

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 8, 2016**

Present: Chairman Tom LaPerch; Boardmembers Paul Jonke, Phil Wissel, Eric Cyprus, David Rush, Michael Hecht and Dan Armstrong; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero.

**PUBLIC HEARINGS:**

- 1. BREWSTER FORD, 1024 Route 22** – This was a continued Public Hearing to review an application for a Site Plan Amendment and Special Permit. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Jamie LoGuidice of Insite Engineering appeared before the Board and explained the proposal to improve Brewster Ford's building and parking arrangements. She said we have had several staff meetings with the Town and have addressed the consultant comments. Chairman LaPerch said we have been meeting with this applicant at three Staff Review Meetings to get the details worked out so that this application would be in good shape when they came to the full Board. He said it is a business in the Town that is very visible and we want to make it look good and conform to our Code requirements. Chairman LaPerch said there was an approved site plan but not all of it was implemented so now we are trying to make everything legit between the two plans. He said so how many variances do you need? Ms. LoGuidice said seven variances because this site is very constrained as it is only 1.8 acres. She re-capped the variances required: 1% building coverage variance, 15% is allowed and we have 16%; a 34% lot coverage variance where 45% is permitted and 79% is what we are proposing; for Open Space we are requesting a 21% Open Space variance where a minimum of 55% is required; for parking setbacks we are requesting a 15 ft. front yard parking setback where we are adding some new spaces in the front yard setback; we are requesting a 10 ft. side yard parking variance where 10 ft. is required and we have 0 ft. next to the High Bridge Plaza property; we are requesting 14% outside storage where 5% is allowed and we are proposing 14% but for a motor vehicle dealership 5% is just not enough; and finally we are requesting a 4 ft. travel aisle variance where 24 ft. is required and we have 20 ft. Chairman LaPerch said this is a pre-existing, non-conforming business and let's talk about the next issue we have to talk about... (someone in the audience asked if Ms. LoGuidice could have a microphone and Chairman LaPerch said he was sorry but we don't have one.) He said there was some site work done by an over-aggressive employee and the applicant disturbed the properties of some of the neighbors and we have been in touch with some of the neighbors and had a Staff Review Meeting and made sure that whatever was done has been addressed and we are comfortable that the issues that will be resolved. Chairman LaPerch asked Ms. LoGuidice to show the elevations and explain why they are doing this. She explained each elevation and the changes being made, saying there will be two additions and one in the back that you can't really see. On the front, near Route 22, she said, there will be a guardrail and landscaping and additional landscaping between the two parking areas over here. She said here is the same view of the re-facade on the front portion of Brewster Ford and the addition that is two stories to allow for customers to pull into the addition, get out of the weather, leave their car for service. She said these are elevations of the same portions and then a direct view of the sign in the front...(inaudible) Ms. LoGuidice said the Ford dealership is pushing for the majority of these changes and we want to make sure they are in compliance with the Code at the same time. Chairman LaPerch said yes, it is a constrained site, and

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probably, for anyone who has the thought about it, there have been a number of wipe outs in front of the property when there are storms and that is not the applicant's responsibility: it is the Department of Transportation's (DOT's) responsibility. He said we are trying to help them work that out with the DOT so it does not happen in the future where big storms wipe out that culvert area. Chairman LaPerch said now I will poll the Board and then open it up to the public. Chairman LaPerch told the public: if you have a question, please stand up and state your name and address for the record and we will go from there.

Boardmember Jonke asked what is the status of the discussion with the neighbor plumbing business? Chairman LaPerch said during the time the over aggressive individual went ahead and cleared the hill he went too far and there was a leakage of smell that was a septic problem. He said that is when our Building Inspector went out and then the Board of Health went out and everyone said we have a problem here: it turned out that the septic fields for Harvest Plumbing are on Brewster Ford's property. He said the Health Department told Harvest to remove it and put it on their property so, as of now, they have been relocated. Boardmember Jonke said so Harvest had to correct... Chairman LaPerch said the septic fields for Harvest were on Brewster Ford's property. Boardmember Jonke said I saw the correspondence and... Chairman LaPerch said the letter was deceiving because the problem was caused when they dug into the hill but, at the end of the day, Harvest had their fields on Brewster Ford's property so they needed to address that. He said the Health Department made them remove it and put it on their own property. He said Brewster Ford is still in discussion with the neighbor about some additional landscaping but the septic fields needed to be moved. Boardmember Jonke said so they have to move their septic fields? Chairman LaPerch said it's already been done and the problem of the smell up there was because they were leaking already. He asked Ms. LoGiudice: am I saying this correctly? Ms. LoGiudice said I am not sure they are completely re-located yet but they have been flagged. Boardmember Armstrong said the variances you need are from the Zoning Board, not this Board, so are you increasing the variances for the shortfall from the previous plan or just cleaning up the record? Ms. LoGiudice said a little of both. She said the front yard is a new variance, the building coverage is new, the open space is not new, I believe for the side yard we also would need the variance, so a little bit of both. Boardmember Armstrong said in calculating the shortfalls, are you taking into account the land you are leasing from the DOT? She said any of the land belonging to the DOT is not part of the calculations. He asked when will the DOT give approval for what you are doing on their property? Ms. LoGiudice said we still have to submit to them after we get through the initial process with this Board and then we will submit to them. He said I assume you will need to pay a fee of some kind? She said there currently is a fee being paid and that fee will be re-assessed based on the new square footages we are requesting. Boardmember Wissel said we discussed the off-site parking for employees, have you submitted a written agreement? Ms. LoGiudice said it is still being written. Boardmember Rush asked about the lighting and Ms. LoGiudice said we did re-submit a revised lighting plan to show the extent of the light levels going out to the road. He said so it is fully compliant? Town Planner Ashley Ley said it is a tricky site because of the property leased from the DOT. She said the spillage cannot be zero at the property line but it is zero when it hits the roadway which is what the concern is. Boardmember Rush said otherwise they comply with the standards? Ms. Ley said their overall light levels on the site are fairly low and in compliance. Chairman LaPerch asked if there were any questions regarding this application

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from the audience and there were none. The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0. Chairman LaPerch asked Ms. Ley to explain why the applicant needs a Special Permit. Ms. Ley said the Town Board recently adopted some new Zoning and created a new Special Permit for motor vehicle dealerships. This property has been a dealership for decades, she said, but since they are coming to this Board for a new site plan, they are required to get a Special Permit. The motion to refer the application to the Town Board for a Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0. The motion to refer the application to the Zoning Board of Appeals was introduced by Chairman LaPerch. Secretary Desidero asked Ms. Ley to clarify the number of variances required because, she said, her memo in the packet that the Board has says there are six and Ms. LoGiudice said seven. Ms. Ley said she could not find the specific provision for the travel aisle variance in the Code. Ms. LoGiudice said she couldn't either. Ms. Ley said so there are six variances required. The motion to refer to the ZBA for six variances was introduced by Chairman LaPerch again, seconded by Boardmember Armstrong and passed all in favor. The motion to refer to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch said we will see you back here in about three months. Ms. Ley said the Town Board and the ZBA will each have their own Public Hearing so that will take a few months. Chairman LaPerch said you still owe us that letter that Mr. Wissel asked about. Ms. LoGiudice said yes.

2. **DURANTE RENTALS, 11 Fields Lane** – This was a Public Hearing to review an application for Site Plan Amendment and Conditional Use Permit. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Attorney Richard O'Rourke of Keane & Beane, P.C., Durante Rentals Owner John Durante and Architect Rob Dallesandro appeared before the Board. Mr. Dallesandro handed out copies of a memo that he said was their response to the consultant's comments. Mr. O'Rourke said I want to start by clearing up a misunderstanding that this is a residential property: it is not, it is a commercial property. He used an aerial photograph of the properties and explained which is the residential property and which is the commercial property. He said the application before us tonight is completely on the commercial parcel. Mr. O'Rourke said the building is not being altered at all and no new structures are proposed: the property will be used essentially as is. He said his client is seeking approval for the amount of outside storage he is permitted to have associated with this use. He said it is important to understand that the property that will be used is 6.98 acres and he pointed to this parcel on the aerial again. He said this is the subject of this application and the residential property will remain residential. Chairman LaPerch said let's stay on that for a minute because there seems to be some confusion as to whether or not the Plat was filed. Mr. O'Rourke said yes, the Plat number 3161 was filed and he showed the audience a copy, stating that the document number stamped by the County Clerk's Office is 2103161. This is a filed Plat, he said. Mr. Chairman said so that matches up to the visuals you are showing us tonight? Mr. O'Rourke said yes, it does. Mr. Durante said this is the stamp by the County. It was filed, it shows exactly where the

