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**TOWN OF SOUTHEAST PLANNING BOARD AGENDA**

**May 23, 2016**

**CIVIC CENTER, 1360 Route 22**

**7:30 p.m.**

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**PUBLIC HEARINGS:**

1. **GLICKENHAUS PRIVATE ACADEMY, 150 Deans Corner Road** – Continued Public Hearing to Review Application for Site Plan and Wetland Permit

**REGULAR SESSION:**

2. **POWER OF MOVEMENT, 11 Stonehollow Drive** – Review of Application for Conditional Use Permit for a Home-Based Business
3. **NYSMSA d/b/a VERIZON, 45 Independent Way** – Review of Application for Exemption from Site Plan and Conditional Use Permit Review
4. **RYAN RESIDENCE, 33 Vail's Lake Shore Drive** – Review of Application for Final Approval of Wetland Permit
5. **Approve Meeting Minutes from April 11, 2016**
6. **Approve Meeting Minutes from April 25, 2016**
7. **Approve Meeting Minutes from May 9, 2016**

**May 18, 2016**

**VAD**

**Agenda Subject to Change**

# TOWN OF SOUTHEAST

# APPLICATION SUMMARY SHEET

**Proj. Name:** Glickenhau Private Academy      **S/B/L:** 78.-2-25      **Zone:** OP-1

**Description:** Private soccer academy comprising a 40,500 sf building with a half court field and facilities, a 94,500 sf synthetic turf field, an 86,400 sf grass field, and associated parking. A separate office building (formerly proposed restaurant) and associated parking is also proposed on the site. The project site is a 31.5 acre lot in the OP-1 Zoning District with access from Deans Corners Road. Application requires TOSE wetland and ACOE wetland permits for disturbance to wetlands, wetland buffer, and tributary to Holly Stream. NYSDEC wetland permit may also be required.

**Engineer:** Kellard Sessions

<b>SEQR ACTIONS COMPLETED:</b>		<b>TYPE OF ACTION: Type 1 Action</b>	
<input type="checkbox"/> Intent to Declare Lead Agency		Date:	
<input type="checkbox"/> Declare Lead Agency		Date:	
<input type="checkbox"/> EAF Submitted		Date:	
<input type="checkbox"/> Determination of Significance by Board		Date(s):	
<b>MAJOR/MINOR PROJECT: Major Project</b>			
Date Classified:	Waiver of Public Hearing (Minor Project Only)? <input type="checkbox"/> Y <input type="checkbox"/> N		
<b>LOCAL AND AGENCY REVIEW REQUIRED?</b>		<b>REFERRAL DATE STATUS/DATE OF LETTER</b>	
<b>Yes</b>	<b>No</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Town Board (ARB Sign off)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Town of Southeast ARB	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wetland Permit (Major)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Historic Sites Commission	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Town Highway Department	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MS4 Permit	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County Planning Department (GML)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County Highway Department	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	County Health Department	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NYSDEC	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NYCDEP	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	NYSDOT	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	OPRHP	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Army Corps of Engineers	
<b>VARIANCES OR BOARD WAIVER (IF APPLICABLE) <input type="checkbox"/> Y <input type="checkbox"/> N</b>			
Variance or Waiver Request:			
Date Granted or Denied, and any conditions:			
<b>PLANNING BOARD ACTIONS:</b>			
<b>Date</b>	<b>Discussion/Decisions/Resolutions</b>		
1/13/14	Sketch Review		
5/11/15	Declare Intent to be Lead Agency for Type 1 & Coordinated Action; Classify as Town of Southeast "Major Project" and Set Public Hearing		
6/8/15	Open PH & continue PH		
7/13/15	PH continued to 8/24/15 ( <i>NOTE: 8/24/15 meeting later cancelled</i> )		
9/28/15	PH Continued to 10/26/15		
10/26/15	PH Continued		
11/9/15	PH Continued to 1/11/16 per Applicant's request		
2/22/16	Opened & continued PH to 3/7/16		
3/7/16	Opened PH & continued PH to 4/25/16		
4/25/16	Opened PH & continued PH to 5/23/16		

<p><b>RECOMMENDED ACTION FOR MEETING:</b></p> <p>1) Open &amp; close PH</p> <p><b>NOTE: SEQRA cannot be completed until traffic concerns addressed</b></p>
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## Memorandum

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**To:** Town of Southeast Planning Board  
**From:** Alex Auld, Anthony Russo  
**Date:** May 18, 2016  
**Re:** Glickenhau Private Academy –Review of Updated Traffic Impact Study (5/6/2016)  
**cc:** Rick O’Rourke, Brian Hildenbrand

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We have completed our review of the updated Traffic Impact Study (TIS) Report, prepared by Adler Consulting, dated May 6, 2016, for the Glickenhau Private Academy project.

