

**TOWN OF SOUTHEAST  
PLANNING BOARD / ARB MINUTES  
August 9, 2021**

Present: Chairman Thomas LaPerch; Boardmembers Eric Cyprus; Mike Hecht; Jim King; Lynne Eckardt; and George Pangis; Town Attorney Willis Stephens; Town Planner Ashley Ley; Absent & Excused: Vice Chairman David Rush; Secretary Victoria Desidero

**Pledge of Allegiance**

**REGULAR SESSION:**

1. **TOWN PARK, 140 Pumphouse Road, Tax Map ID 56.27-1-3** – This was a courtesy presentation by Town of Southeast Supervisor Tony Hay to inform the Planning Board about changes being made to a structure owned by the Town.
2. **OUR LADY QUEEN OF PEACE HOUSE OF PRAYER, 31 North Mt. Ebo Road, Tax Map ID 46.-5-3** – This was a continued architectural review of an application for a wall sign. Chairman LaPerch asked if anyone was present and no one was. He said Ashley (Ley) said she has no issues with the new sign. He polled the Board for questions. Boardmember Eckardt said I thought this was a really big improvement and I really appreciate them taking the Board's suggestions. The motion to grant architectural approval of the wall sign without conditions was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 6 to 0 with 1 absent.
3. **PROSWING / BREWSTER YARDS, 160 & 132 Pugsley Road, Tax Map ID 45.-1-10 & 11** – This was a Sketch Review of a Site Plan, Subdivision and Wetland Permit. Attorney Richard O'Rourke of Keane & Beane, Kathleen Gallagher of Insite Engineering and Fred Wells of KG&D Architects appeared before the Board. Mr. O'Rourke gave an overview of the proposal and explained legislation that was adopted to allow this to be developed since it is owned by the Town of Southeast. Chairman LaPerch said do they own the property now? Mr. O'Rourke said the property is still owned by the Town and they discussed that it is a land swap agreement. Mr. O'Rourke described the other property on Starr Ridge Road and the actions that led up to the decision to approach the Town with a proposal for the land swap. He described the differences between the two properties in detail. He talked about all the work that has been done to prepare the proposal for the ProSwing/Brewster Yards development. Mr. O'Rourke gave the Board an overview of what is proposed to be on the property for this use. He talked about the support they have received from parents in the area as well as legislators and other community organizations. Owner Dan Gray said his plan to create the destination location for youth softball and baseball in the northeast with this facility and talked about his history in the Town prior to his major league baseball career. Ms. Gallagher gave the location of the project, talked about the Northeast Interstate Logistics project (Commercial Campus at Fields Corner), that was recently approved, as the neighbor to this property, described the other neighboring properties. She gave details of all the elements of the site plan using the plans, including the location of the wetlands and the topography. Ms. Gallagher used the plans to show the location of all of the structures and fields being proposed on the site, the entrance, the parking areas, stormwater management elements, a standalone water supply and standalone septic system. Mr. Wells was introduced and shared the architectural renderings with the Board and described the buildings and other structures in detail. Chairman LaPerch thanked the applicant for their presentations and said this is a pretty exciting project. He asked Mr. O'Rourke again about the ownership and said you went ahead and spent money on a property you don't own? Mr. O'Rourke said we have a contract and explained that the Town Board authorized the execution of a contract so we have standing. Chairman LaPerch polled the Board for questions. Boardmember Pangis asked if this will be available to the regular Brewster Little League baseball and softball teams for their seasons. Mr. Gray said yes, it will; I spoke to Richie Anderson who is the president of the Brewster Little League and we are going to work hand in hand and he explained how they will work together.

