

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
March 21, 2016**

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

**PUBLIC HEARINGS:**

1. **131 FIELDS LANE, 131 Fields Lane** – This was a Public Hearing to review an application for a Site Plan, Conditional Use Permit and Wetland Permit. The motion to Declare the Town of Southeast Planning Board Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Jamie LoGiudice of Insite Engineering appeared before the Board. Ms. LoGiudice said the property is located at 131 Fields Lane and is a 10,200 sq. ft., two-story building with associated parking, stormwater pollution areas, private septic and well areas and the property has several areas of wetlands and, because of the proximity of the road to the wetland, they need a Wetland Permit to access the property. Chairman LaPerch said (Wetland Inspector) Steve Coleman sent a memo with quite a few items that need to be addressed. There were no questions from the Board. Chairman LaPerch opened the hearing to the public. He said Mr. Coleman had five or six items and, Ms. LoGiudice is right, they are minor in nature, but they will need to be addressed before we move forward. Anne Beall of 343 North Salem Road asked how many employees will be in the building. Ms. LoGiudice said the proposed use is an office/warehouse so we have 42 parking spaces. Chairman LaPerch asked if this is a spec building at this point and Ms. LoGiudice said yes. He said the applicant has some work to do before they come back. The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Secretary Desidero said there is a note that they need to address the DEP (Department of Environmental Protection) and DEC (Department of Environmental Conservation) comments before they will be able to get a SEQRA determination. Chairman LaPerch asked if the applicant is aware of that and they said they are aware of some comments. Chairman LaPerch said good, so come back to us with some answers when you are ready.
  
2. **BREWSTER CORPORATE PARK & 7 SUTTON PLACE, 63 Fields Lane and 7 Sutton Place** – This was a Public Hearing to review an application for a Site Plan Amendment. Engineer Jim Hahn of Hahn Engineering appeared before the Board. Chairman LaPerch said so this is a walkway between the two properties? Mr. Hahn said yes, between 63 Fields Lane and 7 Sutton Place. Chairman LaPerch interrupted to make the motion to open the Public Hearing, which was seconded by Boardmember Rush and passed all in favor. Mr. Hahn said our two properties want to connect the two parking lots because 7 Sutton Place needs additional parking Monday through Friday from 8 am to 5 pm. Chairman LaPerch said can you explain 7 Sutton Place for the public? Mr. Hahn said 7 Sutton Place is an office/warehouse building and they approached us to try and share parking. Brewster Ice Arena may need additional parking on the weekends when we have high school games but it is unlikely we will ever use their parking, he said. Mr. Hahn said we have come to an agreement that they can use our parking on weekdays and we can use their parking on weekends. We had a huge event this year, he continued, and we didn't need