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subdivision line is, he said, and the subdivision line essentially runs right along the Zone line, commercial and residential. Mr. Durante said I just want to make one correction: this whole thing is not residential. This is pretty much the piece that we are purchasing, he said, the commercial does run half way through, he said, this just shows the piece we're proposing to use in the plan versus the entire property that we're purchasing. Chairman LaPerch said and that was filed when? Mr. O'Rourke said March 11 and it looks like 2015. Ms. Desidero said yes, it was last year. Chairman LaPerch said good because that is a key concern. Mr. O'Rourke said there are also questions about the lighting. Mr. Durante said the question came up about Vermeer and while some of our sites look like that those properties are on streets that have 20-30,000 traffic counts. This street does not, he said, and we tried to keep the character of the neighborhood in place which is why we didn't propose to paint the barn. He said we left the barn the color it was and we really tried to preserve as much as we could. We're not proposing any additional lighting to the lighting that's there now, he said. He continued: we're not trying to make it look like Vermeer. If I was on 22, I guarantee you I would try to make it look exactly like Vermeer, he added. Chairman LaPerch said Mr. O'Rourke, the bottom line is you are complying with our Code, correct? Mr. O'Rourke said that is correct. Chairman LaPerch said Mr. Durante, please give the public some idea of what you do for a living, what is that building going to be, the traffic and hours of operation. Mr. Durante said we rent and sell construction equipment as most of you, I think I have seen from the letters, you have gone to our website. We deal predominantly with contractors, industrial uses and business uses, he said. He said I would say 99 percent of our business is not for the general public: I mean homeowners and stuff like that. Mr. Durante said we do get homeowners now and then and we don't turn them away but our business is not really geared toward that type of traffic. This is not a business that is open to the general public: our business is with other businesses and we do 95 percent of it over the phone, Mr. Durante said. He said the other businesses rarely come to our site as we deliver the majority of the equipment we rent. He said we do rent and we do sell as well so there will be traffic to the site but it will be our own vehicles coming and going from the site. Mr. Durante said in regards to customer traffic, I would estimate there would be less than 10 vehicles a day that are not ours coming or going a day and that's pretty standard with all of our other five stores right now. Chairman LaPerch said Mr. Durante, let's talk about the others issues here now: the landscaping seems to be an issue. Chairman LaPerch asked Ms. Ley about landscaping. Ms. Ley said because you are proposing some new areas of outside storage which is subject to a Conditional Use Permit by the Planning Board, the Planning Board can require some additional screening for outside storage areas. There are some Norway Spruces that I saw proposed on the residential portion of the property which would seek to limit some of the views from North Salem Road, she said, and there might be some opportunity for additional landscaping from Fields Lane possibly. Mr. Durante said yes there are and we're open to help screen as best we can. He said obviously the driveway portion there's not really much you can do but again the driveway is really nowhere near the residential side and we are more than happy to plant trees to prevent any view. He said when I received the original letter from the doctor across the way I went out there and saw that they have a view of the property. He said I am happy to put up whatever trees I have to. Here is the house where the original letters came from and, as you can see, they have a view sort of only down to here and we would be happy to put up a few trees here to help

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block that view, he said, and anywhere else on that property if there are, we would be happy to screen it. Chairman LaPerch said and how will you demarcate the area used for outside storage? Mr. Durante used the aerial to explain saying the property or area we're looking to use is really...Chairman LaPerch said can we get back to that map, the big one, so we can figure out where we are, the first visual you gave us? He said can you point out where the outside storage is? Mr. Durante said this is pretty much the outside storage and this is the property that we're looking to use. The natural borders of the property create that we can't go sprawling. He said this (pointing) onto my neighbor's driveway and there are natural trees back here as well as a tree line here. He continued: the only area that was open really was this whole field up here so we have recommended to put fencing in here and then the natural landscape takes the rest of it. Mr. Durante said we would be happy to put something adjacent to the natural landscaping if that... Chairman LaPerch interjected the answer is yes. Mr. Durante said sure, not a problem. Chairman LaPerch said our new rules and regulations, we have had a lot people say we're not going to sprawl but sprawl happens. Ms. Ley said what we need to see is the area that you're showing as outside storage on this site plan doesn't match up with where your fence line is so we need to make sure that what you're showing as your outside storage area and what's being calculated as part of your outside storage matches with whatever the fence line is and whatever row of trees that you're using to delineate it. She said I need you to call it out on the site plan and it needs to be so clear that when the Building Inspector takes this plan to the site and sees where your trucks are parked, he can tell that your truck is parked in the right area and that it's clearly within the area that's identified as being for outside storage. Mr. Durante said that's fine. Mr. O'Rourke said that's fair. Chairman LaPerch said that's the same standard that everyone else has been held to recently over the last couple of years because of the sprawl issue. Boardmember Jonke asked what the business hours are and Mr. Durante said we are open 6 days, Monday to Friday we are open to the public from 7 am to 5 pm and Saturdays we are open from 7 am to 12 noon and we do close some of our facilities in the wintertime. Chairman LaPerch said speak to this one. Mr. Durante said we don't know yet if this will be open or closed on a Saturday so there will be a possibility but we do not know at this point. Chairman LaPerch said you are keeping your options open? Mr. Durante said yes, assume now it will be but there's a chance it might not be. He said that's the hours open to the customers and then our guys could be there at 6 in the morning or until 6 or 6:30 at night sometimes. Boardmember Jonke asked what do you think the latest you would be open, have guys coming and going? Mr. Durante said I think the latest, we try to have everyone back by 4:30 in the afternoon but realistically we could have guys there until 6 or 6:30 at night and then if there is a major issue like Hurricane Sandy or 9/11, we might be open 24/7 but generally people will be there from 6 am to 6:30 pm. Boardmember Armstrong said you answered my question about the hours and weekends but how late at night will you have lighting on the site? Mr. Durante said the lighting there now is on all night and we aren't changing anything. Boardmember Armstrong said if that is for security, would you consider installing motion detectors? Mr. Durante said yes sir, we can do that. Boardmember Armstrong said do you demo your equipment on site? Mr. Durante said that is very rare because the people who rent the equipment know how to operate it but maybe once in a while but it is not part of our daily business. Boardmember Wissel asked what do the people who are there at 6 am or 6 pm do: do they start up the equipment? Mr. Durante said we might have trucks roll out at 6 am but our own trucks, not

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that we're waiting for customers to come in. Boardmember Wissel said but your trucks or your customer's trucks, it still wakes up people that may be sleeping? Mr. Durante said yes, I just know that in the letters it was questioned about the public coming and going and I'm saying they really don't. Boardmember Wissel said what hours does Brewster Transit keep in the mornings? Chairman LaPerch said that is a good question and we'd like to know so Mr. O'Rourke can you find that out for us? Mr. O'Rourke said I can try and find out. Boardmember Wissel said we could probably pull the permit for Brewster Transit instead of having him... Chairman LaPerch said good point, we'll look into that. He said either way we will have an answer for the public. We just want to see what they do, Mr. O'Rourke, because it was an issue for the residents here, he said. Boardmember Wissel said what about the issue of repairs and maintenance of vehicles: do you have a plan for containing any spills? Mr. Durante said our main repairs are done in Queens and we will only be doing very minor things here but anything major is getting sent down there as we don't have the facilities to handle them here. He said I think it's a 2000 sq. ft. building we have here. Boardmember Rush said after tonight's comments, we will still be looking for a site plan that shows the landscaping a little bit deeper. Mr. Dallesandro showed him something that was on the paperwork he submitted tonight. Ms. Ley said it needs to be shown on the site plan as well. Ms. Desidero said the question came up about whether changes to the landscaping would trigger this going back to the ARB? Ms. Ley said the Planning Board can have them add more trees. Chairman LaPerch opened the hearing up to questions from the audience asking them to clearly state their name and address for the record. Dave Engelhardt of 293 Turk Hill Road said I am looking at the site plan and maybe I'm incorrect in what I'm going to say but that piece of property is 12 acres, am I correct? Mr. Durante said approximately yes. Mr. Engelhardt said and six acres are zoned for residential. Mr. Durante said approximately. Mr. Engelhardt said so if you look at that map that you have there, you're looking to use maybe two and half acres of that site right now. Mr. Durante said that's right. Mr. Engelhardt said okay, what happens with the rest of the property that's zoned for commercial? He said are you, in the future, thinking about maybe expanding your business and using that property? Mr. Durante said they won't let me. Chairman LaPerch said wait, you can't say that. He said that's a big issue and I don't want you to just flippantly say that. Chairman LaPerch said what did he mean by that? Ms. Ley said so the commercially zoned portion of the property is 6.958 acres so if they did want to make future improvements they'd have to come back to the Planning Board for site plan approval and they would be limited by the dimensional constraints for that Zoning district. Mr. Engelhardt said my second question is, the rest of the property that remains residential, what's the plan for that property? He said I mean Durante will own that property? Mr. Durante said yes. Mr. Engelhardt said okay so that means if you want to build houses it's your prerogative to get special permission to build houses in that area. He continued: are you thinking about that? Mr. Durante said possibly, maybe one day yes but there are no plans in the near future to build houses on that property. Mr. Engelhardt said I just hope that the Board here remembers this and when they decide to do that, that the Zoning with the size of the property to build a house is four acres and not that he could put five or six houses on six acres of property. He said good point? Ms. Ley said it's Zoned R-60 so if they wanted to do any additional, it's a minimum lot size of 60,000 sq. ft. It doesn't usually work out to be a pure math problem of getting the number of houses based on the Zoning because there are other constraints that need to be considered so if they did

