

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
July 8, 2019**

Present: Chairman Thomas LaPerch; Boardmembers Dan Armstrong; Michael Hecht; Jim King; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero. Absent & Excused: Vice Chairman David Rush; Boardmembers Eric Cyprus and Jack Gress

PUBLIC HEARINGS:

- 1. MAFFEI WETLAND PERMIT, 57 Milltown Road** – This was a Public Hearing to review an application for a Wetland Permit. The motion to Declare the Planning Board Lead Agency 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 Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Engineer John Karell appeared with his clients. Chairman LaPerch said I just want to let the public know that due to a problem with the newspaper... the paper forgot to notice this Public Hearing so this Public Hearing will be continued; we are not closing it because of a technical issue with the newspaper postings which is by law it has to be noticed in the paper and it was not, not on our side of the table but they have been very good but they dropped the ball so for that purpose we are keeping it open. Secretary Desidero said all three. Chairman LaPerch said all three of these Public Hearings. He said I let the engineer know on a side bar that we received an e-mail from the DEP (Department of Environmental Protection) that he did not see so he is not going to be able to address most of the questions tonight so we will continue it and we will pick a date later in this meeting. He said good evening; this is a Public Hearing and I would ask you to address the public about what your proposal is. Mr. Karell introduced himself and said what we are proposing is construction of a single-family house that the address is 57 Milltown Road but the driveway access is off of Scenic Ridge Road. We are proposing a septic system, he said, which we submitted to the Health Department and we pretty much have their approval. Chairman LaPerch asked Mr. Karell to move the board to face the public and asked if anyone wanted to move up closer to see it or to hear better. Mr. Karell said Scenic Ridge Drive is along here and the house is along Scenic Ridge Drive as shown on this plan; we have located the septic system far enough away from the wells in the rear yards of these houses and we have an infiltration practice to pick up water from the driveway and the house and infiltrate it. He said the blue is the State wetlands boundary that's on this property; the greenish is the 100-foot State wetlands buffer, adjacent area for which we need a State DEC (Department of Environmental Conservation) permit for; the pinkish is the additional buffer area of 166 feet that is required for the Town of Southeast and, as you can see, we have quite a long driveway to get back to an area that's outside the buffer areas. The house and the septic system are completely outside of the State and the Town buffer areas, he said, there is a small piece of the wetlands for which we need a DEC permit which actually crosses the wetlands and crosses the buffer. Mr. Karell said a good portion of the (inaudible) is in the buffer area for the wetland for which we need a Town permit for and a DEC permit for. Chairman LaPerch said OK, let me jump in here: for anyone who is new to this process I am going to ask Ashley Ley, who is our Town Planner, to tell you what the process is for this applicant and then I will open the Public Hearing and you can ask questions. He does not have to answer them tonight, he said, he just has to acknowledge them and get back to us with either written... he can answer them tonight but he does not have to answer and Ashley (Ley) will explain the process that goes on from here. Town Planner Ashley Ley said so this application is before the Planning Board for a Wetland Permit; at this point it has been considered a major wetland permit because of the extent of the proposed improvements within the wetland buffer and it also requires a DEC wetland permit. She said the project is currently before you for a Public Hearing and, as the Chairman mentioned, it will be extended probably to the next meeting if not the meeting after that, we have to discuss that. Once the Public Hearing is closed, she said, the Planning Board will consider a determination under SEQRA; once that determination has been made, which would conclude the environmental review process, the Board would be able to vote on the application. Ms. Ley said there have been a