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Boardmember Pangis said I am concerned with just the regular season games... there will be regular season games on those fields? Mr. Gray said absolutely. He asked is the intention to use those fields instead of our current fields? Chairman LaPerch said what is the question? They discussed the pros and cons of using existing Town fields versus using the new fields. Boardmember Pangis asked about the wetlands and the field drainage. Ms. Gallagher explained that you are able to play on the fields after a large storm because the water is able to infiltrate through synthetic turf and the systems under that. He asked if all the fields will be lit for night games and practices and Mr. Gray said yes. He asked about parking and Ms. Gallagher said we are required to have 336 parking spaces and we are showing 449 on our drawings. He asked about the restrooms and Mr. Wells explained where the restrooms are. Boardmember Eckardt said I assume no test wells have been drilled yet? Ms. Gallagher said correct. She said I have concerns about that because the Putnam County property... because that has been used as a dump for years... Ms. Gallagher said we are showing a potential well location here and a second potential location here and it is subject to the standard testing requirements. Boardmember Eckardt said is there about four acres of wetland disturbance? Ms. Gallagher replied that she doesn't have that number off the top of her head but (inaudible). Boardmember Eckardt said we can get into that later but I am concerned about the wetlands. She said is this open to girls and boys and they all said yes. She asked about the views from surrounding roads and Ms. Gallagher said we have not done those studies yet. Boardmember Eckardt said I would love to see visuals and am concerned about how much we will see of Commercial Campus at Fields Corner. Mr. O'Rourke pointed out the parcel the Town will continue to own, which is the ridgeline and it will block a lot of the views, he said. She asked about lighting in terms of brightness and how late the lights will be on. Mr. Gray said usually games end at about 10 o'clock and the lights at this point are pinpoint. They discussed the improvements that have been made in lighting over time and Ms. Gallagher offered to provide pictures of how they will look. Boardmember King said there is no housing for teams or anything? Mr. Gray said no they are like weekend tournaments not week-long tournaments. Boardmember Hecht said the way to get in from 312 is Zimmer Road or... Mr. O'Rourke said from 312 it would be off Pugsley. Boardmember Hecht said the other thing is: when they do the land swap is there any plans to use the other land? Mr. O'Rourke said the land swap will provide the Town with the acreage on Starr Ridge and that it is to remain as open space and the Town will probably do some walking paths and things like that. Boardmember Cyprus said that one aerial view seems to show some bleachers; how high are they? Mr. Gray said the bleachers are very small; they don't go higher than five to six feet in the air. He asked so how many people do you expect to be watching them play? Mr. Gray said roughly it is between 15 and 25 per team. He asked how tall are the light poles that light the fields? Ms. Gallagher said I don't have that number off the top of my head but that is something we can find out for you. She talked about the balance between the height of the fixtures and the number of fixtures. Chairman LaPerch asked Ms. Ley to give the Board an overview of the next steps. Ms. Ley said they will likely be preparing an Environmental Impact Statement so this is a Type I Action and the Board will declare its intent to be lead agency under SEQRA. She explained the next steps and the process for review of a Type I Action and the timeline. Boardmember Eckardt asked how people will cross Zimmer Road and Mr. O'Rourke said we are going to have to address that issue. They discussed this briefly. Chairman LaPerch said my concern is the traffic issue but this is mostly used on weekends or... They discussed that it may be slower during the week and the tournaments would be on Saturdays or Sundays. The motion to Declare Intent to be Lead Agency and Classify this as a Major Project and Major Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the application to Putnam County Planning under GML-239m and n was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. The motion to Refer the application to the Town of Patterson was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