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ever want to subdivide so they could have additional houses that would also need to come back to the Planning Board for review. Mr. Engelhardt said I just want to put everything on the table. Chairman LaPerch said that's fine. Mr. Engelhardt said I guess the next thing would be your business caters to the construction industry and like you were saying before a lot of time contractors will call you in the morning or the night and say look I need an excavator for my job site. He continued: usually construction site construction starts at 7 am in the morning, how far of a radius to you ship your machinery? Mr. Durante said realistically probably a 50 miles radius. Mr. Engelhardt said so an hour ride. Mr. Durante said correct. Mr. Engelhardt said so that means your trucks will be leaving your lot at 6 am. Mr. Durante said correct, which is what I said. Mr. Engelhardt said and so but now you have to load the truck, okay? So that means they'll be maybe trucks earlier than 6 am, correct? he said. Mr. Durante said if a truck leaves early in the morning we traditionally try to load it at night but yes. Mr. Engelhardt said and most of this machinery is pulled on a trailer? Mr. Durante said yes. Mr. Engelhardt said so you're talking about a large truck to move this equipment around, this is not a guy coming with a pickup truck. Mr. Engelhardt said my last concern is the roads. He said I live on Turk Hill Road and that's a very narrow road and right now we have a stream that is underlying on that road that's been closed off for six months and the County is telling us that it's not in the budget yet to make those repairs and now we're going to be talking about all these heavy trucks pulling this equipment on this road. Maybe, he said, if I could just tell the Planning Board that maybe you should consider that, maybe Zoning that road for lighter weights. Chairman LaPerch interjected: I will be right up front with you, that's not in our purview. He said it's a fair comment and I am trying to remember, on Turk Hill, what is out? Mr. Engelhardt said the bridge. Mr. Durante said I would like to help answer that question. He said our intent is to go south on Fields Lane to 684. If we have a local delivery on Turk Hill Road, he said, yeah we might be on Turk Hill Road. He said I just ran maps and I'd be happy to supply to you. He continued: I did a map from 11 Fields Lane which is where we are right to Danbury, CT. I didn't do a specific address, he said, I just did Danbury. The quickest way is 17 minutes through back roads, 26 minutes and 28 minutes. He said these are all the three major back roads to get to Danbury so 17 minutes is my quickest route and if I go south on 684 (*should be north*) up to 84, my ride is 20 minutes so it's not like any of my guys are going to save a half an hour if they go the back roads. He said I did the same for our store in Carmel and there are three back roads to get to Carmel. It's 19 minutes, 18 minutes and 18 if I go back roads. He continued: if I go south to 684 it's 20 minutes so it's two minutes longer if my trucks go that way. He said our intent is to never be on those back roads. Will a truck end up on one, he said, yeah sure I'm not going to lie to you and say it's never going to be but I save no time going the back roads than I do going 684. Chairman LaPerch said you have the floor, whatever you would like to say. Mr. Durante said if you would like a copy of this I would be happy to get you one. Mr. Engelhardt said yes I'd like that. Mr. Durante said sure. Mr. Engelhardt said the last thing I have here, I'm looking at the notice in the paper that talked about the Zoning Board Public Hearing and what it said here: "*Durante Rentals application is being made for amended site plan and conditional use*". Chairman LaPerch said are you sure it says Zoning Board? Mr. Engelhardt said yes, what do you mean by... Chairman LaPerch said can I see that because they haven't been, it should have been Planning Board. Ms. Ley said it should have been Planning Board. Mr. Engelhardt said it says Southeast Planning. Chairman LaPerch said

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you are saying Zoning sir. Ms. Ley said the Conditional Use Permit is for the outside storage. Mr. Engelhardt said what's the amended? If they are allowed under the Zoning now to build what they want, why would you say here "*amended site plan?*" Ms. Ley said there's an existing, approved site plan on the site for the current use, the kayak use. She said this is a new property owner and they're looking to change the area of outside storage that's currently on the site, where they want to increase it. They are amending the site plan to allow for the increase, she said. Mr. Engelhardt said so it has nothing to do with structures? Ms. Ley and Chairman LaPerch said no. Mr. Engelhardt said just storage. Chairman LaPerch said it's a term we use when they come back when there's a property that's already been approved and they want to come in and do something different we use the word amended, that's the terminology we use. Mr. Engelhardt said okay, I guess that's it for now. Chairman LaPerch said you can ask another one later after everyone is done if you have other questions. Mark Halstead of 38 Starr Lea Road said we are about a mile south of this property. We are a small cut through between June Road and Starr Ridge, he said, and my comment is he was talking about using back roads, we have a serious issue as is. He said everyone uses our road as a cut through in the morning and the evening as a commuting street because they get off of 84 and they come down Cobb Road, they come down Starr Ridge and then they come through our road to either get over, go down to Hardscrabble, cut down Fields Lane and now if they're going to turn this into retail, they're just going to be using our road more often. If they have to do deliveries, he said, if there is traffic on 684 your guys are going to come down our road, they're going to do deliveries, they're going to go up Starr Ridge and head over to Cobb. Mr. Halstead said we've already had meetings with the superintendent because the traffic is so bad. Chairman LaPerch said of who? Mr. Halstead said Southeast. Chairman LaPerch said Mr. Bruen? Mr. Halstead said previously Tony Hay and we're having discussions about this because we only have seven houses on the road and if anybody knows it, it's kind of a blind road and everyone flies because all it does is come between those two roads and they know there's no enforcement. He said it's a 30 mile per hour road and we have kids getting on buses in the morning and we even had a situation with my neighbor across the street. Someone blew one of the stop signs from the school bus, went around and almost hit his kid who was trying to cross the street, he said. So we've had an issue for a while and I'm just worried that this is going to exacerbate especially if they're going to be doing the weekend warrior thing where they're picking up and they're driving trailers or whatever it is up and down the road again and I just can't believe they would just avoid us and sit in traffic for an extra 15 minutes just to not go down a side road, he said. Chairman LaPerch said that is a fair comment and I think he talked about that earlier but he is a local businessman now so hopefully and he's going to tell his drivers the concerns here. John Harris of 11 Sherry's Lane said you said you might have about 10 customers coming per day, how many actual pieces of equipment would you have coming and going during the day? Mr. Durante said you mean altogether between trucks and customers? Mr. Harris said right, delivering out... Mr. Durante interjected saying I'm going to say realistically the most you should see in one day is 30 and that's the most but realistically 15 to 20 is going to be a normal day and that's legit. He said like I said we do 95 percent of our business over the phone and don't attract the public to come and it's all right if they do but we're just not that kind of place. Mr. Harris said is that pretty big equipment, heavy machinery, like what kind of equipment? Mr. Durante said it is mixed. He said there is some mid-sized equipment, (inaudible)

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mover, skid steerers, and mini excavators. He continued: there are also chainsaws and core saws and stuff like that. Yole Zeller of 376 North Salem Road showed where her house is on the map (lot 58) in relation to the property at 11 Fields Lane. She said my property goes between lots 57, 55 and my neighbor on the other side is 54 with Sherry's Lane and my driveway rides right alongside. She continued: it's a longer driveway that comes out and I'm right across from Field's Lane. Ms. Zeller said my first question is getting back to his point on the equipment, a lot of equipment carries double-wide, wide-load, do you have any of that with those trailers that are so wide that they won't fit on the road? Mr. Durante said no. Ms. Zeller said the other thing is that years ago in 1965 my brother was killed right over here with a car speeding down in 1965. She said in the '70s and the '80s my kids were at the bus stop when the bus stop used to be at Field's Lane at the corner for everyone that lived in that area and the school changed it because it became so dangerous in those years. Ms. Zeller said now I need a traffic light to get in and out of my driveway at certain hours of the day because it is that dangerous. She said between the Brewster Ice Arena, the Sports Center and the Hardscrabble Athletic Center and all the construction that goes on here, you cannot get out of your driveway at certain hours of the day. In addition to that traffic, the traffic that comes from Connecticut with New York people that moved to Connecticut but still work in New York, they come flying down like that, cut through here, come down this road and cut through here to 84 or 684, she said. It is a hazard, she said, it is very, very dangerous and has always been dangerous from 1965, if not before, all the way up to now and it's worse now. She said the Town has to accommodate us just to be able to be safe and get on this road before they do any more encouragement of having more businesses. Chairman LaPerch said let me address that. He said this gentleman has an as of right use for the property. He continued: you talked about an area problem that is not particularly his issue as much as it's an area issue and I understand your question but he is as of right use in a Commercial Zone and the others issues you talk about with speeding and everything are enforcement issues and not his problem: it's a Town issue. Ms. Zeller said but if you allow other businesses to come...Chairman LaPerch interjected if you're zoned commercial and he is compliant with everything according to the rules and regulations, he has every right to do what he wants under certain conditions and you're asking about a traffic issue that he is not exacerbating. Ms. Zeller said I am just pointing out that it will encourage more traffic which is a Town problem already. Chairman LaPerch said you are absolutely right it will but that is not his issue, it's a Town enforcement issue about speeders and just the volume of traffic and it's a higher issue than this Planning Board. It could be a County issue, he said, instead of a Town issue. Chairman LaPerch said your issue is very well received here, I am not dismissing it, but it's not his problem as he is not exacerbating a problem and he's not creating an overburden of the services or anything. He said it's as of right and if you understood what he said, his traffic is really more in the morning and at night, not during the day. Ms. Zeller said along with everything else. Chairman LaPerch said yes but he is as of right allowed to do this and what your concerns are would be more of a regional issue with traffic issues. Ms. Zeller said it is going to create more, not him personally, but... Mr. Durante interjected right, it is. Chairman LaPerch said I'm not arguing with anything. Ms. Zeller said any retail business is going to create more of a problem. Chairman LaPerch said I think he's the last commercially zoned property on that street so I don't think there is any other threat of a commercial... Mr. Durante said and the good thing is that I'm probably going to be one of

