
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

June 10, 2019

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

- 1. 577 NORTH MAIN STREET, 577 North Main Street, Tax Map ID 56.19-1-40.2** – Public Hearing to Review an Application for Site Plan Amendment, Conditional Use Permit and Wetland Permit
- 2. NERY SPECIAL PERMIT, 24 Deans Corner Road, Tax Map ID 78.-1-105** – Public Hearing to Review an Application for Special Permit for Excavation & Grading under Chapter 69
- 3. DURKIN WATER COMPANY / DREW REALTY, 120 & 160 Fields Lane, Tax Map IDs 78.-2-5 & 6** – Public Hearing to Review an Application for Site Plan Amendment and Wetland Permit

REGULAR SESSION:

- 1. ROTH NURSERY SUBDIVISION, 291 Foggintown Road, Tax Map ID 46.-3-38.1** – Review of a Request for Extension of Preliminary Approval of Subdivision
- 2. MAFFEI WETLAND PERMIT, 57 Milltown Road, Tax Map ID 57.-1-21** – Review of an Application for Wetland Permit
- 3. BREWSTER ELKS PAVILION, 1430 Route 22, TM ID 52.-2-17** – Review of an Application for Site Plan Amendment
- 4. CRECCO WETLAND PERMIT, 62 Stallion Trail, Tax Map ID 79.13-1-22** – Review of an Application for Wetland Permit
- 5. BATISTA SOUTHEAST DUNKIN, 1617 Route 22, Tax Map ID 46.-1-21** – Continued Review of an Application for Site Plan Amendment and Conditional Use Permit
- 6. CROSS FIT CONDITIONAL USE PERMIT, 281 Fields Lane** – Review of an Application for a Conditional Use Permit for a Group Fitness
- 7. Approve Meeting Minutes from May 13, 2019**

June 6, 2019/VAD

Agenda Subject to Change

FOR MORE INFORMATION ON MAJOR PROJECTS UNDER PLANNING BOARD REVIEW, CLICK ON THE LINK BELOW:

<http://www.southeast-ny.gov/322/Major-Planning-Board-Projects#>

**TOWN OF SOUTHEAST
PLANNING DEPARTMENT
SPECIAL PERMIT REFERRAL**

INTRODUCED BY: *LaPerch*
SECONDED BY: *Armstrong*

DATE: June 10, 2019

WHEREAS, 577 NORTH MAIN STREET located at 577 North Main Street, in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast for a motor vehicle service station for Brewster Taxi in the ED Zoning District, on property designated as Tax Map Number 56.19-1-40.2; and,

WHEREAS, the Applicant has stated that the proposed motor vehicle service station use would not be open to the general public and would be solely for use by Brewster Taxi; and,

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

WHEREAS, the Planning Board has determined that the above request for a Special Use Permit for this particular project is in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast; and,

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board recommends that the Town Board of the Town of Southeast grant the requested Special Permit.

UPON ROLL CALL VOTE:

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

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

T. LaPerch

T. LaPerch, Chairman
Southeast Planning Board

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

INTRODUCED BY: LaPerch

DATE: June 10, 2019

SECONDED BY: CYPRUS

WHEREAS, the Planning Board of the Town of Southeast is in receipt of an application for a Special Permit, and other supporting documents for a project entitled **NERY**; and

WHEREAS, the proposed project is located at 24 Deans Corner Road in the R-160 Zoning District in the Town of Southeast and identified as Tax Map ID 78.-1-105; and

WHEREAS, the applicants propose excavation and grading activities on a 5.1-acre parcel for a proposed project that involves the clearing and leveling of 17,585 square feet of residential yard.; and

WHEREAS the Planning Board scheduled a public hearing on the proposed Special Permit for 6/10/19; and

WHEREAS, the Planning Board declared its Intent to be Lead Agency for the project on 5/13/19; and

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

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

UPON ROLL CALL VOTE:

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

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

Date: June 10, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: NERY SPECIAL PERMIT

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Applicant is seeking a Planning Board Special Permit for excavation and grading activities on a 5.1-acre parcel for a proposed project that involves the clearing and leveling of 17,585 square feet of residential yard.

