

TOWN OF SOUTHEAST PLANNING BOARD MINUTES OCTOBER 23, 2006

Present: Chairman George Rohrman; Boardmembers Dan Armstrong, David Rush, Mike Manteo, Phil Wissel, Tom LaPerch; Town Planner Graham Trelstad; Town Counsel Tom Jacobellis, Esq.; Secretary Laurie Fricchione

PUBLIC HEARINGS:

1. PEGASUS THERAPEUTIC RIDING, INC., Peach Lake Road – This item was on the agenda for a public hearing to comply with SEQRA regulations as well as to discuss this project's need for a wetland permit. Theresa Ryan of Insite Engineering appeared before the Board and gave an overview of this proposed project. Dr. Bradley, present owner of the site, is currently in the process of selling his 20 acre property to Pegasus, a non-profit organization which provides equine therapy to physically and emotionally handicapped children and adults. There is an existing veterinary center, office, garage and barn. Proposed is the removal of the existing horse barn and construction of a new, larger horse barn and indoor riding ring. There will be gravel parking with a small amount of pavement. Due to the fact that 25 acres is the minimum required amount for an equestrian center, the applicants are in negotiations with abutting neighbors to purchase the 5 acres required. If the applicants are not successful, then they will be referred to the Zoning Board of Appeals (for an area variance) at a point in the Planning Board review process when SEQRA is complete. This project will also need to be referred to the Town Board for a Special Use Permit. The storm water management area falls partly within the 133' wetland buffer and the disturbance amount is approximately 3/10ths of an acre. Boardmember Manteo asked about the manure storage and lighting. Manure containment and removal procedures are strictly provided for in the Town's zoning code found under the Special Permit section for equestrian centers. As for the lighting, the only nighttime lighting will be in the indoor ring and will not spill out, but there will be lighting in the parking lot and it will be in accordance with the newly enacted lighting regulations. Ms. Patty Coyle spoke about the work her organization does. In the audience, Margaret Flannery of the Vail's Grove Co-Op stated that for years the co-op has been the recipient of manure and storm water runoff which has caused many basements to be flooded on several occasions and was concerned about the excessive nutrient load which affects Peach Lake. Ms. Ryan stated that the proposed storm water collection will capture existing runoff as well as take care of runoff post-development through a series of basins and culverts. Parker Smith resides directly across the street from the entrance to this facility. He had questions regarding paving (or lack thereof) of the entrance road and how runoff has for about the last 15 years disrupted his property. He also complained about the very heavy truck traffic, whether it was horse trailers or garbage trucks going in and out of this facility 24/7. Chairman Rohrman suggested Mr. Smith write a letter to the Planning Board where it will be forwarded to the applicant's engineer and addressed. Peter Kamenstein of North Salem stated that this proposal fits well into the neighborhood character and that if this project were before the Town of North Salem, of which Mr. Kamenstein is a ZBA member, it would be looked upon favorably. Bob Gregory of Vail's Grove asked if Dr. Bradley was going to change the nature of his operation or

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expand it to include the operations of Pegasus. Lynne Eckardt asked how many horses will be at this location. The answer was approximately 20-25 horses; but the zoning regulations permit up to 70 horses. There were questions regarding the driveway entrance and Mr. Trelstad suggested that the Planning Board ask the Town Engineer and Highway Superintendent about the current condition of the surface while addressing the runoff conditions and mitigation. Mitch Kornblit reiterated what was said about outside lighting and the need for this type of project. A motion to close the public hearing was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor.

2. PROSPECT HILL ESTATES II SUBDIVISION, Prospect Hill Road – This item was on the agenda for a continuation of the public hearing that began on September 11, 2006. The project was represented by Jack Karrell, the engineer. The continuation was due to the fact that some information was missing from the drawings at the time of the first hearing. Also, some neighbors (Doreen Bentson and Peter San Chirico) of this property had concerns about runoff into their individual backyards and wanted to make sure there was not an increase in runoff. There was a punch list of items that Ms. Bentson felt needed to be addressed at the time of the first public hearing. Mr. Karrell went through each of those items and showed on the drawings how they were addressed. A motion to close the public hearing was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor.

REGULAR SESSION:

1. NEXTEL OF NEW YORK, INC. AMENDED SITE PLAN, Independent Way – This item was on the agenda for a sketch review for the placement of a larger utility shed to replace a smaller one in disrepair. Doug Warden, Esq. of Snyder & Snyder appeared before the board on behalf of his client. The engineering review letter revealed that there were items missing from this project's submission according to the Town's sketch review requirements. Mr. Warden was told that there was not to be any further discussion tonight and instructed that a submission be made which complies with the regulations.