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your least traffic problems than what could go in there. He said the seller is selling the property one way or another and I am telling you that you're going to have traffic coming on and off the property with trucks but you will have the least amount of traffic of most businesses that can buy the property and use that property. Bill Reinhardt of 394 North Salem Road showed on the map where he lives. He asked Mr. Durante: did you purchase the property? Mr. Durante said we are in contract. Mr. Reinhardt said so the purchase is contingent on getting this approved or working this out? Mr. Durante said yes. Mr. Reinhardt said I have more of a comment based on the noise issue because I just moved from New York City and I'm an attorney by trade and I moved here to be a little more quieter and to basically have a little more peace and quiet as my kids grew up and my wife and myself wanted a quiet area. Granted I knew moving here that Fields Lane was more commercial, he said, and I knew driving up to the area that this was something where that particular spot was commercial with the moving company and some other commercial businesses over there but I also knew coming closer to the North Salem end, as I came to my area where I was purchasing, that that was clearly residential and some of the adjoining homes and just looking at the scenery in the area as I looked out from where I was going it just seemed right, it seemed like it was okay from a visual standpoint so I decided to purchase there. What I'm hearing now more has to deal with the noise, he said, and I know you might be rightfully able to do this and to use it for what you're intending to do but for me to be working all week like a dog and then on Saturday morning to go and have a cup of coffee or maybe it's before the coffeepot goes on and I start hearing at 5:45 in the morning vehicles starting up and whatever it is, the chains on some of these vehicles that are bigger than what we would normally hear at that time of the morning. He said during the week also, I know from real estate my contractors that are doing work for me or my clients, this is the time you go so I have an issue with it and I'm just voicing my opinion but that my issue is the noise issue and I would like the Board to just know that that's the bigger concern from the standpoint of quality of life of the people who are in the residential area to have to be now faced with that. Chairman LaPerch said Mr. Reinhardt that is a very fair point and I am going to have Ashley address that because it is a concern of the area and we do have, believe it or not, rules and regulations regarding that. Ms. Ley used the Town Code to answer and read: Chapter 96 of the Town Code is the Noise Code and there are maximum decibel levels that you are allowed to emit from your property during daytime hours or during nighttime hours. She said this property will need to comply with the Town's regulations on this. Mr. Reinhardt said I listened to that but I'm also understanding that if this was Zoned, and I'm not too familiar with Zoning, but an office park or something like the ice rink or some other thing like that that are like commercial establishments but this is heavy construction equipment and I don't know from heavy construction equipment but I know that when that gets turned on, when that gets loaded onto a flatbed to get it down 684 on a truck that now has to deliver it to a construction site, that's noisy. Chairman LaPerch said once again, very valid question and if this gets approved, we haven't voted on anything yet, if it gets approved and there are any issues about being awakened in the morning listening to this you have to call us and there's nothing more I can say about that. He said it's a compliance issue he has to know about it but it's a legitimate question, I get it, but as Ashley (Ley) just mentioned they have standards they have to meet and if you think they're over these standards, call. Chairman LaPerch said please, it's an enforcement issue once again that we have. Mr. O'Rourke said

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I respect that because I live near 84 and 684 and, depending on how the wind is blowing, you can hear an awful lot of noise but I think one of the issues that always occurs when you are dealing with Zoning like this, somewhere, somehow there is a break line between residential and commercial. He continued: obviously a long time ago the Town thought it appropriate to keep the property on this side of North Salem Road in this area zoned residential and then of course there's the Zone line, that is essentially lot line for this thing because after that is all the commercial property. One of the things that, and I'm not suggesting there's a need for an amendment, but you avoid the fact that in this particular Zone one of the specially permitted uses is the kennel, he said. He's not proposing a kennel but I'm just suggesting to you that those are the kinds of uses that trucks, Brewster Transit Mix, that's what you have in a Commercial Zone. Sally Corsaro of 355 North Salem Road said I live directly across the street from this and showed it on the map. She said I see this every day out almost every room in my house. She said I have a couple questions about the Zoning. My understanding, she said, and I'm not an engineer nor am I an attorney, but my understanding is that OP-1 is not the same thing as Commercial and when I look at the Town's Comprehensive Plan from 2014 it's very clear to me that the reason why we're here for this Special Permit and this Conditional Site approval or Permit or whatever it's called, is because this is not allowed under OP-1. She continued: when I look at the Comprehensive Plan, the OP-1 talks about things like Bed and Breakfast... Chairman LaPerch interjected can I stop you here because I'm going to let Ashley (Ley), because I think there is a disconnect between the Comprehensive Plan and what's actually Code so Ashley can you address that? Ms. Ley said the Comprehensive Plan is the plan that the Zoning is based on. The Zoning of this property is OP-1 which is a commercial Zone. Ms. Corsaro said right. Ms. Ley said within commercial Zones there are different levels of uses, there are 'as of right uses' which are permitted principal uses, there are 'conditional use permit uses' which are uses that are allowed in that Zoning District subject to additional permitting requirements that are approved by the Planning Board to make it have less of a potential impact on adjacent properties. She said then there are also 'special permit uses' which are very similar to conditional use permits except that that level of review needs to be done at the Town Board level so those would be the uses that are allowed within the Zoning District but have the most potential to impact adjacent properties. With this project, Ms. Ley said, the general business use which is the Durante Rentals use is a permitted principal use in that Zoning District. She said the outside storage that they are proposing, which they want to bring up to 25 percent of the lot area, just the lot area that's zoned commercial and not the part that is zoned residential, that requires a conditional use permit and that allows this Board to require additional screening to help protect adjacent properties from looking at the rental equipment. Chairman LaPerch said did that answer that? Ms. Corsaro said yes. Chairman LaPerch okay, your next question? Ms. Corsaro said has this property been sub-divided or not? Is it two separate lots or is it one, she asked. Mr. O'Rourke said let me make sure you understand, when you say 'is it subdivided' I think what you are referring to is whether the property as zoned is subdivided residential as a separate lot from that property that's non-residential. He said I think that's your question? Ms. Corsaro said yes. Mr. O'Rourke said okay, the answer to that is yes, the answer is the property has been subdivided. This is a copy of the filed Plat and you are welcome to take a look at it, he said, and you will note that it bears the stamp of the Putnam County Clerk's office which indicates specifically the document number as well as the date of filing and it

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is file map number 3161. Mr. O'Rourke said I can't explain why there's a misunderstanding, it's a filed Plat. Chairman LaPerch said Ms. Corsaro, your next question? Ms. Corsaro said I'm going to pass for now I need to... Chairman LaPerch said you can come back, absolutely no problem. Raj Saxena of 19 Sherry's Lane said Fields Lane ends at my back yard and I have four different topics after listening to everyone. He said the first is about traffic and I appreciate you (Mr. Durante) sharing the information about the routes and I think that makes sense. He said it's something that will hopefully alleviate some of the burden on the road but I do think, and I understand your point that this is a separate issue by a different Board, but I think there is a need to address the volume of traffic. Having watched Fields Lane develop, he said, the volume of traffic on North Salem which goes over to Turk Hill to Starr Lea and to everywhere else and my kids are not small anymore but I think something as simple as reducing the speed limit on North Salem Road is probably the simplest fix for that. Mr. Saxena said and if we get some guidance from you on who to go to there I think that's something that we should look at. Chairman LaPerch said can I answer that? Ms. Ley said I believe it's a County Road so reach out to the Putnam County Highway Department. Mr. Saxena said is that something that you can forward as an outcome of this? Chairman LaPerch said it has to come from you and refer to this meeting and the minutes of this meeting and they have a staff to look at. He said just say I was at a meeting and would you mind reviewing? Mr. Saxena said to Mr. Durante it sounds like what we're hearing is from a traffic perspective you're going to do about 30 rentals a day at a peak so we can multiply that by two as far as how many trucks are leaving and coming during the day. Mr. Durante said I meant total trucks should be around 30. Mr. Saxena said yes but I mean they're going out in the morning and back in the evening. Mr. Durante said no that's why I asked for clarification of the question, I'm saying it should be about 30 trips total to and from the property so figure 15 going, I'm not counting customers, but for our trucks they will leave, come back a few hours later, do something, they will leave again and that should pretty much be it for the day. Mr. Saxena asked how many pieces of equipment will be stored on the property and Mr. Durante said I don't know. Mr. Saxena said I mean distinct pieces of equipment. Mr. Durante said I don't know, maybe 100 plus. Mr. Saxena said so it will be 100 plus, not 200 plus. Mr. Durante said whatever I can put on my property, I honestly haven't broken it down like that. He said the way it works is that I need to turn around any inventory and in the summertime hopefully the place is going to be empty and in the wintertime we may be a little more because stuff is coming back off jobsites and stuff like that. Mr. Saxena said so this is going to be an overflow? Mr. Durante said no, I'm just saying that in general that's the way my business works. He said if you drop by some of my yards people will come by in June and say you guys aren't doing that good because my yard is empty and then in the winter you guys will say you guys are doing great, there's all this equipment in the yard and I say no, it's actually the opposite. Mr. Saxena said so your equipment isn't just daily rental, it will go out and may not come back... Mr. Durante said some will go out for two years, three years. Mr. Saxena said my other concern is noise from traffic, we're close enough to 684 that you can hear that but if you work from home and don't go down to the city it gets pretty loud and I guess my concern would be to know what the actual decibel level is that we're authorized at because I understand the point about 6 am which I think is early enough and I am sure there will be situation where it will be 5:30 or 5:45. Mr. Durante said sure it might happen, yes. Mr. Saxena said so that might happen and there might be even