Comments from AKRF’s May 6, 2015 review memorandum on the Draft TIS, dated July 29, 2014, are listed below in plain text. Our assessments of the responses to those comments based on the updated TIS report are presented in **bold** following the comments. Also presented are new comments based on our review of the updated TIS.

### A. COMMENTS FROM AKRF’S MAY 6, 2015 MEMORANDUM

#### *TRAFFIC COMMENTS*

1. Automatic Traffic Recorder (ATR) volume counts should be conducted along Deans Corner Road to verify the peak hours utilized in the Traffic Impact Study (TIS). **It was stated in the TIS that ATR counts were conducted along Deans Corner Road, however, the count data should be included as part of the TIS Appendix for verification. Comment partially addressed. Requires further response.**
2. The intersection of NYS Route 22/U.S. Route 202 and Deans Corner Road should also be analyzed as part of the TIS. NYS Route 22/U.S. Route 202 is a principal arterial roadway in the area. **Intersection has been analyzed in the TIS. Comment addressed. No further response required.**
3. The intersection of Fields Lane and Deans Corner Road/North Salem Road should also be analyzed as part of the TIS as Fields Lane would likely be utilized by motorists coming from the south/I-684. **Intersection has been analyzed in the TIS. Comment addressed. No further response required.**
4. The technical appendix referenced in the TIS should be provided and include the following:
  - Synchro output reports for all conditions analyzed in the TIS. **Comment addressed. No further response required.**

- Detailed No Build project trip generation calculations/data presented in tabular format with citations of the data sources. **No trip generation calculations or data has been included in the technical appendix. Comment not addressed. Requires further response.**
  - The manual traffic turning movement counts referenced in the TIS should be included in the Appendix. **No manual turning movement count data has been included in the technical appendix. Comment not addressed. Requires further response.**
5. The TIS mentions that a 2 percent annual growth factor was used to develop the 2016 Horizon traffic volumes. The source of this 2 percent factor should be cited in the TIS. **Specific source of the 2 percent annual growth factor is not cited in the TIS. Comment not addressed. Requires further response.**
  6. The TIS mentions that during the summer months there would be camps utilizing the academy from 9:00 AM to 4:00 PM. No trip generation calculations or analyses were provided for the camp activity. At a minimum, trip generation calculations should be provided and an AM peak hour analysis should be considered to assess traffic conditions with the summer camps in session. **Trip generation calculations and analyses were provided for the camp activity, as well as an AM peak hour analysis. However, in order to further verify the trip generation calculations, the assumed car pool rate utilized for the players should be provided along with the citing the source of the assumed car pool rate. Comment partially addressed. Requires further response.**
  7. Table 2 of the TIS, "Project-Generated Traffic Volumes" should be modified to include the following:
    - A citation of the trip generation data sources for each of the project components (soccer players, coaches, restaurant). **Although cited in text, the trip generation data sources for each of the project components are not included as part of Table 2. Comment not addressed. Requires further response.**
    - ITE trip generation rates used in developing the restaurant trips. The ITE Trip Generation Manual only presents rates with square-footage or number of seats as the independent variable. An explanation should be provided which describes how the restaurant trips were estimated based on the provided data (number of tables). **The restaurant is no longer part of the proposed project. Comment noted. No response required.**
  8. The TIS states that project generated trips were assigned to the traffic network based on existing traffic patterns. Please provide an explanation as to why no trips were assigned to or from Allview Avenue. **Comment noted. No response required.**
  9. The TIS does not provide a discussion of on-site parking. The discussion should verify that the proposed parking plan meets Town Code, ITE parking requirements, and complies with American with Disabilities Act (ADA) parking requirements. Anticipated parking utilization on-site should also be assessed. As there are groups of children under ten years old utilizing the facility, the possibility exists that parents would stay with their younger children during the sessions. Would the parking supply be able to accommodate parents who choose to stay on site? **On-site parking discussion included. However, the Town Code parking requirement was only discussed of the Office component and not the soccer academy component. There was no reference made to ITE parking requirements. No discussion was provided compliance with ADA parking requirements. No discussion was provided which addresses the ages of the children and any effect, if any, that would have on the possibility of parents staying on-site with younger children. In addition, although the TIS states that a surplus of parking supply is expected, a discussion should be included which specifically addresses the parking supply that would be available for parents who choose to stay on site. Comment partially addressed. Requires further response.**

