seller... are you collecting money from the purchaser then sending it to whomever the gun originated with or are you just collecting your fee at the time of the transfer? Mr. Smith said I'm simply collecting my fee for facilitating the transfer and doing the background check. So, if you were to purchase a gun on Gun Brokers, your payment would go directly to the seller, he said, I would not see any of that. I wouldn't facilitate the payment even, he said, I would just be notified by the buyer. He said a gun would show up here, the buyer would come, and I would background check them, and then charge them for doing so. Boardmember Pangis said OK then asked as part of this business working out of your home, are you buying or selling any guns? Mr. Smith said I would like to, yes. I would like to obtain parts, firearms, and sell them on the Internet, also manufacture them from raw materials, he said. Boardmember Pangis said what about ammunition? Mr. Smith said no, I don't plan to manufacture ammunition simply because that's... there's extra considerations there which I don't plan to go through at this time. The primary reason is that when I read the Town by-laws, I'm not permitted to have customers come here to buy goods, he said, so I don't see a good way to kind of like recoup, like if I were to start manufacturing ammunition, I don't see a good way to recoup it. He said those would be considered hand loads which are not as desirable, I guess. I mean now there's an ammo shortage so maybe they're more, they're desirable now, but generally if you're shooting, you're going to purchase ammunition that's been manufactured by Federal or Remington or something that's... you know what you're getting, sort of, he said. So, I have, we have no plans to sell any ammunition, he concluded. Boardmember Pangis said OK, let's talk a little bit about the manufacturing component that Chairman LaPerch started off with before: First, do you need an FFL license in order to get the government contract for the manufacturing you're looking to do? Mr. Smith said yes, well, I mean, you can bid on contracts that do not require an FFL, however, most of the contracts that I... the website is beta.sam.gov.... most of the contracts involve either things that are regulated as firearms or actually full firearms themselves. He said so, it would... yeah, I mean those things do require an FFL, but simply bidding on government contracts, that does not require an FFL as long as you can.... I'll give you an example; The Department of Justice recently was seeking about 2,000 magazines for pistols. A magazine you don't need an FFL to deal in those, he said, they're not regulated items. Boardmember Pangis said what you're planning to manufacture though specifically, do you need an FFL license for that? Mr. Smith answered yes. Boardmember Pangis said you do, OK, the FFL license is important to your business, not just for the transfer of the out of state firearms. You also need it for your

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manufacturing, he asked? Mr. Smith said yes, sir. The... basically the FFL transfers, that's kind of like a secondary or tertiary thing that I'm thinking when I think about the business plan, he said, the primary thing that I'm seeking to do is manufacture and bid on government contracts and do Internet sales. Boardmember Pangis said OK, now you mentioned now and in a previous meeting with this Board that there's going to be a mill that will be manufacturing these parts. Let's say the business takes off as you hope it to, he said, how many pieces, how many products will you be manufacturing a day? I mean, what is the upside here if you scale up knowing that this is, of course, within your residence, he asked? Mr. Smith said yeah, sure... so, the raw material is going to be aluminum stock which you can obtain for pretty... it's pretty cheap, and the finished product, depending on, you know, the complexity, the time it takes to manufacture, and the demand, you could turn quite a bit of profit, and anything involved in C&C, you can always, like, ring a little bit of more efficiency out of what you're doing. There's a certain build volume within this machine and you can only manufacture as many parts as will fit in there and as the tool... the tool pathing can get around the raw material and actually mill out the parts, he said, You can purchase upgrades for your machine that give you an additional access of freedom so that you can manufacture things in one go instead of having to come in there, unclamp them from their vice, slip them over, re-clamp them and then start another program to mill them out, he said, so it's kind of like the more time you put into learning how to run the machine and learning how to program the machine, you can get more and more efficiency out of your machine. So, Mr. Smith said, I envision getting to a point where I can load the machine in the morning, run a program, come into my office here and do my day job and then at lunchtime I'll go out and I'll have 10 parts completed, and then I can change them out and load in the new... another 10 parts and start the machine again and go back and finish my day. That's kind of where I see the manufacturing part of this thing going. Boardmember Pangis said do you conceive of a point where you might be running this machine 24 hours a day? I don't think I would like to do that, Mr. Smith said, there's certainly operations, if you search YouTube you can find some automated operations, but I don't think I'd be comfortable leaving the machine running while I sleep upstairs. You generally want to be around and available, he said, you can... you can program the machine to alert you if it notices something is wrong, but sometimes the... sometimes the tool that your machine is using will crash into the device or a part will come out of the work holding piece and starts flying around the machine damaging things. I don't see myself getting to a point running this thing 24/7, he said. Boardmember Pangis said what about purchasing more than one mill and running them simultaneously? Mr. Smith said yeah, that would be an option. I mean, I have a three-car garage so depending on, you know, floor space considerations, he said, but there's some legislation and some ATF rules that are in public comment at the moment that would require serialization of more components than is currently required. There is a component called 'upper receivers' and the ATF is proposing that these... the components need to be serialized now and part of their proposal is you have to bring this to an FFL and the FFL has to regrade the serial number on these things, he said. So, if that becomes a reality, I could see getting a very small machine that's just doing engraving then running the main machine that's making parts for our business. Boardmember Pangis said OK, if this exceeds your wildest dreams, would you make this your full-time gig... or is this always going to be a part-time gig? Mr. Smith said that's a high bar, but for sure, yeah... then he laughed. Boardmember Pangis said last question I have: the machines you said will be using aluminum to machine and I'm sure they'll be scrap aluminum which you'll recycle or re-use in some way, but for the operation of the machine, is it electric? He asked: are there any chemicals used to treat the aluminum afterwards; is there oil to lube the machine; tell me what's in that machine to operate it. Mr. Smith said yeah, sure, good question. So, the machine will not be plumbed for water or drainage, he said, basically, you put raw aluminum in. There's an auger at the bottom of the machine and the auger will remove the aluminum chips, he said, or it could be titanium, it could be steel, but in my case it's going to be mostly aluminum. There's an auger that removes the waste metal and deposits it in whatever can you happen to slide under the chutes, he

