

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
February 22, 2016**

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

**PUBLIC HEARINGS:**

- 1. GLICKENHAUS PRIVATE ACADEMY, 291 Deans Corner Road** – This was a continued Public Hearing to review an application for a Site Plan, Special Permit and Wetland Permit. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Attorney Richard O'Rourke of Keane & Beane, Engineer Brian Hildebrand of Kellard Sessions, Chris Munch of Fortune Ridge Home Builders and Dana Cuneo, Principal Scientist with B. Lang Associates appeared before the Board. Mr. O'Rourke said this is a continued Public Hearing for a private soccer academy that will not be open to the public and will be owned and operated by a prominent soccer organization. The idea, he said, is to develop the property as a conditional permitted use in the OP-1 Zone. He said when we were last here there was a restaurant as a component of the proposal but now that has been removed and we added office space, which is a stand-alone building of 8,000 sq. ft. for use by the academy offices. We anticipate, he said, that there will be less traffic than with a restaurant. Chairman LaPerch said where are we: show the public the location, please. Mr. Hildebrand used the aerial photo to show the location on Deans Corner Road, which he said is 30 acres of wooded property. He showed the access drive and two culvert crossings onto the property. He pointed out the parking area saying it is 52 spaces, the soccer academy, the artificial turf soccer field and the real turf field and the office space on the northern side. Mr. Hildebrand said the aerial shows how all the development sits on the parcel and the line shows the tree cutting, landscaping, screens and buffers. He continued: we have a rendering that took a 3-D model of the proposed grading looking toward the back of the academy that shows there will be a field on top so when you walk out on the second floor there is a practice field there. He said this is an architectural rendering of the academy and pointed to all the elements on the rendering and explained the inside layout. Mr. Hildebrand showed a rendering of the office building saying it is set into the hillside and there is screening added around it. Mr. O'Rourke said I'd like to point out one thing that is beneficial: this is approximately 30 acres, actually 31.5 acres, but when it is finished, the physical disturbance will be to only 11.6 acres, and the most of the site will remain with its native vegetation. Chairman LaPerch said you have a couple of wetland crossings? Mr. Hildebrand said yes, we have been through one round of reviews and comments from the DEC (Department of Environmental Conservation). Chairman LaPerch said there are two crossings? Mr. O'Rourke said yes, there is an as of right crossing for access to the property because you can't use the property without it. Chairman LaPerch asked Town Planner Ashley Ley why she is recommending they hold the Public Hearing open. Ms. Ley said there was a large submission received after the deadline and the consultants need time to review that. She said off the bat one thing we noticed is that they added an office building instead of the restaurant. She asked the applicant if they evaluated making the office space closer to the academy in order to reduce the disturbance. Chairman LaPerch said is that driveway going to be paved or is it going to be gravel? Mr. Hildebrand said there will be gravel once we are in the DEC wetland area but the rest will be paved. Chairman LaPerch

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said that makes sense, sorry to interrupt, can you answer Ms. Ley's question about moving the building? Mr. O'Rourke said the reason we chose the location is because it is compatible with the land and it cuts down on the disturbance: we are building, obviously, into the hill and I don't know if there is anything we could do differently. Mr. Hildebrand said if we make the other building bigger we started getting into the wetland buffer. Ms. Ley asked if they are maxed out on the height and Mr. Hildebrand said for the academy we are at 40 ft. proposed and 45 ft. is allowed but if we expand it, you can see the steep slopes here, we just start chasing the grade. Chairman LaPerch said so this is the best place you can find on the site without disturbing more wetland? Mr. O'Rourke said that is why we chose it the first time. Chairman LaPerch asked about the hours of operation. Mr. Munch said it is a private academy and will be in use mostly after school hours but open no later than 9 pm. He said this is for K through 12 only and is not set up for any major events or major tournaments or anything like that. Chairman LaPerch said so there won't be tournaments or lights on after 9 pm? Mr. Munch said that's right. Boardmember Cyprus said so the one field that comes off the second story is that due to the grade? Mr. Munch said the building itself is benched into the hill so the second story is to work with the grade: we are doing the engineering now to actually have the roof-top field. Boardmember Wissel said the traffic study was done when this included a restaurant: can we get a letter from the traffic analyst saying this use will be less traffic? Mr. Munch said that is exactly what we are doing. Chairman LaPerch said yes, we had a sidebar on that and that is a good question. Boardmember Wissel said I assume the lighting from the office building will not be a problem? Chairman LaPerch said another good question. Ms. Ley said we haven't seen the lighting yet. Boardmember Rush said his question was about the lighting as well. Chairman LaPerch asked for any public comment and there were no questions from the audience. Ms. Ley said when the parking issue was raised previously, you said that most people would be dropping off and picking up their children and we asked for more information to support that. She said if people are coming from a wider range like Westchester and so forth, wouldn't some of them wait for their children to get done? Chairman LaPerch asked the applicant to address that issue. The motion to continue the Public Hearing to March 7, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