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number of comments that have been received from the DEP and from the Town Wetland Inspector that have not been addressed yet or are in the process of being addressed so, in addition to any comments that are raised by the public tonight, those comments would also be addressed in subsequent submissions. Chairman LaPerch said so there is a process still ahead of us but tonight is the start of the process. He said please if you have a question, please come up to the front, state your name for the record so Victoria (Desidero) can enter it into the record and you can ask your question and, for the purposes of knowledge, there is a Website and there is public information you can get regarding this application if you want to see a wetland map and anything is available to you through the Town Hall. Robert Foss of 33 Scenic Ridge Road said I am trying to look on that map to see where my parcel is but that driveway comes very close to the backs of the property lines and my well is all the way at the back so my concern is how close that driveway is to the well and also I am on a bit of a downslope and I get runoff from that area anyway so I am concerned about what impact it would have as to runoff onto my property. Chairman LaPerch said good question. Mr. Foss said can you point out where my property... Mr. Karell said do you know what subdivision lot your house is? He said no, it's the second house in on Scenic. Chairman LaPerch said hey Jack (Karell), the next meeting I want these houses labeled to the current owner names and the current numbers not the old subdivision numbers so the neighbors know exactly where their house is; could you please? Mr. Karell said yes. Mr. Foss said I can tell from that map that the driveway is going to be coming very close to my property... Chairman LaPerch said Mr. Foss, let him show you the house... They looked at the plans together and there were multiple talking while they found the Foss house. Mr. Foss said yeah, that is really close and there is also streams and runoff that comes anyway when there is heavy rain so my concern would be the impact, particularly on my well. Chairman LaPerch said thank you and asked for other comments. Bill Wilkens of 17 Paddock Farm Road said I am on the other side of Scenic and it is my understanding he needs State and DEP approval for that? Ms. Ley and Chairman LaPerch said yes. He said do we give approval before or do we have to wait for those approvals first? Ms. Ley said the Town has... there is a State Environmental Quality Review Act and that is where we would review projects for potential environmental impacts. She said the Planning Board has declared itself lead agency, which means that the other agencies are going to rely on this Board's determination of whether or not there is an environmental impact so because of that no other agencies can vote or approve an application until that process has been completed. She said typically what the Board does is they have correspondence back and forth with the agencies and the Board won't vote on an application until they are reasonably comfortable that the other agencies are ready to approve the project. They may not have approved it, she said, but the project is approvable. Mr. Wilkens said so, if your acting for all three in that scenario, and if you approve it the others will fall in line? Ms. Ley said not necessarily fall in line, they have other issues they want to have addressed, it's called a coordinated review so there is correspondence back and forth, we share similar but not the same concerns. He said OK and so this seems like it might be processed considering it involves the State and the DEC... Chairman LaPerch said specifically because of the size of this wetland, unfortunately today... we can't coordinate everyone's actions and today, unfortunately this gentleman didn't receive but we received this memo from the DEP today and they have a laundry list of items that they want to see addressed by this applicant for their... to satisfy their concerns. He said so we won't do anything or move this action forward until we think they are satisfied with the outside agency issues, OK? Mr. Wilkens said OK, if they are satisfied could you possibly still veto it? Chairman LaPerch said sure, the Board could go either way... it's a Board vote. He said if they both approve it; would we be more likely to approve it then? Chairman LaPerch said we typically go along those lines, yes... good question, thank you. Town Councilwoman Lynne Eckardt said I think people here, it would be helpful for them to know that if they want to read any of these letters from the DEP or DEC, they can FOIL for them so you can actually apply to the Town Clerk, ask to see them and she is wonderful and Victoria (Desidero) does all this wonderful work for you and

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you can have them e-mailed to you. She said so if you want to read what everyone has to say, it's available and you should avail yourself of that. Chairman LaPerch said we are going to take a hard look at this: there are some challenges, he knows that and so the outside agencies are very involved and we wait to get their input before we make an informed decision, OK? Karl Lyon of 81 Scenic Ridge Road said you had mentioned that these documents are available online, is this particular one available online? Ms. Desidero said so the application materials that were submitted are available on the Town Website; the other documents that Ms. Eckardt was referring to, interested agency letters, things like that, those are in the file in the office. Chairman LaPerch said you can FOIL those. Several people asked Mr. Karell about the map he was showing and he said this has not been submitted to the Board; this is for Public Hearing purposes but I can submit it to the Board. Chairman LaPerch said Karl (Lyon), if you or anyone would like a copy of it, after I close the meeting tonight, talk outside and he will supply whatever you want. Mr. Lyon said OK, thank you. Joe Meliambro of 81 Scenic Ridge Road said you mentioned a buffer, what kind of buffer are we talking about? Mr. Karell said well the State requires 100-foot buffer from the wetlands and the Town requires 166-ft. buffer from the wetlands and you need a permit to work in the buffer. He said we are outside of the buffer for the State wetlands except for this small area here but we are within the Town buffer for the driveway for quite a distance. Mr. Meliambro said so are there trees here or anything to block the kind of view in terms of you have a driveway going behind all these houses: the other thing to is how much of this is going to be cleared because if it is all cleared, it is all going to be open, we have a lot of woods behind us? He said there is also (inaudible) behind us. Mr. Karell said right, there is an area of limited disturbance line and the limited disturbance line would be the driveway and this property line is pretty much at the driveway; up in here it is heavily vegetated and we don't intend to go back in there but... Mr. Meliambro said but the houses that are here, you are right up against these property lines (inaudible) and there is not a lot of vegetation back there or if it is actually cut down, which has to be to get the driveway in, that's not going to be too good for people in these homes especially. He said I am a little further down but when you say a buffer, are you going to put in trees or a fence or what kind of... Mr. Karell said there is some fencing but we are not proposing... inaudible, multiple people talking... Mr. Meliambro said basically you are going to plow in this driveway, I assume it is a driveway and not a road? Mr. Karell said it's a driveway. He said OK, you are going to plow in this driveway and you are going to clear both sides but you don't know how much on each side they are going to be clearing? Mr. Karell said I do but it is on the plans as a limited clearing line and I don't know where your house is... He said I am at 43. Mr. Karell said so this is the first house on the left, second and third... They discussed where his house is on the plan and when they located it Mr. Karell said we don't have any plans to buffer that at this time but over here past that we are not touching this in here and it is heavily (inaudible) now and if we don't have to we are not going to... we are going to come in with the driveway and there is about 10 to 15 ft. between our clearing line and the property line which is heavily vegetated. Mr. Meliambro said and how are you going to put the driveway over this wetland; you can't pave over that? Chairman LaPerch said first of all, they are not paving here and the letter they received today from the DEP asked him to review how he is going to cross the wetland and what type of crossing he is going to do so, as I said earlier in the meeting, he hasn't received this letter so he has to review what the DEP is recommending ... how they cross it... so that's going to be... Mr. Meliambro said it could be a small bridge, it could be... Chairman LaPerch said it's a pipe; they would prefer a pipe and he was considering an engineering... but the DEP wants a pipe and that's going to be worked out through the process so I don't think he can answer that question today. Mr. Meliambro said if you put a pipe in, where... Mr. Karell said the water is going to discharge in this direction to the wetland; it's not going to discharge here toward (inaudible). He said there is a high point here. Mr. Meliambro said a high point? Chairman LaPerch said he does not plan on paving any portion of that driveway. Mr. Karell said it is pervious pavement. Mr. Meliambro said so basically not blacktop? Chairman LaPerch said correct. Mr.