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said. Usually people use like a Rubbermaid, you know, 35-gallon garbage can and when that garbage can become full of aluminum, you generally want to bring that somewhere to recycle it, he said, and they pay you .50 cents a pound normally to recycle it. It's something else that goes into the machine that's considered a consumable but doesn't generate any waste, Mr. Smith said, and there's the coolant that you alluded to. He said the coolant is mostly water, mineral oil, and detergent so that the mineral oil can actually be suspended in the water. It... there's no... you don't change it, he said, you don't drain it... it... you'll lose it for... through evaporation and through the auger bringing the chips out. Some coolant remains on the chips and naturally you're going to want... you're going to have to replenish the coolant, but the coolant goes down into a sump at the bottom of the machine and then it's pump... re-pumped back through the system, he said. So, that... I wouldn't consider that a waste product, he said, it's electric. Mr. Smith continued: Generally, they require three phase power; There's three phase power on my street here and I've contacted NYSEG to get a... their take on bringing the other two phases up because residents usually are only one phase. They said they usually do it for free, he said, it's just incumbent on you to have an electrician come in and wire your house for three phases. They also sell devices that would take a single phase and make three phases for you, he said, so, I have those two options to power the machine. Boardmember Pangis said OK, thank you for your answers. Mr. Smith said yeah, sure. Chairman LaPerch said those are good questions, thank you very much. All right. Ms. Eckardt, anything to follow up here, any questions, he asked? Boardmember Eckardt said actually asking something totally different, only one question, I think and... George (Pangis), thank you, those were really helpful to me. She said usually we see... not... not on something like this, but a Site Plan and it would be helpful because this has generated a lot of interest... it would've been helpful for me to see a survey so I could see it where it sits. I... I know, basically, in the neighborhood, she said, and I just wanted to say it would be helpful also maybe to some of the people who are on for the Public Hearing. So, I don't know, she said, I doubt there's one handy right now but I think it would be helpful to the Board and to people that are online right now. Mr. Smith said sure; are you referring to the property or like the floor plan of the home? Boardmember Eckardt said well, no, no, really, well, both would be great especially where the property sits. I know your mailings were in order, she said. Boardmember Eckardt said I did have questions during the week from people saying, 'I didn't get one' and they were beyond the 500 ft. and that's why I thought it might be helpful for you to show... for people to understand where the house sits if they weren't quite clear why they didn't get a mailing. That was the reasoning behind that for me, she said. Mr. Smith said sure, sure... I provided the... the image quality is probably not great but I was able to take a photograph of a very large format paper survey. Again, the image quality is very poor, he said, the paper... yes, there it is. Boardmember Eckardt said right, OK. Mr. Smith said and you can see my house kind of sits in the middle of that large area there and I do have some residual acreage that goes back to the east there. Boardmember Eckardt said yeah, I think this is helpful for neighbors so you can see where Welfare Road is. She said I can and hopefully they can... so they and... I can see you do have markings of the people, neighbors, which also is helpful and we like to see. So, one... one thing, if you didn't mention and you might want to for people who are online, she said, you had mentioned the possibility of its being a minority-owned business. This was in our meeting last time you were on, she said, do you want to explain that real quick to people and that's really all I have. Mr. Smith said yeah, sure thing. So, my wife has a degree in Psychology and since we've had one kid, she hasn't been working, he said. We have three kids now, he said, so this was mostly her idea. We were actually going to take the company in a different direction at first, but then the pandemic hit, he said, and we noticed that firearms sale were... were going through the roof and demand was extremely high so we thought we'd pivot into this. Mr. Smith said so my wife is a 55% owner; I'm a 45% owner and we structured it that way so when she and I bid on government contracts, there are certain set-asides that we could take advantage of. The most beneficial set-asides were for small business, he said, so, any small business can basically bid on these contracts uncontested by larger corporations, but then there's additional set-asides for women-

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owned small business, minority-owned small businesses, veteran-owned small business. So, you can have access to more contracts than you would if you were just a, you know, a general small business, he said. Boardmember Eckardt said thank you, I appreciate it. Chairman LaPerch said thank you very much. All right, Mr. King? Boardmember King said I have no questions at this time. I just wanted to say that I think you did a much better presentation this time; a lot more clear and concise. Thanks. Chairman LaPerch said thank you, Mr. King. Mr. Hecht, any questions, sir? Boardmember Hecht said no, I'll just echo Jim. I get a better sense of what we're looking at, he said, and thank you. Chairman LaPerch said all right, thank you. Mr. Cyprus? Boardmember Cyprus said thanks, Tom, two quick questions: first, which FFL type are you applying for? Mr. Smith said I've been granted a Type 10, which is extremely rare. Boardmember Cyprus said oh. Mr. Smith continued: there's less than, yes, there's less than 350 of us in the nation. Boardmember Cyprus said OK, I didn't know of a Type 10, and so you... you already have that... it wasn't just an application? Mr. Smith said yes, sir, we have it, we have been granted... April 1st was when we were granted that license. Boardmember Cyprus said and if you were to... I want to say, have your way, how do you see your business split between parts manufacturing, firearms manufacturing, and transfers? Mr. Smith said I would say transfers would be an extremely small part of the business only because if you are purchasing a firearm, what you're going to... what you're going to immediately think of are the gun stores that have a storefront. You're not going to know about a random home in a residential, rural-ish area, he said, so, usually that's where people will send their firearms. There's business hours, you know, it's more convenient whereas if you were to send your firearm here, you'd have to wait until one of us were available. We'd have to schedule you in, he said, so, I don't see transfers being a significant thing if... if we do, you know, any of them. Mr. Smith said I don't... I don't know... I see more government contract stuff being what we focus on. The... the government contract stuff could be as simple as acquiring existing firearms or parts for a government... a branch of the government, he said, so, I don't know how familiar you are with like the government contracts but they're required to go to the small businesses and put these... put these bids out there. They can't just go on Amazon and order the things they need, he said, so, if like say, one example I can think of is the Bureau of Engraving and Printing wanted 300 pistols to replace their pistol fleet, for lack of a better word. They couldn't just go to Sixauer and order them, he said, they have to put a contract out then people would bid on them. So, those are the types of contracts that I see being...being very lucrative... right because you can leverage... I have... I have wholesale accounts with a few firearms wholesalers and I can leverage my wholesale prices, get bulk pricing, and then charge a markup, and then deliver it to the government, and that's... that's... I don't have to make anything, he said. I don't have to manufacture these things: I just basically order them, he said. So, that's where I see a lot of our energy being focused is bidding on contracts like that, and then manufacturing. It turns out manufacturing parts using my C&C mill is a pretty popular thing to do so the space is pretty saturated, he said, so, I don't know how well we're going to do there, how much traction we're going to get. Mr. Smith said I'm not sure that people would be comfortable purchasing unproven parts from a very small manufacturer... I think they can just go into somewhere like, you know, like a bigger manufacturer that kind of... that have a proven track record, if you will. So, that's... that's kind of how I see the business thing, he said, it's more government contracts, second, parts and firearms, and thirdly and lastly, transfers. Boardmember Cyprus said the... the middle scenario, the government contract where you'd be buying and selling firearms, would they still go through your house... or you'd go wholesale direct to the government? Mr. Smith said you can do... it depends on the branch of the government. So, I'd... I'm very unfamiliar with who prefers what, he said, but the contract is very verbose on what they will accept. You can do what they call a 'drop shipping' where I literally go and I order these items and it gets shipped directly from the warehouse to, you know, the Department of Justice or the Bureau of Engraving and Printing, he said. There's other times where it would just have to come through me, he said, because there's certain packaging requirements that the branch has. Let's say it's the Department of Defense... I know the Department

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of Defense has specific crating and packaging regulations that you have to kind of like make sure you follow. They don't want you to just dump like a 1,000 blister packs of Glock magazines on their step and have them sit there and open them all up, he said, so, there's a lot of things that will come here. There are certain things that will go... be drop shipped to the branch of the government, he concluded. Boardmember Cyprus said thank you, nothing else, Tom. Chairman LaPerch said thank you, Eric. Great questions as always. Mr. Rush, you want to finish this up here? Boardmember Rush said yeah, no further questions. He said I thank my fellow Board members for asking such great questions. Chairman LaPerch said they did a great job. Listen, before I open this up to the public, Mr. Smith, I was intrigued by level 10. How many levels are there? Mr. Smith said there are 10 levels. Some of them are a little redundant, he said, a Type 1 is normally what you would see if you walked into a store; a Type 7 is a manufacturer so, not only can they sell, issue background checks, they can also manufacture. A Type 10 is a manufacturer that can... I can manufacture more things, he said. One thing that we wanted to make sure... we were perusing these government contract sites before we applied for FFL, and we noticed there were certain classes of items that required the special Type 10 in order to engage... in order to do business then, he said, so, that's why we chose a Type 10. He said not a lot of people choose a Type 10 just because the fee is higher: it's a \$3,000 fee for the license as opposed to a few hundred dollars if you wanted a Type 1. I think a Type 7 is also a few hundred dollars. Chairman LaPerch said thank you for that explanation. At this time, Mr. Smith, we are going to open it up to the public and if we're going to do that, I'd like to... a show of hands. Once again, he said, the rules are if you ask a question, please state your name for the record, where you live... So, at this point, we're going to recognize the Public here.... So, if you raise your hand, I'll try to be as efficient as possible looking at who wants to ask questions here. Do I have any raised hands or chat room people, he asked? Yes, I have Mr. Schmidt up here: Tara Schmidt you're labeled there, sir. Mr. Schmidt said yes, how are you doing? Chairman LaPerch said good. Your name, sir? He said Peter Schmidt on Elizabeth Court. Chairman LaPerch said thank you, welcome. Mr. Schmidt said I have a couple of questions: I just wanted to inform the Board what exactly a Type 10 is from the FFL. He said there's actually 11 types. A Type 10 is a manufacturer of destructive devices, ammunition for destructive devices, or armor piercing ammunition, he said. Chairman LaPerch said OK. Mr. Schmidt said that's from the ATF website directly... Also from the ATF's website directly, the term 'destructive device' to mean a 'missile having an explosive or incendiary charge of more than a quarter ounce. Any type of weapon by whatever name known... which will or which may readily be converted to expel a projectile by the action of an explosive or other propellant the barrel or barrels of which a bore greater than 1/2 inch in diameter,' which is much larger than your standard even rifle barrel, 'and a combination of parts designed and intended for use in converting a device into a destructive device from which a destructive device can be readily assembled.' He said I just thought that would be some pertinent information for the community to know as well as the Board when they vote on this. Chairman LaPerch said appreciate the definition, I did ask that question but you gave me a clear definition there, thank you Mr. Schmidt. Chairman LaPerch said any other questions? Mr. Schmidt said I just want to know if he can be now more specific now that the community and the Board knows what that specific license... why did you need a Type 10 for destructive devices and, as he already stated, so few are given out across the country and why would you want to run that type of operation out of a residential home. He said wouldn't you want a large-scale facility... government bids and contracts are not small household type runs of products where you can make... I am in law enforcement so I have some knowledge on you know firearms and government bidding and contracting. Mr. Smith said sure, thank you for your questions and comments. He said as I stated a lot of government contracts are for things like 20-millimeter rifles, 20-millimeter rifle rounds and those things would be considered destructive devices. There are a lot of things that you would not think would be classified as a destructive device but in fact are classified as a destructive device, he said, so if you are in law enforcement I am sure that you have used a 40-millimeter weapon before? Mr. Schmidt said yes. Mr. Smith said yes, in order to bid on

