

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

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

PUBLIC HEARINGS:

1. **GLICKENHAUS ACADEMY, 291 Deans Corner Road** – This was a continued Public Hearing to review an application for a Site Plan, Wetland Permit and Special Permit. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Town Planner Ashley Ley said with this one they requested that the Public Hearing be continued to February 22 because they are not ready to come back just yet. If there are any members of the public that wish to speak on it we can take comments but otherwise we will just continue it to the 22nd, she said. Chairman LaPerch said is there anyone from the public? Resident John Lord said at the first session or the regular meeting of the Town Board last week, they had a bond for a barn at Fortune Ridge, is that related at all to the Glickenhaus? Ms. Ley said it's the same property owner but they're two completely different projects. Mr. Lord said okay thank you. Chairman LaPerch said great question, can you tell us what the difference is? Ms. Ley said the proposed barn that's associated with the housing development of Meadows at Deans Corner, now Fortune Ridge, is going to be on Dean's Corner Road generally across the street from the main entrance and this project is a private academy. It's a soccer academy and restaurant that's up at the top of the hill on the other side of 684, she said. Mr. Lord said and the barn has been approved? Ms. Ley said yes. Chairman LaPerch said this is separate, down the road from the soccer academy. He asked: any other public comment at this point? The motion to continue the Public Hearing to the February 22, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Jonke and passed all in favor.

2. **BREWSTER FORD, 1024 Route 22** – This was a continued Public Hearing to review an application for a Site Plan Amendment. The motion to open the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor. Jamie LoGuidice of Insite Engineering appeared before the Board. Chairman LaPerch said we had a good hour and 10 minute meeting this past Thursday at our staff review because, in my opinion, this is a very important property and we wanted to take it offline to make sure that the applicant and the Town consultants were on the same page before we went live and I think Ms. Ley can describe it better but I think we made a lot of progress but not enough to the point that we believe that we can go live. Chairman LaPerch asked Ms. Ley to explain to the Board some of the things that were talked about. Ms. Ley said we talked about some of our concerns with the site in terms of the landscaping and the parking arrangements on the site. She said we discussed the various variances that are going to be required and we are waiting for a revised site plan and then we will have a memo for the next meeting to be able to do all the referrals to the ZBA (Zoning Board of Appeals) and the ARB (Architectural Review Board). We are just trying to figure out the specifics of the project that we could possibly tweak now before this goes forward, she said. Chairman LaPerch said we took a good hour and a half to make sure we covered everything and Ms. LoGuidice wrote an e-mail to the Board. He said everything is

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

public information here but she wrote an email recapping someone of the issues and there were five variances I believe we needed. Ms. LoGuidice said I believe so and tomorrow I will actually add to that and I believe we will have two more. Chairman LaPerch said just for the public's information, we do have another staff review meeting next Thursday to go over everything that we just talked about in this past meeting to make sure that, once the applicant comes in front of the public and the Board, we've addressed most of the issues so they can speak to them, correct? Ms. LoGuidice said correct. Chairman LaPerch said we are going to continue this Public Hearing and, hopefully, by the time we bring this back to you we'll have everything resolved to the satisfaction of our consultants and hopefully the public will see if we've missed anything and we go on from there. The motion to continue the Public Hearing to February 8, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor.

REGULAR SESSION:

- 1. BREWSTER CORPORATE PARK, Old Route 22** – This was a continued review of an Application for a Site Plan that was last reviewed in 2009. Terri Hahn of LADA appeared before the Board. Chairman LaPerch made a motion to set the Public Hearing for February 22, 2016, seconded by Boardmember Wissel and passed all in favor. Ms. Hahn said I wasn't sure if you wanted me to speak. Chairman LaPerch said what I would like, you and I, Ms. Ley and the consultants met the other day. He said I want in less than three minutes where we were five years ago and where we are now and the fact that you got your butt kicked by DEP (Department of Environmental Protection) for four and half years and you're back finally. Ms. Hahn said this property is located up on Route 22. She said it's right where Old Route 22 comes around and intersects with the driveway that goes out back to the property to the rear which is an office warehouse property. We're proposing a similar office warehouse building, she said. Chairman LaPerch said do all the Board members know where we're talking about? Ms. Hahn said this is Route 22 here and we are going north this way. She said there is (in audible) building over here and this is Mt. Ebo. Chairman LaPerch said and you have the vacant land in front that we are speaking of? Ms. Hahn said right, this is the 10 acres that (inaudible). Chairman LaPerch said your original submission date was when? Ms. Hahn said our original submission date was in '07 I think. Ms. Ley said 2008. Ms. Hahn said we worked with the Planning Board, we had a couple of changes, we went to ARB, we got the building designed, we did a couple of things originally. She said the parking was different and the Planning Board asked us to change all those things and we were ready for final approval but what you have to do is then go to talk the DEP and all the agencies. We got through all the various different agencies except the DEP, she said, and we went through two separate reg changes, three versions of personnel changes, a whole series of personal issues on their part, and then four lawyers at the end. Ms. Hahn said we got our SWPPP approval and our DEPP approval and so we're back for final approval. What changed, she said, fundamentally, the building is in the same place as the last time that the Planning Board reviewed this. The plantings are all the same, she said. What changes is the configuration of stormwater in here and we had a very small additional area of disturbance which was located in this area right over here that the DEP required because of the configuration of the drainage and the addition of a maintenance road where they wanted to have it, she said. We had it somewhere else and they moved it to