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Karell said no blacktop. Mr. Meliambro said so it is just going to be like dirt? Chairman LaPerch said no, it's going to be pavers. The neighbor asked a question that was inaudible and Mr. Karell said no. He said the other question, ... you had mentioned that it is far enough from the well of this house (inaudible)... Mr. Karell said the Health Department requires 100 ft. from a septic system to a well; we have had this reviewed by the Health Department and they are satisfied with the well and septic locations and there is something else. The Health Department will not issue their permit, he said, until the DEC issues their permit and the New York City DEP has to indicate that they have no objection to the Health Department approval... Chairman LaPerch said a lot of agencies have to sign off on this. Mr. Meliambro said and there is no wildlife issues here at all as far as... basically we have a lot of birds and other things back there. Mr. Karell said well, this is 22 acres and we are disturbing less than two acres so the wildlife, whatever wildlife is dispossessed, will move on to other areas of this wetland. I mean this is probably 10 or 12 acres of wetlands and wetland buffer here, he said. Mr. Meliambro said how big is the house? Mr. Karell said it's a four-bedroom house. He said no, square footage? Mr. Karell asked Mr. Maffei for the square footage and he said 3,100 sq. ft. Mr. Karell said it is not a big house. Mr. Meliambro said it's a nice size: is it a raised ranch, is it... what kind of house? The answer from the owner was inaudible. Chairman LaPerch said once again, for the public's purposes, this will be a continued Public Hearing so if your questions weren't answered tonight or you have other concerns, they can be brought up at the next meeting. It's a work in progress, he said, because he has not seen this letter and the DEP has some concerns he needs to address. Those were good questions, thank you, he said. Steven Kraus of 34 Scenic Ridge Road said my understanding is that the County Department of Health, when they approved this subdivision, approved it with only a limited number of septic systems and we're already at the maximum; that's my understanding. He said is this house going to be considered part of our subdivision or not? Chairman LaPerch said no, it is a separate lot; it's the former Baptist Church which was not part of the original Scenic Ridge subdivision approval. Mr. Kraus said but, in light of the fact that the driveway is going to drop off at Scenic Ridge, does that de facto make it part of our subdivision? Chairman LaPerch said Counsel? Town Attorney Will Stephens said no, it does not. Mr. Kraus said why not? Mr. Stephens said it is a Town road and it has its own (inaudible). Mr. Kraus said but if the subdivision itself was limited in terms of the DOH... Mr. Stephens said this land was not part of that subdivision. Mr. Kraus said I understand that but now that the driveway is going to drop off onto Scenic Ridge... Mr. Stephens said which is a Town road. Mr. Kraus said right, I am not debating that but if the subdivision originally was... Chairman LaPerch said no, I understand your question but I think... Mr. Kraus said there are a certain number of lots on the cul de sac... Chairman LaPerch said yes, that was the original approval but when the road was dedicated to the Town, Town Counsel is saying it's a Town road and there are different rules now; they have the ability now, the Town, to approve a curb cut off of Scenic because it is a Town road which is after the original approval of the Scenic Ridge subdivision. Mr. Kraus said all right; would the Town entertain requiring a restrictive covenant on the property such that if in the future the petitioners wanted to sell the house and somebody wanted to try and come in and subdivide the property that they couldn't do so? Mr. Karell said you couldn't subdivide it because of the wetlands; there is only one area... Chairman LaPerch said from a practical standpoint, I don't think that's going to happen but we have no problem entertaining that idea. Mr. Kraus said so long as it is entertained. He asked how much of the property is wetlands and how much is non-wetlands? Mr. Karell said it depends on whether you... it's in here someplace but... Chairman LaPerch said you should know that. Ms. Ley said the white area is the only part that is not wetland or wetland buffer, everything else is a color. Mr. Karell pointed to the plan and said this is the only area that is outside of a wetland or a wetland buffer so there is... Chairman LaPerch said very, very limited potential to do another house. Mr. Kraus said the last question I have and it is just something I know from having resided on the other side of the road for a minute: there was an easement that the property owner had, the Baptist Church had, from about I think from (inaudible) down to the end of