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situations that might be a little bit earlier than that but it would be good to understand maybe if we had the actual decibel level? Ms. Ley read from the Town Code, saying their property falls into Class C: they are allowed 80 decibels during the day and 70 at night but the receiving property which is the residential would be 65 decibels during the day and 55 at night. Mr. Saxena asked when does the day start and when does the night start and Ms. Ley said the daytime is 7 am to 8 pm. Mr. Saxena said I think that's important because if we're talking about what's happening before 7 am, that becomes a bigger concern. Chairman LaPerch said absolutely. Mr. Saxena said the third area was with respect to lighting. He said I know I've heard and I was talking to one of your Boardmembers here yesterday evening about the level of lighting that's going to actually be there and I understand that it's going to be the same as the existing lighting. Mr. Durante said yes sir. Mr. Saxena said I am not quite sure that I understand that. He said if you're going to expand your facilities, your storage so much, why would your lighting not change? Mr. Durante said because at this point we don't really need it and like I said we didn't even propose to paint the barn because I didn't want to come in and pitch to you guys: *'Hey you see Vermeer, that's me, that's what I'm going to look like, that's what we're going to do to your neighborhood.'* He said I admit we're going to be a little bit noisier than the barn that's there now because we're going to have more trucks but we are trying to fit in as best we can. We have a right to be there, he said, but on the same token you have a right to enjoy the property that you put into throughout the neighborhood. We're hopefully trying to come up with a compromise, he said, as best we can. He said if you look at all my new stores, I have these huge 30-40 ft. LED awnings, wraparound, that I spend \$50-60,000 on my awnings at all my other stores than what I am proposing in here. It's not the traffic, it's not the environment, it's not what we're looking for. Mr. Saxena said so if you're going to expand your storage area by 25 percent... Chairman LaPerch said he has the ability to do that. Ms. Ley said 25 percent of the lot area is what is the maximum outside storage. Mr. Saxena said right, so that's not going to necessitate any additional lighting? Mr. Durante said no. Mr. Saxena said I thought the motion sensor idea was nice, we have enough deer here so I'm sure they'll set that off periodically but I guess I'm surprised. I'm glad to hear that, he said. Mr. Saxena said my last point was just on the appearance, it sounds like I think we've had enough discussions around the landscaping, looks like your entry point in from Fields Lane is relatively narrow and I think if you do cover that area where you're planning on putting the fence and I think if we talk about some design specifics on how you do that, that would be important as well. Mr. Durante said I did want to share with you guys, these are my two neighbors: this is an excavation contracting company and this is Brewster Transit right here. He said there are tractor trailers coming in and out of here and you've got Brewster parking their trucks all along this spot right here and even if you stand out by the neighbors you see straight down to Brewster's trucks so I am going to help you screen those trucks as well but pretty much the noise you're getting from these already is similar to the noise they're already producing. I don't know what they do for you and how annoying it is for you now but if you see that these are my two neighbors and here's one cutout at the corner, he said, I do have 10 plus acres protecting us from the rest of the neighborhood and the other thing is this was the only piece up for sale, the whole commercial piece. He continued: the residential piece was not for sale and we insisted we would not buy it without the residential portion because of the fact that we can control it, we can control the corner, we can control the trees going up there and I also don't have to

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worry about someone moving in onto this property and them saying oh you're too loud so we insisted on buying the whole parcel so we had a little more control over it for the neighborhood. Nick Greco of 376 North Salem Road said do you rent excavators, backhoes, and dozers? Mr. Durante said we rent what's called mini-excavators, they go up to 33,000 lbs. Mr. Greco said you have (inaudible) going into the delivery yard? Mr. Durante said we do. Mr. Greco said I have been a driver my whole life in construction and if I have to have a machine in Danbury at 7:00, I'm going to be starting the machine and my truck at 5:30 in the morning in the yard and I'm going to cut through his street, their street and anybody else's street to save 10 minutes. He said I have been a teamster in New York City for 20 years and I will do it and you can't tell me that your drivers will not do it. Mr. Durante said our trucks are GPS-enabled, we are a very strict company, we are a professional company. Our drivers will not be going down those roads, minus it being a delivery on Starr Ridge Road at 6:30 in the morning, our trucks will not be on those roads at all in the morning, they won't, he said. Mr. Greco said and I think you'll start machines up at 5:30 in the morning. Chairman LaPerch said once again, if he does and it exceeds our Code limit you have a beef. Mr. Greco said how do we differentiate with the decibels, what does that tell me? Chairman LaPerch said I'm not a scientist and very honestly it's a good question. He said we had an application here last year and I will tell the public as it's public information, there was a church that wanted to go into a field next to a residential area and they wanted to have outdoor services and the main concern of the adjoining property, it was over near the high school in the 312 area, was the noise level. We had meetings after meetings on that, he said, it went forever so it comes down to a tolerance level and if you think it's over the level of tolerability you have to call the Town, the police and say *'listen, these guys are starting their machines up too loud in the morning.'* Then the enforcement issue comes in and how that happens I don't know but I can tell you that you have the ability to call on this property owner saying we believe he's exceeding the sound levels, he said, and I don't know how that goes to be honest with you but you have that ability. Ms. Ley said they (the noise levels) can be measured. Chairman LaPerch said they can be measured, right, but it's an enforcement issue. I have to be honest with you, he said, it's all about enforcement, traffic enforcement, noise enforcement, light enforcement. You all have the ability to say it's not right, something's wrong here, he said. Chairman LaPerch said he will not get his approvals without complying to our rules and regulations of what he is putting on the building and on his site from landscaping to lighting and everything else so if you think he's exceeding that you have the right to call him on the carpet with the Town. Corey Clark of 481 North Salem Road said are there wetlands on the property? Mr. Durante said there are no wetlands on our property. He said there are wetlands on the property behind us that there's a buffer area that pushes on the corner of our property. Mr. Clark said how far would you be away from it? Mr. Durante said it's a 133 ft. buffer and we're up to the edge of the buffer. Chairman LaPerch said they don't have wetlands there and in fact he had to submit to the Wetland Inspector in our Town to make sure this works. Mr. Clark said as far as the lights, what's stopping you from adding lights on in the future. Chairman LaPerch said he has to come back in front of us, once again an amended site plan. He said if he wants to expand bigger than his footprint is now for storage area he has to come back in front of the Board in a similar type of situation with a Public Hearing and everything like that. Lorraine Neary of 418 North Salem Road asked Mr. Durante how many feet is the entrance to your business going to be from North Salem Road and he said I

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forget the exact number but I think it was about 500 feet. Chairman LaPerch said and the reason for the question ma'am? Mr. Durante said but she said Fields Lane to North Salem Road right? Ms. Neary said from North Salem onto Fields Lane where is your entrance going to be? It's going to be on Fields Lane correct, she asked? Mr. Durante said Fields Lane and I believe it was, I forget the number, but it was like 575 ft., it was almost two football fields away. Chairman LaPerch said it's there now. Ms. Neary said if you decided you needed another entrance or a back entrance... Chairman LaPerch said that would be an amended site plan and he has to come back in front of us. Ms. Neary said he would have to come back in front of you and are you going to let him have it? Chairman LaPerch said there's no way to really practically do it but if there was a practical way of doing it, we know the site pretty intimately now, there's no way he can do it but if he tried to do it he would have to come in front of us and I doubt it would be approved. Ms. Neary said if I wanted to change the entrance to my home would I have to come to you? Chairman LaPerch said yes you would. Ms. Ley said no, not for a house, it would go to the Highway Department first. Chairman LaPerch said it's not the Planning Board? Chairman LaPerch said the answer is no. Are you planning on doing it he asked? Ms. Neary said so if he wanted to use his residential property as a back entrance? Chairman LaPerch said he cannot use it for commercial use. He would not be able to do that, he said, the answer is no. Ms. Neary said you would not allow him to? Chairman LaPerch said it's not legally permitted under our Zoning. Boardmember Rush said it would a commercial use in a residential zone and you cannot do that. Mr. Durante said we have no intention of using that. Chairman LaPerch said Mr. Durante the answer is no, you're not doing it. Ms. Neary said as long as it will never be yes. Chairman LaPerch said it's not allowable under the current Zoning. Grace Barlya of 465 Starr Ridge Road said I want to echo what the gentleman from Starr Lea had mentioned and the driver that since I've come up here, I moved up here in 2008 and I wanted to get away from the city and the noise level of the city also like the other gentleman, and when we bought the house on Starr Ridge Road we thought being it was a main road there was going to be a lot of traffic but when we really investigated it really wasn't and we were happy and we bought the house. Since then, she said, I have seen an increase in traffic, the noise level. I have a little boy that goes to North Salem Middle School and there's a concern with all the traffic there now that goes by and Saturday mornings I like to sleep in late because I'm up early in the morning. I'm a teacher down in the city and I'm hearing all the cars coming by even now on Saturday morning, she said. I'm a little concerned about that, she said. She continued: now when you have your drivers getting onto 684 and have to go to 84 which side are they going to go? Are they going to be cutting through Starr Ridge going up through Starr Lea or are they going to be going down towards exit 8 and coming that way? she asked. Mr. Durante said our intent, the majority of the time, they will be going south on Fields Lane to 684 as it doesn't add much to the trip. I have driven in my car to my Carmel store on the back roads to Carmel and I sit behind other cars, I sat behind a bus one day and I wanted to put a bullet in my head, excuse me, he said Mr. Durante said I have no desire to do it in my car let alone send my trucks that way. Will there be opportunities that they may end up there, he said, yes but no the intent is that they will be going south on Fields Lane and will be going 684 up to 84. Chairman LaPerch said once again, if you find there is a pattern developing with this company, you have every right to petition the Town and call the Town Zoning enforcement and say *'listen, we've had this discussion with this applicant, this one truck guy is going to*