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

where it is, she said. Ms. Hahn said it's a total of 90,000 and change square feet, it's a 60,000 sq. ft. footprint with a second story up above here for offices. She said there's a green roof. You will sort of remember that this was the first green roof building that we brought in so there's a portion of green roof, she said. Ms. Hahn said it's on an individual septic system which is over here. Chairman LaPerch said so you had basically everything done except for DEP approval and it took you almost four years between the changes and their problems internally for you to get back to us. Ms. Hahn said yes, that's correct and I wish they had not taken as long and the positive thing is that Mary Galasso at DEP apologized profusely. Chairman LaPerch said it doesn't matter: it's four years. That's someone's money sitting there, paying taxes that they can't work with because they can't get their act together: it's a disgrace, he said. I am hoping that our County Executive and whoever is the point person for the watershed agreement can make this right because it is a disgrace to hold this kind of application up four years because they can't get their act together. Disgraceful, he said, and I'm on record: I'm livid. When they showed up the other day I couldn't believe it was four years that you had to wait around for them to figure out who to report to, he said. Ms. Hahn said it was a year and a half just going back and forth on the maintenance agreement because they went through four attorneys while we were doing that so... it's a two page document. Boardmember Armstrong said at the work session I asked you if the... Ms. Hahn interjected: I apologize, there were three things that came up at the work session: the first one was can we add some additional planting in this area because that reflects the area that we had additional disturbance and there were concerns relative to this property owner so we will be adding the planting here. Also, we talked about the possibility of taking most, if not all, of these two parking areas and making it as deferred parking spaces, she said. At this point we have this whole area, she said, right now I know this side of the parking spaces I think we can defer and I am going to try and get the whole thing out but since there's a main entrance right here, I am doing the best I can. The third issue was the transition from the original lighting plan which had (inaudible) and so we are shifting to LED in order to comply with the regs. Boardmember Armstrong said just for the record, the landscaping is actually to help the one family house across the street or it's a dwelling across the street: it's for their benefit. Ms. Hahn said correct. Chairman LaPerch said just to fill in some informational gaps, this is a building that has no tenant, it's a spec building at this point? Ms. Hahn said we anticipate it to be a multitenant building and that's why there are entrances here, here and I think there's an entrance over here. Chairman LaPerch said you are working with the DEP on the green roof? Ms. Hahn said it's a green roof system. The owner has gone with a number of them throughout Westchester, she said, and they are very comfortable. It's a tray-based system, she said. Live Roof is one of them, she said, but basically it's a tray-system and when there is some kind of problem, they replace the tray, so it's simple. Although I have to tell you it took me two years to get DEP to agree to what we would end up with, she said, I need a spicket on the top of the roof so that you can water it during the summer and they argued that I shouldn't have to do this. Chairman LaPerch said disgusting: quote me. The motion to refer this to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed all in favor. Ms. Hahn said hold on, I'm sorry, I didn't know we needed to go to the ARB. Ms. Ley said with the revisions to the landscaping and the lighting, you do. Chairman LaPerch said I'm sorry but that's the last action. He said so we're meeting every two weeks so you'll be back here quickly. Ms. Hahn said when is the ARB meeting?

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

Ms. Ley said I think it's the third or fourth Wednesday of the month. Ms. Hahn said so did I already miss it? Did they meet last week or this week, she asked, because I don't want to wait an extra month. Chairman LaPerch and Ms. Ley said to give Ms. Desidero a call to find out. Chairman LaPerch said I'm sorry that you didn't get this information earlier.