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the property such that the little kind of a roadway, for lack of a better term, was not being utilized as often and at one time when they were playing softball back there. He said has the applicant made any inquiry as to whether, in lieu of making the long roadway along the back of the houses, going up the easement onto 22? Mr. Karell said you can't go through the wetland, you can't go through the buffer; that road... what you are talking about is just an old farm road that got back to where the backstop is. Mr. Kraus said right. He said you can't go this way. Chairman LaPerch said you can't go through the Elks Club... Mr. Kraus said I just asked the question and wasn't suggesting that he needed to do it... Mr. Karell said this driveway is here and it's as far from the wetlands and buffer as we can make it... Chairman LaPerch said it's just not going to... Mr. Kraus said and perhaps I did not hear but what is the actual distance from the proposed driveway to the rear and side of the houses on the west side of Scenic Ridge? What is the actual distance from the roadway to the rear property lines on the west side of Scenic Ridge, he asked? Mr. Karell said the roadway? He said yes. Mr. Karell said maybe 15 ft. here in this area where it is close. Mr. Kraus said so it's 15 ft. from the driveway to the rear property lines; that's what it is? Mr. Karell said yeah. He said can you move that farther away for those property owners? Mr. Karell said well it would have a bigger impact on the State wetlands and the wetland buffer; I mean this driveway is probably within 10 ft. of these houses. If you look at your driveways in Scenic Ridge, he said, your driveways are... some of them could be 5 ft. from the property line. There's no minimum distance for a driveway to a property line, he said. Mr. Kraus said I am not suggesting there is... Chairman LaPerch said this is the least invasive way that the DEP sees his property being developed to bring that driveway further into the wetlands creates more of a challenge and probably wouldn't get approved. He continued: this is the best solution at this point to make it work. Mr. Kraus said I am just thinking that if you move it 10 ft., now you have 25 ft. distance or a 30 ft. distance is better is better than 15 ft. I don't live on that side of the road, he continued, but it seems to me that if I still lived on that side of the road, I wouldn't be too happy if there was essentially a driveway right along the entire back of my property line but that's just me. Chairman LaPerch said thank you. Joseph DiLeo of 63 Scenic Ridge Road said I'd like to see right where that house is going to be built. Mr. Karell said right where the backstop is now on the property... have you ever been there? Mr. DiLeo said yeah. He said right where the backstop is. Mr. DiLeo said so you are right behind where my property is? Mr. Karell said it could be. He asked the septic field, where is that located? Mr. Karell said right there (pointing to the plan), it's about 130 ft. from your property line. Mr. DiLeo said right behind my house and my well water is right there. Mr. Karell said you need 100 ft.; septic requirement is 100 ft. from the well to septic. Mr. DiLeo said that's 100 ft. Mr. Karell said yes, that's the requirement. Mr. DiLeo said well I would like more information on that; would I be able to get it online? Chairman LaPerch said what information are you looking for, Joe (Di Leo)? He said from DEP... Chairman LaPerch said regarding what issue; I just want to be sure we are... Mr. DiLeo said if the septic field is right behind my property, is that going to affect my water? Ms. Ley said the minimum distance required between the well... Chairman LaPerch said he is complying with our regulations in terms of the distance and that is the Putnam County rule technically, it is not ours, so if you want to look up whether he is complying or not, that is a County issue but he will give you whatever you need to make sure he is compliant. Once again, he said, it's a compliance issue and I can tell you, living in the neighborhood, we are all kind set back from each other and it works; these are the rules he has to play by. Mr. DiLeo said no, I understand. Mr. Karell said your well is probably 100 to 120 ft. from your septic system. He said my septic is in the front of the property... Mr. Karell said yeah and the wells are in the back. Chairman LaPerch said whatever, his question needs to be answered and if you can make him comfortable, I would appreciate it. Mr. DiLeo said I would appreciate it, thank you. Russ Daday of 33 Milltown Road said there's wetlands in back of my house and at one time it used to be a pretty free running stream; now it is more like a marshy area but I am just wondering the effects on that area at my house because you said it flows this way. Chairman LaPerch said show him your house please, Russ (Daday). Together they found the area