2. **BREWSTER CORPORATE PARK, 1920 Old Route 22** – This was a Public Hearing to review an application for Site Plan. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Engineer Terry-Ann Hahn of LADA, P.C. appeared before the Board. Ms. Hahn said this property is located on Route 22 off a driveway on Old Route 22: it is 10 acres and has a stone wall and hedgerow along Old Route 22 and the rest of the property is mowed. Ms. Hahn said this is not our first Public Hearing on this as we went away for a while getting other agency approvals. She said we got our DEC approvals and this is our last review prior to site plan approval. Little has changed since we were here last but for the new members, I will briefly review the project, she said. She showed an aerial and described the location of the parcel. The building is 60,000 sq. ft. on the ground with a total of 90,000 sq. ft. including the second floor, she said. Ms. Hahn continued: the application has been subject to Planning Board review, ARB (Architectural Review Board) review and other agency reviews and we are looking at this as office/warehouse use. She said there are 170 parking

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spaces and the building is set to the back of the site as per earlier discussions with all the stormwater measures at the front of the site. Ms. Hahn said we added a significant number of trees at the Planning Board's request along Route 22 and along the south property line as well as along the driveway. The development meets all Zoning requirements, she said, and we recently re-designed our lighting plan to meet current Town Code requirements. Ms. Hahn said we went to an LED lighting system which added a couple of poles but now it meets the new requirements. Boardmember Hecht said you mentioned office and light manufacturing? She said yes, typically it is called light manufacturing if it is minor assembly which is permitted in the Zoning Code. He said so is this 24-hours or more 9 to 5? She said it tends to be more 9 to 5. Boardmember Armstrong said the nearest residence is the one across the street to the southerly side of the property and I think I have asked previously about the parking that is to be across the street from that and that is should be more for reserved use. Ms. Hahn said there were a couple of things that were asked as part of the review process: we have added significant plantings to beef that up in that general vicinity and we have quite a bit more planting than we used to have; and the light poles were re-configured in that area for less visibility and we have agreed these two portions may be deferred parking. She said I am pretty sure they will be but my client isn't ready to commit to that yet. Boardmember Armstrong said there is a grade change between your site and the residential parcel and they are lower down: it is kind of late in the game to ask for this but maybe more of a cross section would be good... Chairman LaPerch said they did that. Ms. Hahn said we did it and showed it on the site plan and explained how it was done with plantings and grading. Boardmember Armstrong asked about the hours of operation for the lights in the parking lot. Ms. Hahn said we don't know who the tenants will be but we did agree to a two circuit system for the lighting and that is noted that there will be security lighting and lesser lighting for the rest. He said mine is more a question about the lighting at night in the parking area and is it possible to consider motion detectors. She said I would feel more comfortable with circuit lighting that can be controlled from inside the building because all you would need is a deer to go by for the motion detector to go off. Boardmember Rush asked if the ARB already reviewed this and Ms. Hahn said we are going on Wednesday to have the plantings and the lighting reviewed by that Board. Boardmember Rush said it seems the trees are planted like soldiers and I wonder if you could soften that up a bit. Ms. Hahn said they are planted along the existing hedgerow and stone wall so we were trying to be consistent with what was out there. She said we also went with Sugar Maples which will work well along that hedgerow. Boardmember Cyprus told Boardmember Rush that this was reviewed by the ARB a long time ago when he was on that Board. Chairman LaPerch said yes, this has been a very long process for them. Chairman LaPerch asked for questions from the public. Carol Wesche of 14 Old Route 22 said I am totally against this: you should see that grove now, the kids who come and work up there leave garbage around everywhere and I used to go and pick it all up but I can't do it anymore. She said you've taken the signs away from us so we aren't allowed to have signs anymore but they are allowed to do this? Chairman LaPerch said what are the signs you are referring to? Ms. Wesche said the billboards on the other side of our property that are actually doing nothing... Chairman LaPerch said what do you mean we took your signs away? She said we got letters from you and Tony Hay (Town Supervisor) that by 2017 they must be taken down and that is what helps us pay our taxes on that property because we are retired people now. Chairman LaPerch said thank you, now