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- 4. LBB SUBDIVISION, 8-15 Centennial Lane, Tax Map ID 44.-1-1** – This was a Continued Review of an Application for Subdivision and Conditional Use Permit. Larry Boudreau appeared before the Board. Chairman LaPerch said tell us what you have tonight. Mr. Boudreau explained his roles as a limited partner at Centennial Golf Course and an engineer at The Chazen Companies. He said I am here to carve out a parcel for my wife and I and explained what he has done thus far with the application and that he addressed the consultant comments. Chairman LaPerch polled the Board for questions and there were none. The motion to Declare Lead Agency under SEQRA 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 Classify this as a Minor Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Set a Public Hearing for September 13, 2021 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Boudreau asked some process questions and Ms. Ley answered them.
- 5. ALLVIEW AVENUE aka MAZZOTTA SUBDIVISION, 212 Allview Avenue, Tax Map ID 67.16-1-6.1**– This was a Review of an Application for Final Subdivision Approval. Peder Scott of PW Scott Engineering appeared before the Board. Chairman LaPerch said how long does this go back and they discussed it has been a long time. Mr. Scott gave an overview of the five-lot subdivision that was approved in 1991 and said the clients decided to eliminate the private road and use frontage lots only. He said then we had to go the DEP (Department of Environmental Protection) and Health Department and re-do all the wells and septic fields completely which took a lot of time. He used the plans to show where the septic systems and wells will be. Chairman LaPerch polled the Board for questions. Boardmember Eckardt said so there is only one new building lot? Mr. Scott said yes. The motion to Grant Final Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 6 to 0 with 1 absent.
- 6. LOCAL LAW RECOMMENDATION RE: SIGN CODE** – This item was on the agenda to consider a Local Law Recommendation to the Town Board. Chairman LaPerch asked Ms. Ley to take the Board through the next two items on the agenda. Ms. Ley explained the changes to the Town Code regarding the Sign Code saying the yellow sections are the parts that (Town Attorney) Will (Stephens) is updating separately. She explained the changes to the Code saying they condense it, make it more consistent with recent Court decisions in that everything needs to be content neutral and it simplifies some of the procedural steps. Chairman LaPerch polled the Board for questions. Boardmember Eckardt said so is this being done piecemeal; I am just a little concerned that we are approving something but that... I am not clear on how we are... Chairman LaPerch said other than Will's piece? She said yes. Mr. Stephens said well, I think one of the biggest problems with the temporary sign portion is the legal decision that has been rendered against the Town that takes issue with a lot of the definitions; it has nothing to do really with the provisions of the temporary Sign Code. He said we have definitions that sort of expand on what temporary signs are and what the Court ruled is that those definitions create content restriction and trying to modify the Code so that... for instance they singled out use of real estate brokerage signs as being... because we treated them differently... then it was a content based (inaudible) which is constitutionally defective. Mr. Stephens said that's what I have been struggling with on my end; it really doesn't change the provisions of temporary signs; we need to change the definitions. Boardmember Eckardt said I understand all that and I know, because we worked on this, how difficult it is but my concern is can we break this up into two pieces... or should this all be done together? Mr. Stephens said I think in a perfect world I'd like to be able to come up with a concept to put it all together at one time; it hasn't flowed that way. Boardmember Cyprus said just to elaborate on that question; so we would recommend just changing the regular Sign Code to the Town Board, they potentially update the Sign

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Code and then when Will (Stephens) is ready we update the... Chairman LaPerch said that is my understanding of what we are doing... Ms. Ley said I mean I left... (Multiple people talking.) Mr. Stephens said what Ashley (Ley) has done is work on the restrictions related to commercial signs where people come in and make application for a Sign Permit. Temporary signs are not signs that require permits, he said, and we are allowed to regulate them as to time, place and manner. Chairman LaPerch said so let's get this part done and the other part will follow. Boardmember Cyprus said it seems like they are separate enough... (Multiple people talking.) Boardmember Eckardt said I am really uncomfortable with breaking them up but I understand your point so I will be voting no but I don't think it is a problem... Chairman LaPerch said that's a fair comment. There were no other questions from the Board. The motion to Recommend the Local Law changes regarding the Sign Code to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Pangis and passed by a vote of 5 to 1 with 1 absent and Boardmember Eckardt voting no.