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additional parking but being the good neighbor we are, we have agreed to share parking. Chairman LaPerch said the consultants had some concerns about lighting and landscaping so please share with the public what you are doing with that. Mr. Hahn said we will have low level lighting along the pathway and it will be satisfactory for the conditions and the lights will be every 20 feet which should suffice. Boardmember Cyprus said you said 'connecting' but just to be clear this is a pedestrian connection. Mr. Hahn said yes, it's a 4 ft. wide pathway. Chairman LaPerch said you haven't provided the Town with any cross easements or anything? Mr. Hahn said we have submitted that. Chairman LaPerch said we haven't heard from (Town Attorney) Will (Stephens) on that yet. Mr. Hahn said there is language that was written by a lawyer. Boardmember Armstrong said I like the bollard lighting and I think we should think about it for other sites. Boardmember Rush asked about the maintenance of the pathway and Mr. Hahn said that will be handled entirely by 7 Sutton Place as it is mostly for their use and they are paying all the costs to build it and maintain it. Anne Beall of 343 North Salem Road asked where they are actually connecting because we live right next door and know the properties. Mr. Hahn showed her on the plans, saying do you know the outdoor rink and the adjacent parking: it is a serpentine around and connecting to the eastern portion of 7 Sutton Place. Ms. Beall said will the employees walk around to the front or is there a back door there? Mr. Hahn said we are dropping them off in this parking lot and I am not sure how they will access their building. Chairman LaPerch said so this is for a major event? Mr. Hahn said it is unlikely we will ever use their parking lot. Chairman LaPerch said so the primary reason is to provide additional parking for 7 Sutton: why do they believe they need extra parking? Mr. Hahn said I believe they are pretty much at the limit now and they have about 3,000 sq. ft. of un-leased space so they said they need 10 spaces. Ms. Beall said it appears the parking lot for 7 Sutton Place was grossly underestimated because they've been parking on the road... Chairman LaPerch said that is where I was going... She said I don't know why their lot is so full and they need more parking now. Kevin Beall of 343 North Salem Road said he called Michael Levine (Building Inspector) to tell him the parking was spilling out for months and he got to them in the early spring. He said the skating rink has enlarged over time and everyone saw this, even at the beginning, so they spill over and they park on the lawn, up against rocks and that whole area of Sutton Place is blocked and you have to avoid it. He said the same thing is true of 7 Sutton: they seem to have events where there are 20 or 30 cars parked all up and down Sutton so it is really spillover from both. Mr. Beall said now you get this compromise for this shared parking arrangement. He said my issue is that and I guarantee the people who park at the skating rink will not abide by any parking rules you set up. My concern is the parking on Sutton adds to this and now you get the bleed toward me of garbage. He said there cannot be any more plastic bags in that swamp area than are there presently and the garbage behind the well-known skating rink, now several rinks, because it is already spread wide and high and the crows carry it wherever they have to. Mr. Beall said am I comfortable with the parking in the skating area? No, he said, it was bad at the beginning and then they opened it up and they still park in an unruly manner because they want to get closer to the rink and now they will be at Sutton Place? He said you need at least four of five trash cans to allow them to do the right thing with their garbage. Chairman LaPerch said so it is more of garbage issue than a parking issue? He said yes, it... Chairman LaPerch said that is a fair comment and something that is doable and maybe the applicant can address it. Mr. Hahn said we will address it. Ms. Beall said

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there is still the outstanding question about why they need more parking when they asked for a certain amount when they built that building: why wasn't it enough? Chairman LaPerch said that is a fair question as well and I will promise you that we will speak to our consultant about that and get an answer. He said the garbage is the easy part of this equation. Mr. Beall said you would think but the rink has been there 15 years now and... Chairman LaPerch said I hear you and this is a Public Hearing and that is now part of the record. Town Councilwoman Lynne Eckardt said it does seem like poor planning and the problem with the work-around, which is very nice and may eliminate some problems, but the question is: were they limited by the size of the property and then does this keep spilling over and just encourage more traffic along a busy road. She said and the garbage is a huge problem, not just here but all over Town, and we do have a clean-up day coming up which I hope helps. Chairman LaPerch said I agree with you. She said also, I can't remember, is there landscaping? Mr. Hahn said yes, whatever we take down, we will replace. Ms. Eckardt said I think that is important so the nicer it looks the less likely people are to litter it. Chairman LaPerch told Mr. Hahn he thought he should come to a staff meeting to review the issues with the parking at 7 Sutton Place to see where we went wrong. Mr. Hahn said OK. Boardmember Armstrong asked Mr. Hahn if he built all the parking required in the original parking plan? Mr. Hahn said yes and we have enough parking at our site. They discussed that the overflow is coming from 7 Sutton Place. The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed all in favor. Chairman LaPerch said to Mr. Hahn please come in for a meeting to discuss 7 Sutton Place and we need garbage cans out there.

**REGULAR SESSION:**

- 1. BREWSTER RETAIL OUTLET, 1224 Route 22** – This was a review of an Application for a Site Plan. Engineer John Folchetti of JR Folchetti & Associates appeared before the Board. Chairman LaPerch said the applicant came to a staff meeting to explain this project. Mr. Folchetti said this is the old Eagle Gas Station on Route 22 just north of the DOT (Department of Transportation) salt shed and south of the Jehovah's Witnesses property. He said the proposal is to convert to a 24-hour convenience store and gas station. Mr. Folchetti said they have their own well and septic and we are proposing a right turn in and right turn out only. Pointing to the plan, he said, the area not cross hatched is the area that has paving there now. Mr. Folchetti said we are proposing to expand by extending the retaining wall all along the southerly side of the property in order to provide parking for customers so they are not walking across the incoming traffic lane. He said they need a fourth pump and the narrative we submitted explains the need for the fourth pump based on the peak load requirements. He said this is a pre-existing, non-conforming property that becomes more so with the additional parking area. Mr. Folchetti said we got comments from the DOT and the Town Engineer but not the Town Planner. He said we take no exception to the Town Engineer's comments except the one regarding the work in the DOT right of way requiring a DOT permit. Mr. Folchetti said we are looking for a referral to the Zoning Board of Appeals (ZBA). Chairman LaPerch said how many variances do you need? Mr. Folchetti said this is an RC Zone so there is nothing I can do without a variance, not even putting the canopy over the pumps, so that will require a variance, as well as the retaining wall and potentially several others. Chairman LaPerch said is the convenience