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law enforcement contracts a 40-millimeter weapon is a destructive device since it has a bore size larger than half an inch. As are some of the projectiles, he said, so there are a lot of contracts for those... there are a lot of contracts... I can think of one department: The Customs and Border Protection often seeks 40-millimeter projectiles and weapons so there is a larger kind of corpus of contracts you can bid on for... um... if you have a Type 10. Mr. Smith continued: And then to your comment 'these are not small runs,' some of them are quite small so, for instance, the Bureau of Engraving and Printing needed 300 6-hour 9-millimeter pistols and that is certainly something I can facilitate; that's certainly something I can lay the money out for, receive, re-package and send to whatever government agency requires them. He said if you are curious, you can go to fbo.gov it will redirect you to the new site, it used to be called fedbizops (inaudible). He said but in order to... so that... a destructive device is also would be HE rounds, which are High Explosive rounds, in order to deal in things like that you have to have an explosives magazine which I don't have and I don't think that would be something to put on my personal property so if I wanted to manufacture 40-millimeter rounds that were HE rounds, that is a whole different animal. Just because I have a Type 10 doesn't mean I am going to be making HE rounds or missiles or what have you, he said, or claymores which is another thing that is considered a destructive device but you need a explosives magazine. Chairman LaPerch said thank you; Mr. Schmidt, any other questions, sir, thank you for your questions. Mr. Schmidt said do you plan on firing any type of cartridges, ammunition, firearms on your property because in your letter you stated that you have a... I believe it was a 13-acre parcel? There are many children that live in the community, he said, and it would be a concern of mine for stray rounds or just explosives or any sort of that thing going off in the neighborhood. Mr. Smith said yeah, sure, good question: as I stated I am not going to be dealing in explosives and the permit I am seeking is for Home Occupation, there is a separate permit for shooting ranges and I am not seeking that permit and I won't be doing it personally. I haven't done it personally since I moved in in 2018 so I don't plan on starting. Chairman LaPerch said thank you, Mr. Schmidt for your questions. Mr. Schmidt said thank you, that was all I had for now. Chairman LaPerch said OK, thank you very much for joining us tonight. OK, anybody else who would like to ask the applicant a question, he said, please raise your hand or show up in the chat room or raise your hand, whatever... Ms. Ley said I am asking Brett to unmute. Chairman LaPerch said who is that; who do we have? Mr. said Hi, this is Brett Tabisel and Kara Zaconi. Chairman LaPerch said welcome. Mr. Tabisel said thank you, we live actually next door to Pete (Schmidt) and his family on Elizabeth Court, very, very close to the residence. He said we are concerned for a few reasons: this is not a 2A issue, we are supporters of 2A so I want to make that clear: this is not a... these are not two people who are saying that people should not own guns but we moved here a year ago and we moved here because it is a residential neighborhood where we wanted to raise our children. He continued: And what is happening now is... you know a business might be moving in that could be bringing suspicious people to the neighborhood, people we don't know who are carrying guns. Mr. Tabisel said knowing that there are that many weapons this close to our family, it doesn't sit right with me as someone who chose Brewster as a place to live and raise our family that the Planning Board would even consider this type of business being OK in our neighborhood. He said there is nothing commercial around us: we don't have a strip mall, we don't have a gas station, this is a residential neighborhood and it should remain a residential neighborhood. One of my other big concerns is in this day and age, he said, when we looked at our house and I am sure many of you have gone through this when you bought a house in the last decade, you Google Map where you are going to move to. You look at what's next to it, you look at various pieces of information and to sell this house in the future when people would potentially look at buying our property, they are going to see what is 200, 300 feet next to us which is a firearms manufacturer and dealer, he said. Mr. Tabisel said the effect on our property value could be extensive, I think, especially with the amount of people that are moving into our area from the city so that really is a concern. How do you know... I guess a question for you: how can you prevent... you can't prevent it, I guess, but how many burglaries happen every year of

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FFL dealers, he asked, is that something that you know? Mr. Smith said I don't know that off hand; I do know that a non-insignificant portion of crime guns, I am sure that everyone understands what that term is, are stolen. They were once legal guns, he said, so if I am able to share my screen maybe I can... bear with me one second here... is this visible to everyone? Someone said not to me. Mr. Smith said I sent this to Victoria (Desidero) but I gave her literally no advance notice; I sent it right before I joined. He said so I am sure that all of my neighbors will be able to see some of this stuff but just to address some of the comments here let me see... OK... so the less desirable people into the neighborhood... I don't think that is an accurate classification of gun owners. In fact, he said, I pointed to a study here that says a specific subset of gun owners who have their concealed weapons permits are actually the statistically the most law abiding people... the study is linked here and I am sure that this pdf will be widely disseminated so forgive me for not having the sources up here. Mr. Smith said another concern that I received... I am pretty sure I probably addressed some of this in my opening statements here but I think there is a little bit of a misconception when it comes to background checks. Nationwide and more specifically in New York State, he said, there is no such thing as a lawful firearm transfer that does not involve a background check and that's the purpose of getting an FFL. He said part of what the FFL allows me to do is conduct these background checks and act as a third party for private firearm transfers and then I think there was like some safe storage undertones I think to your comments... OK so what my wife and I did when we did some research, he continued, because we have three children running around our house, which trumps any ATF regulations, but the ATF has strict guidelines on safe gun storage. He said so when we kind of thought about embarking on this endeavor we wanted to make sure that there was no possible way that these guns would be accessible by our children and accessible to a burglar. My... our business is publicly listed as... as an FFL licensee we are listed in the public data base so it is kind of almost like a treasure map if you will to people looking to steal weapons so what we did was we invested in a Fort Knox safe, which is above and beyond what you can buy in a big box store, it cost \$7,000.00 and it weighs 1500 lbs., it is lagged to your garage floor, it was custom ordered and it had to be delivered by riggers... professional riggers because of the size and weight. He said so we take safe gun storage very, very serious and we also have IoT cameras which are configured to go off on motion and send a message to our phones so you know... The concerns of my neighbors are important to me but nothing is more important than the three kids I have running around here so that is a way higher bar than my neighbors can set for me, he said. Chairman LaPerch said OK, Brett, any further questions? Ms. Zaconi said I am just really trying to wrap my head fully around this: why are you and your wife choosing to start this business? As someone who lost their job during the pandemic, bought a house, was pregnant, she said, you know I took the brunt of I think a really crappy year of Covid and, with that being said, why this and why not something to not be this I guess is my question. She said I would just really like to know the honest truth as to why you are choosing to open up this business from your home. Mr. Smith said yeah, let me see if I can... I kind of understand what you are saying, where you are coming from... He said so, I recently became a gun owner; I did not own a gun before 2020. I've always gone shooting with my Dad, I've grown up around guns, he said, I had a hunter safety course when I was 12 but it is not something that I continued into my adult life and I recently became interested in competitive shooting, three gun competitions and such, and one thing I noticed was that... I think 2020 was kind of a fluke year but the demand for firearms was through the roof and it continues to be through the roof so I think when my wife and I were looking to start a business this just made a lot of sense. There's not a huge appetite for people to start such a business, he said, so you would have a little bit more access to government contracts, you'd have a little bit better of a time because there is not as much competition. He said I think that is kind of what your comment was getting at was maybe it is not the most palatable business to be in, right? Ms. Zaconi said something inaudible. Mr. Tabisel said I have a quick follow up that I think would kind of clarify a little bit: why from your house? Why not go somewhere that is industrial, a commercial space, why bring it into our neighborhood where you