2. **BREWSTER HOME DECORATING, 38 Argonne Road** – This was a review of an application for Site Plan Amendment. Contractor Chris Lyons and Joe Buschynski of Bibbo Associates appeared before the Board. Mr. Buschynski said I am representing Brewster Home Decorating Center. He said the store as we know it is Benjamin Moore Paint Store located on Argonne Road. The over section of 84 abuts the property on the west side here. The owner is in need of additional storage, he said, and would like to propose a 750 sq. ft. addition. Chairman LaPerch said for storage? Mr. Buschynski said yes. Chairman LaPerch said this addition is not visible because of where it's going to be put on the side of the building, is that correct? Mr. Buschynski said it would be visible from the front. Chairman LaPerch said your neighbor to the rear is Brewster Ford, correct? Mr. Buschynski said yes. Chairman LaPerch said what kind of variances do you need? Mr. Buschynski said we need a variance from your Board for deficient parking under the Code. Ms. Ley said it's a waiver. Chairman LaPerch said a waiver, you need a waiver. He said is that the only thing? There are issues here because of 84, he said. Ms. Ley said they are allowed to have a zero lot line. Chairman LaPerch said I just want the Board to know that because of the fact that... Mr. Buschynski said we're taking that down to 2 ft. so we're using that (inaudible). This building is situated in an area of pavement along the side of the building and the building isn't used right now, he said. Chairman LaPerch said that's correct. My question to you, Ms. LoGuidice, is there any impact with the Brewster Ford work on this property? Ms. LoGuidice said there was on this property yes. Chairman LaPerch said was it taken care of? Ms. LoGuidice said we do have an agreement from them that they were okay with it. Chairman LaPerch said Mr. Lyons are you aware of this and are you representing this applicant? Mr. Lyons said yes. Chairman LaPerch said can you stand up please and just make sure of this because Brewster Ford is in front of us. Mr. Lyons said I'm a liaison to this, this is not my own property. He said that Brewster Ford just did some work and the fence is maybe ripped down a little bit because there were like vines and stuff in the fence and my client is just looking for a replacement of the top rail just to make it stable. Chairman LaPerch said have there been discussions and is there an agreement? Mr. Lyons said the owner was going to come tonight but she had me come instead. Chairman LaPerch said but is there an agreement between the two parties that that would be done? Mr. Lyons said no, not at this point. Chairman LaPerch said Ms. LoGuidice what do we need to do to memorialize that? Ms. LoGuidice said I will have Mr. Voltz call him in the morning. Chairman LaPerch said we're not going to approve this Mr. Lyons without that. Mr. Lyons said gotcha. He said I told the owners of the decorating center to go into Ford and just explain their issue with that, that one thing with the fence. Chairman LaPerch said all right if that satisfies it. Mr. Lyons said yes, that was about it. Chairman LaPerch said okay, Mr. Buschynski other than that, there's no expansion of the septic or anything needed? Mr. Buschynski said no we're not talking about additional population in the building. Chairman LaPerch said what is your request for the waiver? Mr. Buschynski said the site currently contains spaces numbering approximately 15 for employee and customer use and it's adequately serving the business. He said we were

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

intending to put in a handicap space in front and we fashion that with a disabled parking sign and striping to designate a space but, on the basis of their experience with what they have, they don't feel there is a need. Boardmember Jonke said is the existing structure a wood-framed structure. Mr. Lyons said yes. Boardmember Jonke said is the addition going to be wood-framed or block? Mr. Buschynski said yes, it's going to be similar, it's going to blend. Boardmember Armstrong said is the addition going to be for storage, paint or whatever? Mr. Lyons said storage. Boardmember Armstrong said how do you currently make deliveries? Mr. Lyons said to the rear. Boardmember Armstrong said is there a setback problem with the addition and the property or no? Mr. Lyons said no, this is that line that we can take advantage of the zero setback because of the highway. Boardmember Armstrong okay there's a provision for that. Boardmember Rush said you are going to have to go to the Architectural Review Board so I don't know what that thing looks like. He asked: do you have any drawings of the elevations of your building? Mr. Lyons said I don't yet. Mr. Buschynski said we owe you that. Chairman LaPerch said okay it would have been nice to have. Boardmember Armstrong said do you currently have your parking spaces marked and numbered: are you required to do that? Mr. Lyons said they're not numbered, I just numbered them on the plan so that when you totaled them up... they are striped and we will be re-striping for the disabled parking. The motion to Classify this application as a Type II Action and a Minor Project was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6 to 0 with 1 absent. Chairman LaPerch said I think it's a minor type of addition to the building and there's not really much around there so I would suggest we waive the Public Hearing unless I hear any further comment. Boardmember Wissel are there any residential lots that would have a view of it at all? Boardmember Rush said only the train lines and Brewster Honda. The motion to waive the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 with 1 absent. The motion to refer the application to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6 to 0 with 1 absent. Boardmember Rush said they're going to want to see lighting for the ARB as well. Ms. Ley said are you adding any fixtures to the outside of the building? Mr. Buschynski said we were proposing to and our plan shows where the existing fixtures are. Ms. Ley said okay so any new fixtures need to be shown. Chairman LaPerch said I would also like before the next meeting an agreement between the parties.