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store an 'as of right' use? He said yes. Boardmember Jonke said so the traffic will only enter from the south and exit only from the north? Mr. Folchetti said yes, it is northbound in and northbound out only. He said I will retract that DOT comment because the right turn in will require a DOT permit. Chairman LaPerch said I seem to recall you need five or six variances from the meeting. Boardmember Hecht asked what is the extent of the retaining wall and he replied: the existing retaining wall is holding up that side of the pavement now and, in order to provide the additional parking area, we really need to extend it out. He used the plans to show where the wall will be extended. Chairman LaPerch said you need the parking areas to make this legit? Mr. Folchetti said yes, the parking is not a variance but I believe the construction of the retaining wall will need one. Chairman LaPerch said Ms. Ley will address that but she couldn't be here tonight because her kid brought home a stomach bug. Secretary Desidero said that is also probably why you don't have a memo yet. Mr. Folchetti said that is not a problem at all. Boardmember Cyprus asked how high the retaining wall will be and he said 10 feet. He asked if it is visible from anywhere and Mr. Folchetti said no, not at all and he explained why based on the neighboring sites and the terrain. Boardmember Armstrong said this is a lot of development for this site and I wish you good luck with the ZBA. Boardmember Rush said I don't understand the retaining wall. Mr. Folchetti said if you look at Sheet 5, you will see that the grades behind the building drop down at least 10 ft. and there is no way to create the parking lot without a retaining wall. Boardmember Rush asked who the neighbor is on that side because you are going to have to take a bunch of trees down? Mr. Folchetti said it is the DEP property all the way around. Boardmember Rush said we haven't seen your lighting or landscaping plan. They discussed how the retaining wall will look from various places outside the site. Boardmember Rush asked what will be in the front center island and Mr. Folchetti said that will be addressed in the landscaping plan but we are not there yet until I find out about the variances. Chairman LaPerch said I have to correct your statement before about the referral. Secretary Desidero said I was just letting the Chairman know why you can't be referred to the ZBA tonight because that can't happen until after we have a SEQRA determination. Mr. Folchetti said that is fine. The motion to Declare Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. 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 April 25, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

2. **STRAZZA aka ROCKY FARM ESTATES, Doansburg Road** – This was a review of an Application for Final Subdivision Approval. Chairman LaPerch asked if there was anyone here. Ms. Desidero said no because this is the application where the gentleman has been trying to do this on his own with a little help from his attorney and Terry Bergendorff Collins and he is done putting the four lots back together. Boardmember Cyprus told the Chairman he will abstain from voting as this is his neighbor. Boardmember Armstrong said we approved this as a subdivision and now he is going back. He said I don't understand why they are going back because it did cost a lot of money to get this approved though I know it is costly to build it too. Secretary Desidero said she thinks it was about the cost to build the road and the taxes he was paying on the parcels. The motion to Declare Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by

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Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent and 1 abstaining. The motion to Issue a Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 5 to 0 with 1 absent and 1 abstaining. The motion to Grant Minor Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 5 to 0 with 1 absent and 1 abstaining.