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I know what signs you mean. He said as for the litter, the best you can do is call the Town about the property owner. Ms. Wesche said I've called the Town and I've asked for the sweeper and they are trying to make it a dirt road: it is not a dirt road, it was a blacktopped road until the Building Inspector sold the property next to us and he wound up going to jail but that is how he got that property. She said it was only a quarter acre of land but now it is an acre of land because he bartered with Sisca. Chairman LaPerch said OK. Carl Wesche, Jr., of 14 Old Route 22 said when are they going to pave that road because when they put that other construction in there and they put another opening in there: it is a dirt road that was supposed to be an emergency exit but they are all using that road up there now. He said they made a dirt road right past our house now and they weren't supposed to do that when they did that low income housing there. Chairman LaPerch said you mean Barrett Hill? He said I don't know what it is called. Chairman LaPerch said I would like to try and figure out the answers to some of your questions here. He said in terms of paving the road, that is not this Board's purview and it is not a part of this application. Mr. Wesche said we can't breathe up there: it is all dusty and dirty and the cars go flying through there from that factory and our kids don't want to come up here anymore because they don't want to get their cars dirty up by that road. Chairman LaPerch said that is not part of this application: what we are reviewing is a property with access off Route 22... Mr. Wesche said that is a Town road there and there is way too much traffic on that road. Chairman LaPerch said it is not part of this application. Mr. Wesche said it is a Town road and they are not supposed to be using it. Chairman LaPerch said let me just try to answer your questions from this Board: what we are speaking about is an application with access off Route 22 and what you are speaking about is a Town road that is not part of this application He continued: what you are seeing here is an effort by this applicant to do screening and things but they have no control over that Town road. He said sorry I can't give you a better answer. Mr. Wesche said there are trucks coming through there from that factory and instead of using that road, they are using our road and they weren't supposed to make a dirt road out of it. Chairman LaPerch said once again, it is not part of this application and you need to... Mr. Wesche said so I have to go to Court because they are using the road... Chairman LaPerch said you might have to because this applicant is using a driveway that is permitted as part of their application for this permitted use. He said your road in front of your house is a Town road and you might have to go to the Town to get some answers to your questions at this point. Mr. Wesche asked if the LED lights will knock out his amateur radio signals. Chairman LaPerch said I am not a scientist: I can't answer that. Once again, your concerns are more Town related in terms of the road and the litter issue, which I think you have to take up with the Town Board, Chairman LaPerch said. Boardmember Armstrong asked if the problem with the traffic on Old Route 22 is caused by people taking short cuts through there? The Wesches said yes and there are trucks going through there instead of using their own roads. Boardmember Armstrong asked if they have frontage on Route 22? Ms. Wesche said only on Old Route 22. Boardmember Armstrong said so only on Old Route 22 not on Route 22? Chairman LaPerch asked Ms. Hahn to point out the Wesche's property on the plans for the purpose of this discussion, which she did. Ms. Hahn said their roadway is significantly higher and is off of Old Route 22, not 22. Boardmember Armstrong said do they have frontage and she said yes, they do. Boardmember Armstrong asked if the applicant has any access off Old Route 22 and Chairman LaPerch said no, the only access they have is from Route 22. Boardmember Armstrong said there was a mention