10. Estimated future vehicle queues, both on-site and at the site driveway along Deans Corner Road should be discussed. No queue discussions included in the TIS. **Comment not addressed. Requires further response.**
11. Sight distance conditions should be assessed at the Project Site Driveway/Deans Corner Road intersection, and at key locations along the Project Site Driveway (including its intersection with the Soccer Academy roadway), particularly due to the steep grade that would exist along the driveway. **Site distance conditions were assessed at the Project Site Driveway but not for key internal locations along the Project Site Driveway. The AASHTO data used for the site distance analysis (i.e., calculations, tables) should be provided in the Appendix. Comment partially addressed. Requires further response.**
12. Major future area roadway improvements which would occur prior to the Build year of 2016 should be described in the TIS and incorporated into the analysis where applicable. If no major roadway improvement projects in the area were identified, this should be clearly stated in the TIS. **Comment not addressed. Requires further response.**
13. A minimum of 3 years of accident data records from NYSDOT should be obtained for the study area intersections and inclusive roadway segments and summarized in the TIS to assess accident and safety conditions in the area. **3 years of accident data from the Putnam County Sheriff's office was summarized in the TIS. Accident data should be obtained from NYSDOT and summarized to ensure that all accident records have been captured. Comment partially addressed. Requires further response.**
14. The TIS should include a discussion on internal vehicular and pedestrian circulation on site. **No discussion on internal vehicular and pedestrian circulation on site has been included in the TIS. Comment not addressed. Requires further response.**

## **B. NEW COMMENTS BASED ON UPDATED TIS REVIEW**

### 1. Synchro Analysis Results

During the AM peak hour the westbound approach at the US Route 202/NY Route 22 and Deans Corner Road intersection operates at LOS D, with a delay of 34.6 seconds. This delay is less than 1 second from operating at LOS E (delay greater than 35 seconds) and can be considered as operating at borderline LOS E. **The TIS should identify this location as being recommended for post-construction monitoring for a potential traffic signal.**

### 2. Trip Generation

**The TIS should specify the location(s) and provide descriptions of the sites on which the soccer academy trip generation numbers are based on.**

**It is recommended that the TIS separate out the Summer trip generation numbers for the soccer academy in Table 3 into a separate table or section of the table so that it is clear what the trip generation numbers are for the fall and spring versus the summer. While it is clear in the TIS that the summer months are analyzed exclusively for the AM peak hour, the results of the PM and weekend analysis for the summer months should be clearly presented in the TIS as the PM and weekend analysis results do not specify which season they apply to.**

### 3. Vehicle Speeds/Traffic Calming

The TIS states that the 85th percentile speed on Deans Corner Road is 57 mph and 54 mph in the westbound and eastbound directions, respectively. **Potential traffic calming measures for Deans Corner Road should be considered and presented in the TIS.**

### 4. Sight Distance/Vegetation Clearing

The TIS should identify if the vegetation discussed as part of the sight distance discussion is within the property boundary only or extends onto other properties. In addition, the TIS should identify who would be responsible the vegetation trimming and on-going maintenance to ensure adequate sight distance at the project site driveway.

5. Site Plan

A site plan should be provided which shows on-site vehicle circulation, particularly for trucks and/or emergency vehicles.

6. Appendix

The following items should be added for inclusion in the TIS Appendix

- TMC Count Data
- ATR Count Data
- Accident Data Records
- Trip Generation backup (source of trip generation rates – e.g, surveys, comparable facility data, ITE data)
- Parking Generation/Requirement backup (e.g., Town Code rates, survey data, etc.)
- AASHTO Sight Distance Equations/Tables.



STEPHEN W. COLEMAN  
ENVIRONMENTAL CONSULTING, LLC

Environmental Planning & Site Analysis  
Wetland Mitigation & Restoration Plans  
Wetland Delineation & Assessment  
Natural Resource Management  
Pond & Lake Management  
Wildlife & Plant Surveys  
Breeding Bird Surveys  
Landscape Design

## MEMORANDUM

To: Thomas LaPerch, Chairman  
Town of Southeast Planning Board  
Members of the Planning Board

From: Stephen W. Coleman

Date: May 19, 2016

Re: **Glickenhau Private Academy, 291 Deans Corners Road – Preliminary  
Proposed Site Plan and Wetland Permit – second review**

### Materials Reviewed:

- Sheet 1/16 Existing Conditions Plan, prepared by Kellard Sessions Consulting PC, last revised 04-11-16.
- Glickenhau Private Academy Site Plan application as prepared by Kellard Sessions Consulting, P.C., dated 04-20-15, sheets 1-16, last revised 04-11-16.
- Correspondence from B.Laing Associates, entitled "Wetlands Crossing and Related Issues", dated 04-11-16.
- Wetland Delineation Report, prepared by B.Laing Associates, dated April 2016.
- Proposed Mitigation Plan, prepared by B.Laing Associates, dated 04-11-16.
- Landscaping Plans prepared by R. Sherwood, RLA, dated 04-08-16.
- Army Corps of Engineers Nationwide Permit issued 03-07-16.
- Engineer's response to Town's Wetlands Inspector 05-08-15 memo and associated attachments, dated 05-18-16.

Comments: Note: new comments in **bold text**.