Location:

24 Deans Corner Road, Tax Map ID 78.-1-105

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Site Design Consultants, dated 5/10/19
- Engineers Report prepared for Adam Nery by Site Design Consultants dated 5/10/19
- Notice of Intent for NYS Department of Environmental Conservation, prepared by Site Design Consultants, dated 4/9/19
- Site Plan, prepared by Site Design Consultants, dated 3/13/19, last revised 4/25/19
- Details, prepared by Site Design Consultants, dated 3/13/19, last revised 4/25/19
- Memorandum to Secretary Desidero from Site Design Consultants, dated 4/29/19
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 6/10/19

WHEREAS, on 5/13/19, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on 6/10/19, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the short Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Clerk 1360 Route 22 Brewster, NY 10509

Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	of Building Inspector 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	

UPON ROLL CALL VOTE:

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

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST, NY
RESOLUTION
EXCAVATIONS AND GRADING SPECIAL PERMIT APPROVAL**

INTRODUCED
BY:

La Perch

DATE: June 10, 2019

SECONDED BY:

Armstrong

WHEREAS, NERY as the Applicant/Owner of certain properties located 24 Deans Corner Road in the R-160 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-1-105 has submitted an application for an excavation and grading Special Permit, pursuant to Chapter 69 of the Code of the Town of Southeast, for the clearing and leveling of 17,585 square feet of residential yard (“Proposed Action”); and

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 6/10/19, indicating that no negative environmental impact would exist;

WHEREAS, the Town of Southeast Planning Board (the “Planning Board”) has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

- Memorandum to Chairman LaPerch from Site Design Consultants, dated 5/10/19
- Engineers Report prepared for Adam Nery by Site Design Consultants dated 5/10/19
- Notice of Intent for NYS Department of Environmental Conservation, prepared by Site Design Consultants, dated 4/9/19
- Site Plan, prepared by Site Design Consultants, dated 3/13/19, last revised 4/25/19
- Details, prepared by Site Design Consultants, dated 3/13/19, last revised 4/25/19
- Memorandum to Secretary Desidero from Site Design Consultants, dated 4/29/19
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 6/10/19; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 69, “Excavations and Grading,” (specifically Article II thereof) of the Town of Southeast Code; and,

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

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, the Planning Board of the Town of Southeast hereby GRANTS a

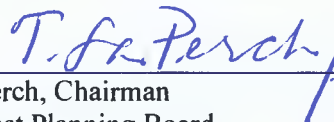
Special Permit to conduct excavation and grading activities as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth on said plans and as specified herein:

- 1. Temporary construction fencing shall be placed around the existing septic area to restrict access by heavy equipment.

UPON ROLL CALL VOTE:

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

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


 T. LaPerch, Chairman
 Southeast Planning Board

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

Date: June 10, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: DURKIN WATER / DREW REALTY

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Durkin Water Co., located at 120 Fields Lane (Tax Map ID 78.-2-6) is seeking amended site plan approval to lease the upper level of the recently constructed barn addition to an electrical company (general business use), and corresponding minor site plan amendments including modification to the previously approved wetland mitigation plantings, installation of additional outside storage, and re-striping of a portion of the existing parking area. In addition, the adjacent Drew Realty property, located at 160 Fields Lane (Tax Map ID 78.-2-5), is seeking site plan approval to add a 4,000 sq. ft. barn and legitimize the recently constructed outside storage area. The Drew Realty property has frontage on Fields Lane, however access to this property is currently gained through the Durkin Water property. Existing general business use tenants share an existing but unapproved outside storage area that straddles the property line. Both properties are located in the OP-1 Zoning District. The proposed project requires site plan and wetland permit approval from the Planning Board.

Location:

120 & 160 Fields Lane, Tax Map IDs 78.-2-6 & 78.-2-5

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from Insite Engineering, dated 5/20/19
- OP-1, Amended Overall Plan, prepared by Insite Engineering, dated 3/4/19; last revised 5/20/19
- SP-1, Site Plan, prepared by Insite Engineering, dated 3/4/19; last revised 5/20/19
- D-1, Details, prepared by Insite Engineering, dated 3/4/19; last revised 5/20/19
- Memorandum to Chairman LaPerch from Insite Engineering, dated 5/6/19
- Wetland Report, prepared by Jim Bates, Ecological Analysis, LLC, dated 5/3/19
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 4/18/19
- Memorandum to Secretary Desidero from NYS Department of Transportation, dated 4/11/19

- Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation, dated 4/8/19
- Memorandum to Chairman LaPerch from Insite Engineering, dated 4/1/19
- Statement of Use, prepared by Insite Engineering, dated 8/6/18; last revised 4/1/19
- Drew Realty Erosion Control Permitting Summary, prepared by Insite Engineering, dated 3/14/19

