

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
May 23, 2016**

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

PUBLIC HEARINGS:

- 1. GLICKENHAUS PRIVATE ACADEMY, Deans Corner Road** – This was a Continued Public Hearing to Review an Application for Site Plan and 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 Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Mr. O'Rourke said we finally have all the consultant reports in as we were waiting for the traffic report from Adler who was waiting for traffic counts because they needed to wait until School was in session. He said Adler met with Ms. Ley and her people. Ms. Ley said yes, we met with Bernie Adler today and he handed us most of the missing materials that we had identified. The only outstanding item, she said, was an accident analysis report from the DOT (Department of Transportation) which is being FOILED now and we should get that soon. She said also they got the data from the Putnam County Sherriff's department. Ms. Ley said one of the items we had a discussion on was the issue of an intersection that went from a "D" to an "E" with a little bit of delay so we are suggesting that some money be held in escrow so that one year after they are up and running, there would be a warrant analysis done to determine if a traffic light is needed at that location. She said we are not suggesting a traffic light at this time: we are suggesting that it be evaluated at a later point in time. Additionally, she said, the applicant said they would agree to do a parking study in a year to determine if there is any need for additional parking on the site. Ms. Ley said the applicant is making the statement that most parents will drop their kids off at the Academy and leave the site so they are not providing parking for parents on site and the limited number of parking spaces on site would be for the people who work there. She said we had some questions about whether that is really going to be what happens if people are coming long distances. One thing we suggested, she said, is for an area for additional parking in the future to be identified now. One other suggestion was for them to reinforce the edge outside of the drive aisle where people could park along either side of the driveway in and out of the facility, Ms. Ley said. Mr. O'Rourke said he spoke to Chris (Munch) about that and it could be done one of two ways: we could reinforce the shoulders for additional parking or we could add some other parking areas. Mr. Hildebrand showed the Board two areas on the plan where the additional parking might be added. Chairman LaPerch said how many spaces? Mr. Hildebrand said 10 plus depending on the angle. Chairman LaPerch said that will be an important number for the Board when you figure it out. He said I agree with Ashley (Ley) that you are going to attract a large group from far away and they may very well want to wait for their kids to get done. Ms. Ley said there will be no bus parking such as for, say, a mini bus? Mr. Munch said it is not that kind of league: it's a private league and the players all come individually by car. Boardmember Rush said so a private league team wants to bring a private team league to your facility, what do they do? Mr. Munch said it doesn't work that way and I know this because my son is in a similar league. Chairman LaPerch said is there land there for this? Mr. O'Rourke said yes, what

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we have done in other cases is spell out what we will do if it becomes necessary and we'll do that for this application as well. Chairman LaPerch said so, at a future meeting, can you just diagram that on the map please? He said you changed the restaurant use to office space, have you identified a user? Mr. Munch said it is the same organization. Chairman LaPerch said how big is the building? Mr. Hildebrand said 4,000 sq. ft. Boardmember Hecht said where did we leave off on the lighting from 684? Mr. Hildebrand said we did a photometric model and, based on a year's sample and the elevation being about 40 ft. lower, the idea is that usually people will be driving when there are leaves on the trees and when the leaves come down there will be less use of these fields. He said any light seen by travelers would not be a glare and there is zero spillover from the property. Mr. O'Rourke said this is in the area that is well below Sutton Place. Boardmember Armstrong asked how tall are the light poles? Mr. Hildebrand said 60 feet. Boardmember Armstrong said so they would be 20 ft. above the difference in grade and you said 684 is about 40 ft. higher than the fields? Mr. Hildebrand said no, it's lower. Boardmember Armstrong said so 684 is lower so the poles would be almost 100 feet higher than the road? Mr. Hildebrand said yes but it's not a vertical line across to 684 if you look at where the fields are: they are set back into the property and angled so not as severe as it might sound. Boardmember Armstrong said I am asking the question: I don't know the answer. We believe with the canopy is a vegetative buffer, Mr. Hildebrand said, that won't be disturbed, plus the slope down to 684 will mitigate the possibility of glare. Boardmember Armstrong said I understand but I would like to be comfortable that, to the extent possible, we know that the lighting won't impact people driving on 684. Ms. Ley said you probably will see it from 684 if you look up in that direction but it wouldn't be really glaring onto the road. Mr. Hildebrand said all of the lighting is designed not to be glaring and that is all going to be LED lighting. Boardmember Armstrong said there are a lot of comments from the consultants regarding capacity and times of operation and how many people are going to be there and coming and going. Let's say it is determined that some portion of the road infrastructure is not adequate to handle the increased traffic, he asked, who would be responsible for making the improvements to the existing roads? Mr. O'Rourke said the property owner, certainly not the Town. Boardmember Armstrong said good so that is on the record. He asked when would that be determined? Mr. O'Rourke said the only time you could make that improvement is when it is in use... Mr. Munch said are you talking about on-site or off-site? Boardmember Armstrong said off-site. Mr. O'Rourke said I am talking about on-site. Ms. Ley said off-site, it was only one place at one period of time, morning commute time I think, that went from a "D" to an "E." Boardmember Armstrong said so as far as the Town in concerned, this is not going to have impact on the existing infrastructure? Ms. Ley said what we are saying is that some money would be held in escrow to do a study one year later to see if a traffic light is warranted. Boardmember Armstrong said I am assuming you will make the traffic work on the site. Mr. O'Rourke said we will we want to make everyone happy. Boardmember Wissel said did we establish how late the lights will be on at night? Mr. Munch said I think we said 9 pm but I think hours of operation get approved? Ms. Ley said that is right, the hours of operation are part of the Special Permit. Boardmember Rush said similar to Dan's (Boardmember Armstrong's) question, the flow in and out of facility, have you looked into a turn-around where people can drive through. Ms. Ley said we have not seen a truck turning diagram at this point. Mr. Hildebrand said we can do a truck turning diagram. Ms. Ley said we need to see a fire truck. Mr.