3. **STATELINE RETAIL CENTRE, US Route 6** – This was a review of an Application for Extension of Approvals for a Site Plan and Wetland Permit. Chairman LaPerch said they are asking for a one year extension and they have one more year after this. Jamie LoGiudice of Insite Engineering told the Board nothing has changed since the approval. The motion to Extend the Final Approval for Site Plan and Wetland Permit for One Year was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The Board discussed that they have one more year and then they would need to go through the SEQRA process again.
4. **SPACE ON THE FARM, 400-406 Starr Ridge Road** – This was a review of a Request for a Performance Bond. Secretary Desidero said the applicant's attorney called to say he was not going to be able to attend the meeting. Chairman LaPerch asked if there were any questions from the Board and there were none. The motion to Refer the Town Engineer's Recommendation for a Performance Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.
5. **DURANTE RENTALS, 11 Fields Lane** – This was a review of an Application for Final Approval of a Site Plan and Request for a Performance Bond. Owner John Durante, Attorney Richard O'Rourke of Keane & Beane and Architect Rob Dallesandro appeared before the Board. Chairman LaPerch said to Mr. Durante the big issue for this was the sound so please walk the Board through what you did. Mr. Durante said yes, we went three different times to the property, two times were not in the morning and the third time was in the morning at 6:30 am which is when our biggest concern was and we took 40 to 50 readings, not all of it physically recorded, but a lot of it was read as safe or okay. He said I just did various tests throughout the property. He said when I did my actual tests what I did was I put the vehicles, you'll see by the chart I gave you, I did a zone 1 and zone 2, so if I was doing the rear part of the property I put everything behind the building the rear of the property. Chairman LaPerch said do me a favor, walk through this and, if you wouldn't mind, there are some neighbors in here, even though it's not a Public Hearing I respect the fact that they are here, and if they could just come down and visualize to let them see where you did your testing. Chairman LaPerch said what instrument did you use to do your testing? Mr. Durante said I used a Sound Level Meter Ws1361 made by Digital Instruments for the sound meter as it's something we have in our office in Queens and we have a sound engineer who calibrates it. Chairman LaPerch said thank you, once again it's not a Public Hearing but please point out for the Board and for the general public where you did your readings. Mr. Durante said I had the equipment behind the building running when I did the test from B, then I did the test from C, then from D, and then that was it from the back so I did not use the building to hide the vehicles so for our sake it made it worse by being on the same spot as the vehicle. The other thing I did, he said, was I didn't

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walk the property lines, I didn't go behind the trees, I did it in front of the trees so I tried to make the situation as bad as I possibly could not using anything to hide or protect. The trees will buffer it, the building will buffer it, he said. He continued: on the front I moved the vehicles from back here to the front of the property over here and I did tests over here. Again, he said, I did them on the other side of the trees with the trucks running here. Mr. Durante said for the official readings, I did one truck line with my loudest truck and the only one that even came close was 64 dB (decibels) and that was right here at this property line with the truck being not too far away from it. He said I then also showed you some of the other readings that we had and I put a little side note: what I did was, this test was done at 11 a.m. on a Saturday. He said I brought two trucks up, one of them being my large truck and I also brought up two pieces of equipment, a mini-excavator and a track loader. I don't know if you are familiar with that equipment, he said, but they're not tiny pieces of equipment, they're decent sized pieces of equipment. He continued: I took one reading from the front property line which is down here at the driveway with the trucks, everything in front of the building so, again, I didn't use the building to protect the sound. I put one of the trucks at full PTL which is a way they rev the engine up on the truck and lock it in and then I also put the two pieces of equipment at full throttle which it's rare that I would have a piece of equipment running at full throttle in the morning time, he said. Mr. Durante said so with the two trucks running and the two pieces of equipment running I was in the 61 to 67 range. Chairman LaPerch said and the Code? Mr. Durante said the Code is 70 (decibels) in the morning and 80 during the day. On top of that, he said, I had the one truck drive up to the front where I was standing with the two pieces of equipment loaded so the equipment was on the truck, they were running at full throttle on the truck which again doesn't happen because once it's loaded the equipment is turned off but the truck was able to drive from here all the way up to within 27 ft. of me before I hit the 70 dBA reading. He said I literally had to come from here all the way down to here to within 27 ft. before I hit 70 and I did the same test with just the truck loaded without the equipment on it, which is the normal case. Again the truck drove all the way down the property and made it within 18 ft. of me before it hit the 70 dB, he said, and the interesting thing, which isn't on here, is that there were cars passing me while I was taking the reading and they were registering at a higher decibel, I think it was 70 to 80 dB, with just the cars driving behind me as I was trying to take the measurements. It was interesting that regular traffic was louder than what I had, he said. Chairman LaPerch said Mr. Durante can you please tell the Board and the public your hours of operation. Mr. Durante said hours of operation are for customers, they are 7 to 5 officially, but realistically they are probably going to be from 6 to 6:60 (am) and again it could be earlier, it could be later just depending on if something is going on but the normal range should be between 6 and 6:30. Chairman LaPerch said your landscaping plan aims to mitigate some of the other noises and visual impact correct? He said please walk through that with the Board, again this is not a Public Hearing, but there are some people here who weren't here and I want it for the record that you're telling us what you are going to be doing. Mr. Durante said I met with Dr. Corsaro and his wife and we had tea in their dining room which allowed me to see that they had a very valid visual issue so we tried to come up with a plan and again I don't think the noise is really the issue so the trees are really more for visual impact but they will also help the sound issue as well. He said we increased the number of trees and the height of the trees beyond what the ARB (Architectural Review Board) recommended. He said we added two layers of trees, the