7. **LOCAL LAW RECOMMENDATION RE: NOISE CODE** – Ms. Ley explained the changes to the Noise Code saying we've had a lot of complaints throughout the Town on base noise; it's not something that is picked up by the current noise meters but yet its quite annoying to the people who are nearby. So, this Code does a couple of things, she said, and the other problem we've had is some of the noise is being generated after hours when the Code Enforcement Officers are not available and the Putnam County Sheriffs were unable to enforce the Noise Code because they don't carry noise meters. She said we've done two things: we've added a way to measure base noise so that is enforceable; and we added a new description of 'plainly audible, unreasonable noise,' which is something that other communities have done and that is enforceable by the Putnam County Sherriff after hours. Chairman LaPerch polled the Board for questions. Boardmember Eckardt asked Ms. Ley about 96-6 and said I know you added weed whackers but I think you might want to add chain saws and brush cutters as well. She said also I assume on agricultural equipment... and Willis (Stephens) can probably answer this... but if someone is designated in the Ag District, then they get to do what they want, Will, is that correct? Mr. Stephens said I think that is a pretty good assumption; because of the way Ag Districts are governed in this state, they seem to be exempt from a lot of the local restrictions that would otherwise be applicable to (inaudible) properties. If the activity is involved with the agricultural production, he said, so if they are running a tractor and it is really loud and being used to till the soil or whatever, that would be probably an exempt activity or somebody would not be subject to the noise ordinance. She said I guess where I am going with this is... what wasn't clear... and Ashley (Ley) maybe you can clarify this is: obviously if someone is in the Ag District, they are going to be exempt and there are things like greenhouse fans that can be very annoying but my question is if someone is not in the Ag District do you think these noises will not be exempt or are they exempt? Ms. Ley said they are exempt because there are some larger properties that are not in the Ag District that may have agricultural equipment like we have a lot of horse farms in Town that are not truly farms. Boardmember Eckardt said I do have concerns when people are not in the Ag District. Chairman LaPerch said and the enforcement at the end of the day is who? Ms. Ley said Code Enforcement and then Putnam County Sherriff. Boardmember Hecht said I have two questions: how are we going to measure the base? Ms. Ley said there is a different kind of noise meter that can measure base. He said and the Sheriff has that meter? She said no the Town of Southeast Code Enforcement Officers will be getting one. Boardmember Hecht said how do we handle after hours because that is probably when most of these complaints take place? Ms. Ley said right so that is what the 'plainly audible, unreasonable noise' language addresses. (Multiple people talking.) Mr. Stephens said it comes down to enforcement and what's going to happen is if we don't have an enforcement person on duty, then the neighbors are going to file a complaint and they are going to issue a summons and these people are going to come into court and maybe they will pay a

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fine, maybe they will fight it and it will come down to a determination by the local court and maybe an appellate court after that as to whether or not our Code passes constitutional muster. Boardmember Hecht said I guess whatever that wordage was... clear and measurable or whatever... there is really no definition around that so... Mr. Stephens said that is where it may become a problem in a judicial interpretation. Ms. Ley said right, that's why I didn't want to get rid of... some Codes are only the plainly audible threshold... I don't want to get rid of the measurable points because what we want to be able to do is have the Putnam County Sherriff stop a really loud party at night because of excessive noise but if it becomes a persistent problem being able to measure it with the Code Enforcement Office and the proper measuring at least that is something you could take to court because you have the measurements. Boardmember Hecht asked if there are any plans to have a night time Code Enforcement Officer. Boardmember Eckardt said not right now that I know of. Chairman LaPerch said not to my... They continued to discuss the issue with enforcement after hours and putting a lot of the onus on the Sherriff. Boardmember Cyprus said did I miss an earlier copy of this; the first time I saw it was today? He said that he is a little uncomfortable voting on this tonight and Boardmember Eckardt said I think that is a good idea given all the questions raised... Chairman LaPerch said OK, not a problem, let's just table it to the next meeting. Mr. Stephens raised a question about some commercial operations in the Town that have outdoor celebrations where the noise is outrageous and talked about how other Towns deal with this. They discussed ways of doing that in the Town of Southeast Code.

The motion to Approve the Meeting Minutes of July 12, 2021 as written was introduced by Chairman LaPerch, seconded by Boardmember Eckardt and passed all in favor.

The motion to Approve the Meeting Minutes of July 26, 2021 as written was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

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

**August 20, 2021/VAD**

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