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Hildebrand said there is a drop-off flow design for designated drop-off so flow is not impeded. Boardmember Rush asked who enforces the escrow account? Chairman LaPerch said we will memorialize that and handle it as we have in the past, just like Brewster Honda. Boardmember Rush said this is a little different: this is their own parking problem. Ms. Ley said the escrow is for an off-site study. Boardmember Rush said but they said they might have room for spill-over parking. Ms. Ley said we would want to see how they would handle any parking issues... Mr. Munch interrupted and said we have decided to do the extra parking now so that is not part of any study. Ms. Ley said you are going to build it now? Mr. Munch said yes, we will. Chairman LaPerch said that is great, thank you. Ms. Ley told Mr. Hildebrand that the comment regarding the truck turning was in the traffic comments so he may have missed it. Chairman LaPerch asked for public comments 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. Chairman LaPerch asked what the applicant's next steps are and Ms. Ley said we would like to see these last two items addressed and they can come back to the next meeting for a SEQRA determination. The Board discussed at length what the rest of their steps will be after the SEQRA determination. There was some confusion about meeting dates for the Planning Board and the Architectural Review Board (ARB) in June that was clarified by Ms. Desidero. The applicant asked if they can submit to the ARB now and Ms. Desidero said she would recommend they wait until they have a Negative Declaration.

REGULAR SESSION:

- 1. POWER OF MOVEMENT, 11 Stonehollow Drive** – This was a review of an Application for a Conditional Use Permit. Owner Melissa Broderick and Chris Munch of Fortune Home Builders appeared before the Board. Ms. Broderick said I am a pediatric physical therapist and I want to see one patient at a time at my new home. Mr. Munch said just so the Board knows the background, Ms. Broderick is moving in at the end of the week and it is the first house on the right. She wants to use the lower level for her office, he said. Ms. Broderick said I work with babies. Chairman LaPerch said how many babies a day? Ms. Broderick said I treat for 45 minutes with each child and, if all goes well business wise, I would treat anywhere from about 8 am to 5 pm. Chairman LaPerch said so there is obviously someone who comes and stays with the child and so the issue the Board would be thinking about is parking. Mr. Munch said she has is 30 by 60 driveway and a three-car garage. Chairman LaPerch and Ms. Broderick talked about her practice and the types of conditions she treats. Boardmember Armstrong said as a Conditional Use, can we set the hours of operation? Ms. Ley said the applicant did provide her hours of operation and we included those as a condition of the Conditional Use Permit approval. Ms. Broderick explained she will need to build a case load here since most of her patients are in lower Westchester now. Secretary Desidero said the resolution has the hours of operation as 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturdays. Ms. Broderick said that is fine then. Boardmember Armstrong said that is part of the record and can be enforced? Ms. Ley said yes. He asked if a Conditional Use Permit covers this type of use and Ms. Ley said yes. Boardmember Rush asked about a Public Hearing and Chairman LaPerch said we can waive it. Boardmember Wissel said normally I like to have a hearing for the neighbors but, in this case, there is no one else there yet. Boardmember Rush asked Mr. Munch if he

