

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 25, 2016**

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

PUBLIC HEARINGS:

- 1. GLICKENHAUS PRIVATE ACADEMY, 150 Deans Corner Road** – This was a Continued Public Hearing to review an Application for a Site Plan and a Wetland Permit. Attorney Richard O'Rourke of Keane & Beane, Chris Munch of Fortune Home Builders, Brian Hildebrand of Kellard Sessions and Dana Cuneo of B. Laing Associates appeared before the Board. The motion to open the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed all in favor. Mr. O'Rourke said this is a continuation of a Public Hearing and we made a submission of some additional information that was necessary on April 11. He said he received a memo from AKRF and a letter from Tom Fenton, Town Engineer, and is a little perplexed because Mr. Fenton stated in his letter that he did not receive a particular engineering report that was prepared by Delaware Engineering but it was on the CD that was given as part of the application. Ms. Desidero and Ms. Ley both stated that Ms. Ley had informed Mr. Fenton that the report was on the disk. Mr. O'Rourke said okay we will have to continue the Public Hearing then and Ms. Ley said they would have to continue it anyway because they were still waiting for the traffic study. Mr. O'Rourke apologized stating that they had spoken with their traffic consultant and had hoped to have the traffic study completed as a part of their submission on April 11 but you did get the reports from B. Laing Associates regarding endangered species and wetlands as well as the Delaware Engineering report. He said the only thing they couldn't get was the report from the traffic consultant because when going out and doing the additional traffic counts they wanted to make sure that it was beyond criticism and wanted to make sure that schools were in session with the school buses running. Mr. O'Rourke respectfully requested that the Public Hearing be continued until May 26 and that they have informed the traffic consultant that their report must be in so that it can be submitted in time for the May 26 meeting. Boardmember Armstrong asked about the lighting on the soccer fields and if there was going to be an hours of operation comment in the approval. Mr. O'Rourke said he believed it was stated in the EAF but if there are additional hours we would note that. He also said that he spoke to Ms. Ley about the fields being so close to 684 and whether or not the lighting would have any impact on 684 traffic because even though there's a change in grade there might be if the 60 ft. lights are at the same level close to the road and DOT may review that. Acting Chairman Rush asked if they had done any three-dimensional plans? Mr. Hildebrand answered between the grade change, the buffer that's remaining (wooded strip along 684), the fact that they're benching the fields into the hillside, and the lights being used are LED (which are more easily directed and have less spillover), and we put a boundary around the fields where the spillover would end up so he didn't think there would be an issue. He showed the lighting plans, spillover and the relationship to 684 along with the worst case scenario regarding impact to the surrounding area if all three fields were lit. Boardmember Armstrong just wanted to be sure there would be no impact on 684 such as when the trees don't have foliage on them. Mr. Ley asked what the elevation of the top pole was in relation to the highway? Mr. Hildebrand said the elevation is 340 and with the pole it

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would be at 405 so it is a relatively large grade change. Acting Chairman Rush stated you would be able to see the underside of these lights. Mr. Hildebrand said I think you would notice them but I don't think it would impede your vision but we will consult our lighting consultant regarding this as their main objective in the lighting of the fields was to eliminate any glare. Mr. O'Rourke noted that the spillover area mentioned earlier is well within the property line along 684 so there is no spillover in that direction at all. He said the minimum spillover is onto the Alfredo property so there doesn't appear to be any residential impact. Acting Chairman Rush asked if the DOT had anything to rule on that kind of situation? Ms. Ley said the application has been referred to the DOT through the SEQRA process but wasn't sure if they received a copy of the lighting plan with that. Mr. O'Rourke requested a review letter from Mr. Coleman for the May 23 meeting regarding the wetlands. Ms. Cuneo said Mr. Coleman wanted to set up a site visit to review the wetland boundaries and she has reached out to him but hasn't heard back yet. Ms. Desidero asked Ms. Cuneo to call her office and she would assist in facilitating that. The motion to continue the Public Hearing to May 23 was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed by a roll call vote of 4 to 0 with 3 absent. The motion to refer the applicant to the Zoning Board of Appeals for variances was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed all in favor. The motion to refer the applicant to the Architectural Review Board was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor.

2. **BREWSTER RETAIL OUTLET, 1224 Route 22** – This was a Public Hearing to review an Application for Site Plan. Engineer John Folchetti of JR Folchetti & Associates appeared before the Board. The motion to Declare the Planning Board Lead Agency was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed by a roll call vote of 4 to 0 with 3 absent. The motion to open the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed all in favor. Mr. Folchetti said the initial presentation for this application was made to the Board on March 21 and this is the old Eagle Gas Station located on Route 22 just north of the DOT salt shed and just south of the Jehovah's Church. He said it's a 0.5 acre site that's been a gas station for decades and is served by an onsite well and septic system. He continued: the owner proposed to convert it from a gas station to a 24-hour full service gas station and convenience store operation and the proposed improvements include the construction of a new canopy over the top of the pumps and fire suppression (inaudible) that doesn't exist there, expanded parking for the convenience store as well as an expanded drive around for convenience store customers so they don't have to drive through the pump stations. There will be architectural treatment that is not complete yet. The only excavation proposed is the replacement of the tanks which are located on the north side of the islands and the piping that conveys fuel from the tanks to the pumps which is currently original piping and will be replaced with double-wall piping, he said. In order to expand the parking and driveway access, he said, a series of retaining walls will be required along the south and east property lines. There are a series of variances required because all the setbacks are 100 ft., he said, and essentially nothing can be done within the setbacks. The proposed new parking and driveway, everything that is not currently impervious is proposed to be paved