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ARB had originally requested 6 to 8 ft. but we are recommending I think 10 ft. to start and obviously they will grow from there. Chairman LaPerch said and this was based on your conversation with Dr. Corsaro? He said yes and so we believe that this staggered pattern with the two layers of tress would really help to block that visual impact and then we also decided to add one layer around like this just so you get a little more screen coming from the side and the other thing we did was we shifted, not for Dr. Corsaro, but we found that some of the houses on North Salem Road really around this area here and we moved this set of trees that we had put on the residential side, it used to wrap around the bend and this really wasn't impacted, so we moved them all to that side of the North Salem Road line so between that and that there really should be a good screen. Chairman LaPerch said so there is no doubt you addressed the visual concerns. Boardmember Wissel had concerns, he said, about the noise testing. He said he thought, and maybe it wasn't clear, but he thought that maybe you were going to use a professional but I believe the affidavit you submitted and your explanation today satisfies me but I am just going to go through the Board to make sure that everyone is happy with what you've presented tonight. Mr. O'Rourke said I would just like to make a statement: Mr. Durante gave you an affidavit and he's also an attorney, he's on the Board of the Westchester Municipal Planning Federation, and he's on the Board for the Planning Commission for the City of White Plains so he's not someone who is unfamiliar with these kinds of activities. Chairman LaPerch said Mr. Wissel made a point and I just want to make sure it's addressed. Boardmember Jonke said we talked about the equipment having the reverse signals that are loud and I am wondering if you measured for that noise? Mr. Durante said yes and what was amazing to me is that they're really not that loud in front of the vehicle, it's really behind the vehicle so all of the trucks would always be lined up to leave the property so there was no issue at all with the sound going off with them leaving. Chairman LaPerch said isn't that back up noise a national standard? Mr. O'Rourke said I believe it is an OSHA standard. Chairman LaPerch said someone asked me after the meeting and we have these sounds all the time but how does the Town regulate them if they are a national standard? Mr. Durante said the Town does allow in the Code for those sounds to be louder but I am under the 70 even with it so I believe they call that 'intermittent sound.' Chairman LaPerch said I just want to make sure everyone is on the same page here because that came up in the meeting. Mr. Durante said we stayed under the 70 decibels even with it. Boardmember Armstrong said I don't know how effective the screening is going to be because even if you stagger them, and I don't remember what variety of planting you are going to use, but I will be consistent and say that berms are very helpful with noise because they do absorb the noise whereas the noise somehow penetrates the tress so if that's a possibility I would suggest it in whatever places it would work. Ms. Desidero said I am pretty sure if they change that now it would require a site plan amendment. Boardmember Rush said we did mention that at the last meeting. Mr. Durante said right now we are way below where we need to be and the most affected person really is Dr. Corsaro and his house is up on a hill from where we are now and sound travels line of sight so if it hits a berm the sound is going to go up more than anything. Boardmember Armstrong said I think they absorb the sound but I could be wrong and you said it bounces off and goes up? Mr. Durante said even so... Boardmember Armstrong interjected I mean it would depend on the earth and what material you used as some would be more absorbent than others. He continued: I think the real issue is the early morning and late evening because the ambient noise from the road and other noises will tend to blend in