1. A wetlands delineation report should be submitted by the applicant's wetlands consultant that demonstrates that the wetland delineation is in compliance with Chapter 78. The wetlands boundaries were flagged in June of 2013. As part of the wetland delineation report, the site should be re-visited to determine whether the wetland boundary has changed since 2013. The applicant should document that the wetland boundary is still accurately re-represented and that sufficient flags are still present to allow field confirmation by my office.
  - **The wetlands delineation was re-flagged in March 2016 by B. Laing Associates as per criteria outlined in Chapter 78. A site inspection of the property was completed on 04-08-16 to verify the wetland delineation. As per field conditions, the updated wetland delineation more accurately reflects the extent of wetland resources. I concur with wetlands A and B being considered one connected wetland. The updated wetland delineation is therefore in compliance with Chapter 78.**

2. A wetland functional assessment report should be prepared. The purpose of the functional assessment is to document the wetland's primary functions and rates the performance of its functions, both in the existing and proposed condition. The findings from the functional assessment should support the proposed plans and assist in the development of appropriate mitigation plans. The assessment should include a detailed analysis of existing conditions.
  - **A wetlands functional assessment has been prepared by B. Laing Associates and is considered adequate and provides a detailed analysis of existing conditions.**
3. Based upon review of the proposed site plan, it appears that some of the proposed disturbance within the wetland buffer could be reduced. The intent of Chapter 78 is to avoid wetland and wetland buffer impacts to the greatest extent feasible. It appears that changes to the proposed site plan layout could be made in an effort to further reduce the overall amount of wetland buffer disturbance and that meaningful mitigation measures could be implemented to enhance the functional value of the wetland buffer.

For example:

- The proposed driveway as shown requires substantial grading of side slopes. An alternative layout should be presented that relies on walls along the proposed driveway to minimize overall disturbance within the wetland buffer areas.
  - **The applicant's engineer had responded that the use of retaining walls would require a variance from NYSDEP and due to underlying soils, the use of walls would not result in a substantial change to site disturbance for the driveway. I support that the proposed driveway as shown is considered an acceptable impact.**
- The proposed driveway and parking for the restaurant could be shifted to the outer side of the driveway as a means to reduce disturbance within the buffer.
  - **The parking spaces cannot be relocated without a variance from the ZBA. The buffer disturbance will be mitigated as part of the overall wetland and wetland buffer mitigation plan.**
- The restaurant building should be shifted to remove the foot print out of the buffer area.
  - **The restaurant has been converted to an office building and will now be located outside of the buffer area.**
- The proposed infiltration system for the parking for the fields could be shifted to be located outside of the buffer.
  - **The final location of the infiltration system will be located outside of the buffer.**



- The parking areas should utilize some type of porous pavement surfaces to minimize the amount of impervious surfaces.
    - **The majority of the driveway will be gravel to comply with NYCDEP standards. Outside of this area the driveway will be asphalt. The treatment of the parking areas has not been addressed. More information should be provided on whether parking areas will consist of porous pavement. All surfaces will be treated as per NYSDEC guidelines.**
4. The overall amount of proposed wetland buffer disturbance should be calculated and shown in a table on the site plan. A wetland buffer mitigation plan has been submitted but is lacking sufficient details to evaluate whether these proposed areas will effectively mitigate the loss of buffer function and area. The mitigation plan should address the proposed impact to the functions provided by the wetland buffer area and provide mitigation at a 1:1 replacement ratio.
- The applicant's wetlands consultant has outlined a comprehensive wetland and wetland mitigation plan. I support the majority of the strategies, but do require some additional information in order to evaluate the proposed impacts and success of the mitigation measures.
    - The mitigation plan should show where 3,732 sq. ft. of fill will be added to the wetlands and also discuss if other alternatives are available that do not require the placement of fill materials.
    - New wetlands will be created adjacent to the pond, which is a suitable location. The proposed methodology to create the new wetland should create sustainable hydrology to support new wetland establishment.
  - **The applicant's wetland consultants, B. Laing Associates, has submitted a detailed wetland delineation report and a proposed wetland mitigation plan to address the proposed project impacts. The amount of wetland and wetland buffer disturbance has now been calculated and appropriate mitigation ratios as per Chapter 78 have been provided.**
  - **Proposed Wetland Creation – the applicant has provided a plan for replacing wetlands and will be located adjacent to the pond. I request additional information to be provided in order to evaluate the sustainability of proposed plans:**
    - **An invasive species management plan prepared that includes more specific details on how plants will be removed, whether herbicides will be used and what methods, time frame for when removals will be completed (prior to seed development and dispersal), methods of mechanical removal to be used (equipment with rubber tracks), temporary stabilization measures and erosion controls, temporary location of stockpiles of debris, etc.**