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know every single house around here has children and families, he asked. He said why bring it in this neighborhood and not do it somewhere else where... I have no problem with your business, you know? He said your business seems like a smart move for you but I don't think it has any right being in a residential neighborhood like ours. Mr. Smith said OK, yeah, thanks for that. I mean the Town Code permits Home Occupation, he said, and I think it is a very American endeavor to start a business in your garage and I have a full-time job; my wife has a full-time job: it is raising our children. He said so, we simply don't have the time nor the capital to obtain a commercial space, staff it, maintain it so I think coming out of... we moved out of Brooklyn into Larchmont and we moved out of Larchmont, we settled here so we could get more space. I think that's one of the things I had in mind was like, you know what... I can have a workshop in my garage, I can have tools in my garage, he said. So, I think, you know, that's... I should be able to start a business out of my garage. I mean, if you look at the top 10, 50 companies in America, Apple, Amazon, Google, Hewlett-Packard, Harley-Davidson, they all started in a garage, he said, so, I mean like why not in a garage? Mr. Tabisel said but those businesses build motorcycles, computer chips, it's a very different thing than building firearms and selling firearms, even though you are the intermediary, we still will have people coming to our neighborhood bringing guns and taking guns with them, that is way different than getting a Home Occupation license to sell a candle on Etsy. I hope the Board really, really recognizes this, he said. I have no problem with your business or with you, he said, I have a problem with this moving into our neighborhood affecting our property values and just in general making us feel unsafe. Mr. Tabisel said it's going from a very nice place to live to a concerning place to live, and we shouldn't have to do that... we shouldn't have to go through that. We're taxpayers, we moved to this neighborhood for that reason, and that's why... that's where I'll leave you, he said. Chairman LaPerch said thank you for your comments very much, thank you. Do we have any further questions from anybody that we haven't heard yet? Victoria, I think Don has his... and Santo second. Gwen Whitman said Mr. Chairman? Chairman LaPerch said yes, good evening, your name please? Ms. Whitman said hi, I'm Gwen and this Don; we too live on Elizabeth Court, and I want to echo all the concerns that I've heard tonight tremendously. In looking at the Zoning regulations, it does state that Internet-based sales where no customers visit the premises and all pickup and delivery occur through standardized residential delivery services, she said, so that is not what is in the Town Code or Zoning regulations right now. She said when we bought this house, that is what we thought we were buying is buying a residential area. I have two quick questions and they might have been answered already, but I guess one is: with the mill I believe you had mentioned... and the machine, and I'm wondering how loud that machine is when it is in operation, she said? Mr. Smith said yeah, good question, so depending on the feed, like what the actual tool path is doing, it can be as loud as a little bit louder than a washing machine or a dryer, that's what I would probably equate the noise level to. Ms. Whitman said OK, and... Mr. Smith continued: there might be humming like, yeah, I would say on average about a little louder than a washing machine. Ms. Whitman said and then, in terms of the testing of any kind of guns or anything else that would be manufactured, I didn't get a clear answer, I wasn't really clear on what that was as far as the testing of those items go? Mr. Smith said I'm not going to be doing any testing on the premises, there's actually a separate subsection in, I think it's Article X or whatever... the same area where Home Occupation is, that's a separate permit for a shooting range. He said I'm not seeking to open a shooting range here. Ms. Whitman said I'm not asking about a shooting range, but I'm asking as a customer comes to pick up their item, their gun that they have purchased, will they be testing it on the premises to make sure it operates correctly? Mr. Smith said no, ma'am, nothing like that will be occurring. This gun... I'm not selling any firearms to physical people that come here so there's no need for that person to shoot the gun, he said. I'm not trying to sell them; I'm not trying to have them test drive things. This is a gun they've already purchased, he said, it has nothing to do with me, I'm just background checking them. He said certainly I'm not going to have them fire any weapon on my property. Ms. Whitman said but you'll be transferring that item to them... I guess I'm confused. Mr. Smith said yes, ma'am, yes (inaudible.)

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Ms. Whitman said so they will physically have that transfer on the premises? Mr. Smith said yes, it must occur on my premises, yes. Ms. Whitman said right. Mr. Whitman said if I could ask a follow-up question, just in regards to the business model and your intentions for percentages of what your business will deal in. Using the FFL license, you are allowed to, as you said, transfer guns for a profit that were purchased through another company or online, am I understanding that correct, he said? But then you... you'll also then be manufacturing parts or manufacturing items and hoping to bid for government contracts as well as you can also manufacture for your own customers, is that correct as well from non-government, he asked? Mr. Smith said yes, sir. Mr. Whitman said so, if you had to break it down in terms of where you expect the majority of your business to lie, which area would kind of be the brunt of the business? Mr. Smith said probably government contracts with the second in manufacturing parts for general consumption. Mr. Whitman said OK, and so the FFL transfer of items would be somewhat further on down that list. The manufacturing for individual customers... at that point in time does that become that they are purchasing a fully functional weapon from you, he asked? Mr. Smith said yes, they can, they can purchase parts, yeah, it can be a fully assembled weapon or parts. Mr. Whitman said OK, so through the FFL provision where you are transferring, that's not an actual sale of a gun but you do reserve the right and the ability to actually manufacture, sell, and then transfer a gun that you've produced to a non-government contract, right, on the premises? Mr. Smith said I don't think the Home Occupation permit allows me to sell goods to people and then have the people come and, like pay, and collect those firearms, if that makes sense. Mr. Whitman said so then how would they get the weapons that were being produced? Mr. Smith said Internet sales, Internet sales. Mr. Whitman then asked you would sell it to them via the Internet, where would the transfer occur? Mr. Smith said I would have to ship it to an FFL near them. If it's an out-of-state customer, that must occur, even if I had a storefront for a person to pick up a firearm, like if you're selling it to someone out-of-state, that disposition has to happen in the purchaser's state, he said, and if I... so, let's say someone from New York purchased a weapon from me on my Internet store, I would have to ship it to an FFL near them in order for that to work out. Now, when an FFL transfers a weapon to another FFL, that's a special case, no background check has to happen because that's just between FFL's, Mr. Smith said. Let's say someone in Long Island purchases a weapon from me, I would mail it to some FFL out on Long Island, we exchange licenses, we record that... I record the disposition in my A&D book, he records the acquisition in his A&D book, then the customer that purchased it from me goes to that FFL, they background check the customer and then they receive their weapon, he concluded. Mr. Whitman said thank you. Chairman LaPerch said all right, thank you for your questions. We're going to move on to Cheryl Mahoney. All right, Cheryl Mahoney, I believe you're up next. Cheryl, are you with us? Ms. Desidero said she was un-muted. Chairman LaPerch said she was. Ms. Desidero said she is able to speak. Chairman LaPerch said OK, do you have a question for this applicant? Cheryl? Ms. Ley said you can use the Chat box if your microphone's not working. Chairman LaPerch said Cheryl, you can use the Chat box. All right, let's move on and we can come back to Cheryl if she reappears, and I believe Santo... is Cheryl with us now? Yeah, Santo, I think we got Cheryl on the phone here, if not, we'll move onto you, sir, just bear with us. OK, we still have a technical difficulty here with Cheryl. OK, un-mute Santo please. Ms. Desidero said yes, he's un-muted. Chairman LaPerch said Santo, please name and address for the record please. Mr. Borsellino said yes, thank you, my name is Santo Borsellino, I'm at 5 Welfare Road, literally right across the street from the applicant. Chairman LaPerch said welcome. Mr. Borsellino said thank you. You know, I thank my neighbors for expressing their concerns, he said, I certainly can understand it. My position is simple, I'm not certain there's another form of commerce where business owner, as well as the patron, goes through a higher degree of scrutiny, I'm not certain that especially in this environment where this type of business owner would have to deal with heavier Federal regulations and so in that construct, I'm not so worried, he said. In terms of property values, it's not as if they're opening up a kennel. I don't see a huge amount of traffic coming and my hope, to be honest with you, he said, is that they do a ton of