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of another road and Ms. Hahn said I think they are referring to this emergency access road that is not functioning at this point and she pointed to it on the plans. Boardmember Armstrong said this might be an extreme way to handle it but maybe an abandonment of Old Route 22... Chairman LaPerch said speak to the gentleman next to you (Town Attorney Will Stephens) about that. Mr. Stephens started to answer Boardmember Armstrong directly and Chairman LaPerch said we are public here. Mr. Stephens said this is not a time for me to give an opinion about abandonment of a highway but it is a very expensive operation and if you abandon a road and land lock someone's property you are basically buying the property. Boardmember Armstrong said you are not land locking it if they have frontage on 22 or they could have easement access from... Mr. Stephens said any abandonment that eliminates access means the Town would have to acquire the property. Boardmember Armstrong said it was just a suggestion. Ms. Wesche said the only way of getting into that property is from where the post office was put in: why can't they go through there? Chairman LaPerch said this applicant has legal access to their property as it is shown here and this is what they have been told they can do by the DOT (Department of Transportation). Mr. Wesche said they put that emergency access in there and that should be closed up because they go in there at night and they're drinking and... Chairman LaPerch said I don't know which access you mean and asked Ms. Ley to address it. Ms. Ley said that is a separate project from this application all together. Mr. Wesche said why are they not using it... Chairman LaPerch said it hasn't been built yet for whatever economic reasons. As of now this applicant has every right to come in off of Route 22, he said. Your concerns are legitimate and I am not dismissing them but they are not about this application, he added. Mr. Wesche said but that road is a problem... Chairman LaPerch said I understand your concerns but they need to be taken up at a Town Board level, OK? He said the Town Attorney is here and he is not stopping me because I think I'm saying the right thing that if you have a beef that should be handled by the Town Board, that is where it needs to be addressed. He said if you find that the workers from this group are littering down there, then you can complain to the Town about that. He asked if there were any other questions and there were none. The motion to close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Ms. Ley said the next step is for the applicant to go to the ARB on Wednesday and they can come back for final site plan approval when that process is complete.

3. **POMONA aka ROOT AVENUE SUBDIVISION, Root Avenue** – This was a Public Hearing to review an application for a Wetland Permit. Engineer Zac Pearson of Insite Engineering appeared before the Board and gave a brief history of the Root Avenue Subdivision, saying it was a six-lot subdivision between Root Avenue and John Simpson Road. He said this subdivision was approved by this Board back in 2008 and we were here for a Wetland Permit in the summer of 2014. Mr. Pearson said since that time, the applicant wishes to re-configure Lot 5, which spaces out the houses a bit more, and decreases the disturbance... Chairman LaPerch interrupted and said I need to open the Public Hearing. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Mr. Pearson explained where the house and stormwater measures are located using the plans and said we've had the DEC approval for about a year and the Health Department approval is pending. Chairman LaPerch asked for questions from the public and there were none. The motion to

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close the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. The motion to Adopt a Negative Declaration under SEQRA was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 7 to 0. The motion to Grant a Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.

**REGULAR SESSION:**

- 1. EIGHT 4 FIVE SERVICES, 2525 Carmel Avenue** – This was a review of an Application for a Conditional Use Permit. Business Owner Vincent Ziccolella appeared before the Board. Chairman LaPerch said we had a conversation about this application earlier and it seems that some additional information is required so there is not much we can do tonight. He said the applicant is looking to rent and asked Mr. Ziccolella to explain where the business is. Mr. Ziccolella said it is the old "Design a Sign" building on Route 6. Ms. Ley said, for the record, there is enough information to take the actions the Board has before it tonight. The motion to Classify this as a Type II Action under SEQRA and a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed by a roll call vote of 7 to 0. The motion to refer this application to the Architectural Review Board was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Chairman LaPerch said before I make a motion, can we discuss the need for a Public Hearing? Ms. Ley said the proposed use is a landscape business and the applicant is proposing outside storage and moving the existing fence. It is a commercial property in a commercial zone and there are no immediate residential neighbors so it is at the Board's discretion, she said. Boardmember Jonke asked how close the nearest residence is and Mr. Ziccolella said about 800 to 900 feet up the hill. Boardmember Hecht said do we have enough information to decide about a hearing? Chairman LaPerch said it has more to do with the setback issues with what he is proposing. Boardmember Wissel said I have no problem waiving it if there are no residences impacted. The motion to waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. The Board discussed what the applicant's next steps will be. Mr. Ziccolella said he is going to hire Hahn Engineering. Chairman LaPerch suggested they come to a Planning Board staff meeting when they have something worked out.
- 2. BREWSTER ICE ARENA / 7 SUTTON PLACE, 65 Fields Lane and 7 Sutton Place** – This was a review of an Application for a Site Plan Amendment. Engineer Doug Hahn of James J. Hahn Engineering appeared before the Board. Mr. Hahn showed the locations of the two properties using an aerial photo. He said we are proposing a pathway for overflow parking for 7 Sutton Place during the day, which basically includes a bollard and some lighting. Chairman LaPerch said I believe your Dad came in for a staff review and he is proposing some lighting? Mr. Hahn said yes. Boardmember Hecht said so this sidewalk is coming from the ice arena, where does it dump out? Mr. Hahn said it is by the mini-rink and is basically the second parking lot for that mini rink. He showed it on the plans and they discussed where it begins and ends. Mr. Hahn said it is about 125 feet long. Boardmember Hecht said I think there might be issues with the lower lot when you come