- **A hydrological analysis to determine wetland water budget throughout the year to determine whether proposed elevations will be sufficient to sustain wetland hydroperiod throughout the growing season.**
  - **The wetland buffer plan should provide more details on invasive plant removals and methods, the outer limits of proposed common reed removals, proposed pond elevations after removal of dredged materials, erosion control measures, time of year when will be completed and de-watering locations of dredged materials.**
  - **An actual wetland buffer mitigation plan should be submitted that shows layouts, plant species, sizes, quantities, etc, and conformance with the required 1:1 mitigation ratios. If seed mixes are proposed, site preparation details provided, species list and percentages to be provided. Temporary deer fencing to be installed around buffer mitigation areas and shown on plans.**
  - **The report mentions the use of mountain laurel and rhododendron as replacement plants. Both of these are subject to deer browse. Alternative plants should be provided that are less subject to deer browse.**
5. Some form of permanent demarcation (boulders, plantings, split rail fencing, walls) should be shown on the proposed site plan that separates the remaining wetland buffer from proposed activities.
- **The applicant has indicated that they will use a combination of stone and boulders to demarcate the wetland buffer areas and will be shown on revised site plans. The site plan will need to be updated to show the location of permanent demarcation.**
6. A field site visit should be scheduled between the applicant's wetlands consultant and my office to determine appropriate mitigation and the feasibility of proposed mitigation areas that are shown on the plans. It is unclear the purpose of the pocket wetland and how this would improve or mitigate wetland functional impacts.
- **Addressed, no further comment.**
7. A three (3) year wetland buffer mitigation and monitoring plan should be prepared that follows the Town's standards. The applicant should request a copy of the Wetland Buffer Mitigation and Monitoring Plan format to be followed.
- **Due to the amount of wetland and wetland buffer mitigation, it is my recommendation that the monitoring plans be extended to cover 5 years instead of 3 years to guarantee that the mitigation will become successfully established.**
8. Specific planting details should be provided including plant lists, quantities, sizes, and location for each proposed mitigation area and for stormwater basin and other stormwater features proposed. (**see comments above**)

9. Please note that herbaceous coverage should include a minimum of 50 % coverage with live plants, of species that are part of proposed seed mixes. **(this requires verification on wetland buffer mitigation and stormwater planting plans.)**
10. Construction details should be provided on the two watercourse crossings. **(now shown on the plan, specific details should be provided, including temporary diversion methods during construction, stabilization and erosion control measures)**
11. The proposed driveway construction up to the proposed second watercourse crossing should be evaluated to determine how to minimize the impact the road will create for wildlife movement between both sections of the wetland. Wildlife crossings may be required to minimize impact on wetland dependent species that will utilize both areas. In addition, the design of the road and shoulders will need to take into consideration in how to minimize wildlife movement impacts.
  - **The two existing culverts will be re-established to serve as wildlife passage and the details are shown on the “Proposed Mitigation Plan” prepared by B. Laing Associates. This issue has been adequately addressed.**
12. The use of the existing dirt paths/trails should be explained and whether they will be improved/maintained or removed from buffer areas.
  - **The existing trails serve as bridle trails and will remain. ATV use will be excluded. The trails that are located within the wetland and wetland buffer will be wood-chipped to minimize erosion from horse activity. No additional information is required.**

The applicant should address the above comments and submit revised plans and reports for further review. Please let me know if you have questions or require additional information.

**TOWN OF SOUTHEAST**

**APPLICATION SUMMARY SHEET**

**Proj. Name:** Power of Movement

**S/B/L:** 78.-4-1

**Zone:** R-160

**Description:** Conditional Use permit for home-based occupation (physical therapy).

**Engineer:**

**SEQR ACTIONS COMPLETED:**

**TYPE OF ACTION: Type II**

- Intent to Declare Lead Agency
- Declare Lead Agency
- EAF Submitted
- Determination of Significance by Board

Date:  
Date:  
Date:  
Date(s):

**MAJOR/MINOR PROJECT: Minor Project**

Date Classified: Waiver of Public Hearing (Minor Project Only)?  Y  N

**LOCAL AND AGENCY REVIEW REQUIRED?**

**REFERRAL DATE**

**STATUS/DATE OF LETTER**

Yes No

- Yes  No Town Board
- Yes  No Town of Southeast ARB
- Yes  No Wetland Permit
- Yes  No Historic Sites Commission
- Yes  No Town Highway Department
- Yes  No MS4 Permit
- Yes  No County Planning Department (GML)
- Yes  No County Highway Department
- Yes  No County Health Department
- Yes  No NYSDEC
- Yes  No NYCDEP
- Yes  No NYSDOT
- Yes  No Army Corps of Engineers

**VARIANCES OR BOARD WAIVER (IF APPLICABLE)  Y  N**

Variance or Waiver Request:

Date Granted or Denied, and any conditions:

**PLANNING BOARD ACTIONS:**

Date	Discussion/Decisions/Resolutions
5/23/16	

**RECOMMENDED ACTION FOR MEETING:**

- 1) Classify as Type II Action
- 2) Consider setting or waiving public hearing
- 3) If public hearing is waived, consider granting Conditional Use Permit

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION  
SEQRA CLASSIFICATION**

INTRODUCED BY: T. LaPerch      DATE: May 23, 2016  
SECONDED BY: Armstrong

**WHEREAS**, an application is being made by **POWER OF MOVEMENT** for a Conditional Use Permit for a home-based occupation (physical therapy) on a property located at 11 Stonehollow Drive, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 78.-4-1, and is located in the R-160 Zoning District; and