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business and move onto a commercial site, I'm hoping that they... the applicant is not going to be doing this for a long period of time here and I understand why they're opening up this business. Mr. Borsellino said in terms of the safety of the neighborhood, there's a lot of things that we can consider in the safety of the neighborhood. I'm sure that all of you understand that Welfare Road is now a detour and has become an 'Indy 500' track, that is just as much, if not more dangerous, than anything that's going to happen in this application, and I'm not suggesting that... or lessening the concerns of any of my neighbors because I definitely understand and hear you. I just think that given the fact that there's so much scrutiny that goes into not only the business owner but the application, I'm hoping that that can sort of put everybody at a little bit of ease. He said there's nothing nefarious that's going to be going on. It's just my thought, he said, I'm certainly, you know, am open-minded to a lot of people's concerns and I wouldn't want to silence them, but I'm directly across the street and I don't really have that much of a concern as long as the traffic doesn't start getting too much, in which case, I'm sure the applicant is going to want to move. In terms of the amount of traffic that's going... my question to the Board... the amount of traffic that goes in and out of that area, if you can't police the speed limit, you're not going to be able to police the volume of traffic, he said, so if you offer a, you know, an approval, you know, perhaps there could be some kind of provision where, on a periodic basis, the applicant can check back with the Board or whoever the lead agency is to sort of give an idea of what volume we're dealing with, so that you can sort of monitor, you know, on average... 'it's two cars a day' or 'there's never been more than five cars in a day.' He said if you're getting to the point where there are a lot more... there is a lot more traffic there, good for the applicant in terms of the business they're doing, but also another consideration for the Town to say, 'wait a minute, OK, maybe there's a provision we can put in here where if there is a lot of volume maybe they can move to a...' Chairman LaPerch said there's a fair... that's a fair comment, Santo, thank you. Mr. Borsellino said thank you. Chairman LaPerch said thank you very much. All right, back to Cheryl Mahoney, is she ready to go, is she un-muted? I think you're un-muted now. Can you hear us? We can't hear you. Ms. Mahoney said something but was inaudible. Chairman LaPerch said you got your volume up there, your speaker? Ms. Desidero said the gentleman who's on the screen for Ms. Mahoney, there is a phone number on the agenda that you could use to dial in and put in the passcode and then we would be able to hear you on the phone. Ms. Ley also said or if you just want to type your question, I can read it out loud for the Board and the public. Chairman LaPerch said everyone, sorry for the technical issue there and (inaudible). All right, we have another raised hand, I believe it's Arthur, you're Arthur? Can we un-mute Arthur? Ms. Desidero said yes, he's un-muted. Chairman LaPerch said good evening, your name please for the record? He said yes, Arthur Barnardon, I reside at 10 High Meadow Lane; I'd like to thank the Board for their time here and I'd like to thank Subtract Inc. for going through this lengthy process I know it has to be difficult, he said, however, with that being said, I did have a quick question, in your manufacturing phase for the firearms, I know you had mentioned that the noise level was going to be that of, on average, a washing machine, would this produce any smoke... the manufacturing here? Mr. Smith said no, it shouldn't, just basically if you would like a clearer picture of exactly what's happening, if you do YouTube for C&C Mill, that would give you more information than you'll ever, ever care to have about this process, but yeah basically it just consumes electricity, produces noise and produces metal chips that can be recycled. Mr. Barnardon said so no smoke from this? Mr. Smith said no. Mr. Barnardon said and you had mentioned the noise being at the level of a washing machine, is that by... did you measure that by any decibel systems or is that just an estimate? Mr. Smith said no, and again, I don't have one of these mills quite yet, but if you again do YouTube, I know it's probably going to be a little difficult to gauge how loud a piece of equipment is on a YouTube video, but a lot of the YouTube videos are like how-to videos where they show you how to run your mill and usually the operator is able to speak in... and describe what's going on, the operator's not yelling, it's not... it's not extremely noisy. Mr. Barnardon said something inaudible. Mr. Smith said I'm sorry, go ahead. Mr. Barnardon said, but you don't know if it could get noisier,

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the person could be talking to you while it's relatively quiet, maybe that's the quietest it gets and he's able to speak. He said it could get noisy. Mr. Smith said sure, sure, fair enough, and like I mentioned it depends on what the tool is doing at the moment, so as the tool is progressing through the material, it's going to whine, it's going to hum at different frequencies depending on what it's doing at the moment. He said if the tool is not engaged in the material, it's not really making any noise whatsoever, it's...yeah, it... I cannot see it being louder than like, for instance, a table saw, which is... I have a table saw in the garage now which I run and it's certainly not going to be louder than that. Mr. Bernardon said do you know for a fact that it doesn't produce smoke or is that just a guess on your part? Mr. Smith said I know for a fact it does not produce smoke. Mr. Bernardon said all right, and you had mentioned earlier that you had spoke... you had seen a similar company, an FFL licensed and that that person was doing business similar to yours, correct? Mr. Smith said yes. Mr. Bernardon said and they had a storefront, right? Mr. Smith said correct. Mr. Bernardon said OK, why not a storefront too? Mr. Smith said I'm not permitted to have anything like that at my residence, and as I mentioned before, I have a full-time job, my wife has a full-time job, and it just wouldn't be practical to kind of like acquire and maintain and staff a commercial space. Mr. Bernardon said I understand, so thank you for answering the questions. I would just like to address the Board very briefly. Obviously, concerned residents of Southeast had sent out a letter that had given us the Code... Zoning regulations. I went through that myself. The pertinent subsections, obviously, are Code and Zoning regulation section 138-56.2, which I'm sure the Board is very familiar with, which permits obviously lawyers, physicians, dentists, a number of other people and professions, but, however, with Internet-based sales where no customer will visit the premise and all pickups and delivery occur through standard residential delivery services, we've heard here that while the orders are made online, the individuals would have to literally go to the residence to pick up the goods and that would be in complete dichotomy with the subsection here of 138-56.2. Further, I would also argue that under section 138-56.2 subsection 6, any manufacturing has to be well within not to emit any noise, vibration, smoke, dust, odors, heat or glare, he said. Obviously, there's going to be noise here that can be heard, a table saw is relatively loud, he said. Mr. Barnardon concluded: for those reasons, I would ask that the Board here deny the application, but I would like to thank Subtract, Inc. for going through this process and I wish you the best of luck, sir, thank you. Chairman LaPerch said thank you, Arthur. Mr. Smith interjected: if I could just clarify one of those points: I would not be selling goods directly to people who visit the premises, I would be providing a service, which is doing the background check and facilitating private party transfers. He said so if a person were to purchase an item from my online store, they would not be allowed to come here to pick it up. I would have to either, if it's a firearm, send it to an FFL near them even if it's in New York or just ship it to their house if it's a non-regulated item, he said,. Mr. Bernardon said and my argument obviously is they would be *de facto* the same thing, it's just a separate step: I don't think it skirts across the regulation here. Thank you for letting me speak again, he said. Chairman LaPerch said thank you. Is Ms. Cheryl Mahoney still with us or looking to speak not on video but on a phone? Ms. Ley said they sent me a chat so let me read it out loud, OK. Ms. Ley said: *'My concerns are having...'* this is from Cheryl Mahoney: *'My concerns are having this type of business in a residential neighborhood similar to Mr. Tabisel's comments. This type of business should be in a commercial zoned property. Secondly, my concern is also with the challenged youth at Green Chimneys School, which is less than a half a mile from this location. I am not against small businesses or having residents owning guns, but I don't believe this type of business should be in a residential neighborhood. The Board should not approve this application. Thank you for your time,'* and that was from Cheryl Mahoney. Chairman LaPerch said OK, I have Mr. Schmidt, you have another question, sir? Mr. Schmidt said yes, I do. Just to touch on my neighbor at High Meadow, with the... there's been a lot of questions on the C&C milling portion of it, with that I know he had mentioned the bare aluminum, and I don't know if people are aware you... a finished product wouldn't be sold in bare aluminum. He's going to have to have some kind of process on premise to

