

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
September 26, 2016**

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

PUBLIC HEARINGS:

- 1. STARR LEA DEVELOPMENT, 44 Starr Lea Road** – This was a Public Hearing for an application for a Wetland Permit. Engineer Paul Lynch of Putnam Engineering appeared before the Board with his client Mark Halstead. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Mr. Lynch said we are seeking a Wetland Permit to demolish an existing house that is 70 to 80 years old and in very bad shape so it can't be saved. He showed the State and Town of Southeast wetland buffers on the plans, saying these were confirmed by the Town Wetland Inspector, and said we want to construct a new dwelling further back on the site and outside of the buffer and we're looking for a wetland permit to allow a side yard development in this area for a walk out basement. Chairman LaPerch said you had to go to Historic Sites on this one and there was no issue with the driveway? Mr. Lynch said yes, they wanted to see the design of the new house. Boardmember Jonke asked if the driveway issue was resolved and he said yes. Chairman LaPerch asked for questions from the public and John and Regina Vassak of 484 North Salem Road said our concern is that we support Mr. & Mrs. Halstead's request for the variance because we have been concerned about this zombie home for some time now. Mr. Vassak said we are retired school teachers from North Salem Schools, which is just down the road and we live around the corner from the property. We are aware that a house like that house is a danger to kids and we would support... what is it a wetlands variance? Chairman LaPerch said we are addressing that now so Mr. Halstead can go ahead with the project and thank you for your comments. He said we have all the same concerns that you do and it has been a pleasure dealing with the applicant thus far. Town Planner Ashley Ley said there is a letter from Steve Coleman (Wetland Inspector), do you have a copy? Mr. Lynch said I do not. Chairman LaPerch gave him his copy of the letter. She said he is asking for some additional revisions to the plan... minor. She said he wants the house to be shifted to the rear of the property a little bit to increase the distance to the wetland buffer limit line because right now it looks like the house is now on the 133 ft. buffer and you are going to have grading within the buffer area. Mr. Lynch said we would have grading within the buffer whether I move it five feet or none because, as you know, there is disturbance when you are constructing that extends beyond what the final area in use will be. Ms. Ley said he also wants to see how the disturbance is being stabilized and to have that quantified: how many square feet is being disturbed? Mr. Lynch said we had 8500 sq. ft. listed and it would be lawn. Ms. Ley read from Mr. Coleman's memo: *"A post and rail fence or loose stone wall has been proposed within the wetland buffer to serve as a barrier. It is my recommendation that the fence/wall continue and extend to the end of the driveway. If a stone wall is used it should be a minimum of 3 feet in height, so that it is substantial enough to serve its purpose."* Chairman LaPerch said you need a way to demarcate the wetlands, that is something we have been requiring for the past few years. He asked Mr. Halstead: is there any problem with any of this? Mr. Halstead said no, you are talking about the fence from the wetland buffer side to the... Ms. Ley said yes, he said *"that the fence/wall continue and extend to the end of the*

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driveway." Mr. Halstead said OK so that's from the southwest corner to the front, that's fine. Chairman LaPerch said so can you make peace with Steve Coleman? Mr. Lynch said yes, we will. The motion to Close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Chairman LaPerch asked for the next steps and Ms. Ley said if the applicant submits the revisions to the Town and Wetland Inspector Steve Coleman, then they can be on the agenda next month.

REGULAR SESSION:

1. **NEW CINGULAR WIRELESS, 171 Joe's Hill Road** – This was a review of a request for Exemption from Site Plan and Conditional Use Permit review. Attorney Neil Alexander of Cuddy & Feder appeared before the Board. There were no questions from the Board. Chairman LaPerch said this is kind of standard procedure for these? Ms. Ley said yes it is. The motion to Grant the Exemption from Site Plan and Conditional Use Permit review was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 (Boardmember Jonke) abstaining.
2. **T-MOBILE - CROWN CASTLE, 1944 Route 22** – This was a review of a request for Exemption from Site Plan and Conditional Use Permit review. Attorney Doug Warden of Snyder & Snyder appeared before the Board. Chairman LaPerch asked if there is anything special here and Mr. Warden said no. There were no questions from the Board. The motion to Grant the Exemption from Site Plan and Conditional Use Permit review was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.
3. **TWO STARR RIDGE, 3 Starr Ridge Road** – This was a review of a Request for the Release of a Performance Bond. Attorney Don Rossi of Hogan & Rossi appeared before the Board and said we are asking for a bond release and the Town is establishing maintenance and landscape bonds. The motion to Recommend Release of the Bond and to Establish the Landscape and Maintenance Bonds was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 6 to 0 with 1 (Boardmember Armstrong) abstaining.
4. **COLLINS BROTHERS MOVING, 70 Fields Lane** – This was a review of a Request for the Release of a Performance Bond. Jamie LoGiudice of Insite Engineering represented her client before the Board. There were no questions. The motion to Recommend to the Town Board the Release of the Bond was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.
5. **DREWVILLE MOBIL MART, 2495 Route 6** – This was a review of a Request for Extension of Site Plan Approval. Chairman LaPerch recused himself since this is a gas station and left the dais. Acting Chairman Rush asked if there was anyone here to represent the applicant. No one was present and there were no questions from the Board. The motion to Grant the One Year Extension of Site Plan Approval was introduced by Acting Chairman Rush, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 recused.

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- 6. LYONS DEVELOPMENT, Starr Ridge Road** – This was a review of a Request for Extension of Site Plan Approval. Attorney Don Rossi of Hogan & Rossi appeared before the Board. Chairman LaPerch asked if there were any changes and Mr. Rossi said no, we obtained an MS4 Permit to clear the land and we are actively marketing it now. Chairman LaPerch asked if there are any violations on the property that would prevent this action and Secretary Desidero said no. There were no questions from the Board. The motion to Grant the One Year Extension of Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 6 to 0 with 1 (Boardmember Armstrong) abstaining.
- 7. DONUTS BY DE BONIS, 1041 Route 22** – This was a review of an application for Final Site Plan Approval. Boardmember Hecht recused himself, saying his son works at Dunkin Donuts, and left the dais. Jamie LoGiudice of Insite Engineering represented her client before the Board. Chairman LaPerch asked if there was anything new and she said no, nothing. There were no questions from the Board. The motion to Grant Final Site Plan approval was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 6 to 0 with 1 recused. Chairman LaPerch said let's get going on this: it's been like two years and he isn't paying attention. Ms. LoGoudice said yes, he will. Chairman LaPerch said I am serious about that comment. She said I know.
- 8. AT&T, 87 Hillside Park** – This was a review of an application for Final Site Plan Approval. Sunil Schnyder of FDH Velocitel appeared before the Board. Chairman LaPerch asked if there was anything new and he said no. There were no questions from the Board. The motion to Grant Final Site Plan approval was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 7 to 0.
- 9. SALMONS DAILY BROOK ESTATES, LOT 49** – This was a review of an application for a Wetland Permit. The applicant was not present so the Chairman moved to the next item.
- 10. HENRY TREE SERVICE, 47 Prospect Hill Road** – This was a review of an application for a Site Plan Amendment. Jamie LoGiudice of Insite Engineering represented her client. Ms. LoGiudice said this is a new application and gave the location of the property on Prospect Hill Road at the end of the road on the right hand side. She said there is an existing building on the property and pointed out the wetland and wetland buffer areas and the area they are talking about using. Chairman LaPerch said this was the old law office or was that across the street? Town Attorney Will Stephens said it is across the street and it was also the radio station at one time. Chairman LaPerch said yes, WVOX! Ms. LoGiudice said Bill Henry wants to use the site for his tree service and will put a building into the hillside and then a canopy out from that for doing work outside in inclement weather. She said he also wants a storage bin where he can store his logs, wood chips and so on. Chairman LaPerch said and what about the outside storage? She said he is at 9%. He said and he can go up to 25%? Ms. LoGiudice said potentially in the future there are areas that he could expand into but he doesn't need it right now. Chairman LaPerch asked what will be used to demarcate the outside storage area? Ms. LoGiudice pointed out boulders and the