**WHEREAS**, the Planning Board has reviewed the following documents in support of this classification:

1. Short Environmental Assessment Form (EAF), prepared by Melissa Broderick, dated 4/20/16
2. Memorandum To Whom It May Concern from Melissa Broderick, Pediatric Physical Therapist

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>yes</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>yes</u>	M. Hecht, Boardmember	<u>yes</u>
P. Jonke, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board

**TOWN OF SOUTHEAST, NY  
PLANNING BOARD RESOLUTION FOR A CONDITIONAL USE PERMIT  
FOR POWER OF MOVEMENT**

INTRODUCED BY:     *FaPerch*                          DATE:     MAY 23, 2016      
SECONDED BY:     *Hecht*    

**WHEREAS**, an application is being made for a conditional use permit for a home-based occupation (physical therapy) on a property located at 11 Stonehollow Drive, in the Town of Southeast, New York; and

**WHEREAS**, the property is identified as Tax Map Number 78.-4-1, and is located in the R-160 Zoning District; and

**WHEREAS**, the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short Environmental Assessment Form (EAF) dated 4/20/16, and pursuant to §617.5(c)(7), finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required; and

**WHEREAS**, the Planning Board is in receipt of the following documents in support of this application:

1. Short Environmental Assessment Form (EAF), prepared by Melissa Broderick, dated 4/20/16
2. Memorandum To Whom It May Concern from Melissa Broderick, Pediatric Physical Therapist; and

**WHEREAS**, the Planning Board has determined on the basis of its own review, and the review of comments received from its consultants, that the information submitted by the applicant is in substantial compliance with Chapter 138, "Zoning," of the Town of Southeast Code; and

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Conditional Use Permit Approval for the Proposed Action, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Action, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

1. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit;
2. The home occupation shall employ no more than one staff person in addition to the physical therapist/owner operator;
3. The hours of operation are not to exceed Monday through Friday, 7 am to 6 pm and Saturdays 7 am to 12 pm.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman yes  
 P. Wissel, Boardmember yes  
 E. Cyprus, Boardmember yes  
 P. Jonke, Boardmember yes

D. Rush, Vice Chairman yes  
 D. Armstrong, Boardmember yes  
 M. Hecht, Boardmember yes

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch / rad  
 T. LaPerch, Chairman  
 Southeast Planning Board

**TOWN OF SOUTHEAST PLANNING BOARD  
RESOLUTION TO EXEMPT  
SITE PLAN AND CONDITIONAL USE PERMIT APPROVAL (§138-54.1.B(3))**

INTRODUCED BY: *LaPerch* DATE: May 23, 2016

SECONDED BY: *Armstrong*

**WHEREAS**, the Planning Board of the Town of Southeast is in receipt of a request for an exemption by NYSMSA d/b/a VERIZON for a like-kind antenna replacement at a wireless telecommunications services facility located at 45 Independent Way, Tax Map No. 56.-1-30, in the Town of Southeast; and

**WHEREAS**, the Applicant proposes to replace nine (9) of their 12 existing panel antennas and remove the other three on the existing monopole at a centerline height of 88 feet, and to replace the existing related equipment at the base of the monopole with new equipment generally within the same footprint on the existing equipment platform; and

**WHEREAS**, the Planning Board is in receipt of the following drawings and documents related to the Exemption Request, and has caused same to be reviewed by its consultants:

<b>Drawing No. &amp; Title; submitted by</b>	<b>Original Date; Last Revised</b>
Letter to Chairman LaPerch from Michael Sheridan of Snyder & Snyder	Dated 5/2/16
Memorandum to Michael Levine, Building Inspector from SCS Structural Consulting Services	Dated 4/28/16
C-1, Location Plan, Compound Plan, Project Information, Topographic Map, Antenna Elevations and Notes, prepared by SCS Structural Consulting Services	Dated 4/27/16; Last Revised 4/29/16

**WHEREAS**, the Planning Board has determined on the basis of its own review and the review comments that it has received from its consultants, that all proposed improvements would not increase the overall bulk of the tower, and are consistent with the existing Conditional Use Permit for the facility;

**NOW, THEREFORE be it RESOLVED**, the Planning Board is empowered under §138-54.1E(3) to exempt the requirements for Conditional Use approval and related Site Development Plan approval for the location of antennas upon existing and approved structures, as appropriate) and finds that:

1. The addition involves the installation of antennas or other equipment clearly indicated as part of the original approval for the communication tower and facilities, including approved additional users and collocation of approved equipment and including approved accessory structures (§138-54.1E(3)(a));
2. The addition of the replacement antennas or other equipment shall not result in any increase in the total height of the structure, as originally approved, including the height of any antenna protruding above the tower facility or other structure (§138-54.1E(3)(b));