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coat these parts, whether he, you know, he's painting them or coating them with a product called Seracoat, there's going to be, you know, chemicals involved in that also which would be going on at the premise, he said, correct me if I'm wrong, sir. Mr. Smith said I have no plans to Seracoat or anodize or anything like that. Mr. Schmidt said so you're selling bare aluminum parts, unfinished? Mr. Smith said there's a Seracoat place in Highland that I'm working with, so if I wanted to Seracoat them, I'd use them. Mr. Schmidt said OK, and then I just had a quick question for the Board, if you don't mind? Chairman LaPerch said sure. Mr. Schmidt said was the applicant forthcoming with what type of FFL he was applying for and, you know, what exactly that entailed or was it just, you know, kind of what everyone was at first... going with, you know, the sale and transfer of firearms? Chairman LaPerch said well, it's a good question, that's why we're having a Public Hearing to get all the facts out so we can make an informed decision. Mr. Schmidt said OK. Chairman LaPerch said that's a good point, but great questions, thanks again for your comments. Do I see anybody else at this point? Hi, an old friend down below there, hey, Rich. Victoria? Ms. Desidero asked who am I looking for? Mr. Feuerman said Ricky Feuerman. Chairman LaPerch said Ricky... Mr. Feuerman said can you hear me? Chairman LaPerch said yes, welcome, Rick. Mr. Feuerman said how you doing? Chairman LaPerch said doing well. Mr. Feuerman said good to see you. My question, all right, first of all, obviously this is a well thought out plan to start a business in a residential block and it's not only this block that I'm talking about or this neighborhood, he said, it's any neighborhood that has a business come on the scenes, not expecting it to come on. He said I have a couple of questions: Obviously, how long have you been living in this premises? Mr. Smith said two years. Mr. Feuerman said two years and obviously this is a well thought plan, moving here and doing this. He said do you expect to have any employees help you as this business gets bigger? Mr. Smith said not at the time. I understand I'm permitted one extra employee but I don't have any plans to have an employee, he said. Mr. Feuerman said what I'd like to say is like any resident... and we did send out the letters to people to make them aware of what was happening... is in the spirit of the Code or the permit, I don't think anything like this was ever thought of in having a home business and I don't think it belongs in a residential neighborhood. He said I think the fears are warranted, I think it has to be thought out and obviously, you've thought this out for a long time and you're very well-versed in what you're going to do and what you're going to handle but, it does affect everybody, not only the people in this residential area but in the whole Town of Southeast because if it can happen there, it can happen any other place in the community and I believe it's wrong. Mr. Feuerman said I don't believe your business is wrong, I believe the place you're going to start your business is wrong and I think it's wrong for the residents on the block and I think it's wrong for the residents in the whole community and I don't believe it should be OKayed by the Planning Board. Chairman LaPerch said thank you, Rick, thank you for your comments. Mr. Smith said if I could just respond: So, there's six other FFLs in Brewster; I mean this thing happens with some regularity. Brewster is still on the map, he said, nothing... nothing catastrophic is going to happen, and then in terms of spirit of the law versus letter of the law, this is a sound bite I've been hearing going through this process. Mr. Smith said in the Town Code there is actually a paragraph that calls out specific types of businesses, such as tattoo parlors, games of chance and what have you, I think if it were the spirit of the framers of this regulation, they would've included 'firearms business,' don't you think? Mr. Feuerman said no. Mr. Smith said they enumerate specific businesses that they don't want and firearms manufacturers and firearms... FFLs are not listed, so I would respectfully disagree with those comments that this goes against the spirit of the law. Chairman LaPerch said all right, well, thank you, Rick. All right, do I have any other public comments at this time? Mr. Lord? Un-mute yourself, John. Town Councilman John Lord said hi, I had a couple of questions: How many firearms will your safe be able to hold? Mr. Schmidt said 62 but usually safe manufacturers inflate that number so I would expect to be somewhere below 62. Mr. Lord said OK, and you mentioned that you hoped the majority of your business... you hoped to be from government contracts and you mentioned, I guess the Engraving department, 300 firearms is what you mentioned. Mr. Smith said yes, sir. Mr. Lord

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said if you were to win that contract, you said that some government contracts don't require other processing, you expected to be able to... that that some of those things might be able to be picked up from your residence... your location, so is that... is that your plan and would you have a contract that would have that many firearms delivered to your residence and turned around and sent or delivered to the Department of Engraving? Mr. Smith said yeah that particular contract was for like 300 Sig P-320 pistols which probably would've fit in the safe since a handgun is very small. I wouldn't compromise the safe storage of firearms simply because I have a 6-year-old, he said, he gets into everything and takes things apart, he knows how to operate things I never would have assumed he'd know how to operate, figures it out on his own. So, I would never put myself in a position where there would be unsecured firearms anywhere in my home, even in my garage, even for a brief moment of time, he said, but yeah, like, government contracts, you can drop ship some of them if they allow for that. Mr. Lord said OK, so if you are really successful and you got a few contracts, you could have an excess of the capacity of your safe on your premises. Mr. Smith said yeah, so I wouldn't, like I said, I wouldn't bid on a contract that would require me to do that. If I came across such a contract I would make other arrangements, he said, I wouldn't bring firearms here that I knew I could not secure. Mr. Lord said and you mentioned six other FFL's in Brewster? Mr. Smith said yes, sir. Mr. Lord said are they engaged in the kind of activity that you're doing or is it different? Mr. Smith said I'm not exactly sure. If you... there's public FFL registries and if you look in there for Brewster, you can see them. I'm listed so there's seven including me, he said. Another one is gentleman who has a storefront, I've taken firearm training with him, Mr. Smith said, he's a good guy. It's right under the Route 84 overpass, I'm sure most people know what I'm talking about, he said. Then there's another business on Route 312, but I think the other ones... I'm not exactly sure where the other ones are, they could be home-based FFLs, he added. Mr. Lord said thanks, my last question for the Board, this is a Conditional Use Permit? This is something that would be voted on and approved by the Planning Board, yes, he asked? Ms. Ley said he has applied for a Conditional Use Permit which is reviewed by the Planning Board. Mr. Lord said OK. Chairman LaPerch said the answer's yes, John. Mr. Lord said thank you, thank you very much. Chairman LaPerch said thank you for your questions, any other questions at this time? Ms. Desidero said Tom, there's a question in the chat. Chairman LaPerch said OK, do I see it... I don't see it. Ms. Desidero read the chat question: 'How many FFL 10s are there in Brewster?' from Brett and Kara. Chairman LaPerch said I believe that was... Mr. Smith said zero... zero... there is a Type 10 in New Fairfield, CT, which is 11 miles away from here and that's who I contacted earlier, DJS Firearms, I contacted that business to get a sense of how many transfers they facilitate. Now, a transfer is not DJS Firearms selling the firearm, he said, I asked how many transfers he facilitates like someone buying a gun on the Internet where two people coming wishing to sell each other a gun or buy a gun from a person. Chairman LaPerch said thank you, any other questions? He said OK, here's my thoughts: I think this is a topic that needs to be continued; There's a lot of things I heard tonight that I didn't hear previously that I need to get my arms around and my head around honestly. There's some fantastic questions by your neighbors and the public, he said, so unless I see or hear from my Board, I'd like to continue this to June 28th so we understand exactly what's going on here. I don't think we should close this Public Hearing at all, Chairman LaPerch concluded. The motion to continue the Public Hearing until June 28, 2021 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