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natural grading on the site saying it will prevent him from expanding the space used for outside storage. Chairman LaPerch said we want something more permanent to demarcate the area so we can prevent sprawl. She talked about the existing stone walls, the boulders and some vegetation that is on the site. Chairman LaPerch said we want something permanent: it's our new rule to prevent sprawl. He said when you come back show us how you will do that. She talked about some options including post and rail fencing. Boardmember Hecht said will you screen the storage? Chairman LaPerch said he is really buried out there: you can't really see it. Boardmember Cyprus asked Ms. Ley if the blacktopping isn't enough of a demarcation? Ms. Ley said what we have seen happen in other places is expansion off the blacktop to what becomes gravel area and sometimes beyond that. He said I always thought the issue was just us being to see where the outside storage area is. Ms. Ley said that is a big part of it. Ms. LoGiudice said can I ask a question: isn't the grading enough to prevent sprawl? Ms. Ley said that becomes a safety issue. Boardmember Armstrong said I think the demarcation of the storage area is very important and when you came to the staff meeting, I thought we talked about something more significant than a fence so it is self-enforcement. Chairman LaPerch said what is your suggestion? Boardmember Armstrong said I'm not sure. He asked Ms. LoGiudice: did you say you use boulders on the site? You could do that if they are partially underground so they don't move or something else that is your choice, he said. Boardmember Rush said are there any lighting changes? Ms. LoGiudice said at the moment, no, there is no lighting proposed except for inside the buildings. Boardmember Rush said there is no lighting at all? Ms. LoGiudice said well, he will probably have something outside the door, like under the canopy. Chairman LaPerch said so no outdoor site lighting is proposed? Ms. Ley said if there is any lighting outside at all, it should be part of the application. She asked what the canopy is made of and Ms. LoGiudice said it is actually an extension of the building, which is a metal building, so it wouldn't be fabric. Boardmember Rush said there is a significant lawn area: is that mow-able? She said yes. Boardmember Armstrong asked if there are any other buildings in close proximity to the site? Ms. LoGiudice showed where they would be in relation to the site plan saying there is one residential house. Boardmember Armstrong said don't you need to show them if they are within 500 feet of the property line? She said I believe it is 200. He said so you are saying there is nothing within 200 feet? He asked her to check that and... Chairman LaPerch said we think it is 500 feet so you need to check that out (to Ms. LoGiudice). Boardmember Armstrong asked if any of them are residential and she said yes, one is residential and pointed to it. He said that, for me, is when lighting becomes an issue. Chairman LaPerch said get us a lighting plan, OK? Ms. LoGiudice said at the time of the submission there was no lighting proposed but we will look at what is needed. Chairman LaPerch said we'd like a lighting plan, please. The motion to Declare the Planning Board's Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. The motion to Declare this a Town of Southeast Major Project was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. The motion to Set a Public Hearing for October 24, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch said show us how you will demarcate the outside storage and the lighting plan next time? Ms. LoGiudice said we will.