3. The addition of replacement antennas or other equipment onto an existing tower facility shall not result in any increase in bulk (i.e., volume) greater than 25% over the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility (§138-54.1E(3)(c));
4. The removal of the existing antennas or other equipment shall result in a net reduction in the bulk (i.e., volume) of the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility. The removal of the existing antennas shall not result in any significant alteration of the remaining antennas or equipment on the tower structure (§138-54.1E(3)(d));
5. The addition of the replacement antennas shall not include the construction of any new accessory structures such as equipment buildings, fencing or other site improvements unless such accessory structures or improvements are clearly indicated as part of the original approval for the communications tower and facilities (§138-54.1E(3)(e));
6. The existing structure previously obtained a conditional use approval for a telecommunications tower or facility (§138-54.1E(3)(f));

**NOW THEREFORE, be it RESOLVED**, the Planning Board finds that the application from Verizon is consistent with the original approval and is exempt from Site Development Plan Approval and Conditional Use Approval conditioned on the following:

1. Submission of a revised memorandum to the Town of Southeast Building Inspector from SCS Structural Consulting Services, to correctly identify the proposed equipment changes, and to verify that the existing monopole has the structural capacity to accommodate the new equipment.
2. Should any structural changes to the monopole be required to accommodate the new equipment, the applicant will be required to return to the Planning Board for site plan and conditional use permit approval.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

P. Wissel, Boardmember

yes

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

yes

M. Hecht, Boardmember

yes

P. Jonke, Boardmember

yes

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Town of Southeast Planning Board  
**From:** Ashley Ley, AICP  
**Date:** May 20, 2016  
**Re:** Verizon Wireless – Independent Way  
**cc:** Snyder & Snyder

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AKRF has reviewed the following documents and plans:

1. Letter to Chairman LaPerch, and Members of the Planning Board, from Michael Sheridan, dated May 2, 2016, and supporting documents
2. C-1 Location Plan, Compound Plan, Project Information, Topographic Map, Antenna Elevations and Notes, dated 4/27/16 and last revised 4/29/16.

The Applicant proposes to replace nine (9) of their twelve (12) existing panel antennas, remove its remaining three (3) panel antennas on the existing monopole at 45 Independent Way. In addition, the Applicant proposes to replace the RRH units on the same monopole. However, there is a discrepancy between the engineering report and plans included in the submission. The engineering report states that six (6) of the existing RRH units would be replaced and three (3) additional RRH units would be installed, for a total of nine (9) RRH units. Whereas, the plan states that two (2) existing RRH units would be replaced and two (2) new RRH units would be installed in each sector for a total of twelve (12) RRH units. As such, these documents should be updated to be consistent. In particular, it should be verified that the existing monopole has the structural capacity to hold up to 12 RRH units.

From a zoning perspective, since the proposed project would not increase the bulk of the tower by more than 25%, AKRF has no objections to the Planning Board granting an exemption for this application pursuant to §138-54.1.B(3). However, this exemption should be conditioned on providing the appropriate documentation to the Town of Southeast Building Inspector that the structural capacity is sufficient to accommodate the RRH units. If any further modifications to the monopole are required, the Applicant should return to the Planning Board.

**TOWN OF SOUTHEAST**

**APPLICATION SUMMARY SHEET**

**Proj. Name:** Ryan Wetland Permit

**S/B/L:** 79.1-40-35 **Zone:** R-40

**Description:** Applicant proposes to demolish existing 1-story house and replace with 2-story house. New house would be located within 100-ft wetland buffer around Peach Lake. A wetland permit would be required.

**Engineer:** Richard Vail, Architect

**SEQR ACTIONS COMPLETED:**

- Intent to Declare Lead Agency
- Declare Lead Agency
- EAF Submitted
- Determination of Significance by Board

**TYPE OF ACTION:** Type II - §617.5(c)(9)

- Date:
- Date:
- Date:
- Date(s):

**MAJOR/MINOR PROJECT:**

Date Classified: Waiver of Public Hearing (Minor Project Only)?  Y  N

**LOCAL AND AGENCY REVIEW REQUIRED?**

**REFERRAL DATE**

**STATUS/DATE OF LETTER**

- | Yes                                 | No                                  |                                  |
|-------------------------------------|-------------------------------------|----------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Town Board                       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Town of Southeast ARB            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Wetland Permit                   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Historic Sites Commission        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Town Highway Department          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | MS4 Permit                       |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | County Planning Department (GML) |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | County Highway Department        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | County Health Department         |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | NYSDEC                           |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | NYCDEP                           |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | NYSDOT                           |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Army Corps of Engineers          |

**VARIANCES OR BOARD WAIVER (IF APPLICABLE)**  Y  N

Variance or Waiver Request:

Date Granted or Denied, and any conditions:

**PLANNING BOARD ACTIONS:**

Date	Discussion/Decisions/Resolutions
12/14/15	Declared Action Type II; Waived Public Hearing
2/22/16	Action postponed – applicant wanted to look at alternative mitigation measures
5/23/16	

**RECOMMENDED ACTION FOR MEETING:**

- 1) Consider minor wetland permit approval.