REGULAR SESSION:

- 1. BILL HENRY TREE SERVICE, 47 Prospect Hill Road, Tax Map ID 56.15-1-6** – This was a Continued Review of an Application for Site Plan Amendment. Bill Henry appeared before the Board. Chairman LaPerch said would you bring up the revised architectural drawings and I would like to have (Boardmember) David (Rush) comment first please. He asked Mr. Henry to explain what he changed which he did. Boardmember Rush said I appreciate that Mr. Henry; I think it

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improves it and I will say just to my eye your south elevation is not centered but your north one is. Mr. Henry said yeah, the south has a wider door to make the turn for the parking lot. Boardmember Rush said OK and that is the side to the back and you don't see that. He said correct. Boardmember Eckardt said thank you for listening to the Board: I think it looks much nicer. She said what are the measurements on the windows? He said they are 4 ft. by 31/2. They discussed that the larger the windows the better. The Board left it up to Mr. Henry to decide if he wants larger windows. The motion to Grant Amended Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 7 to 0.

2. **1041 Brewster Business, 1 Starr Ridge Road, Tax Map ID 68.-2-2** – This was an Architectural Review of an Application for Changes to an Approved Comprehensive Sign Program. Kaitlyn O'Connor of Frohling Sign Company appeared before the Board. Chairman LaPerch said Ashley (Ley) can you walk us through this because it is the first we are going to be dealing with. Ms. Ley explained what a Comprehensive Sign Program (CSP) is and said this property had one approved a few years ago and they have a new tenant that wants to come in and they want to do something different than what was originally approved so they have to amend the CSP to be able to allow that kind of sign to go forward. Chairman LaPerch said which we all got copies of? She said yes. Ms. Desidero said Mr. Chairman Kaitlyn O'Connor is on representing this application and the next one. Chairman LaPerch said Good evening; let's see if we have any questions for you. Boardmember Rush said I reviewed the application and I didn't see anything that jumped off the page at me; Ashley (Ley) as long as they are in compliance with the Codes currently are... Ms. Ley said it is compliant with the Code; I think either Kaitlyn or I can bring up the plan just to see what the change was. Ms. O'Connor said I can bring it up which she did. She showed the revised plan and pointed out the changes that are proposed to the wall signs and monument sign tenant panels. Chairman LaPerch polled the Board. Boardmember Eckardt said I love the original designs and now I think it is going to be hodge podge lodge. I know it is getting late and I know I am probably the only one who feels this way, she said, so I am not particularly happy with the changes and also, I believe on the new monument sign the new Sherwin Williams will go the entire way across, is that right? Ms. O'Connor said that is correct. Boardmember Rush said it would be helpful, to Lynne's comment, in this case to see the previous approved plan next to it. Ms. Ley said the image that is on the screen right now is the approved image and then showed it with the Sherwin Williams signs. Boardmembers Rush and Eckardt and Ms. Ley discussed the differences in detail and Boardmember Eckardt expressed her opinion that it is no longer comprehensive and Boardmember Rush said we are a brand-oriented society. Chairman LaPerch continued to poll the Board noting that Boardmember Hecht had to leave the meeting. Boardmember Cyprus said the logos also can't be higher than 15 inches? Ms. O'Connor said correct. The motion to Grant Architectural Approval of the Revised Comprehensive Sign Program was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 5 to 1 to 1 with Boardmember Eckardt voting no and Boardmember Hecht absent.
3. **SHERWIN WILLIAMS, 1 Starr Ridge Road, Tax Map ID 68.-2-2** – This was an Architectural Review of an Application for a Sign Program. Kaitlyn O'Connor of Frohling Sign Company appeared before the Board. Ms. O'Connor showed the Sherwin Williams signs on the screen and described each in detail. Chairman LaPerch said Mr. Rush? Boardmember Rush said I know we have asked this before but the brightness of these signs, there is no regulation on that Ashley (Ley)? Ms. Ley said no, there is not, and this sign is already in place; they are not changing the light, just adding the sign. Boardmember Cyprus said do you see other tenants having different color backgrounds? I don't really mind the crossing the two that much but a bunch of different backgrounds seems a little funny. Boardmember suggested blue letters on white background like the

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wall sign. They discussed this option. Boardmember Eckardt said that would look a lot better. They asked Ms. O'Connor if she had authority to agree to that and she said she thought her client would agree to that. The motion to Grant Architectural Approval of the Sign Program with the condition that the monument sign be blue letters on a white background was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 5 to 1 to 1 with Boardmember Eckardt voting no and Boardmember Hecht absent.

4. **NYSMSA d/b/a VERIZON, 300-310 Route 22, Tax Map ID 78.-1-21** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit. Attorney Michael Sheridan of Snyder & Snyder appeared before the Board. Chairman LaPerch said where is this actually located? The Board discussed this is the one they can never recall: it is south of Jaipore. Mr. Sheridan this time it is just the RRHs which are the boxes on the antenna mounts and they are replacing six of them, roughly the same size and actually slightly smaller. Chairman LaPerch polled the Board for questions. Boardmember Pangis asked what is changing about the service. Mr. Sheridan said it is just the antenna mounts that are shown shaded and you are really not going to be able to tell the difference. He gave the dimensions of the existing boxes and the new ones. Boardmember King said RRH stands for Remote Radio Head. Chairman LaPerch thanked him. The motion to Grant Exemption from Site Plan and Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent.
5. **BREWSTER FORD, 1024 Route 22, Tax Map ID 68.5-2-35** –This was a review of a Request for Release of a Performance Bond and Establishment of a Maintenance Bond. Jamie LoGiudice of Insite Engineering represented her client. Chairman LaPerch said we have an administrative issue here. The motion to Recommend Release of the Performance Bond and Establishment of Maintenance Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cypris and passed all in favor.
6. **SALSA FRESCA, 1577 Route 22, Tax Map ID 46.-1-16.-1** – This was a Review of an Application for Re-Approval of a Previously Approved Site Plan with No Changes. Seth Hirschel appeared before the Board. Chairman LaPerch said this is a situation where he is coming back for re-approval; he got jammed up by the DOT (Department of Transportation), unfairly in my opinion. And during that battle the site plan lapsed, he said, and how he has made peace with the DOT and we are looking to re-instate your approvals. He said there have been no changes to your site plan since the last approval, correct? Mr. Hirschel said right and the only thing I would add to that is Covid was also a factor; we probably got delayed by a year and when we got back out the DOT was part of the reason for delay. He said so we are back and they gave us conceptual approval and we are pursuing the project with the Board's permission. Chairman LaPerch said we are glad you are back. He polled the Board for questions. Boardmember Eckardt said just a quick question: how tall are the walls separating outside dining from (Route) 22 and what are they made of? Mr. Hirschel said it is a good question; the wall is designed to a DOT standard and it is not too high so it doesn't impact the sight lines. He said I can't tell you the exact height but I can tell you there was conversation between the DOT and our architect and they agreed on the height. Boardmember Cypris asked if the 100-seat limit is being added. Ms. Ley said that was in the original approval. Boardmember Rush asked about the issue with the neighbors discussed originally and whether that has been addressed. Ms. Ley said the comments from the previous application were about the area between the two properties and what was ultimately approved was agreed to by the neighbor. They discussed the process of re-approval. The motion to Grant Re-approval of Site Plan with no changes was introduced by Chairman LaPerch, seconded by Boardmember Pangis and passed by a roll call vote of 6 to 0 with 1 absent.