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with whatever is going on at your site. He said I that this is what happens when you have commercial development adjacent to residential so I am just saying maybe a different approach with the berms, if they work into your plan, and if you could find out if they would be effective. I am not talking about 10 ft., I am talking about 3 or 4 ft., he said. Mr. Durante responded: without the trees we don't have a sound problem to begin with and what I didn't mention before was I did measure the sound when I went to Dr. Corsaro's house and their ambient noise is 10 to 12 dB higher than our ambient noise just to start so I would have to raise my ambient noise 10 to 12 decibels just to get up to theirs which is a good thing for all of us. He said before the trees we don't have an issue and I believe with the trees we are really not going to have an issue but even if it's down the road we will consider working the berm into the property if that's acceptable. Boardmember Armstrong said so you are saying the noise that is in that vicinity right now is higher after you go in there? He said in other words you've measured it and it's high, the existing noise from the road? Mr. Durante said the noise from the cars that drove by were 70 to 80 decibels. The measurements from where our equipment would be once the it hit 17 ft. from me than it's matching the road but we're allowed to leave the property so it's not part of what you're measuring. Our ambient noise, he said, was about 10 to 12 decibels lower than their ambient noise to begin with which is a good thing because we would have to raise our noise with our machines and everything else by 10 to 12 decibels to match. He continued: there's a lot of brush on my property line and I would take any of these readings on the other side of the brush. Boardmember Armstrong said I am sure you are doing it by the book, I don't have a question with that. He said the question is, if the neighbors feel there's going to be a significant change, what can we do to make them feel comfortable with it? For instance, he said, have you run the equipment and gone onto adjacent sites? Mr. Durante said no because I couldn't even hear it. Boardmember Armstrong said I know but we're talking about satisfying the question and sometimes with Planning Boards you have to... Mr. Durante interjected I left the equipment running on the property when I went to Dr. Corsaro's property and we couldn't hear it so that confirmed that we really are OK with the noise levels. Boardmember Armstrong said so the neighbors were aware you were doing this? Mr. Durante said I told them when I was. He said once we add the screening, it will be even better. Boardmember Rush said because Mr. Wissel (Boardmember) is not here, just bear with me, I'd like to ask how many times you have done live acoustical testing? Mr. Durante said professional like this, this is the first. Boardmember Rush said are you comfortable that if any of your neighbors may, for whatever reason, have a problem or think that there might be a problem with sound mitigating that they could go get the same sound equipment that you used that said it was okay and they could go and test it? Mr. Durante said as long as it doesn't affect my approval tonight, yes I do. Boardmember Rush said I wish you had had a professional do it as I myself would not have done it and I'm an architect so professionally I would not even go near that but you did a thorough affidavit. He said it seems like if we could keep this backing up, which I know is the loudest thing, we've never really seen a flow through your property and if I could sort of assure the neighbors that there was like a path of travel so that the trucks won't really need to back up on the property that would certainly limit some of that potential noise? Mr. Durante said sure. Boardmember Rush said if you agreed that if your neighbors did hear something, that you'd do something -- whether it's a berm or some kind of screen behind the trees that you don't see -- I would be more comfortable. He said I am not comfortable,

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personally, that we didn't do this testing professionally. Mr. Durante said I am spending a lot of money on this and I wouldn't feel comfortable going ahead if I wasn't completely sure that we don't have a noise issue. Chairman LaPerch said that is a very good point: **if** you could somehow line these trucks up so that they don't have to back up and the way you stage your trucks at night could be very important. He said this is his business decision and it is an as of right commercial use on a commercial property. Mr. O'Rourke said these are his employees and he can tell them how to line the trucks up so that there isn't an issue. Mr. Durante said the last thing I want is for them to call Code Enforcement and have... Chairman LaPerch interjected: listen it's our job to make sure they don't in some ways up front, but there is the opportunity for them to come back and tell the Town they're not happy but let's try to do it up front here and Boardmember Rush's point is very legitimate about the way you stage your trucks at night. Boardmember Rush said I wish Ashley (Ley) was here because honestly I just don't know what a test like this does in that process. Chairman LaPerch said Ashley is recommending some actions here so she is comfortable with it. Mr. O'Rourke said AKRF (Town Planner) has sound engineers on staff and these results were sent to them so I am sure if they had a problem we would have been told. Chairman LaPerch said they've had it and there was no AKRF rebuttal on it. If you weren't bordering a residential area this would be a no-brainer but you have an area that we have to be concerned with, the Chairman said. The motion to Grant Final Approval for Site Plan Amendment for Durante Rentals at 11 Fields Lane was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Refer the Performance Bond for Erosion & Sediment Control to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

The motion to approve the March 7, 2016 Meeting Minutes as written was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor with Boardmember Hecht abstaining.

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

**April 8, 2016/VAD**