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is confident it won't have any impact on his marketing and he said no, it won't. Chairman LaPerch asked Ms. Broderick if she will have a shingle out there. Ms. Desidero said there is a rule about that in the Code and Ms. Ley said yes, she can have a sign and the Code lays out exactly what she is permitted to have as a home occupation. Ms. Ley said the resolution also says the home occupation can employ one person in addition to the owner. Ms. Broderick said she has no employees now but that is good to know. Boardmember Armstrong said is this Conditional Use Permit open ended or is there a term? Ms. Ley said it is not drafted in there now but the Board can add it if they so choose. The Board agreed they don't think there needs to be an expiration on the approval. Chairman LaPerch asked if anyone is opposed to waiving the Public Hearing and it was agreed that since there are very few neighbors in the development at this time, the Public Hearing could be waived. 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 7 to 0. The motion to waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed all in favor. The motion to Grant the Conditional Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0.

2. NYSMSA d/b/a VERIZON, 45 Independent Way – This was a review of a Request for Exemption from Site Plan and Conditional Use Permit Review. Attorney Edward Teyber of Snyder & Snyder appeared before the Board. Mr. Teyber explained that his client is seeking an exemption from Site Plan and Conditional Use Permit approval for in-kind antenna replacements being done to the cell tower at 45 Independent Way. He said he received the memo from the Town Planner and understands there was an inconsistency between the plans as presented and the memo they sent. Mr. Teyber said they will rectify the inconsistency on the plans which say there are 12 antennas when there are only actually nine. He said it was probably a mistake by the engineer because it is slightly unusual to be removing antennas. Boardmember Armstrong asked if there is a question about the ability of the tower to support... Ms. Ley said the plans showed that there were going to be 12 of the RH units but the letter from the attorney said there will be nine. Mr. Teyber passed out the plans to show the discrepancy. He explained and apologized for the mistake. Ms. Desidero asked if what was just submitted was the corrected version and Mr. Teyber said no. She said when we receive the corrected version, the Chairman can sign it. The motion to Grant the Exemption was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0. (See NOTE from Attorney for Applicant received 6/6/16: The plan (C-1) submitted to the Planning Board indicated that there will be 12 RRHs pursuant to the "Antenna Orientation Plan" (3/C-1), but referenced 9 RRHs in the SOW under the "Project Information" portion of C-1. The structural letter was revised to reflect the SOW. However, the SOW was incorrect as 12 RRHS are proposed.)

In accordance with the last two paragraphs of the Planning Board resolution, a revised plan and structural letter are being prepared by SCS, both indicating 12 RRHs, and same will be submitted to the Building Inspector with the building permit application. It is important to note that according to Verizon Wireless' engineers for this project, Structural Consulting Services, P.C. ("SCS"), the structural calculations originally were done based on 12 RRHS.)

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3. **RYAN RESIDENCE, 33 Vail's Lake Shore Drive** – This was a review of an Application for a Final Approval of a Wetland Permit. Architect Richard Vail appeared before the Board. Chairman LaPerch said Mr. Vail and his client attended a staff review meeting and asked Mr. Vail to explain what happened. Mr. Vail said initially (Wetland Inspector) Stephen Coleman wanted a vegetative buffer to mitigate the changes his clients were making to their house. My clients expressed some concern about this, he said, because they believed it would impact their view and use of their lakefront property. He said when we asked for an alternative, Mr. Coleman said they could install a rain garden to mitigate the stormwater instead. He said the plans now show the rain garden on the north side of the property and it is sized to accommodate the size of the entire footprint of the proposed new house and to mitigate any disturbance to the wetland. Mr. Vail showed the details of the rain garden on the plans and where there are perforated overflow filters that drain to the lake. Chairman LaPerch said this was a unique discussion that Steve (Coleman) allowed us to have and I think it was a great solution that completely benefits the homeowner and the Town. Boardmember Hecht asked what is at the bottom of the rain garden, just gravel? Mr. Vail said a couple of layers of mulch and then gravel. Boardmember Cyprus said he just wanted to say that he agrees that this was a great compromise because he was uncomfortable when they were blocking the view and use of their lakefront. Boardmember Armstrong said he doesn't remember the full discussion and he hasn't been out there but is there a full view of the lake or is this impeding that? Mr. Vail said no, it doesn't impact the view at all: it is on the side. Chairman LaPerch asked Ms. Ley to elaborate on this solution. Ms. Ley said yes, previously the Wetland Inspector proposed a filtered strip along the lake front and now they are proposing a rain garden on the side of the house that will capture the run-off and address the issues Steve Coleman had raised. The motion to Grant the Wetland Permit to the Ryan residence at 33 Vail's Lake Shore Drive was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.