WHEREAS, on 3/25/19, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on 6/10/19, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the short Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Board 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Architectural Review Board 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Building Inspector 1 Main Street Brewster, NY 10509
Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512	Highway Superintendent 10 Palmer Road Brewster, NY 10509
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509

UPON ROLL CALL VOTE:

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

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

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

June 11, 2019

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Durkin Water / Drew Realty
120 & 160 Fields Lane
Tax Map IDs 78.-2-6 & 78.-2-5

At the regular meeting of the Southeast Planning Board on 6/10/19, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 6/10/19. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
Insite Engineering

**TOWN OF SOUTHEAST PLANNING BOARD
RESOLUTION GRANTING EXTENSION OF TIME IN WHICH TO
SUBMIT FOR FINAL PLAT APPROVAL**

INTRODUCED BY: LaPerch DATE: June 10, 2019
 SECONDED BY: Armstrong

WHEREAS, the Planning Board of the Town of Southeast previously granted conditional approval of the Preliminary Plat by resolution dated **12/10/18** for a certain Project Development Plan known as **ROTH NURSERY SUBDIVISION**, located at 291 Foggintown Road in the R-160 Zoning District, also known and designated as Tax Map Number 46.-3-38.1; and

WHEREAS, pursuant to Section 123-13.A of the Code of the Town of Southeast, the subdivider must, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the final plat in final form. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may revoke approval of the preliminary plat and require the resubmission of the preliminary plat unless extension is granted by the Board before the expiration of the six-month period. Such an extension may be granted only if the proposed subdivision meets all zoning requirements in effect on the date of extension; and

WHEREAS, the Planning Board is in receipt of a letter from the owner or their representative requesting an extension of time in which to satisfy the conditions of the preliminary plat approval and to submit the Final Plat; and

WHEREAS, the applicant has demonstrated that it has been diligently pursuing the conditions of preliminary plat approval; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Southeast hereby grants the applicant a six-month extension of time, commencing on **6/10/19** in which to satisfy the conditions of the preliminary plat approval and to submit the Final Plat.

It is the responsibility of the applicant to track the timeframe within which this extension will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension.

UPON ROLL CALL VOTE:

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

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

T. LaPerch
 T. LaPerch, Chairman
 Southeast Planning Board

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

INTRODUCED BY: LaPerch

DATE: June 10, 2019

SECONDED BY: Cyprus

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

WHEREAS, the proposed project is located at 57 Milltown Road in the R-60 Zoning District in the Town of Southeast and identified as Tax Map ID 57.-1-21; and

WHEREAS, the applicant proposes to construct a single-family house, driveway, septic system and well on a 22.8-acre parcel that contains NYSDEC regulated wetland BR 40, and requires a Town of Southeast wetland permit for 1,240 square feet of direct wetland disturbance and 10,852 square feet of wetland buffer disturbance; and

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

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

UPON ROLL CALL VOTE:

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

D. Rush, Vice Chairman absent
E. Cyprus, Boardmember yes
J. Gress, Boardmember yes

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

June 11, 2019

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

Re: Maffei Wetland Permit
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for a Wetland Permit to construct a single family house, driveway, septic system and well on a 22.8-acre parcel which contains NYSDEC regulated wetland BR 40 and requires a Town of Southeast wetland permit for 1,240 square feet of direct wetland disturbance and 10,852 square feet of wetland buffer disturbance on a parcel located in the R-60 Zoning District at 57 Milltown Road, Putnam County, New York (Tax Map ID 57.-1-21).

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

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

Attachment

cc: Town Attorney
Town Clerk
John Karell, P.E.

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
CLASSIFY AS TYPE II ACTION
AND TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY: LaPerch

DATE: June 10, 2019

SECONDED BY: Gress

WHEREAS, an application is being made by **BPOE BREWSTER ELKS LODGE #2101** for an Amended Site Plan to install a 12-foot by 16-foot open pavilion and new landscaping at the at 1430 Route 22 at Milltown Road on a property located at 419 Allview Avenue, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 52.-2-17, and is located in the OP-1 Zoning District; and

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

1. Short Environmental Assessment Form (EAF), prepared by Marion Fuscaldo, Lodge Secretary
2. Memorandum to Planning Board from Marion Fuscaldo, Lodge Secretary, dated 5/8/19
3. Topographic Survey, prepared by Terry Bergendorff Collins, dated 2/10/92
4. Set of eight (8) drawings entitled "Standard Rectangular Pavilion" scales as noted, dated October 10, 2018, prepared by Rigidply Rafters.