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9. **SALMONS DAILY BROOK ESTATES, LOT 49** – This was a review of an application for a Wetland Permit. Attorney Michael Liguori of Hogan & Rossi appeared on behalf of his client. Mr. Liguori said I am representing Ross Alan for a Wetland Permit for Lot 49 in Salmons Daily Brook Estates which is the last lot to be developed. He said the parcel is constrained by wetlands and constrained pretty much in its entirety. Mr. Liguori said a few things of import: number one we recognize that we wouldn't be in front of this Board today for a lot like this to be created. The lot was created in 1986 by the filing of a Plat and Ross Alan acquired it a short time after that, he said. He has been the owner of this property for approximately 30 years and pays maintenance fees to the homeowners association and taxes which calculate at close to \$140,000.00 since 1986-87. He said in the last few years he has invested about \$400 a month and even though he doesn't have a house developed there... Chairman LaPerch said cut to the chase, Michael (Liguori), we know this is a challenging lot. Mr. Liguori said yes, it is a challenging lot. Chairman LaPerch said and the reason for that is it seems every year it gets worse based on the fact that nothing has been built there so the wetlands are creeping up on you. Mr. Liguori said yeah except that we were able to confirm that the wetlands have not grown further since the last delineation: that was confirmed by Steve Coleman (Town Wetland Inspector) in his memo and we had Beth Evans (Wetland Consultant) go out there to re-confirm the boundaries and we received Steve Coleman's memo so we will address his comments. Chairman LaPerch said yes, there are a couple of things you need to work on. Mr. Liguori said we have a revised plan and we are going to shrink the footprint of the house to achieve a greater distance between the house the wetland and the structure. He continued: there is a proposal to place a post and rail fence to demarcate the wetland proper but one thing I would like to get the Board's comments on is an idea to actually re-locate the existing stone walls and use them to delineate the buffer as a method of permanent demarcation. Chairman LaPerch said well that's a business expense so... Mr. Liguori said we talked about it and priced it out and I thought, for purposes of the Board's consideration it would certainly make any matters of... Chairman LaPerch said listen, that would be great. Chairman LaPerch said I have a question for Ashley (Ley): this has been around a long time so Steve (Coleman) is trying to figure out how to make this work, so the footprint is going to be adjusted? Ms. Ley said no matter where you put the house, it is going to be in the buffer: there is no way to develop without that. She said so he (Steve Coleman) is working to reduce the disturbance and asked for some additional mitigation... Mr. Liguori said we will do our best: obviously, we can't do one to one because the parcel is in the buffer in its entirety so there is not enough land to... but we will do the best we can. Chairman LaPerch said I get that and I think if you answer the questions to Steve Coleman's satisfaction, I think the Board would consider this. Mr. Liguori said I understand that: my only point is we can't do one-to-one but we will do the best that we can and we think to offer a more permanent demarcation would be... Chairman LaPerch said that would be great. Boardmember Jonke asked for the total acreage of the site. Mr. Liguori said it is just a hair over two acres. Boardmember Jonke said and it is all in the buffer? Mr. Liguori said yes and showed him the wetlands on the plan. Boardmember Jonke said was it in the wetland buffer in 1986? Mr. Liguori said I can't confirm it but according to Ross (Alan) there was no wetland that impacted this parcel... Ms. Ley said I don't think it is a DEP (Department of Environmental Protection) wetland and, at the time, I don't believe it was a Town of Southeast wetland. Boardmember Hecht said what was the original plan for the size of the house and what is the reduction?

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Mr. Liguori said the restriction in the development required that each house be at least 2,500 sq. ft. so this house will be 2,500 sq. ft. but it was originally proposed at approximately 75 ft. long, which is very long, so what we will do is reduce the length of that but still facilitate 2500 sq. ft. so this will still be 2,500 sq. ft. but not so long. Chairman LaPerch said how does septic work on wetlands? Ms. Ley said I think there is some fill that would have to be brought in. Mr. Liguori said there is a proposed curtain drain and an amount of fill that would be required. Chairman LaPerch said have you worked with the Board of Health yet on this issue? Mr. Liguori said Ross (Alan) had left off with the Board of Health a few years ago and there has not been any changes to this plan but, upon the issuance of a wetland permit by the Town... Chairman LaPerch said then you are going to go back in? Mr. Liguori said the Health Department is going to issue the septic approval as proposed. Chairman LaPerch said we talked about this a few years back and then it died and I thought the wetland was growing and you were gonna hurt yourself by not moving forward... Mr. Liguori said it wasn't with me: this is the first time I have been involved in this application. Boardmember Cyprus said last time around, I think there was a neighbor who was unhappy about this: is he still there? Mr. Liguori said we believe the neighbor is still there and we don't know if there are any issues still lingering and we won't know until the Public Hearing. He said according to Ross (Alan), there was nothing going on on this property at the time that the neighbor reported flooding in their basement; there was no construction activity at that time. The motion to Declare the Planning Board's Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 6 to 0 with 1 (Boardmember Armstrong) abstaining. The motion to Declare this a Town of Southeast Major Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor with Boardmember Armstrong abstaining. The motion to Set a Public Hearing for October 24, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor with Boardmember Armstrong abstaining. Ms. Desidero asked Ms. Ley if you are supposed to say why you are abstaining and she said yes. Ms. Ley asked Boardmember Armstrong and he said I am using this law firm for a personal matter. Chairman LaPerch said good enough, thank you.