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of Mr. Daday's house. Mr. Karell said we are not changing the drainage patterns so whatever drainage patterns are on there now are going to continue and actually we are taking water off the roof areas and the driveway areas and putting them into a filtration practice so we are not increasing any flows onto your property. He said you are 5, 6, 700 feet away from this driveway. Mr. Daday said OK, thanks. Chairman LaPerch said any other questions and there were none. He polled the Board for questions. Boardmember Armstrong said I was just wondering who is going to tell us the answers to these questions before we start going... I mean is the Town Engineer... I mean... Chairman LaPerch said well, as with every application Dan (Armstrong), obviously we are going to get the consultants final reports on this once the applicant submits them; we are a ways away from that and like I said tonight he received one that he wasn't aware of so it's a long process but we'll have our consultants give us their final recommendations on this application. Boardmember Armstrong said because I think they really need to sign off on this... Ms. Ley said right, so I would expect that, based on the comments that have been received from the agencies, we would be receiving a revised site plan that the consultants would then review and provide comments on to the Board. Boardmember Armstrong said so is it fair to say that this has quite a ways to go yet with regard to getting this up to Town standards? Chairman LaPerch said yes, well we will have another Public Hearing which is 30 days out and depending on whether the applicant's engineer can satisfy the questions from the outside agencies, we will have a better, clearer picture of how this project is going to work out, if it works out, but he has a lot of work to do because he hasn't even addressed the issues here but this is a starting point. Chairman LaPerch said what's my continuation date... Ms. Desidero said you need to ask Mr. Karell when he thinks he can be ready I guess; I mean normally we would just continue to the next meeting. Chairman LaPerch said Mr. Karell, it's your call? He said I think put it on for the next meeting and... Chairman LaPerch said will you be ready? He said I don't have the comments... Ms. Ley said I just forwarded you the comments from the DEP. Mr. Karell said if I can't make the deadline then I'll notify Victoria ... Ms. Desidero said the next meeting is the 22nd and the deadline is already past. Chairman LaPerch said he won't make that so we've got to put you in August; I want you in August. Mr. Karell said you said 30 days. Ms. Desidero said the next meeting is in two weeks, the Chairman said 30 days because I think he thought you would come to the one after that which is August 12. Chairman LaPerch said August 12: is that a date you think you will be ready? Mr. Karell said yes. Ms. Desidero said just for the public's awareness when the date it is continued to... if that should change for any reason, it will be on the agenda... the Town Website. The motion to Continue the Public Hearing to August 12, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch said put the names on the map. Mr. Karell said I will.

2. **BPOE BREWSTER ELKS LODGE, 1430 Route 22** – This was a Public Hearing to review an application for a Site Plan Amendment. Brewster Elks Officer Andrew Chastant appeared before the Board. Chairman LaPerch said another one that my neighbors would like to hear about: the Brewster Elks Club Pavilion, good evening. The motion to Refer the Application to Historic Sites Commission was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Chairman LaPerch said for the public's purposes, why are we referring this to the Historic Sites Commission? Ms. Ley said the Elks Lodge is one of the properties that is listed on the local registry of historic places. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor. Mr. Chastant said seasonally we put up three tents for the summer events such as the Seniors Picnic or Picnic for Cerebral Palsy and PARC and we're proposing to put up a permanent pavilion. We had in our master plan, he said, three proposed pavilions and the building application has been submitted and so forth to replace our small food service tent. He said the pavilion we are proposing to erect is a certified structure used by New York State Department of Parks; there is one currently one down in Katonah at Haynes Road Park. Mr. Chastant said so we are proposing to replace the tents as