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(9), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board, finds the Proposed Action to be a Town of Southeast Minor Project as defined in Town Code Section 138-4, Definitions.

UPON ROLL CALL VOTE:

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

D. Rush, Vice Chairman absent
E. Cyprus, Boardmember yes
J. Gress, Boardmember yes

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

June 11, 2019

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

Re: Brewster Elks Lodge
GML §239-m

Dear Barbara,

The Planning Board of the Town of Southeast is considering an application for Site Plan Amendment by BREWSTER ELKS LODGE to install a 12-foot by 16-foot open pavilion and new landscaping at the BPOE Brewster Elks Lodge 2101 located at 1430 Route 22, Putnam County, New York (Tax Map ID 52.-2-17) in the OP-1 Zoning District.

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review. Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845) 279-7736, if you should have any questions. We thank you for your consideration and review of this application.

Sincerely,

Thomas LaPerch
Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
BPOE Brewster Elks Lodge



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

June 11, 2019

TO: Architectural Review Board


FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: BPOE Brewster Elks Lodge
1430 Route 22
Tax Map ID 57.-1-17

At the regular meeting of the Town of Southeast Planning Board on 6/10/19, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 6/10/19. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
BPOE Brewster Elks Lodge

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

INTRODUCED BY: *LaPerch*

DATE: June 10, 2019

SECONDED BY: *Cyprus*

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

WHEREAS, the proposed project is located at 62 Stallion Trail in the R-60 Zoning District in the Town of Southeast and identified as Tax Map ID 79.13-1-22; and

WHEREAS, the applicant proposes to construct a single-family residence and associated pool, patio, driveway, well and septic on a 2.78-acre lot at 62 Stallion Trail, also known as Lot 15 of the Starr Lea Farms subdivision. A portion of NYSDEC Wetland L-32 is located on the property. The proposed project requires a Town of Southeast Wetland Permit for disturbance to approximately 32,200 sq. ft. of regulated wetland buffer area; and

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

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

UPON ROLL CALL VOTE:

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

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

T. LaPerch

T. LaPerch, Chairman
Southeast Planning Board

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

Date: June 10, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: BATISTA SOUTHEAST DUNKIN

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Amended Site Plan application to construct a new 2,400 SF stand-alone Dunkin Donuts with drive-thru at the intersection of Rte. 22 and Rte. 312. Gas station use no longer proposed. Application requires a conditional use permit and site plan approval from the Planning Board.

Location:

1617 Route 22, Tax Map ID 46.-1-21

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from The Chazen Companies, dated 5/20/19
- Site Plan Submission Set (15 sheets), prepared by Chazen, dated 12/21/18; last revised 5/20/19
- Memorandum to Chairman LaPerch from The Chazen Companies, dated 5/20/19
- Proposed Signs, prepared by Everbrite, dated 8/29/18
- Elevations, prepared by Aharonian & Associates Architects, dated 5/3/19
- Memorandum to Chairman LaPerch from Maser Consulting, dated 3/25/19
- Memorandum to Chairman LaPerch from NYS Department of Environmental Conservation, dated 3/14/19
- Memorandum to Chairman LaPerch from The Chazen Companies, dated 3/11/19
- Memorandum to Chairman LaPerch from Maser Consulting, dated 3/11/19
- Traffic Impact Study, prepared by Maser Consulting, dated 3/11/19
- Memorandum to Secretary Desidero from NYC Department of Environmental Protection, dated 2/8/19
- Memorandum to Secretary Desidero from NYS Department of Transportation, dated 2/5/19
- Stormwater Pollution Prevention Plan, prepared by The Chazen Companies., dated 2/4/19

WHEREAS, on 1/14/19 the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meeting on 2/25/19 and 3/25/19, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, the existing Rte 312/Rte 22 intersection experiences peak hour delays, specifically on the eastbound Route 312 approach, under existing conditions. The project generated traffic will result in an increase in these delays for certain movements. As part of the proposed project, signal timing modifications would be implemented to mitigate the increases in delay; and

WHEREAS, as part of the proposed project, the Applicant will complete the dedication of a permanent easement to NYSDOT of property along Route 312 that would for the potential future construction of a right turn lane on the eastbound approach; and

WHEREAS, based on the amount of traffic volume added to the eastbound through/right turn lane from the project, as a percentage of the No-Build volume in that lane, the Applicant's percentage would be approximately 10.9% during the Weekday Peak AM Hour, 2.9% during the Weekday Peak PM Hour and 7.2% during the Saturday Peak Hour; and

