

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 11, 2016**

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

PUBLIC HEARINGS:

REGULAR SESSION:

Attorney Michael Liguori of Hogan & Rossi asked that the Santucci agenda item be put second so he might confer with his client. Chairman LaPerch said yes and began the meeting with the second item.

1. **AT&T GENERATOR, 87 Hillside Park** – This was a review of an Application for a Site Plan Amendment. Sunil Schneider, Velocitel Project Manager, appeared before the Board. Mr. Schneider said AT&T is adding generators at two locations in Southeast to provide back-up emergency service. Chairman LaPerch said and there is not one there now? Mr. Schneider said correct, it will be a 4 by 8 pad with a generator on top. Boardmember Hecht asked how high the generator is and Mr. Schneider said just over 8 ft. Boardmember Hecht asked where the nearest residence is and Town Planner Ashley Ley showed him an aerial photograph and said 87 Hillside is in the middle of the woods. Boardmember Armstrong said this is the most complete application he has ever seen and, he assumes, it is mostly required by the FCC (Federal Communications Commission) and not the Town. Mr. Schneider said that's correct. Boardmember Armstrong said we are only concerned with the visual impact and whether there is any impact on neighbors: that is our jurisdiction. He said how close are the nearest neighbors? Mr. Schneider said I don't have the exact measurements off hand. Chairman LaPerch said this site is really up in the woods so there aren't really any neighbors. Mr. Schneider said hundreds of feet. Boardmember Armstrong said so is the site already screened? Mr. Schneider said it is completely fenced in and in the middle of a forest. Chairman LaPerch told the public that three Board members were excused tonight. The motion to Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Refer this to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch asked if there were any questions about waiving the Public Hearing and there were none. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.
2. **AT&T GENERATOR, 300 Route 22** – This was a review of an Application for a Site Plan Amendment. Sunil Schneider, Velocitel Project Manager, appeared before the Board. Chairman LaPerch asked where this is on Route 22 and Ms. Ley said it is near Reed Farm. Chairman LaPerch said are you looking for the same type of thing? Mr. Schneider said yes, exactly the same. Chairman LaPerch said it seems the main concern would be noise if there are neighbors. Mr. Schneider said I don't think there are any close-by neighbors that I know of and we do use a sound proof enclosure to minimize any noise. The motion to

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 11, 2016**

Classify this as a Type II Action under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent. The motion to refer this to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. There was no objection to waiving the Public Hearing. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

3. **McLAIN WARD, 2-12 Castle Hill Lane** – This was a continued review of an Application for a Special Permit for a Cemetery. Attorney Richard O'Rourke of Keane & Beane and Chris Munch of Fortune Home Builders appeared before the Board. Chairman LaPerch said were you here about this before? Mr. O'Rourke said yes, mostly what we need tonight is administrative. Chairman LaPerch asked for a brief background on the project. Mr. O'Rourke gave the history of the property saying McLain Ward's father bought the property back in the 1960s and, at that time, it was a cattle farm and it later became a horse farm. He said McLain Ward, the Olympic Gold Medalist, lives there and that is where he keeps his horses and trains. His father, Bernie Ward, died four years ago, he said, and the farm is about 150 or 200 acres. Mr. O'Rourke said the decision was reached that Mr. Ward would be buried on the property. Chairman LaPerch said he wanted to be buried on his property? Mr. O'Rourke said correct so he is buried in a semi-subterranean root cellar that has been retrofitted as a mausoleum. Chairman LaPerch asked Ms. Ley if this is a permitted use and she said it is a Special Permit use and the Board is referring it to the Town Board. Boardmember Armstrong asked if there is any minimum lot size for this use. Mr. O'Rourke said he forgets the dimensional requirements but this is in excess of 100 acres. Boardmember Armstrong said are there any type of dimensional requirements or separation requirements for this use? Ms. Ley said yes, the Special Permit does have dimensional requirements and one of the concerns raised when they were before this Board earlier was that the setback was too close to the road. She said I believe they already went to the Zoning Board of Appeals? Mr. O'Rourke said that is correct. Boardmember Armstrong said so you got a variance from that requirement? He said yes. He asked if there is a limit as to how close you can do anything else on the property? Mr. O'Rourke said he is already there. Boardmember Armstrong said I understand that but I am talking about the future: are there going to be more interments? Ms. Ley said that can be stipulated in the Special Permit by the Town Board. Mr. O'Rourke said there will be no one else buried there and I would have to come back for another Special Permit to do that. The Board discussed how it would be handled if someone else wanted to be in the crypt. Ms. Ley said it can be clearly stated in the Special Permit. Town Attorney Will Stephens said is that what was constructed: a vault? Mr. O'Rourke said it was a root cellar built into the ground and it was then retrofitted to become a mausoleum and that is where he is buried. Boardmember Armstrong said I just want to know that when we are finished with this, it is done and there aren't going to be more. Chairman LaPerch said right, so that is a good question and it is a Town Board decision. The motion to Declare the Planning Board Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 4 to 0 with 3 absent. The motion to refer the application of McLain Ward to the Town Board for a Special Permit was introduced by Chairman

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 11, 2016**

LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent.

4. **SANTUCCI, 5 Shady Lane** – This was a review of a Request by the Building Inspector for a decision as to whether the Santucci's need a Special Permit for Grading and Excavation. Attorney Michael Liguori of Hogan & Rossi represented his client before the Board. Mr. Liguori said if we are not going to have a quorum, we request to be put over to the next meeting. Chairman LaPerch said to the 25th? He said yes. Chairman LaPerch said I will not be here next meeting so in case... Mr. Liguori said I will check with you on the Thursday before. The Board discussed whether this could be discussed tonight and if something might be accomplished. Attorney Joe DePaolo, representing the Town, said he would defer to the applicant on that. Mr. Liguori said they just don't want to do it twice. Chairman LaPerch asked if they would like to come to a staff review meeting and Mr. Liguori said yes. Mr. DePaolo said and they will still come back on the 25th? Chairman LaPerch said yes.

Secretary Desidero said the Meeting Minutes of March 21, 2016 cannot be approved tonight because there is not a quorum of members who attended that meeting present.

Chairman LaPerch asked for the agenda for the next meeting and Ms. Desidero said there will be two Public Hearings: a continued hearing for Glickenhau Private Academy and one for Brewster Retail Outlet. The Santucci discussion will be continued, she said, and Grace Assembly of God is coming in for an extension of their Site Plan Approval and Brewster Ice Arena/7 Sutton Place will be coming back for final approval.

Chairman LaPerch asked Ms. Ley about the issue of 7 Sutton Place not having enough parking. Ms. Ley said 7 Sutton Place was originally approved as a warehouse use and they didn't have a specific user in mind. She said the number of parking spaces for a warehouse use is determined by the number of employees. So, at the time of approval, they underestimated the number of employees so that is why they don't have enough parking, she said. Ms. Ley said the recourse for that is to come back to the Planning Board for site plan amendment for additional parking on their site or, in this case, they have a neighbor next door who has opposite business hours and they are proposing a shared parking agreement. Boardmember Hecht said I think Brewster Ice has an issue too and can use the overflow. Boardmember Wissel asked if 7 Sutton is being used for something other than what was approved and Ms. Ley said it was approved as Office/Warehouse and she is not aware they are using it for anything else. Boardmember Armstrong asked if they have the parking that was approved and Ms. Ley said yes, it was built according to the plan. They talked about the square footage and if that is part of the calculation for the number of parking spaces.

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

April 20, 2016/VAD