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down the hill with all the traffic there. Mr. Hahn said I think, initially when the pro team came in, they anticipated a lot more traffic with buses and such but there is not much need for overflow parking at the rink. He said it is more coming from 7 Sutton. Boardmember Cyprus said, just for clarity, this is more for 7 Sutton Place to use the rink parking during the day than the other way around? Boardmember Hecht said that is what he is saying. Boardmember Armstrong said I am glad to see they are going to be using bollards on the path for the lights rather than posts. The motion to Classify this as a Type II Action under SEQRA and a Town of Southeast Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0. The motion to refer this application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. Chairman LaPerch asked for discussion on a Public Hearing. Boardmember Wissel said I know at least one person who has been very vocal about the Durante application is within eyeshot of that so I would be hesitant to waive a hearing. The Board agreed there should be a hearing. The motion to Set a Public Hearing for March 21, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor.

3. **SPACE ON THE FARM, 400 - 406 Starr Ridge Road** – This was a review of an Application for Final Approval of Site Plan Amendment. Attorney Michael Liguori of Hogan and Rossi appeared before the Board. Mr. Liguori said we are here for Final Site Plan approval for modifications to Kay Hall to raise the grade around the building and add a staircase to make it two stories. He said we received Historic Site Commission and ARB approval and I believe we answered Joe Dillon's (Town Engineer's) questions. Chairman LaPerch said you have. Boardmember Armstrong said this is a mixed use or a different set of uses: are there any problems or Code violations with that? Mr. Liguori said I am not aware of any complaints to the Building Department or any violations. The motion to Grant Final Site Plan Approval and Minor Wetland Permit was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 7 to 0. Ms. Ley said the Town Engineer needs for them to delineate the area of disturbance to determine if MS4 review is required. Secretary Desidero told Mr. Liguori that they also need estimates to determine the bond amount. Mr. Liguori said we are under 5,000 sq. ft. so I guess we just have to show that. Ms. Desidero said yes, Mr. Fenton wants something that clearly delineates the area of disturbance so he can rule out the need for MS4. She said also, this disc you gave me has nothing on it and she gave it to Mr. Liguori and asked if he would mind re-doing it for the files.
4. **RYAN WETLAND PERMIT, 33 Vails Lake Shore Drive** – This was a review of an Application for a Wetland Permit. Architect Richard Vail appeared before the Board on behalf of his clients. Mr. Vail said the application is basically to demolish an existing one-story residence and build a two-story residence. He said the last time we were here the question about the DEC came up and as per Steve Coleman (Town Wetland Inspector) we went to the State to get approval. He said subsequently we went to the State and... Chairman LaPerch said and they gave you a green light? Mr. Vail said yes. Boardmember Cyprus said this was too close in the front and you needed a variance? Mr. Vail said we got the variances we needed. There were no other questions from the Board. Mr. Vail said given that the State doesn't recognize any protected wetlands on the property, would the