WHEREAS, the estimated cost of the right turn lane and associated traffic signal modifications that would be required is approximately \$500,000, including the finalization of the design of the improvements and the relocation of the existing NYSEG gas line in this area to a minimum depth of 5 ft. Assuming a fair share contribution by the Applicant of 11% of the total cost, based on the traffic volume attributed by the project, the Applicants contribution would be approximately \$55,000; and

WHEREAS, the cost of the design already completed, plus the value of the land provided as a permanent easement to the NYSDOT, is comparable to or exceeds this amount and is considered as the Applicant's fair share contribution towards this potential improvement. A copy of the right turn lane design shall be filed with the Planning Board Secretary, Town Engineer, and NYSDOT; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))
- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))

- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Board 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Architectural Review Board 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Building Inspector 1 Main Street Brewster, NY 10509
Putnam County Highways & Facilities 842 Fair Street Carmel New York 10512	E-911 Coordinator / Assessor 1360 Route 22 Brewster, NY 10509
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility 2 Route 164 Patterson, New York 12563	

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

absent

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

J. Gress, Boardmember

yes

J. King, Boardmember

yes

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

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

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

June 11, 2019

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Batista Southeast Dunkin
1617 Route 22
Tax Map ID 46.-1-21

At the regular meeting of the Southeast Planning Board on 6/10/19, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 6/10/19. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
The Chazen Company

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
CLASSIFY AS TYPE II ACTION
AND TOWN OF SOUTHEAST MINOR PROJECT**

INTRODUCED BY: LaPerch DATE: June 10, 2019
SECONDED BY: Armstrong

WHEREAS, an application is being made by **ORCHARD RIDGE ASSOCIATES II, LLC** for a Conditional Use Permit for a "Recreation" tenant use on a property located at 281 Fields Lane, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 78.-2-94, and is located in the OP-1 Zoning District; and

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

1. Short Environmental Assessment Form (EAF) dated 5/20/19
2. Memorandum to Chairman LaPerch from Keane & Beane, P.C., dated 5/20/19
3. Memorandum to Planning Board from Elite Progression as Statement of Use, dated 5/16/19
4. Land Title Survey, prepared by Insite Engineering, dated 8/27/18; last revised 11/1/18

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(9), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Town of Southeast Planning Board, finds the Proposed Action to be a Town of Southeast Minor Project as defined in Town Code Section 138-4, Definitions.

UPON ROLL CALL VOTE:

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

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

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 13, 2019**

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

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. NORTHWOOD TREE CARE, 25 Fields Lane** – This was a continued review of an application for Site Plan Amendment and Wetland Permit. Peder Scott of PW Scott Engineering appeared before the Board. Mr. Scott said going back into the history of this thing, is its expansion of an existing use. The first thing we did when we did this project, he said, is we hired Bergendorff Collins (Land Surveyor) who created an as-built map defining everything from all the disturbed areas which took place in this portion of the property, all of the existing additions that run off toward the road and they located everything. He said and then we had aerial topography provided for the property and the rear of the site and Mr. Fenton wants me to provide more information: we are going to probably give him inverts of all the (inaudible) existing catch basins just to clarify the conditions on the property itself. Mr. Scott said there are actually two lots owned by the owner, total acreage is 37.88 acres but we are only working with 18.5 acres which is in the OP-1 Zone. He said what's proposed is an expansion... there is two uses on the property and in the '90s this project had an approval where we've had a Special Permit for Light Manufacturing, which was Wood Processing and that wood processing operation continued for many years and then recently we had a tenant modification: two new tenants took on the property and they received the Town of Southeast Tenant approval permits. One of which is (inaudible) which is a soil recycling business in this area and they make (inaudible) and various finishes; and the second component is a continuation of the existing wood processing operation, he said. Mr. Scott continued: the intent is to move it farther away from the street, which is Fields Lane, and put it in the rear of the property in Phase 1 and, in Phase 2 on this property, was an expansion of that use to the rear of the property right here and that's the second phase. He said there is some discussion about the processing of the wood timber; when this was approved as a Special Permit that was the only category they had was the Light Manufacturing but now there is a definition of a Wood Mill and our attorneys on the project have one sort of review or opinion on the use. We've received other interpretations from the Town of Southeast and I am not an attorney, he said, but we are going to try and work that out somehow, either through ZBA (Zoning Board of Appeals) or through some other interpretation with the Zoning Board of Appeals. Mr. Scott said we've received many memos in regard to that and, unfortunately, once you determine what the use is then you have to shake out all these other components like outside storage and everything else, but we are kind of at an impasse at this point in time until we resolve that one particular issue. Chairman LaPerch said kind of a critical issue... Mr. Scott said it is. Chairman LaPerch said so let's stop there: (Town Planner) Ashley (Ley), so before this applicant gets any further into this review, can you explain that the variance will occur after SEQRA is complete, correct? She said yes. He said and the disconnect we have with this application is that it doesn't fall under our new definition of Wood Mill, correct? Ms. Ley said so back in 2015 the Town updated the Zoning Code to include a new definition for Wood Mill which is what this use would fall under: there's two uses on the property and one would still fall under Light Manufacturing, which is the rock processing, and then the Wood Mill aspect would fall under the new Wood Mill definition. Light Manufacturing is permitted a greater amount of outside storage than a Wood Mill, she said, so the issue is that the Wood Mill portion of this would need to get a pretty significant area variance to conduct their operation. Chairman LaPerch said how big? She said they're requesting... Mr. Scott said about 3.5 acres so a 2.5-acre variance; we are allowed about 40,000 sq. ft. by definition. Chairman LaPerch said and you are going to request what? He