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funding becomes available through fundraising but our first proposal is the food service tent which is the smaller tent in the back of the picnic grounds where we also have two other larger 24 by 48 to replace the current tents that you see that go up seasonally. He said I have some pictures if anyone wants to see what the current proposed structure looks like. Chairman LaPerch said yes, please if they are available... where are they? Mr. Chastant showed the picture to the Board and Chairman LaPerch said does anyone want to look at it? Chairman LaPerch said OK, are you finished? Mr. Chastant nodded. He said OK, besides the pavilion, typical of when an application comes in, especially on a major highway, it is considered a major review and so everything about the property is under review, including the landscaping and you see they cut down some trees in the front so they are in the process of submitting us a plan to show what they intend to do with the cut down area and clean the whole thing up so this is a major review because of the application being on 22, correct? Ms. Ley said it is a full site plan review; it was classified as a Minor Site Plan project because of the size of the pavilion but it is a full site plan review and the Planning Board and the Architectural Review Board will be reviewing the landscaping and the structures. He said well said and polled the Board for questions. Boardmember Armstrong said you've been doing a great job there; I mean the place looks much better than it has and I've been passing it for probably 70 years; it looks better than it has in a long time. He said but I am trying to... what I am thinking about is that maybe it's time to come up with a master plan for the whole site that kind of looks into the future, not necessarily building it right away, but at least have a footprint or an area where you might want to do something and it wouldn't have to be absolutely complete but at least it would give everyone, including yourselves, an opportunity to understand how the site functions and how it may function better from the standpoint of traffic and pedestrian traffic and so forth. So, some sort of a master plan, he said, which could be part of the approved plan or could be just in your file, he said. Mr. Chastant said OK. Boardmember Armstrong said I just think it is not a bad time to do that: it is just a suggestion, Chairman LaPerch said once again, this is a Public Hearing, if you have a public comment, we'd love to hear it. Please come forward with your name and address for the record, he said. Any questions regarding this application, he asked? He said once again this will be a continued Public Hearing, correct? Ms. Eckardt said just so you do know this was Bud's Tavern; that's why it is on our Historic Sites list and that's why it is coming to Historic Sites. Chairman LaPerch said thank you, that's good information. She said I know everyone in Historic Sites is very impressed with a lot of the work you've done but we like to look at it; I can't speak for them... I don't have voting privileges on that. Chairman LaPerch said you guys do a nice job over there, thank you, Lynne (Eckardt). There were no other questions or comments from the public. The motion to Continue the Public Hearing to July 22, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

- 3. CRECCO WETLAND PERMIT, 62 Stallion Trail** – This was a Public Hearing to review an application for a Wetland Permit. The motion to Declare the Planning Board Lead Agency under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 4 to 0 with 3 absent. The motion to Open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Paul Lynch of Putnam Engineering appeared before the Board. Mr. Lynch said this is Lot number 15 from the Starr Lea Farms Subdivision that was approved back in 1987. On the back portion of the lot is a New York State DEC-regulated wetland which is this green area, he said, and this line through here is the wetland flagging that was done by the State; the orange line in this area is the 100-foot buffer the State requires; the yellow line is the Town of Southeast wetland buffer and we have done as much as we can to move and shift the project forward to get as close to Stallion Trail as we can get to avoid being in the buffer and impacting that. He said there is set criteria, however, that sort of locks us in place: one was with our septic system. He said there is a Code requirement that for fill septic systems that require a lot of fill that for that kind of system the fill has to start 10 ft. off the

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property line and when you work out all your math to do that you end up setting your side line here and the front we tried to get as close to the street as we could, however, we did not get good testing results in this area and this is where we got our test that passed and that's why the septic is pretty much locked in right where it is. Mr. Lynch said the applicants want to have a pool with their house and the separation from the pool to the septic is Code-required a minimum of 35 ft. The house itself, he said, is situated 50 ft. back from the front property line and that is the Zoning requirement so we are as tight as we can be and that is pretty much it. Chairman LaPerch said you took the pool out? Mr. Lynch said no, the pool is here. Ms. Ley said that is the other project: that's Root Avenue. Chairman LaPerch said wrong pool. Chairman LaPerch polled the Board for comments and Boardmember King said can you come back to me? Chairman LaPerch said sure and opened the hearing to the Public. He said please stand and give us your name and your address please. Carlos Praca of 50 Stallion Trail said I am two lots over. Mr. Lynch said this lot? He said yes. Mr. Lynch said so you are next to the other vacant lot? He said yes. Mr. Praca said my question is... I know everything about this subdivision; I did this subdivision... my thing is I have (inaudible) in the back and all the run offs from the house (inaudible)... Mr. Lynch said the run off from this site? He said yes. Mr. Lynch said what we are proposing is to do infiltration, either a rain garden or infiltrators, we still have to do our testing. (Multiple people talking.) Mr. Lynch said everything flows in that direction. Mr. Praca said that's good, thank you. Chairman LaPerch said thank you sir, good question. He said Paul (Lynch) did you get (Wetland Inspector) Mr. Coleman's comments? He said yes, I did. Chairman LaPerch said because he has some concerns. Mr. Lynch said yes, I read it. Chairman LaPerch said I think they need to be addressed. Mr. Lynch said yes. Chairman LaPerch said once again, this is an application that will have a continued Public Hearing and hopefully by that time you will be able to address... Mr. Lynch said yes. Chairman LaPerch said Mr. King, do you have any questions and he said no. He asked for any other public questions. Irvin Raboy said I manage (inaudible)... He said stormwater... you said infiltrators, can you explain exactly how you would do that? Mr. Lynch said well, right now we are showing a rain garden but what happens basically is your roof drainage gets piped to where the rain garden is or where the infiltrators are. He said where is the water going after the rain garden? Mr. Lynch said it infiltrates into the soil (inaudible). Mr. Raboy said how many square feet is that? He said the footprint is somewhere in the vicinity of 1600 sq. ft. so that's the square footage I am dealing with. He said can I take a picture? Mr. Lynch said go right ahead. Chairman LaPerch said would you like a copy of it and he said no a picture is fine. Chairman LaPerch said any other questions from the public? Ms. Eckardt said I read Steve Coleman's review, which was... there are a lot of questions to answer but have you considered shifting the pool, making it smaller or will you address that at the next meeting? Mr. Lynch said I have asked the owners because... actually the people that own the property are in contract to sell so the people who are looking to buy and build, this was their wish list. She said OK. He said so I have asked them to find out if I can rotate the pool. Chairman LaPerch said he won't know until next meeting. Ms. Eckardt said OK, yeah, I thought his questions were... Chairman LaPerch said no, that's a fair question but it's a contract vendee asking for a wish list, I get it and you'll go back to them and say it's challenging? Mr. Lynch said yes. Ms. Eckardt said thank you. Chairman LaPerch asked Mr. Lynch if he would be ready on the 22nd or the 12th. He said the 12th is definitely out because I will be out of Town. Ms. Desidero said so it is July 22 or August 26? Mr. Lynch said your preference is for me to have everything worked out... Chairman LaPerch said I need everything worked out with Coleman. Mr. Lynch said let's go for the late... Chairman LaPerch said the 26th of August, done. The motion to Continue the Public Hearing to August 26, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