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*constantly.* ' You have that ability, he said, to call the Town for an enforcement issue if you see a pattern developing but I think this applicant is trying to tell you that he is trying to make his drivers be practical and go down Fields Lane and access 684 from there. Ms. Barlya said I'm hoping he keeps his promise...Mr. Durante interjected you have the ability to call me. Chairman LaPerch said you have the ability to talk to the Town if you see anyone in this room seeing something that's not being followed based on his commitment here. Jason Clark of 449 North Salem Road said so I have been following along Mr. Durante, so you have just under 7 acres of property and you're not really sure how many pieces of equipment you are going to be putting on there, my question is how is this piece of property fitting into your grand scheme of things? He said why would you want a piece of property that's so small for your operation if you needed a bigger piece of property to operate from? Mr. Durante said it is not that small, it's two and half acres of usable space so it's not that small a piece of property. Mr. Clark said but it sounds like you want to have a lot more and the equipment is somewhat large and you're expanding so I would think that you would want something a little more... Chairman LaPerch interjected the site is constrained based on our rules and regulations of outside storage so his business can be booming but if he can't accommodate based on the footprint of the outside storage that is the maximum allowed for this Zone: he is constrained. He said right now he is at a smaller footprint and if the business grows he has the ability to come back and ask us for a bigger footprint to grow into but at this point he's living with it. He's constrained, he can't do anymore, he said, he can't go into that residential area, that's not in play. He has physical constraints and Zoning constraints based on our Town Code. Mr. Clark said my question is would a piece of property somewhere else work a little bit better for what you're looking to do? Mr. Durante said the company is six years old and my goal is to have 100 sites within New York, New Jersey and Connecticut so this is just one amongst many and this is just one store among the mix and if you go, as some of you said, to our website we are rapidly growing. He said we are closing on another one two days from now in Rockland County and we're opening another in Brooklyn so this is just another piece of our puzzle and I get you guys live close so it's an important piece of the puzzle for your guys but it's not the end all and our company doesn't rest on this two and half acres. Dr. Louis Corsaro of 255 North Salem Road said I find some of your comments disingenuous: there is a pond on the residential property and there's a stream that goes through it and it's listed on the site plans of the Town maps and you're saying that there are no wetlands on there when there's a pond... Mr. Durante said the only property in question is the commercial property. Chairman LaPerch said wait, you asked the question, let the applicant answer. Mr. Durante said the only property in question tonight is the commercial property. He said it's a subdivision and the only thing before you guys is the commercial site and we're doing nothing to the residential site, there's no discussion on the residential site, is that correct? Ms. Ley said with the exception of the trees that you are proposing. Mr. Durante said except for the trees in order to help out the neighbors on North Salem. Dr. Corsaro said I would like to present a picture of the view from my house to this property. Chairman LaPerch said okay sir before you present, your issue with the view is what, more landscaping? Dr. Corsaro said the issue is that we look entirely at the face of the property. Chairman LaPerch said I think the young woman here that asked the question earlier addressed that and this applicant is willing to address those visual issues with you so we don't need to see a picture because I think it's been addressed here that landscaping is an

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ongoing, fluid issue until we get the final approval to the satisfaction of everyone here. Dr. Corsaro said next question, do you intend to park your equipment on the septic fields on that commercial portion of the property and Mr. Durante said no. Dr. Corsaro asked where are the septic fields? Mr. Durante said we've carved out around the septic field. Mr. Dallesandro said the septic field is here in this rectangle. Dr. Corsaro said so you can't park any of your equipment on the septic fields? Mr. Durante said no and Mr. Dallesandro said that's correct. Dr. Corsaro said where do you intend to park the equipment, what is the setback from the street, from Fields Lane? Chairman LaPerch said if your question is the setback, once again this is a compliance issue and he has to be in compliance and we're going to look it up for you right now, absolutely. Ms. Ley said the setback requirement is 100 feet. Dr. Corsaro said so from the street, from Fields Lane, you cannot park your equipment closer than 100 ft? Chairman LaPerch said based on our Code that's correct. Ms. Ley said the parking setback is 50 ft. Dr. Corsaro said so from Fields Lane, that's Fields Lane... Mr. Dallesandro interjected this is Fields Lane, this dash line here is the setback running around the property so it comes this way up and alongside... Dr. Corsaro interjected and where do you intend to have the open, exposed equipment? Mr. Dallesandro said the majority of the equipment will be back here in this shaded area. Dr. Corsaro said behind the building, on the side of the building, in front of the building? He said where in relationship to the building are you talking about? Mr. Dallesandro said all around the building. Chairman LaPerch said the answer is: it's behind the setback. Dr. Corsaro said behind the setback. Chairman LaPerch said correct. Dr. Corsaro said okay, and you intend to put landscaping in front of this so it's not visualize-able from the street? Mr. Durante said you will visualize it from the entrance. He said I will work with you guys because again, I said right in the beginning, I didn't know it was your house, but I got the first letter, I went to the property and agree with you 100 percent that you have a clear view of the property. We don't want that, he said, and we will do what we can to help protect that view from your guys. Mr. Durante said the same question came up the last time we were here and we already to do the same at North Salem Road so we will start out with 6 to 10 ft. spruces and we'll go from there. He said we will put up a bunch of them so that your view is blocked as best we possibly can. Dr. Corsaro said will you allow people from the neighborhood to consult with you in terms of the acceptability of the planting? Mr. Durante said I would have no issue with that... Chairman LaPerch interjected absolutely, if it's within reason. Obviously he's looking to engage to make sure you're happy here, Chairman LaPerch said, and I think he's demonstrated at the last couple of meetings that he's looking to make sure that there's no visual impact on adjoining properties so the answer is I believe you will work with them, correct? Mr. Durante said yes. Chairman LaPerch said you can call him directly and if you wanted to make sure that whatever you talked about, Mr. O'Rourke, is forwarded to our Board to the satisfaction of the Board, we have no problem with that. Mr. Durante said I would be happy to work with you. Dr. Corsaro said my last question concerns the noise at 5:45 in the morning. He said this is unacceptable for the neighborhood. If you look at the site plan and the number of residences around this property it totals 25 or 30 immediately in sight view of your property to start diesel engines at 5:45 in the morning is unacceptable as we are a residential community and we bought our property... Chairman LaPerch said once again you have the ability to challenge if the noise level exceeds our Town Code and I have to tell you something: I would think that Brewster Transit has more trucks operating than he's

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going to have operating in the morning. Dr. Corsaro said with all due respect to Brewster Transit, they have a lot of trucks but they do not run their trucks before 7:00 in the morning. He said they don't start any of their equipment before 7:00 in the morning. Chairman LaPerch said maybe they don't and I can't vouch for that but I can... Mr. Durante interjected can you hear their trucks when they start them? Unknown public members said 'yes we can.' Chairman LaPerch said okay but if there's an issue of noise, once again, it's a compliance issue that you have the ability to call the Town and have the Zoning people go out and see if he's exceeding the decibel level, you have that ability. Dr. Corsaro said but you've said in open forum that you're going to start your trucks at 5:45 in the morning because you have to get to the jobsite by 7 which means you're going to be starting that equipment, you're going to be loading that equipment, diesel engines at an ungodly hour of the morning in a residential community. He said why did you pick six acres in a residential community when we have other sites in Southeast that are more acceptable... Chairman LaPerch interjected: sir, I can't let you go there because he is buying a commercially zoned property. He is not creating a commercially zoned property, he is buying a commercial zoned property and he has the right to do this and if you don't like the noise you once again have every right to call us up and say there's a problem out here, please send enforcement out here, he said, but he has every right to buy that property because it's commercially zoned. He continued: he is not asking for any special preferences in terms of Zoning or variances, it's an as of right use. Mr. Durante said I'm trying to answer questions as honestly as possible and I have answered everything that you have asked me and I would appreciate the disingenuous part be stricken from my text. Mr. Reinhardt said in staying with the noise again, I know the young lady to your left recited the decibel level was 70 before 7 in the morning and then 80 after 7 in the morning so again this seems to be a sore point for everyone and I know it's a within right Zoning but we're again saying to you that's our biggest concern. You've got all these residences, he said, you've got vehicles that are going to start up at 5:45. It's your business, he said, you've got to get the vehicles to where they have to go. Mr. Reinhardt said you mentioned a moment ago that the residential lot you decided not to do anything but hold onto that so that you wouldn't have that possible neighbor who purchased that being upset over the noise, what makes you think that neighbor, and again you expressed your concern, the concern over that neighbor possibly being upset seems to be foreshadowed but there's no concern over the rest of the neighbors? Mr. Durante said I understand your question. Mr. Reinhardt said I'm not saying your being disingenuous, believe me. He asked what is the decibel level of your vehicles, tell us that. Mr. Durante said I honestly don't know... Mr. Reinhardt interjected because we're hearing from the Chairman that if you have an issue later on you can always do this, you can always do that but we want to live our lives and enjoy... Chairman LaPerch said but here's my point, if we find out and I see where you're going with this, that if their exceeding it then he has to adjust his business plan, that's what it comes down to. He said this is a very valid question you ask in terms of the decibel levels of their equipment, we should know that. Mr. Reinhardt said well he should know that. Chairman LaPerch said well he doesn't know it, he's not winging it here so I assume he's going to give us an answer at the next meeting. Mr. Durante said this is a concern... Chairman LaPerch said you bring up a point, we have to get it answered and if it's above our Code he has to adjust his business plan, that's what it comes down to. Mr. Reinhardt said if you're a businessman and you're in the business of expanding your business throughout the tri-state area and he sounds like he's