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 13, 2019**

said about 2.5 times what is permitted by the regs and that's why... Chairman LaPerch said so this application is a lot of waste because you can't discuss much until that is resolved, correct? Mr. Scott said I think we may be going for an interpretation of the ordinance with the Zoning Board first. Chairman LaPerch said before SEQRA is complete? Mr. Scott said I think we would like to do that; it's a not binding SEQA item so it might make sense to everyone. Chairman LaPerch said I would have thought you would have done that before you got to this stage. Ms. Ley said so one of the things we discussed when they came in for a Staff Meeting was that the merits of the application being considered a Wood Mill, it pretty clearly falls within the definition, so if they were to go to ZBA and it may be more prudent to just seek the area variance as it is a Permitted Use and while it is a large area variance, it would only be one trip to the ZBA as opposed to two trips to the ZBA. Chairman LaPerch said OK, I agree so without that variance, your other items don't really... Mr. Scott said pretty much you end at Phase 1 and Phase 2 is basically pending on... Chairman LaPerch said I guess my question, Ashley (Ley), would be how quickly, if they don't go for an interpretation, and we do the referral, when is that referral going to occur, within how many months from now? Ms. Ley said that referral would happen as soon as SEQRA is complete; typically, the Board concludes SEQRA after the Public Hearing but at this point there are some outstanding items on the site plan that need to be corrected and addressed before either (Town Engineer) Tom Fenton or I would recommend holding a Public Hearing. Chairman LaPerch said let's assume the applicant gets that information to us, we have two meetings in June, and as well in July... is that correct (Secretary) Victoria (Desidero)? She said yes. He said OK so I am just trying to timeline this for this applicant here so the best case scenario, Peder (Scott) I guess if you get back to us and get our consultants caught up, we are looking at a July meeting because there is a 30 day notice for a Public Hearing, correct? Ms. Ley said right so if you can submit everything in time for the next meeting then at the next meeting the Board would set the Public Hearing in 30 days from that meeting; after that meeting, presumably the Board would be able to make a SEQRA determination and refer you to the ZBA. Ms. Desidero said so you are looking at July 8 for a possible Public Hearing. Chairman LaPerch said and then if that Public Hearing is set, the earliest he gets to the ZBA is... I am just trying to time line this for you. Mr. Scott said yes, we are aware of that. Ms. Desidero said if he was referred to the ZBA on July 8th, presumably he would get his application to them by the end of July so he would be in front of them in August. Chairman LaPerch said and then, depending on... Ms. Desidero said I can't tell you how long it will take... Chairman LaPerch said so best case, you are back here end of August, early September, assuming you satisfy our consultants. Ms. Scott said I appreciate that: a couple things again, we will speak to our attorney who couldn't be here tonight, also we will meet with Mr. Fenton about the surveyor's work (inaudible)... I am not sure what he needs to bring that up to speed. Chairman LaPerch said yes, please do... I just want to be on the same page with our consultants. Ms. Ley said even if the ZBA were to determine that this is continued Light Manufacturing Use, you still need area variances... a couple of them, right? She said weren't there other area variances you were seeking? Mr. Scott said I don't think there were: this is the only one I believe. Ms. Ley said including for Phase 2? Mr. Scott said yeah, that is purely just outside storage interpretation: we are fully complying if it is Light Manufacturing but a Wood Mill then we are not conforming. Chairman LaPerch polled the Board for questions. Boardmember Hecht said the original operation when it was doing that years ago; do you remember how big that was or any idea how big it was then? Mr. Scott said sure, they had variance granted to them and they had 40,000 sq. ft. of wood storage, 4,000 sq. ft. of processing area and then an existing building up front. Boardmember Hecht said so the new proposed processing area is what? Mr. Scott said basically what it is... it's taking that use from here and putting it in the corner in Phase 1, pretty much where all the disturbed area is and they had a disturbance issue as well. Boardmember Hecht said so it is kind of like the same size and you are just lifting it up and moving it... Mr. Scott said yes Phase 1 is the same size; Phase 2 is the expansion. He said Phase 2, as I indicated, requires potentially variances would be this big area back here. Boardmember Hecht said