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Board consider waiving the requirement for this vegetative filter on the shoreline? The reason, he said, is my clients are very concerned about it: it will limit their use of the property by the lake and they feel like this vegetative strip will detract from their use of the property as well as the value. I haven't seen this requirement come up before, he said, and it will set a precedent for the whole lake. Ms. Ley said the State has said it has "no jurisdiction" and that is the first time that has happened with an application in the Peach Lake area which is why Steve Coleman had thought they would claim jurisdiction. So that was a surprise to us, she said, however, the Town does have jurisdiction over that water front and any intrusion into the wetland and it has been the recommendation of the Town's Wetland Inspector to plant things there. She said the Planning Board, as the Board that makes the decision, has the ability to modify the recommendation. Chairman LaPerch said this is a first for us and my question is, I do understand the homeowner's issue, so I personally don't know why they can't have a clear view. He said that's me but it is a Planning Board decision so he asked for the Board's thoughts on the precedent aspect of this. Boardmember Jonke said he agrees with the Chairman. Boardmember Hecht said I understand the homeowner's concern as well. Boardmember Cyprus said I do too. Boardmember Armstrong said I may agree with the Chairman after I hear the answer to this question: what is the vegetation? Mr. Vail said the requirement would be native plantings about 10 feet back from the shoreline and it's a combination of shrubs and grasses. Boardmember Armstrong said so you would use grasses? Mr. Vail said yes. Ms. Ley said what would your client prefer, just lawn? Mr. Vail said yes, lawn and they don't fertilize now and they might be willing to consider a "no mow" zone instead of the plantings. Ms. Ley said how wide is their frontage and Mr. Vail said about 50 ft. Ms. Ley said what if there was a 10 ft. gap in the middle for kayak access? Mr. Vail said it would be a compromise but not preferable. Boardmember Armstrong said he agrees with the Chairman. Boardmember Wissel said I am just concerned that we have something from our consultant and this is coming up now. He said the plans have been revised to show what the consultant recommended and now it is coming to a vote and we are changing it. He said couldn't it have been worked out prior to us possibly granting final approval? Chairman LaPerch said it is our discussion. Boardmember Wissel said I just don't like changing this at the last minute: to go against something that was brought up and changed on the plans and now, as we are about to approve those plans, we are changing them? Chairman LaPerch said that is fair. Boardmember Wissel said if it is not that big a deal, maybe Steve (Coleman) can revise his memo to reach a compromise to do what Ashley (Ley) said or... Boardmember Armstrong interjected: are we really going against what Steve recommended? Ms. Ley said by removing it and going with lawn, yes. Boardmember Armstrong asked if his recommendation was a suggestion or the law? Ms. Ley read a portion of Mr. Coleman's memo: "*The amount of disturbance is considered minor and the impact could be effectively mitigated. The additional impact within the wetland buffer could be minimized by implementing mitigation measures that would reduce the amount of non-point runoff of excess nutrients that enter the Lake. Lawn grasses contribute significant amounts of nutrient loading into water bodies. Establishment of a vegetative filter strip along the edge of the Lake would help to lessen the impacts of nutrient loading from the existing lawn area.*" Chairman LaPerch said my two cents on this is that we are talking about adding grasses around a lake and I think that is a distraction from the value of the lakeside and I personally think a lawn there makes sense. The Board discussed that this is considered a Minor Wetland Permit.

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Chairman LaPerch said maybe there is a middle ground here but I don't know. Mr. Vail said is there a way we can say they won't use fertilizer and Ms. Ley said that could be a condition of approval. Boardmember Rush said Steve usually just goes through and says if something flies but this is a little more elaborate. He said I wish we could get Steve's opinion on this. Boardmember Wissel said that is what I mean: if this had come up two weeks ago before they revised the plan then Steve could have possibly amended his recommendation. Chairman LaPerch said I get your point and I think this is a big issue for landowners there, that we are going to tell them they have to put up grass along the lakefront but if it's the Board's sentiment that we should check back with the consultant then we should do that. He said this is a major precedent we would be setting and I have a problem with that. He said it could impact property values and everything else. Ms. Ley said maybe we should do it at a staff meeting. Chairman LaPerch said yes, let's visit it offline, and told Mr. Vail: because your question came out of left field here and we should discuss it more. Mr. Vail agreed. Ms. Desidero said she would just like to be sure that the Ryans are aware that their escrow money is what is going to be paying for this discussion about precedent-setting. Mr. Vail said I will make sure they are aware but I think this is important to them. Ms. Desidero said that's fine but I don't want it to come as a surprise to the Ryans. Chairman LaPerch said it is a big deal for lakefront communities so we should vet it out. Boardmember Rush asked about the Monitoring and Maintenance Plan and the Board discussed what this is and how it would be handled. Chairman LaPerch told Mr. Vail to contact Victoria to come to a staff meeting.