The motion to approve the April 11, 2016 Meeting Minutes as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor with Boardmembers Jonke, Rush and Cyprus abstaining.

The motion to approve the April 25, 2016 Meeting Minutes as written was introduced by Vice Chairman Rush, seconded by Boardmember Armstrong and passed all in favor with Boardmembers Wissel and Cyprus and Chairman LaPerch abstaining.

The motion to approve the May 9, 2016 Meeting Minutes as written was introduced by Chairman LaPerch. Boardmember Wissel asked what the date of the first meeting in June is and Ms. Desidero said it is June 6. She explained that in certain years it works out that some months the Planning Board cannot meet on the second and fourth Monday because of the Zoning Board of Appeals schedule. Chairman LaPerch made the motion to approve the May 9 Meeting Minutes, which was seconded by Boardmember Wissel and passed all in favor with Boardmembers Hecht and Cyprus abstaining.

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Chairman LaPerch asked about the next meeting and Ms. Desidero said there is a Public Hearing scheduled for the Santucci application and it seems that Glickenhau Academy will be back for their SEQRA determination.

Chairman LaPerch said there was a staff meeting and the meat of the discussion was about Barrett Hill. He asked Ms. Ley to give the Board a recap of the meeting. Ms. Ley said they submitted a revised EAF (Environmental Assessment Form) which addressed a lot of the concerns... Chairman LaPerch said once again this is a zone change request to change the use from senior to fair market housing. Town Attorney Will Stephens said that is not correct: it is a petition for a text change to the Zoning Code to add a new Special Permit Use that would allow for workforce, Veterans, and people with disabilities housing. The proposed text is in their amended petition, Mr. Stephens said, and it sounds like there would be a period of time during which they would provide a preference for these groups in their marketing. The Board discussed how this might impact other OP-2 Zones in the Town. Chairman LaPerch thanked Mr. Stephens for the explanation.

Boardmember Hecht said to Chairman LaPerch: you said that the Bull & Barrel came into a meeting, what was that about? Chairman LaPerch said (Building Inspector) Michael Levine had sent them (Bull & Barrel owners) to us because they wanted to replace everything that was existing with new in that back area. He said when he (Michael Levine) went there, he thought what was there was a little over the top of what we had discussed. Chairman LaPerch said but after going over it again it was everything that the gentleman had submitted to our Building Department but it just looked like a lot of work. Boardmember Cyprus said so it was all on the plan that was submitted? Ms. Ley said on the plan submitted to the Building Department. She said it was approved by the Building Department. Chairman LaPerch said and he is in front of the ARB for the fence, right? Ms. Desidero said for everything. Chairman LaPerch said so everything they are doing has been submitted. Boardmember Cyprus said so that is not like a site plan review? Boardmember Hecht said the walkway is not a site plan? Chairman LaPerch said the fence is a replacement, the walkway is a replacement... Boardmember Cyprus said so everything there is on a site plan already? Chairman LaPerch said yes. Mr. Stephens said there used to be a wedding garden out there with picnic tables, I believe. Ms. Ley said the plan submitted to the Building Inspector has picnic tables and an outdoor bar.

Chairman LaPerch said the other person who came in was Mike Bruen, our Highway Department head, who asked for an interpretation of his new place on Sodom Road and the possibility that the existing fenced in area was a pre-existing, non-conforming use for the old plumbing company because, otherwise, he is limited to 2,500 feet of outside storage. Ms. Ley said that's right and we told him we need to see a plan and he may need to come to the Planning Board for a Conditional Use Permit. The Board talked about the fact that the fence is still there and what impact that has on its continued use. Mr. Stephens said it is the Building Inspector who makes the determination as to whether it qualifies as pre-existing and that would be the first step.

Chairman LaPerch said so that is what is going on around Town.

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

June 6, 2016/VAD