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 13, 2019**

that helps thanks. Boardmember Armstrong said I really don't think this application is ready for prime time because we have a three-page memo from our Planning consultants, we have a five-page memo from our Engineering consultants with a number of questions that need to be answered. I just think that this is not ready to move along, he said, and I will not vote for the referral, I will abstain on the referral. He said it just seems to me that, you know, whatever is required is laid out very carefully in the Zoning ordinance and in other ordinances: there is no mystery here, it is right there to read and to comply with and this application is not complying with it. He said it is a procedural issue: I have not made up my mind about any of the factual stuff or what you are really looking for but I just don't see that it is ready for prime time and so therefore I will abstain, or I don't know how I am going to vote for the referral. Mr. Scott said I appreciate that: we have to work with Mr. Fenton and find out how much surveying work he wants. We do have topography provided to us, he said, by aerial but again most of his comments are here on the existing portion of the site which we did get something from the surveyor but, unfortunately, they didn't put exact spot elevations of all the structures and I think that will satisfy Tom (Fenton). Boardmember Armstrong said and let me amend my statement: the memos I mentioned are dated May 7 so you really haven't had a chance to review them necessarily and comply or respond to them but the fact is it just... I can't imagine the amount of time that must have already been spent on this and how long this has been in the works that it's not clear what is required to get an approval here. He said that is my main concern and observation. Chairman LaPerch said and (Town Engineer) Tom Fenton was very clear today in my phone call with him that it is critical that we establish existing conditions before we move forward and that's what his e-mail said as well: he was very clear that the existing conditions is the baseline for this Town and always has been. Mr. Scott said we will speak to the surveyor and see what we can add to the survey. Chairman LaPerch said we were hoping that would have happened for tonight. He said no further questions? There were none. The motion to Declare Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Classify this as a Major Project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Refer the Application to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed 4 to 0 with Boardmember Armstrong abstaining. Chairman LaPerch said the reason we are referring this to the Town of North Salem? Ms. Ley said it is within 500 ft. of the Town line. The motion to Refer the Application to North Salem due to proximity to the Town line was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed 4 to 0 with Boardmember Armstrong abstaining. Chairman LaPerch said so Peder (Scott) you've got some work to do: clean it up and get back here in a timely manner.

2. **NYSEG PARKING AREA, 35 Milan Road** – This was a review of an application for Site Plan Amendment. The applicant was not present. Ms. Desidero said I will say they are from out of Town so it is possible they are running late with the weather. Chairman LaPerch said we will come back to this one.
3. **NERY SPECIAL PERMIT, 24 Deans Corner Road** – This was a review of an application for a Special Permit for Excavation & Grading under Chapter 69. Joseph Rinna of Site Design Consultants appeared on behalf of his client. Mr. Rinna said the area I have highlighted here is 5.1 acres: the owners of the property unknowingly did some clearing on the property to create a backyard for themselves and as you can see the house is located right on Deans Corner Road and they have really no back yard so they wanted to create an area for the family... the children. Chairman LaPerch said the reason for this is they want to create a play area? Mr. Rinna said yes, basically a back-yard area for the family and put a play set for the kids and etc. He said so, he received a violation, an order to remedy, and subsequently we submitted an Erosion & Sediment