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with pervious pavers which are materials that we have used on other jobs in Putnam County. He said we've submitted a lighting plan. Mr. Folchetti said the property line is inside the DOT right-of-way and there will be no construction in the DOT right-of-way. The landscaping will be in the parking areas along the northbound side of Route 22, he said, and access along Route 22 will be right in and right out so customers can only get in and out from the northbound lane to avoid any traffic issues. Mr. Folchetti said we've received comments from the Town Engineer, Town Planner, and as part of their SEQRA response from the NYC DEP. He said the Town Engineer had comments about the final design of the retaining wall and we need a variance first to do that. The Town Engineer also had several comments on the drainage, he said, and all that drainage pertains to the new surfaces and if we get the approval to build we will respond on that. Mr. Folchetti said the Town Planner had issues with a dead spot and with the new canopy which will all be LED lights. He felt they were good at the west property line in terms of spillover light, we are just touching with the absolute minimum on the south property line and there is a less than 1 ft. candle area between the parking and the islands. Ms. Ley responded that her concern was that if there was a dark area and someone did walk through there at night that someone pulling into the gas station might not see them. Mr. Folchetti said that's why I want to discuss it because we are on opposite sides on that but if it is an issue we'll address it. He said for the signage we will do architectural renderings and for the dimensional requirements we will go to the ZBA if necessary. Mr. Folchetti said DEP's comments were that they had questions about gas tank removal but we're not taking out the tanks, only replacing the piping. They requested we contact the DEP on the SWTTP requirements and I talked to the DEP about the SWTTP on this after the SEQRA comments and months before we made this submittal and is very comfortable with where they're at and has a follow-up meeting scheduled for May 5. He continued: regarding their pervious paver comment, the person he spoke to recommended the pervious pavement. Regarding the septic system, he said, they were unclear if it was on site but it is. Mr. Folchetti is requesting a Negative Declaration and referrals to the ZBA and Architectural Review Board. Boardmember Armstrong asked if they had been to the ZBA yet and Mr. Folchetti responded that they had not. Ms. Ley said they need a Negative Declaration to be referred. Boardmember Armstrong commented that there are significant variances. Lynne Eckhardt addressed the Board and said she would love to see this gas station looking great but had a few questions: you are expanding the number of pumps? Mr. Folchetti said yes by one, we have three and are proposing four. Mr. Folchetti said he could send Ms. Eckhardt a copy of the site narrative regarding that area and the use of trip generation for a convenience store but the bottom line is that the you could have up to 75 vehicles an hour and on peak hours could be in excess of 90 vehicles an hour and trying to process that with three pumps just has the potential to jack things up and make it difficult. Ms. Eckhardt said I wasn't present when they originally gave their presentation but she understands that one variance is for the retaining wall height. Mr. Folchetti said no he believes it is for the proximity to the property line. Ms. Ley said asked how tall is the retaining wall? Mr. Folchetti answered the lower one is 7 ft. and the taller one is 12. Ms. Ley said it's supposed to be 10 so you need a variance for that. Acting Chairman Rush said we talked about that and it had to do with where you wanted to put the parking lot. Ms. Eckhardt asked Mr. Folchetti to explain the other variances that were needed. Mr. Folchetti said there's a setback requirement. He said they're not moving the islands and everything in this zone has a 100 ft. setback and

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we're dealing with 0.5 acres so they have a pre-existing non-conforming lot coverage, permitted is 45% and we're looking at 80%. Ms. Eckhardt asked how many parking spaces there will be and Mr. Folchetti responded seven. Ms. Eckhardt asked Ms. Ley if that fit within the requirements for the size of this site? Ms. Ley responded that it was a little tight but it's comparable with other gas stations in this area. The motion to close the Public Hearing was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed by a roll call vote of 4 to 0 with 3 absent. The motion to refer the applicant to the Zoning Board of Appeals for variances, including one for the height of the retaining wall, was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed all in favor. The motion to refer the applicant to the Architectural Review Board was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed all in favor.

REGULAR SESSION:

- 1. GRACE ASSEMBLY OF GOD, 510 Route 312** – This was a review of an Application for a One Year Extension of Site Plan Approval. Pastor Ray Mellett appeared before the Board. Pastor Mellett said he would like to request an extension. He said he is a builder and his long-range planning skills are the worst as he's a person that when he gets an idea he wants to jump on it. He said he appreciated the process last year getting the approvals then and wanted to jump on it but felt as a congregation they weren't ready. He said they stopped meeting in the school to save some money which was significant and went back to their daughter church. The motion to Grant a One Year Extension of Site Plan Approval was introduced by Acting Chairman Rush, seconded by Boardmember Jonke and passed by a roll call vote of 4 to 0 with 3 absent.
- 2. BREWSTER ICE ARENA / 7 SUTTON PLACE, 64 Fields Lane and 7 Sutton Place** – This was a review of an Application for Final Site Plan Approval. Doug Hahn of Hahn Engineering appeared before the Board. Mr. Hahn said I think everyone is familiar with the project and I believe we have addressed all the comments. No one had any questions or comments. Ms. Desidero said to Mr. Hahn that she needs final plans for the Vice Chairman to sign off on and that they will need to give her four 11x17 and two full size sets. The motion to Grant Final Site Plan Approval was introduced by Acting Chairman Rush, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent.

The motion to approve the Meeting Minutes of March 21, 2016 as written was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed all in favor.

Secretary Desidero said the Meeting Minutes of April 11, 2016 can't be approved because there is not a quorum of members who attended that meeting present.

Acting Chairman Rush asked for the next meeting agenda and Ms. Desidero said as of now it is a little unclear if the applications that have come in are ready for review so she can't really say what will be on the May 9 agenda.

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

May 5, 2016/VAD/CC