5. **NYSMSA d/b/a VERIZON, 996 Route 22** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit Review. Attorney Michael Sheridan of Snyder & Snyder appeared before the Board for all the Verizon applications for exemption. Chairman LaPerch said can we discuss these all at once? Ms. Desidero said this one is different from the others because they had to go to the ARB and they had to get a variance because it sits on top of a building. Mr. Sheridan said that is correct: this antenna is on a shopping plaza building on Route 22 and we were referred to the ARB and the Zoning Board and received positive referrals from both those Boards. The Board discussed where the building is located and how this will provide better wireless communications from Verizon. Boardmember Wissel said as long as everything is on the inside of the flag pole? Ms. Ley said this one is not on a pole but the next one is. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.
6. **NYSMSA d/b/a VERIZON, 3925 Danbury Road** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit Review. Chairman LaPerch said so we can discuss the next four items together? Mr. Sheridan said we are adding everything on the inside of the flagpole at 3925 Danbury Road. Chairman LaPerch said this is to upgrade the technology? Mr. Sheridan said yes, it is a technology upgrade and, in some cases, they are also reducing the number of antennas. Boardmember Cyprus said are you dropping 2G and Mr. Sheridan said I am not sure. Chairman LaPerch said and all of these are being replaced with newer panels? Mr. Sheridan said yes. Boardmember Armstrong said and the appearance is not changing dramatically on any of them? Mr. Sheridan said no

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the appearance does not change dramatically except there won't be as many antennas on the monopoles. He explained this is some detail. Boardmember Armstrong said all we can legally look at is the appearance due to Federal Law. Mr. Sheridan said there is even discussion that unless Verizon is doing something extreme or crazy, you don't have jurisdiction over these types of changes. Chairman LaPerch said we get it but we are reviewing these now. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review for 3925 Danbury Road was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0.

7. **NYSMSA d/b/a VERIZON, 300 - 310 Route 22** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit Review. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review for 300 to 310 Route 22 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.
8. **NYSMSA d/b/a VERIZON, 171 Joe's Hill Road** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit Review. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review for 171 Joe's Hill Road was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed by a roll call vote of 7 to 0.
9. **NYSMSA d/b/a VERIZON, 87 Hillside Park** – This was a Review of a Request for Exemption from Site Plan and Conditional Use Permit Review. The motion to Grant Exemption from Site Plan and Conditional Use Permit Review for 87 Hillside Park was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.
10. **DISCUSSION OF BUILDING INSPECTOR REQUEST FOR DECISION ON SPECIAL USE PERMIT FOR SANTUCCI, 5 SHADY LANE** – This was a discussion about a letter received by the Board from Building Inspector Michael Levine regarding a question about a Special Permit for 5 Shady Lane. Attorney Michael Liguori of Hogan and Rossi appeared before the Board. Boardmember Wissel said he represented a contract vendee to an adjacent lot of this property and recused himself from the discussion. Mr. Stephens said because I have a personal relationship with someone who lives over there, I can't get involved with this either. The Town Attorney left the meeting. Chairman LaPerch said I understand. He said here is my take on this: I think we need to hear from Mr. Fenton (Town Engineer) on this to get the questions answered by your owner, the gentleman you (Mr. Liguori) are representing. He said I went out there yesterday and I found it to be a very nice area so I am a little confused. I know, he said, that Victoria (Desidero) keeps telling me that he did wrong out there, that is the allegation, that he needed a permit for what he did? Ms. Desidero said that is what the violation is: I didn't say he did it. Chairman LaPerch said is that what we are talking about here? Mr. Liguori said in a nutshell. Chairman LaPerch said so we can't do anything until we hear from Mr. Fenton but the violation is that he filled in an area that shouldn't have been filled in based on our Town Code: correct? Mr. Liguori said yes and the question before the Board and, part of why we were referred over, although there is a little confusion on our side as to