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 13, 2019**

Control application and plans. He said the total disturbance is just under 17,600 sq. ft. and with that we submitted this plan as seen here and there is a detail sheet that goes with this also that shows all the erosion and sediment control details. It requires a Special Permit, he said, so we applied for a Special Permit. Chairman LaPerch said our engineers don't have really anything other than provide some names and addresses of adjoining property owners, change the contours, and listed conditions of approval shall be part of the Special Permit. Chairman LaPerch polled the Board for questions and there were none. He asked Ms. Ley: are there any issues the Board should be aware of and she said no, it needs to go to County Planning under 239-m and I am recommending it be classified as an Unlisted Action under SEQRA for the area being cleared. Chairman LaPerch said before I go on to my action items, Mr. Rinna, we are going to set a Public Hearing for June 10: is that something you can make before I make that motion? Mr. Rinna said I cannot make that; I will be away but I will have someone cover it. The motion to Declare Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the Application to County Planning was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Set the Public Hearing for June 10, 2019 was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

4. **FARM TO MARKET ROAD SUBDIVISION, 83 & 85 Farm to Market Road** – This was a review of a request for Two 90-Day Extensions of Subdivision Approval. The applicant was not present at the meeting. Chairman LaPerch said so they are looking for their final two 90-day extensions? He said then what, Ashley (Ley)? Ms. Ley said this is it so if they don't file the necessary paperwork between now and when the extension expires, they will need to start over. The motion to Grant the Final Two 90-Day Extensions for the Subdivision Approval for Farm to Market Road Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Armstrong, who said may I ask a question? He said what is the delay: are they explaining why they can't get it done? Ms. Ley said they have not provided any explanation. He said OK. Chairman LaPerch took the roll call vote and it passed 5 to 0 with 2 absent.

5. **DURKIN WATER / DREW REALTY, 120 & 160 Fields Lane** – This was a continued review of an Application for Site Plan Amendment and Wetland Permit. Jamie LoGiudice of Insite Engineering appeared before the Board. She said since we were here last, we received several comment letters which we have responded to comments and I think we addressed the majority of the comments short of lighting and landscaping on the Drew Realty parcel. We've also had the wetlands flagged, she said, along the (inaudible) section of the development on the Drew Realty parcel so we did send a copy of this to the Wetland Inspector. Chairman LaPerch said and he hasn't gotten out there yet to verify it? She said correct, hopefully this week. Chairman LaPerch said this was a violation, correct Ashley (Ley), that they are making legit? Ms. Ley said kind of a combination: what started it was they were coming to get a minor site plan amendment for the barn on the Durkin Water property and then in the process of that we noted that the Drew Realty parcel had been disturbed without approvals. Chairman LaPerch said OK, fair enough, and polled the Board for questions and there were none. Chairman LaPerch asked if a Public Hearing on June 10 will work for the applicant and Ms. LoGiudice said yes. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 2 absent. The motion to Refer the Application to County Planning under GML-239m was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Set the Public Hearing for June 10, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

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NYSEG PARKING AREA, 35 Milan Road – This was a review of an application for Site Plan Amendment. Chairman LaPerch said I am going to assume that the applicant for number two is not going to be here so Ashley (Ley), I am going to ask you to tell us is there any outstanding items before we vote on Final Site Plan Approval? He said I don't see any. Ms. Ley said I am not aware of any outstanding items: it's a re-paving project... Chairman LaPerch said which they badly need: I was up there the other day. Someone asked "where is this?" Ms. Ley said the NYSEG Service Center on Milan Road so what they are doing is they are repaving the parking lots and the last one in the chain they are going to reclaim that area as lawn and there is some limited landscaping. Chairman LaPerch said yeah, they really need it. The motion to Grant Final Approval of the Site Plan Amendment was introduced by Chairman LaPerch, seconded by Boardmember Armstrong, who said I have a question: so, everything they need to do... they filed plans and everything? Ms. Ley said yes, they filed their plans, they have been reviewed by myself and by the Town Engineer... Chairman LaPerch said everything is legit. Ms. Ley said the Board voted it was a Type II Action under SEQRA back in March, waived the Public Hearing, referred it to County Planning and the Board waived the referral to the ARB (Architectural Review Board) because of the limited nature of the project. Boardmember Armstrong said so they are ready to go? She said yes. Chairman LaPerch took the roll call vote and it passed 5 to 0 with 2 absent. The motion to Recommend a Performance Bond as created by our Town Engineer to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

Chairman LaPerch asked for comments on the April 8 Meeting Minutes and there were none. The motion to approve the Meeting Minutes of April 8, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor.

He asked if there were any questions about the April 22 Minutes and there were none. The motion to approve the Meeting Minutes of April 22, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor.

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

June 6, 2019/VAD