

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
February 11, 2019**

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

PUBLIC HEARINGS:

REGULAR SESSION:

1. **NEW YORK AMERICAN WATER, 85 Fieldstone Drive** – This was a review of an application for Final Approval of Site Plan Amendment and Wetland Permit. Mike Shortell of WSP USA appeared before the Board. Chairman LaPerch said what we are looking for here is your comments in regard to the (Wetland Inspector) Steve Coleman comments and we apologize they came in a little late. Mr. Shortell said we got them and we will make those revisions to the plan and I have no problem with the conditions to the Final Site Plan approval that Steve Coleman recommends. Chairman LaPerch said he definitely recommends them but didn't see them as anything to hold up your approvals. Chairman LaPerch polled the Board for questions and there were none. He asked Town Planner Ashley Ley if they are conforming to what he said and it is a wetland issue... She said yes and they have been added as conditions of approval: they are in the resolution starting on page 5 and ending on page 6. The motion to Grant Final Approval of Site Plan Amendment and Wetland Permit with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Recommend the Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor.

2. **SEIFERT RESIDENCE, 490 Tonetta Lake Road** – This was a review of an application for Final Approval of a Wetland Permit. John Watson of Insite Engineering appeared before the Board. Chairman LaPerch said there's a new Board member so can you just walk us through where the property is and what the application is about? Mr. Watson said this property is on Tonetta Lake Road at the intersection of Brewster Hill Road and its constrained by roads on three sides and then by wetlands all across the bottom; there are a couple of streams or watercourses on the property. He said even though they have 5.5 acres, they are constrained by wetlands and wetland buffers. He explained the septic area has been accepted by the Health Department and they are ready to issue a permit once they have a Wetland Permit from this Board. He talked about the application they have with the New York City DEP (Department of Environmental Protection) being almost finalized. Mr. Watson said this is a very constrained site, a lot of issues, a lot of back and forth had to do with where is the best place for the house, best place for the driveway to minimize impacts and I think we are all at the point where we have agreed that, yes, we have minimized impact, we've done the best we can with what we can do and this is what we are left with. He used the plans to show where everything is on the site relative to the wetland areas. Chairman LaPerch said my understanding of this plan, from the comments from Mr. Coleman, was that nothing can be issued until you lay out the house plan. Mr. Watson said this is the whole chicken before the egg. He said the Health Department won't give us a permit until we get a permit from you and we can't get a permit from you until... He said the owner now has decided he has had the property for 30 years and he just wants to sell the property and feels it is entitled to permits and is more marketable to sell that way than as is. He said so we are getting this approved, on spec, for someone to come and build on the property. Chairman LaPerch said yes, it's a nice property but I guess my take away from (Wetland Inspector) Coleman is that building envelope is very constrained and it has to be placed before you go to get Board of Health? Mr. Watson said we drew up floor plans... Chairman LaPerch said for number of bedrooms? He said yes, but it is all on spec and when someone buys this it will be on spec and they will need to get an architect to develop house plans and, if that house footprint