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what's been referred: whether it is the first 10 feet or is Tom Fenton looking at the property between the berm and the stone wall. He said I brought some pictures and he handed them out. Ms. Desidero said she thought it (what was being referred) was in the letter. Mr. Liguori said the dispute is over the grade and he used the photos to show various aspects of the property to the Board members at one end of the dais while another conversation was taking place and Chairman LaPerch called for one meeting. Mr. Liguori said this is the driveway that heads down to the Skalaski property and we are looking at the front of the Santucci property so the Santucci property fronts on the driveway for the Skalaski property and the question is: Dennis (Santucci) had brought in fill and he placed the fill within the first 10 feet of the property line: that requires a Special Permit from the Planning Board because if you are going to fill within 10 feet of the property line because you have the ability to change stormwater runoff or various other things. Ms. Ley said and the quantity of fill as well. Mr. Liguori said and the quantity of fill: you can place 100 yards of fill on your property... Chairman LaPerch said Fenton requested a before and after? Mr. Liguori said Fenton requested a before and after. We had previously provided a before and after to the Building Department, which is why we were a little curious about why Tom needs information that was already provided to the Town. Ms. Desidero said it is different departments and just because it went to the Building Department doesn't mean it went to the Town Engineer. Mr. Liguori said he (Mr. Fenton) was at the last meeting where it was determined to be referred. Ms. Desidero said but did he get a copy of the plans because I think all Tom (Fenton) is saying is he needs something to review now. Mr. Liguori said we're happy to send it, it's just for the Santuccis, they thought if the Building Inspector is referring it, is it us that is making an application to Fenton or to the Planning Board or is it all going to be dealt with between the Building Department and the Town Engineer? He said that is the question. Ms. Ley said in order for the Town Engineer to advise the Planning Board, he needs the materials. Mr. Liguori said we'll send them. Boardmember Armstrong asked which is the Santucci property and Chairman LaPerch said behind the stone wall. He asked Ms. Ley for the process. She said once the materials get to the Town Engineer, the Town Engineer can advise the Planning Board as to whether the quantity of fill and the location of the fill does trigger the need for a Special Permit. Chairman LaPerch said so for the next meeting? Mr. Liguori said when is the next meeting? Ms. Desidero said March 7. Mr. Liguori said yeah so we will certainly have it to him before that. Boardmember Armstrong said if the Planning Board makes a decision on this, then what is the result, can we say we want it all removed? He asked: what are the options? Mr. Liguori said in this particular instance, I think there are two possible results which are that the Board determines that the fill has been removed because we did remove the fill and the dispute is whether it has been removed. That's part of it, he said. Or the other part of the dispute, Mr. Liguori continued, is the Board determines that the fill has not been removed and then Mr. Santucci has to apply for a Special Permit and if he obtains it, it can stay and if he doesn't, he has to take it out. He said so those are the... Boardmember Armstrong said how can we, based on that picture, determine if it has been taken out? Ms. Ley said we need the before and after survey. Ms. Desidero said you are going to have to rely on the consultant. Ms. Ley said yes, you are going to have to rely on the Town Engineer. Chairman LaPerch asked Mr. Liguori if he had one final comment. Mr. Liguori said I think the issue that everyone is going to have to deal with in some form or fashion is that the topography that was presented to the Town on the landscape plan that Mr. Santucci had

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prepared to remedy the violation of the fill... so he had fill delivered to the property and the Building Inspector had gone out and said I think you have an issue with fill within 10 feet of the property line and I think you have too much fill. So, he said, Mr. Santucci had a landscape plan prepared to create the berm which would take the fill out of the first 10 feet and allow the berm to be in place and to proceed without a Stop Work Order. Mr. Liguori continued: the issue we have is that the original plan that was presented to the Town was prepared by Harry Nichols from a septic plan that he prepared back in '05 in connection with the re-construction of the house. He said there's two notes on that plan: one that says the topography is from USGS, which is approximate, and another is a note that says the topography is from Bob Bergendorff. He said so we went back to Bergendorff and we are pretty sure that the topography from Bergendorff is a carry-over from another plan that Harry (Nichols) did. He said so we have USGS topographical information which is not accurate. And, he said, we did forensic topography too which we will be able to present to Tom Fenton, and Tom has seen our forensic topography already but we will package that up and we'll send it over to him. Mr. Liguori said we believe from what we have he will be able to make a recommendation one way or another as to whether it is yes, no or he just can't make a decision. Chairman LaPerch said we await his report.

Chairman LaPerch said we had a Staff Review meeting last Thursday and a gentleman came in who is interested in converting the building just north of Kobacker's, the big long gray building, to rent out a space for a children's theater. Ms. Ley said it is a permitted use and would require a minor site plan amendment. Chairman LaPerch talked about another person who is interested in Salinger's Orchard who was unable to attend the meeting.

Chairman LaPerch said Boardmember Armstrong did you have something to say about the Minutes? Boardmember Armstrong said yes, the Meeting Minutes were terrific, as usual, and the hearing about Durante was 24 pages alone and Victoria did a great job as always: very readable, very understandable. He said the Chairman did a great job of handling the Public Hearing as well. Ms. Desidero said thank you and I must give credit to Cathy, who is the new assistant working in my office, as she did a big part of those Minutes. Chairman LaPerch said that is great: she is helping out. The motion to approve the February 8, 2016 Meeting Minutes as written was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.

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

**March 3, 2016/VAD**