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REGULAR SESSION:

1. **CROSS FIT CONDITIONAL USE PERMIT, 281 Fields Lane** – This was a review of an application for Final Approval of a Conditional Use Permit for a Group Fitness Facility. Chairman LaPerch said do we have the applicant here? Ms. Desidero said we told Mr. O'Rourke he didn't need to be here tonight because this was postponed from the last meeting and he was here for the meeting before that. Chairman LaPerch said that's right: Ashley (Ley), this is a motion to grant a Conditional Use Permit for Cross Fit which is a gym, correct? Ms. Ley said it's a gym, it's a 5,100 sq. ft. small recreational use in an existing building on Fields Lane. Chairman LaPerch said good for them. He polled the Board for questions and there were none. The motion to Approve a Conditional Use Permit for the Recreation Use known as Cross Fit, 281 Fields Lane, was introduced by Chairman LaPerch, seconded by Boardmember King and passed by a roll call vote of 4 to 0 with 3 absent.

2. **NYSMSA d/b/a VERIZON WIRELESS, 45 Independent Way** – This was a review of a Request for Exemption from Site Plan and Conditional Use Permit Review. David Kenny of Snyder & Snyder appeared before the Board. Mr. Kenny said Verizon is looking to install RHs so they are removing 12 RHs and installing six RHs; they are an upgrade; they are Remote Radio Heads and they are units that are behind the antennas that help in receiving the call from the actual cell phone to the tower where the antennas transmit to the cell phone. Chairman LaPerch said so there is no adjustment to the footprint, it's all on the pole? Mr. Kenny said exactly, it is reducing the bulk and we are not changing the pole size at all; it's actually reducing the size. Chairman LaPerch said is this for like 5G? He said I don't know, as the attorney, I don't know; that would be more for a radio frequency engineer. I do know that Verizon's roll out of 5G is supposed to be at the end of this year so I don't believe this is part of it, he said. Chairman LaPerch said fair enough. He polled the Board. Boardmember Armstrong said this has been upgraded before, this site? Mr. Kenny said correct. He said is there a provision in the approval ordinance that if and when this technology that uses this pole becomes obsolete completely, I think there is a provision in the ordinance right now that if it's not used for 120 days, it has to be taken down? Mr. Kenny said correct, there is a removal... multiple people talking. Boardmember Armstrong said I remember suggesting it but what I am saying is when the day comes that this pole becomes useless, abandoned, not being used, is there a provision in the ordinance that says, within 120 days, it will come down if it goes out of use, not that it is upgraded but that it goes out of use... so it is just left standing there with no function? Mr. Kenny said correct, I believe that is a Code provision and also, I can tell you that these facilities aren't going anywhere; it will be a long time before they become obsolete. He said the technology is actually going to more facilities rather than less. Boardmember Armstrong said some people said we wouldn't walk on the moon, but whatever. The motion to Grant an Exemption from Site Plan and Conditional Use Permit Review for NY Verizon Wireless located at 45 Independent Way was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 4 to 0 with 3 absent.