11. **GRAVINESE LOT LINE ADJUSTMENT, 16 & 32 Reynwood Drive** – This was a review of an application for a subdivision. Attorney Jamie Spillane of Hogan & Rossi appeared before the Board. Ms. Spillane said she is representing Deborah and Robert Gravinese in connection with a lot line adjustment. She put the plan up on the board and said Mr. Gravinese' lot is currently just over 13 acres and his neighbor's property is 34 acres currently. Chairman LaPerch asked what are you looking to do? She said a lot line adjustment of 1.995 acres. He said why are you doing this? She said it gives Mr. Gravinese more of a buffer area in the back: currently his property line is here and the property in question is currently not used by Catherine McWilliams Inc. and Mr. Gravinese has no intention to do any improvements at all to the property once he acquires it. Chairman LaPerch said you are just adding buffer? Ms. Ley said it also makes his lot more conforming. Boardmember Rush asked Mr. Gravinese if he owns both lots and how this works legally. Chairman LaPerch said he is buying a piece. Ms. Spillane said yes and we submitted the application with both property owners on it so this way we could give the information on both Mr. & Mrs. Gravinese and Catherine McWilliams who is the principal

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of Catherine McWilliams Inc. Mr. Stephens said I suspect you already have a contract in place? She said they have an arrangement but the contract is not signed yet. Chairman LaPerch said subject to this approval and Ms. Spillane said yes. Boardmember Rush said so if this gets approved... Chairman LaPerch said if we approve it, it would have to go to contract. Ms. Spillane said after it is approved by the Town it would have to be filed with the County. Mr. Stephens said it will have to be signed by both owners. Chairman LaPerch said there are no driveway issues? Ms. Spillane said no. Mr. Gravinese said it is all woodlands. The motion to Declare the Planning Board's Intent to be Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 6 to 0 with 1 (Boardmember Armstrong) abstaining. The motion to Classify this a Town of Southeast Minor Subdivision was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor with Boardmember Armstrong abstaining. Chairman LaPerch asked if the Board had any issues with waiving a Public Hearing. Boardmember Wissel asked Mr. Gravinese to confirm that he is not planning any improvements on the property and he said no, it will remain woods as it is now. The motion to Waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor with Boardmember Armstrong abstaining.

The motion to approve the Meeting Minutes as written for August 22, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor with Boardmember Cyprus abstaining.

Chairman LaPerch said I told Victoria (Desidero) I most likely will not be here for the next meeting but what do we have on the agenda? Ms. Desidero said we have the public hearings, a request for extension of the Farm to Market Road subdivision approval and possibly the final for the wetland permit for Starr Lea Road if they satisfy Steve Coleman's questions.

Chairman LaPerch said we had a Staff review meeting and one very interesting thing came up: Hipotronics wants to raise their roof to 100 feet and asked if we would consider that. He said if they can't get approval to do this, they plan to move their operation out of the country and we would lose 90 jobs. He said we told them we will try to work with them and they are looking at excavating some of it. The Board discussed how this might look and Chairman LaPerch said we suggested a balloon test would be a good idea. Chairman LaPerch said the ZBA would have to grant the height variance and Ms. Ley said the height allowed is 45 ft. Mr. Stephens said that is next to the Old Southeast Church so it may be a historic sites issue and they talked about how this might impact the project. Chairman LaPerch talked about some other things going on in Town including Apple Farms, Lakeview Plaza, the gas station on Route 22, Home Depot and the Brewster Honda Service Center.

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

October 19, 2016/VAD