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gung-ho to get things going, you come into an area you have to know your feasibility of what your decibel level is when you come to an area where you've got residential homes and now you're going to hire an attorney and get the whole Planning Committee here and you don't know what your level of noise is? Mr. Durante said no sir. He said two of my previous four facilities literally have neighbors abutted to the property. They're about 15 ft. away from my property line and I have the best relationship with them, he said. Chairman LaPerch said Mr. Durante that doesn't answer the question. He said the question is: through your attorney, can you get that question answered? Mr. Durante said yes but he was asking how do I not know. Chairman LaPerch said I know but let's not go there. He said Mr. O'Rourke, can you see if we can get this answered for this? Mr. O'Rourke said I think what we're going to have to do, I think what you're asking is to engage someone who's a sound engineer and to ascertain what the sound would be upon your Code? Chairman LaPerch said listen, it's a common theme, it's been talked about all night and I think it's the elephant in the room. Can we get an answer, he asked? He said, Mr. Durante, can we have that answered? Mr. Durante said yes sir. George Neuhaus of 32 Stallion Trail said since you're looking into the sound question, the loudest noise is usually when the trucks back up. He said it's a loud noise, you can hear it a mile away sometimes especially on a Saturday morning when there's no other noise around. It's very annoying, he said, because I live in Stallion Trail which is a closed neighborhood and when a fuel oil truck delivers, you will never hear the truck come in, it's quiet but when he backs out of that driveway everyone hears it so if you're going to do a sound check I would like you to check what's the noise db noise level when those trucks back up. Mr. Durante said sure, definitely. Mr. Engelhardt said getting back to traffic, trucks entering and leaving that facility, you are saying how many, 20? Mr. Durante said 20 to 30 a day. Mr. Engelhardt said your trucks? Mr. Durante said no both our trucks and customers. Mr. Engelhardt said oh really? Total contractors and yours, he asked?. Mr. Durante said that's my best estimate. Chairman LaPerch said he did mention 30 as a total between the retail customers coming in and his own. Mr. Engelhardt said the thing there is if I'm a contractor and I come and I rent an excavator and I have to go to a jobsite, you're not going to follow the way your trucks go, 684 down Fields Lane. He said I'd go the quickest way possible down Turk Hill Road, down that road, anywhere they want to go and you have no control over that. Mr. Durante said that's 100 percent right. Mr. Engelhardt said all right so that's just another issue. Ms. Zeller said you talked about planting spruce trees, 6 to 10 ft. She said I have been in the nursery business for 45 years, how many years is it going to take for a 6 ft. spruce tree to grow to block off someone's view? Mr. O'Rourke said it depends on what type of spruce. He continued: if it's a Norway Spruce, as you would know, if you're in the business, it grows anywhere from about 18 to 24 inches per year whereas a Blue Spruce would grow half that. Ms. Zeller said it will grow half that. She said in good conditions it'll grow 18 inches, a Norway Spruce. Mr. O'Rourke said I have 200 trees, I grow trees. Ms. Zeller said but that's the whole point. She said is there any way you can make your plantings a lot larger than 6 to 10 ft. so that it will block this year, next year, the next five to seven years down the road rather than waiting five to ten years for this to block the view? Mr. Durante said I would definitely be okay with that but I don't know enough about trees but 6 to 10 ft. was the recommendation of the Architectural Review Board. Chairman LaPerch said once again, I would think that maybe, like this gentleman here, maybe you can as a group get together with the applicant and see how we can work out to your satisfaction a planting

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scheme that makes sense. Chairman LaPerch said he is open to meet with you to discuss this so I think you should take advantage of that because it seems between the noise and the visual impact of this property are the common themes tonight. He said I can't do anything about the noise until he gives me some information but, the planting, you can be engaged with him on this so please if you can after this meeting take him in the hallway and maybe Mr. Durante you can reach out to them and have a cup of coffee and say here's what we're thinking and maybe you can work it out? Mr. Durante said yep, definitely. Chairman LaPerch said because that's a common theme. Mr. Durante said the view is easy, it's the noise is going to be a little... Chairman LaPerch said well the noise we have to work on a little bit. Mr. Greco said what if the noise is too loud and he's already there set up, now what? Chairman LaPerch said he has to adjust his business plan. Mr. Greco said what is he going to do, not deliver his machines? Ms. Ley said he would have to probably deliver them later. Chairman LaPerch said yes, I mean if it's before... Mr. Greco interjected if I'm a contractor and I need a machine on a job at 7 am... Chairman LaPerch interjected then he's out of business: you ran him out of business. He said he is going to be out of business if he can't accommodate that so that basically what you're saying to him is that... Mr. Greco said I'm asking, I'm not telling... Chairman LaPerch interjected that's the reality, what you're saying to him. If the noise is bothering the neighborhood and he has to adjust it, he has a business decision to make, he said. Ms. Neary said it seems to me right now we're just concerned neighbors of the unknown. She said you keep referring us to the Department of Transportation but once the horse is out of the barn, we're going to be end up not being concerned and wanting to be friendly neighbors and we're going to end up being enemies. Chairman LaPerch said once again I go back to the fact that anyone in this Town that has a properly Zoned property can come in and conduct business here and what public hearings are for are to vet out the issues that maybe can make better neighbors so we don't have, after the approvals, a bad relationship here. But, once again, he said, anyone in this Town that has a property can come in and do what the Zoning permits and I think this applicant has shown so far and there is still a long way to go here, a willingness to sit down and figure out how to make this property work. Ms. Neary said (inaudible) are all here tonight. Chairman LaPerch said he is in a Commercial Zone that abuts a residential neighborhood that happens throughout Westchester and Putnam Counties and these are the conflicts that occur when these kind of properties come on board and obviously this is not his first rodeo if he's going to 100 properties, he's probably seen worse so I'm assuming he can adequately address most of the concerns that are heard tonight which to me are noise and visual impacts. He said traffic we cannot control as it's a County issue that's beyond this Board's control. It's noted and you can bring it to the County but, from a visual impact and a noise impact, we do have control if and when he comes for final approval but he is going to try to hopefully engage with you on a one-on-one level to try to figure out how to do those two issues, Chairman LaPerch said. Ms. Neary said so if he were using Fields Lane to get down to 684 would his trucks even be able to go through Fields Lane successfully and safely? Chairman LaPerch said oh yes, it's a main commercial line there, the answer is yes. Mr. Reinhardt said one last thing, with regard to the study on the noise: that's something that your attorney is going to look into? Chairman LaPerch said the applicant is going to look into it. Mr. Reinhardt said that will be something that you'll report back at a future meeting? Chairman LaPerch said yes and it's public information so whatever you say here you can look up so you can follow through on it. Mr. Reinhardt said

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the last question was, as this gentleman mentioned, what if the level of noise is beyond what you thought because it doesn't sound like you know what level it is right now. He said what if it is beyond what you thought and becomes a concern? Mr. Durante said we're going to have to make some serious business decisions. Mr. Reinhardt said okay so are you the owner of this property or are you in contract to buy this property? Mr. Durante said we're in contract to buy it. Mr. Reinhardt said so your contract is contingent on this working out? Mr. Durante said yes sir. David Neary of 418 North Salem Road said if the requirement is that he cannot turn on his machines before 7 am, Brewster Transit Mix doesn't turn them on until 7 am. Chairman LaPerch said okay. Mr. Neary said how is it that he's going to be able to turn these machines on at 5:45 am, what is the decibel level of the idling speed? When those trucks are down there idling what is their decibel level, he asked, and when they back up how much noise are they going to make? Are they going to exceed the decibel level that's required that the lady pointed out just before and if so isn't that enough of a disqualifying situation for the Board to deny it right off the bat, he asked? Chairman LaPerch said the Board will make their decision based on the merits of this application, it's in a Commercial Zone and they will vote the way they want. He said I can't answer that question. You're asking me to tell you what the Board's going to vote based on his decibel levels, no I can't, Chairman LaPerch said. Mr. Neary said if the decibel level is in excess of the legal decibel level... Chairman LaPerch said then if that's the case and he has to comply within the business hours that those levels can go above that then that's his business decision. This is the fourth time I am saying this: if it shows that his decibel levels will exceed during those pre-business hours that he is thinking of operating on he has to make a decision, 'do I want this property because my neighbors don't want me starting my trucks at 7:00 and will I make money starting my trucks at 7:00,' that's his business decision and that's the conflict we have when we have commercial property adjoining residential but this Board will vote and I can't tell you what each individual person here will vote. Mr. Neary said 7:00 in the morning is okay but 5:45 in the morning... Chairman LaPerch interjected we heard that. Mr. Durante said this gentleman said that he would come and start the trucks up at 5:45 but my guys don't get in until 6:00 so the trucks usually don't get started up until 6:15, 6:20 so the 5:45 just came because this gentleman said he would come early and I respect that but that's normally not the case. Dr. Corsaro said we haven't addressed the idea of signage: what do you intend as I haven't seen any site plan as to what you intend to do for signs and lighting on the signs like Vermeer does: the sign that's lit up and can be seen from outer space? Chairman LaPerch said that sign is an approved sign within our Town regulations and he has the ability to do whatever our Town Code says. So, he continued, your question of the signage is a Code-compliant issue that he has to deal with. Dr. Corsaro said what is your intent on signage? Mr. Durante said we have proposed no signage yet and I believe the intent is, as of right now, is going to be something at the edge of the property but I don't believe it is going to be anything like Vermeer has. Dr. Corsaro said what about on the building itself? Mr. Durante said I believe we're putting any signage... Dr. Corsaro said your other sites show the Durante sign so you intend to put one big neon sign there? Mr. Durante said no and the reason being is that those other signs that we do, if you look at them... Chairman LaPerch said they're not permitted based on our Code. Mr. Neuhaus said you seem very agreeable but will we be able to reach you at a later date after you're in because you'll be out starting up 100 other stores and you may not be accessible to us? Chairman LaPerch said Mr.