3. **POMONA aka ROOT AVENUE, Root Avenue** – This was a review of an application for a Wetland Permit. Jamie LoGuidice of Insite Engineering appeared before the Board. Chairman LaPerch said this has been around a while. Boardmember Rush said it was here when I first got started, I'm serious. Ms. LoGuidice said basically, we're asking for re-approval for the existing Wetland Permit for lots 2, 3, and 5. On lot 5, we switched the layout around basically to minimize the disturbance to the wetland control area and maximize the space between the proposed buildings and to take advantage of the existing pipe along for discharging runoff as the original discharge point was not (inaudible). Chairman LaPerch said Mr. Coleman's letting indicated there would be no problem giving that to you, is that correct Ms. Ley? Ms. Ley said yes. Chairman LaPerch said I am assuming this is good news that this owner is maybe thinking about doing something? Ms. LoGuidice said he is, (inaudible). Boardmember Jonke said I wasn't here when this was approved? Ms. LoGuidice said yes, (inaudible) between all of it. Chairman LaPerch said

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
January 25, 2016**

it's an old application. Besides the wetland, was there anything else that should have been reviewed, he said. Ms. Ley said the Town Engineer reviewed the stormwater changes but that's it. It's really just before the Planning Board for the Wetland Permit, she said. Chairman LaPerch said refresh my memory, are all the fees paid, Rec (Recreation) fees and everything? Ms. LoGuidice said their not paid yet. Chairman LaPerch said so the Town's owed? Are you held to the old map or have we even increased the fees since that, he asked. What's it \$7500 for Rec fees, he said. Ms. Ley said I think it's \$7500 a lot now. Ms. LoGuidice said I think we were held to \$6000. Chairman LaPerch said what timeframe are they held at? Town Attorney Willis Stephens said I'm sorry, I missed the question. Chairman LaPerch said I asked, this is so old that they are back in just for the renewal of the wetland permit and he wants to start building. He asked: does he get charged the old rate or the new rate for Rec fees? Ms. LoGuidice said I believe the original Rec fees were supposed to be paid before the whole subdivision was filed and that was under the previous owner. Mr. Stephens said were they paid? Ms. LoGuidice said they were not but they were approved by this Board and allowed to be filed. Mr. Stephens said that's very odd that they didn't require them to be paid in advance of the Plat being signed. I don't know what happened or how it happened but obviously it happened, he said, but my feeling is that if the approval was back when the Rec fees were whatever they were it would be based on when the approval was granted and the map was signed. Ms. Ley said 2007. Chairman LaPerch said so it's 6 instead of \$7500 so we made some money for you here. Chairman LaPerch said besides this approval of the wetland is there any other action or are they ready to go. Ms. Ley said yes. Chairman LaPerch said they can pull a permit basically? Ms. Ley said we will have actions on this tonight. The motion to affirm Lead Agency status and set the Public Hearing for February 22, 2016 was introduced by Chairman LaPerch, seconded by Boardmember Hecht and passed 6 to 0 with 1 absent. Chairman LaPerch said at the 22nd hearing, is she good to go at that point? Ms. Ley said if you close the Public Hearing and issue a Neg Dec (Negative Declaration) there could be approvals that night as an inspector has already signed off.

Chairman LaPerch said we will not be voting on tonight's Minutes as Ms. Desidero isn't here and there are a couple of questions regarding those Minutes. He said they were long and there was a lot of stuff going on and I wanted everyone to absorb them.

Chairman LaPerch said we had just one Staff Review meeting with was Brewster Ford which we spoke of earlier. Other than that we do not have any other actions or anything else going on, he said.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 with 1 absent.

February 4, 2016/CC and VAD