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exactly matches this then we don't need to come back to you but if they make changes... Chairman LaPerch said so you are packaging this with a specific size house? He said with a specific size house that we don't have designed yet but that is what fits: the site dictates the footprint of the house. Chairman LaPerch said what is our rule with the ARB (Architectural Review Board)? Ms. Ley said if it is in an approved subdivision of five or more lots, it needs to go for a review for excessive similarity or dissimilarity. Mr. Watson said but we are not in a subdivision. Ms. Ley agreed. Mr. Watson said so we are asking for a Wetland Permit, knowing that if that footprint changes, we've got to come back but we need your approval of the Wetland Permit to get Health Department approval. Chairman LaPerch polled the Board for questions. Boardmember King said how big of a house is it? Mr. Watson said I don't have my scale with me but it's about 35 by 40. Chairman LaPerch said that's a three- to four-bedroom house? Mr. Watson said the septic is limited to three bedrooms. He said we imagine two stories, garage under... Boardmember King said is that like a real bridge? Mr. Watson explained there is a natural stream and you we are required to get a DEP permit for that. Boardmember Cyprus asked Ms. Ley: Mr. Coleman had recommended square footage but as long as it's in the footprint... Ms. Ley said right, so the approval resolution references Steve Coleman's memo and the conditions that are outlined in this memo as being conditions of approval. Chairman LaPerch said he (Coleman) is comfortable with that. Boardmember Rush said is there something that would be on the final plan that is very specific to the encroachment on that side of the lot? He said I mean it's gotta be clear to anyone who wants to buy it... Mr. Watson said we can add a note to the plan; that's a good idea. They discussed the importance of this and everyone agreed that it is a good idea. Secretary Desidero asked Ms. Ley if that needs to go in the resolution and she asked Boardmember Rush what exactly he wants. He said I just want it to note that they can't change this... She said without approval... right. Chairman LaPerch said they can't change the footprint, that being the building envelope that is designated on the map. Boardmember Rush said it should be a big block note. Ms. Ley said so 'add a note to the plan that any changes require Planning Board approval.' Chairman LaPerch asked Ms. Ley to read the condition and she said we are adding a note to the plan that 'any changes to the wetland buffer disturbance requires review by the Planning Board.' The motion to Grant Final Approval of a Wetland Permit for Seifert at 490 Tonetta Lake Road with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed by a roll call vote of 6 to 0 with 1 absent. Chairman LaPerch asked for next steps. Ms. Desidero said we need the revised plans for Mr. Coleman to sign. Mr. Watson said we will have one more round from DEP and I'd like to get those comments and then submit one final set.

3. **NYSEG DINGLE RIDGE SUBSTATION, 17 Branch Road** – This was a review of a request by the applicant to change the Public Hearing date. Ms. Desidero said they are not here: it's just to re-set the Public Hearing. Chairman LaPerch said NYSEG Dingle Ridge Substation, those applicants are not here, they have requested to move the Public Hearing back to March 25, 2019. The motion to re-schedule the Public Hearing to March 25, 2019 at the applicant's request for NYSEG Dingle Ridge Substation, 17 Branch Road, was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed all in favor.
4. **SOUTHEAST EXECUTIVE PARK PARKING AREA, 85, 105-111 & 115 Independent Way, 185 Route 312** – This was a review of an application for Final Site Plan approval. Engineer Sabri Barisser of Bibbo Associates appeared before the Board. Chairman LaPerch said we are looking to get you to the finish line tonight so some of the issues on our side were the legal documents with the easements and everything: have they been resolved? Mr. Barisser said they are being worked on and should be completed... Chairman asked Alan Goetz if that is true and he said yes. Chairman LaPerch polled the Board for questions and there were none. Chairman LaPerch said my only question is you are going to put 75 new parking spaces in, correct? Mr. Barisser said yes, it will go

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from 239 to 310. Chairman LaPerch said and you are going to make the traffic pattern take them out and dump them off on Independent Way, is that our goal? He said yes. Chairman LaPerch said is there anything to be done regarding the Rte. 312 people who go out that way: did we suggest anything for them? Ms. Ley said that was reviewed early on but DOT (Department of Transportation) rejected that idea. Chairman said so there is nothing that can be done down at that end? She said nothing is being done on the Rte. 312 exit. Chairman LaPerch asked Ms. Ley for the conditions of approval. She said there are a number of conditions of approval: the additions to the standard resolution is one condition regarding the provision of the draft easement language for review by the Town Attorney prior to issuance of the Building Permit. Chairman LaPerch said OK, that's easy. Ms. Ley said then the rest of them are... He said so everything is in, OK, so there is only really one. The motion to Grant Final Approval of Site Plan Amendment with Conditions was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 6 to 0 with 1 absent. The motion to Recommend a Bond to the Town Board was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed all in favor. Chairman LaPerch asked for next steps for the applicant. Ms. Ley said the next step is to file the plans for signature by the Planning Board Chairman and then proceed with Building Permits once all the easements are in order. Chairman LaPerch said how long did this take... the process? Mr. Goetz said four years, given that we started with a whole different scheme in the beginning. Ms. Ley said on this specific application, its been since March of 2018. Chairman LaPerch said well, good luck to you and I hope it solves a lot of problems.

Chairman LaPerch asked for comments on the Meeting Minutes of January 28, 2019 and there were none. The motion to approve the Meeting Minutes of January 28, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember Gress and passed all in favor with Boardmember Cyprus abstaining.

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

February 19, 2019/VAD