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7. **LBB SUBDIVISION, 8-15 Centennial Lane, Tax Map ID 44.-1-1** – Review of an Application for Subdivision. Larry Boudreau of The Chazen Companies appeared before the Board. Mr. Boudreau shared his screen and presented the subdivision proposal for creating a parcel and build a three-bedroom house with an accessory apartment. He said I thought the Conditional Use Permit was from the Planning Board for the Accessory Apartment but it seems that is not the case so it may just become a four-bedroom house. He said the driveway would be on the north end of Root Avenue and we checked the sight distance on John Simpson Road and I was a little uncomfortable with it so we went with Root Avenue. We did the testing, he said, everything is perking; it works and the well will be located here. He showed the Centennial Irrigation Well nearby. He said the total disturbance is 0.6 acres so I am understanding that would make it a minor subdivision. He talked about the changes he will make for the next submission based on comments received from the Town consultants. Chairman LaPerch said I just want to take it back to a comment you made earlier and Ashley (Ley) can correct me if I am wrong but can't we review the accessory apartment simultaneous? Ms. Ley said yes, so the issue was the application said they were requesting some waivers from Sections 138-22 and 138-56.1 regarding the accessory apartment which is the performance criteria for the Conditional Use Permit. The application needs to be updated to include what specifically you are seeking and then the Planning Board can't grant waivers of those criteria, she said, they would have to refer you to the Zoning Board of Appeals. Mr. Boudreau said we don't need any waivers; that was a mistake. What I meant to put was a conditional use, he said. Ms. Ley said OK, so you just need to provide the details on the accessory apartment to show that you are compliant with all of the Conditional Use Permit criteria. He said OK and that is a Planning Board action and she said yes. Chairman LaPerch said this has no impact on the golf course side and Mr. Boudreau said correct. He polled the Board for questions. Boardmember Eckardt said I was reading through Ashley's (Ley's) comments and I think we addressed the inconsistencies to clear up so that is what I would like to see. Boardmember Rush said I am glad you relocated that driveway. Years ago, he said, there was something about that traffic on Root Avenue and I don't know how that is affecting your design and I am hoping that our Highway Superintendent is involved in all of that part; is that correct? Chairman LaPerch said yes, (Highway Superintendent) Mike Burdick is involved in comments for the curb cut. Boardmember Rush said I know it is a tricky access and I couldn't remember which way the traffic went but I just wanted to be sure we got that right. The motion to Declare Intent to be Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the Application to Putnam County Planning under GML-239n was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.
8. **DUNMORE INTERNATIONAL CORP., 3633 Danbury Road, Tax Map ID 68.-2-56** – Review of an Application for Site Plan Amendment and Wetland Permit. Jamie LoGiudice of Insite Engineering and Eric Patton of Dunmore International Corp. appeared before the Board. Ms. LoGiudice shared her screen and explained the location, driveway coming off of Route 6, and this application is an amendment to install new oxidizer unit next to the existing oxidizer unit. Once the new unit is installed and fully functional, she said, the old unit will be de-commissioned and removed. She said the concrete pad that is existing will be utilized as outside storage for various empty drums that will be utilized for various materials. Ms. LoGiudice said chemicals and such are stored inside the building and only empty drums will be on this pad here. She said we are proposing some White Spruce to mitigate for any views that would be from 84. She explained that in the 2008 approval there were variances for building coverage, lot coverage and open space and as part of providing new impervious cover we will be mitigating for that and removing impervious cover and showed this on the site plan. Ms. LoGiudice showed a sample of the oxidizer unit and Mr. Patton

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described the color of gray it will be and said you are not really going to be able to see it. Ms. LoGiudice showed the views from I-84, showing existing vegetation and proposed screening. She asked if this could be categorized as a minor application and said it is a Type II Action under SEQRA. Ms. Ley said I agree that it is a Type II Action and can be classified as a Minor Project so it would be at the discretion of the Board to set or waive a Public Hearing. Chairman LaPerch said my only questions were about the screening and you answered those. He polled the Board. Boardmember Pangis said the concrete pad when the old oxidizer is removed, you said that will be used for storage; will that remain open air or will there be a structure over that bed. Mr. Patton said it is to remain open air; the existing oxidizer doesn't take up the entire concrete pad and if you did notice on the picture we do have some drum storage there now. He said they are brand new, empty drums that would be stored there until they are brought in for use and then handled as hazardous waste in our usual process. Boardmember Eckardt asked how tall is the oxidizer? Mr. Patton said the tallest point is going to be the stack and it is the exact same height as you see there at 30 ft. She said I think there is a lot of this you see on the off-ramp and can you show us the view from the off ramp? Ms. LoGiudice used the visuals to explain that view further. Boardmember Eckardt asked to see where the White Pines are going and they discussed these views and the screening in detail. Boardmember Cyprus asked where the trees will be on the picture with the oxidizer and fence and she showed it and explained where the trees will be relative to the chain link fence. Boardmember Rush asked about any need for flammability concern and access for fire trucks. Ms. LoGiudice said I think we do have the access for the fire... which I can show you on the site plan, which she did. Mr. Patton said the piece of equipment is essentially a steel box and explained how it works to clean air before it is released back into the atmosphere. They talked about this being a replacement unit. Boardmember Eckardt asked about the photo with the barrels and asked if they can address the erosion showing in the photo and Ms. LoGiudice said that will be finessed as part of the project. Chairman LaPerch asked about the waivers and Ms. Ley said they requested these because it is a minor project and I am comfortable with them. He asked if anyone feels the need for a Public Hearing. Boardmember Eckardt asked if it is near anything residential and he said no, both sides are commercial. The motion to Classify this as a Type II Action under SEQRA and a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Grant the Requested Waivers was introduced by Chairman LaPerch, seconded by Boardmember Pangis and passed all in favor. The motion to Refer the Application to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Eckardt 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.

9. **SOUTHEAST ANIMAL HOSPITAL, 1535 Route 22, Tax Map ID 46.-1-2** – Review of an Application for a Conditional Use Permit. Dr. Justin Nowowiejski appeared before the Board. Chairman LaPerch said I believe that is behind the ACME or adjacent to the ACME property, correct? Ms. Ley said yes, it is that house that came in as ACU LED a few years ago. Chairman LaPerch said OK, so Doc, you are looking to move your business into there, correct? Dr. Nowowiejski said correct. He asked for the site plan which Ms. Ley pulled up on the screen. Chairman LaPerch asked if it is a Veterinary Clinic or a Hospital and Dr. Nowowiejski said it is a hospital. He asked how many employees and he said initially there will be five including... Chairman LaPerch said are you going to be a 24/7 operation and he said no. He asked about outside kennels, overnight stays? Dr. Nowowiejski said the only thing that will be staying overnight is hospital boarding indoors. He polled the Board for questions. Boardmember Cyprus said just to confirm no exterior changes, correct? Dr. Nowowiejski said no exterior changes, no. The motion to Classify this as a Type II Action under SEQRA and a Town of Southeast Minor Project was

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introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the Application to Putnam County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. The motion to Set the Public Hearing for July 12, 2021 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

The motion to approve the Meeting Minutes of May 24, 2021 as written was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

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

June 25, 2021/VAD/ JC

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