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Neuhaus, I'll answer that. The answer is: we have Town Council here and if there's a problem and the owner, if it gets approved, does not respond we have the Court, we have Mr. Stephens, we'll send a letter out stating you're not in compliance, please respond. Mr. O'Rourke said I just want to make one other comment that has not been mentioned: Mr. Durante has been on the Planning Commission for the last eight years in White Plains and he's also on the Executive Board for Westchester Municipal Planning Federation so when he tells you he's going to do something he's going to do it. He's not a mystery man, he said. Mr. Neuhaus said that's good, okay. Chairman LaPerch said any other questions from the public for this applicant? Mr. Engelhardt said Mr. Durante, are the decibel levels different from Town to Town? Chairman LaPerch said he (Mr. Durante) won't answer that: we will answer that. Ms. Ley said you mean the regulations, are they different from Town to Town? Mr. Engelhardt said yes, the sound decibel level. Ms. Ley said every Town is going to have its own requirements of what is allowed. Mr. Engelhardt said so Mr. Durante knows what our level is? Chairman LaPerch said yes he does. Ms. Ley said it's Chapter 96 of Code and it's available online. Mr. Engelhardt said is the decibel level above or below what we require? Chairman LaPerch said he's not answering that, sir. I'm not going to put him on a stand here, he said, as he said he doesn't know. Mr. Engelhardt said but why have this conflict after he buys this property? Chairman LaPerch said because this is not over sir, this application is not a done deal. He still has to answer these questions and he said he didn't know, he said. If he gave you an answer and it was wrong it would look bad, he said. Mr. Engelhardt said I would think he should know. Chairman LaPerch said, right or wrong, he didn't give you an answer here. He is obliged by the record and our Code to answer that question to the satisfaction of this Board, he said, and the fact that he didn't know happens at a lot of other meetings that we have all the time with other applicants. Mr. Engelhardt said are you saying he answered that question? Chairman LaPerch said he didn't answer the question, he owes us an answer sir. Mr. Engelhardt said okay that's what I'm getting at. Chairman LaPerch said he owes us an answer and I think I've said that five times. He said he owes us the answer and he'll get back to us as it's public information, public record and his attorney will respond to this public hearing with an answer, okay? It's not going to be swept under the rug, he said, it's a public question and it will be answered and then if there's conflict here then he has to make a business decision and I think I've said this six times. He said he has to make a business decision as to whether he wants to buy that property or not, okay? Mr. Engelhardt said okay. Chairman LaPerch said thank you. Ms. Neary said so if we have a concern, there are two blind spots on North Salem Road coming toward Fields Lane, one is coming up from Turk Hill and one is coming down from Starr Lea. She said as we turn there right at Fields Lane there are two blind spots in either direction. Chairman LaPerch said yes. Ms. Neary said it seems to me that with any extra traffic we're going to end up with some very severe accidents which then if we go to the Department of Transportation they'll probably want to put a traffic light in there and I don't know if we all want a traffic light down there. Chairman LaPerch said you have a legitimate question. Ms. Neary said for that issue we have to go to the Department of Transportation? Ms. Ley said the County Highway Department. Ms. Neary said the Highway Department? Ms. Ley said it's a County road so it's the County Highway Department. Chairman LaPerch said yes and if you don't remember that, call the Town Planning Board tomorrow morning and say *'I forgot what department do I need to talk to about the traffic issue out on Fields Lane'* and Victoria (Desidero) will give you the

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name of the right person at the County to speak to. He continued: once again everything that was said here tonight is part of a public record and we approve the minutes in the meeting so everything you said here is going to be memorialized so nothing you said is going to just be thrown out there. It's got to be addressed, he said, and I appreciate the comments: they're real but this is a commercial property and he has to make some business decisions based on your input tonight. Chairman LaPerch polled the Board to see if there were any other questions and there were none. He said I am thinking to make a motion to close the Public Hearing with a 10 day written comment period, what does that mean? Ms. Ley said that means that members of the public who have anything else you would like to add, you have 10 days to send written comments to Ms. Desidero at the Planning Board Office and if any of your other neighbors were unable to make it this evening they're welcome to send written correspondence as well and that will be entered into the record and provided to the applicant to respond to at the next Board meeting. Chairman LaPerch said let's make sure that everyone knows the journey that's going to happen here because if we close the Public Hearing, is there another opportunity for them to voice their concern about this application? Ms. Ley said no it's just within those 10 days. Chairman LaPerch said right but the Town Board or anything like that? Ms. Ley said this applicant does not need to go to the Town Board. Chairman LaPerch said because it's Conditional Use. Ms. Ley said because it's Conditional Use. Chairman LaPerch said if it was a Special Permit, the answer is yes. He said so you know what you have to do Mr. Durante? Mr. Durante said yes. Chairman LaPerch said so you will provide those answers to our Board? Mr. Durante said yes. The motion to close the Public Hearing with a 10-day written comment period was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch said if the neighbors want to speak to Mr. Durante, please go out into the hallway: I will give you a minute to clear out.

**REGULAR SESSION:**

- 1. 131 FIELDS LANE, 131 Fields Lane** – This was a review of an Application for a Sketch Plan. Jamie LoGiudice of Insite Engineering appeared before the Board on behalf of her client, Southeast Development. She told the Board that Rob Alfredo, who also has a contractor's field on Fields Lane, is proposing to build a two story office building with associated stormwater, septic and well on the 24.3 acre parcel. Ms. Desidero said I am sorry to interrupt but please speak up as much as possible so you can be heard on the tape. Ms. LoGiudice said OK and offered a brief recap: Rob Alfredo is proposing a two story office building with associated stormwater, septic and well on a 24.3 acre parcel which has limited space to develop as it is constrained by steep slopes and wetland watercourses and buffers on the site. She said we are here for conceptual review. Chairman LaPerch asked where this parcel is located and she said it is the second property off Hardscrabble and right across from Durkin. Chairman LaPerch said oh so that is the big hill and she said yes. He said it is going to be offices? Ms. LoGiudice said yes, office/warehouse. There were no questions from the Board members. Chairman LaPerch asked Ms. Ley if there are any issues. Ms. Ley said no, the applicant submitted for Sketch Plan but the application is complete enough for Preliminary Review. The motion to Declare the Planning Board's Intent to Serve as Lead Agency was introduced by Chairman LaPerch, seconded by

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Boardmember Rush and passed by a roll call vote of 7 to 0. The motion to Classify this as a Major Project was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. The motion to set a Public Hearing for March 21, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed all in favor.

2. **FARM TO MARKET ROAD SUBDIVISION, 83 to 85 Farm to Market Road** – This was a review of a Request for Extension of Preliminary Subdivision Plat Approval. Owner Alfred Mattikow appeared before the Board. Chairman LaPerch said thanks for coming out on a snowy night: I know Victoria told you that you didn't need to be here. Mr. Mattikow said I wanted to come. Chairman LaPerch said great, now what are we doing? Ms. Ley said the applicant needs an extension to keep the Plat approval alive. Chairman LaPerch said he saw that the project had received some correspondence recently from the DEP (Department of Environmental Conservation)? Mr. Mattikow said we are almost done with that part of the review process based on a conversation I had today. Ms. Ley said it is just something that needs to happen before we can give them Final approval. Boardmember Wissel asked how long? Ms. Ley said it is a six month extension. The motion to Grant a six month Extension to the Preliminary Plat Approval for Farm to Market Road Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0. Chairman LaPerch thanked Mr. Mattikow for coming.

The motion to approve the January 11, 2016 Meeting Minutes as amended by Boardmember Armstrong was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

The motion to approve the January 25, 2016 Meeting Minutes as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel. Chairman LaPerch asked for comments and Boardmember Jonke said there is an issue on Item number three, Root Avenue, as he remembers asking a question, I reviewed these when I got the e-mail, but it was something about the location of the property and it is not in there. Ms. Desidero said I am sorry because I wasn't here so this was done from a tape. Boardmember Jonke said it was not a big deal... Chairman LaPerch said do you want the Minutes amended and he said no, it is not pertinent enough. Chairman LaPerch said I make a motion to accept the Minutes as written for the 25th and Boardmember Wissel seconded and the motion passed all in favor with Boardmember Cyprus abstaining.

Chairman LaPerch said we have a Staff Review meeting coming up and asked Ms. Desidero who is coming in. She said she can't remember who the first person is but the second person is someone from Brewster Theater Company who is interested in a property on North Main Street

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

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