3. **ROOT AVENUE SUBDIVISION WETLAND PERMIT, Root Avenue** – This was a review of an application for an Amended Wetland Permit. Jamie LoGiudice of Insite Engineering appeared before the Board. Ms. LoGiudice said I am here with the owner Café Boga for an amended wetland permit for a small area on Lot 2 which is (inaudible.) She said as part of our revision, we've amended the retaining walls within that area, adjusted the mitigation area and the lawn areas. We did increase the mitigation area by 435 sq. ft., she said, and we did increase the disturbance by 1600 sq. ft. but we did decrease the lawn area by 410 sq. ft. She said so we are in receipt of several comment letters; Mr. Coleman's in particular, I'd like to address a couple of comments. She said he had questions about where the stairs were leading to... Chairman LaPerch said right, exactly. She said basically the stairs are coming down to the only lawn area for the property; this was all

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intended to be lawn so if a family moves into the property with kids and they want to play soccer, where are they going to go? So that's where the stairs lead down to, she said, and the wetland mitigation area is right here and is completely fenced off so there wouldn't be any encroachment into that by any means. Ms. LoGiudice said the other comment is for the proposed pool, we did remove that but the label lingered and that is intended to be completely taken off at this time. Chairman LaPerch said no pool? She said no pool. She said and the last comment... we are aware of the one-to-one lawn replacement ratio... the mitigation area we had taken a look at... was as far as the whole subdivision wetland permit so when we looked at the disturbance for the site, it was roughly 34,250 sq. ft. and the mitigation area we proposed is 38,070 sq. ft. so a little less than 4,000 sq. ft. is over the one-to-one so we felt that we were in compliance with that according to the Code. Chairman LaPerch said OK, Ashley (Ley), any comments? Ms. Ley said no, just that that was one of my comments that the pool label needed to be removed. Chairman LaPerch said did you get that? Ms. LoGiudice said yes. Chairman LaPerch polled the Board for questions. Boardmember Armstrong said this is all for the use of the property owner? Ms. LoGiudice said I'm sorry? Chairman LaPerch said question again, Mr. Armstrong? He said never mind. The motion to Affirm the Planning Board's Lead Agency status under SEQRA and Set a Public Hearing for August 12, 2019 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 4 to 0 with 3 absent.

4. **NEW CINGULAR WIRELESS / AT&T, 1944 Route 22** – This was a review of a Request for Exemption from Site Plan and Conditional Use Permit Review. Alec Gladd of Cuddy & Feder appeared before the Board. Chairman LaPerch asked where 1944 Route 22 is and Ms. Desidero said Brewster Business Park. Mr. Gladd said yes, this is Brewster Business Park, I think it is the Putnam Steel building, it's like a 150,000 sq. ft. warehouse and this is an existing facility on the rooftop on the southeast corner of the building. He said we are proposing to replace the four existing antennae and add two for a total of six; we were originally approved for a total of six in 1993 and we actually sought the same exemption and received it in 2013 to add two antennae to bring it to six but, for whatever reason, they just weren't added so we are back here tonight to seek the same exemption. He said upgrading four antennae to provide better capacity and adding two; we are also replacing some RHs and adding four of those as well on a ballast next to the base of the 20 ft. tower on the roof. Chairman LaPerch said are these bigger? He said the antenna? I am not sure, he said. Chairman LaPerch said that's an important question. Mr. Gladd said I am not sure if they are longer. Chairman LaPerch said the six are maxing the permit out? He said yes, that is how many we were approved for. Chairman LaPerch said I really would like to know how big those are. Ms. Ley said as a rooftop installation you are allowed to approve rooftop installations without a Conditional Use Permit as well. Mr. Gladd said the new ones going on are 96 inches long by 19.6 inches wide but I am not sure what the change is from what's existing. Chairman LaPerch polled the Board for questions. Boardmember Hecht said I am not sure if you can answer this again from the specs but if you are adding two extra does it do anything to the top height line or it's all the same? Mr. Gladd said no, no, so the height of it isn't changing, it is staying the same. He said we are not increasing the height and we are not going outside the existing roof. Chairman LaPerch said it is all within the original footprint that was approved in '93? He said yes, it's a like-kind exchange and adding the two that, for whatever reason, have not been put on yet. Chairman LaPerch asked Ms. Ley if there are any issues and she said no. The motion to Grant an Exemption from Site Plan and Conditional Use Permit Review for New Cingular Wireless located at 1944 Route 22 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 4 to 0 with 3 absent.

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Chairman LaPerch asked for comments on the June 10, 2019 Meeting Minutes and there were none. The motion to approve the Meeting Minutes of June 10, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

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

July 19, 2019/VAD