**TOWN OF SOUTHEAST, NY  
RESOLUTION  
WETLAND PERMIT APPROVAL**

INTRODUCED BY:

LaPerch  
Cyprus

DATE: May 23, 2016

SECONDED BY:

**WHEREAS, DENNIS AND PATRICIA RYAN** as the Applicants/Owners of certain properties located at 33 Vail's Lake Shore Drive in the R-40 Zoning District in Town of Southeast and known and designated as Tax Map Number 79.1-40-35 have submitted an application for a Wetland Permit to demolish an existing one-story house and replace it with a two-story house, where the new house would be located within the 100-ft. wetland buffer around Peach Lake ("Proposed Action"); and,

**WHEREAS,** the Town of Southeast Wetlands Consultant issued a report and recommendation dated 5/18/16 in connection with the Proposed Action, as depicted on drawings dated 3/29/16 and 5/12/16 and prepared by Architect R. Vail; and

**WHEREAS,** the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), found the proposed action to be a Type II Action under SEQRA and thus no further environmental review is required; and

**WHEREAS,** the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application;

**NOW, THEREFORE, BE IT RESOLVED,** that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 5/18/16 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

**UPON ROLL CALL VOTE:**

T. LaPerch, Chairman

yes  
yes  
yes  
yes

D. Rush, Vice Chairman

yes  
yes  
yes

P. Wissel, Boardmember

D. Armstrong, Boardmember

E. Cyprus, Boardmember

M. Hecht, Boardmember

P. Jonke, Boardmember

The resolution was passed by a vote of 7 to 0, with 0 absent.

T. LaPerch  
T. LaPerch, Chairman  
Southeast Planning Board



**STEPHEN W. COLEMAN**  
ENVIRONMENTAL CONSULTING, LLC

Environmental Planning & Site Analysis  
Wetland Mitigation & Restoration Plans  
Wetland Delineation & Assessment  
Natural Resource Management  
Pond & Lake Management  
Wildlife & Plant Surveys  
Breeding Bird Surveys  
Landscape Design

## MEMORANDUM

To: Thomas LaPerch, Chairman  
Members of the Planning Board  
From: Stephen W. Coleman  
Date: May 18, 2016  
Re: Ryan Residence, 33 Vail's Lakeshore Drive – Final Wetland Review

### Materials Submitted:

- Responses to Memorandum by Stephen W. Coleman, dated 12-11-2015, as prepared by R. Vail, Architect, dated 02-10-2016.
- Letter from NYSDEC, dated 01-29-2016, re: Ryan Residence.
- Proposed Site Plan, last revised 03-29-2016 as prepared by R. Vail, Architect.
- Proposed Plan of Rain Garden, last revised 05-12-2016, as prepared by R. Vail, Architect.
- Copy of 3 Year Maintenance and Monitoring Plan as prepared by R. Vail, Architect, dated 05-18-16.

Based upon review of the above materials, phone and email conversations with the project architect, and a staff review meeting on March 10, 2016, we discussed alternatives to installation of the prior recommended vegetative filter strip.

As a result of this meeting, I recommended that the applicant replace the vegetative filter strip along the edge of the Lake with a Rain Garden instead. The applicant agreed and prepared a revised site plan that now incorporates the use of a Rain Garden to address the stormwater runoff generated by impervious surfaces and runoff from existing lawn areas.

The applicant has also submitted the 3-year wetland buffer mitigation and monitoring plan that follows the Town's recommended protocols.

### Summary:

This completes my review of the revised site plan. The proposed application is consistent with the criteria outlined in Chapter 78 and that the proposed project will not have a significant environmental impact. Impacts to the wetland buffer will be mitigated by the addition of a permanent Rain Garden located along the northern side of the property. It is my recommendation that a wetlands permit be granted for this proposed project.

Please let me know if you have questions or require additional information.



Jacobson

May 20, 2016

Mr. Thomas LaPerch, Chairman  
Town of Southeast Planning Board  
One Main Street  
Brewster, NY 10509

Re: Ryan Residence  
33 Vail's Lakeshore Drive  
Wetlands Application  
NLJ #0001-0983

Dear Mr. LaPerch:

As requested, we have reviewed the following information received for the subject project at our office through May 16, 2016:

Item 1: Drawing entitled "Ryan Residence, 33 Vail's Lakeshore Drive, Brewster, N.Y. 10509", dated 5-6-16, scale as noted, prepared by Richard Vail, Architect.

The above referenced information has adequately addressed the comments noted in our December 11, 2015 letter. As such we would have no objection should the Planning Board choose to approve the subject application.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay                      M. Bruen  
M. Levine                      M. Stancati  
S. Coleman                      A. Ley  
W. Stephens, Jr.                R. Vail