2. SPRINT SPECTRUM TELECOMMUNICATIONS FACILITY, 300-310 Route 22 – This item was on the agenda for a referral to the Town Board to establish a performance bond. The project was represented by Doug Warden, Esq. of Snyder & Snyder. The motion for the referral to the Town Board was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 6-0 in favor.

3. BREWSTER COMMERCIAL COMPLEX, 577 N. Main Street – This item was on the agenda for final amended site plan approval and was represented by Carrie Hilbert, Esq. of Shamberg Marwell Davis & Hollis. The resolution for the above mentioned approval was introduced by Boardmember LaPerch, seconded by Boardmember Rush and passed 6-0 in favor.

4. STRAZZA SUBDIVISION, Doansburg Road – This item was on the agenda for a Declaration of Lead Agency for purposes of SEQRA as well as to set a public hearing date to

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comply with SEQRA and Town Subdivision Regulations as well as for a wetlands permit and was represented by Theresa Ryan of Insite Engineering. The resolution for the Declaration was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 6-0 in favor. The motion setting November 27, 2006 for the public hearing was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 6-0 in favor.

5. D'UVA SITE PLAN, Fields Lane – This item was on the agenda for continued review, a discussion in connection with a wetland permit and to possibly set a public hearing date. The project was represented by Theresa Ryan of Insite Engineering. There were numerous significant items on the engineering review letter that need to be addressed and as such, a public hearing date for the wetland permit was not set.

6. WATERVIEW ESTATES SUBDIVISION, Allview Avenue & Route 22 – This item was on the agenda for Final Subdivision Approval for this 4-lot subdivision as well as for a referral to the Town Board for the establishment of a performance bond. Theresa Ryan of Insite Engineering and Richard L. O'Rourke, Esq., the attorney for the applicants, Mr. & Mrs. Gizzo appeared before the Board. There was a discussion regarding whether or not the Planning Board was going to have the applicants submit a 3-D rendering of the entrance as well as of the proposed retaining wall. There was misinformation regarding the circumstances of when the new zoning regulations went into effect as they pertain to the submission for Preliminary Plat for a subdivision and when Preliminary Plat Approval was granted. The new zoning code requirement to submit a 3-D rendering as part of a complete preliminary submission (for a major subdivision) went into effect just prior to this project receiving Preliminary Subdivision (which was granted on 3/27/06). Since this subdivision is classified as minor (less than 5 lots), the regulations do not apply. Also, once Preliminary Approval has been granted, the Planning Board can not have the applicant submit the rendering. At the end of this discussion, it was the consensus of the Planning Board that the vote to grant Final Subdivision Approval not be delayed since they felt a 3-D rendering was not going to aid them or provide any more clarity in their decision of whether or not to grant Final Approval and since the requirement did not apply to this project. The resolution granting Final Subdivision Approval was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor. The motion for referral to the Town Board for the establishment of a performance bond was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 6-0 in favor.

7. BREWSTER SPORTS CENTER, Sutton Place – This item was on the agenda for a discussion of an amended site plan and for a possible referral to the Zoning Board of Appeals for a setback variance so that a “temporary seasonal storage structure” made out of canvas and connected pipes for the sports equipment could be erected. Peder Scott appeared before the Board on behalf of his client. There were comments regarding whether or not, because the structure was proposed to be temporary, an amended site plan was required. There were also concerns regarding fire safety issues and egress doorways being blocked. Mr. Trelstad felt that just because it is a “temporary” structure that does not mean that it isn't an amended site plan. Chairman Rohrman agreed. He informed Mr. Scott that he needs to submit a formal amended site

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plan. Mr. Scott informed Chairman Rohrman that it has already been done. A question was asked as to the amount of variance needed; to which the answer was more than 60% since the structure will intrude more than 30 feet into the 50 foot setback.

8. GASLAND PETROLEUM, Route 6 & Starr Ridge Road – This item was on the agenda for continued review and was represented by Peder Scott. Mr. Scott informed the Board that a submission was made to the Zoning Enforcement Officer for the sign permit who then referred it back to the Planning Board. Mr. Trelstad felt that the Zoning Enforcement Officer should sign off on the signage indicating no tractor trailers are allowed, since it is a traffic movement sign, which specifically are exempt from the code. Mr. Scott informed the Board that he needs to know where next to go and was informed by Mr. Trelstad that he needs to go to the Zoning Board of Appeals because the signage requested is in excess of the square footage allowed. There are two questions that need to be answered: 1. is it a traffic directional sign thereby making it exempt; and; 2. if it's not exempt, does this sign program comply with the sign requirements? There will be an inquiry to the Zoning Enforcement Officer who will inform us of his decision and suggestions for resolutions to these dilemmas.

9. EEC PLUS, INC., Danbury Road – This item was on the agenda for a review of the revised lighting plan and to deem it an unlisted, coordinated action for purposes of SEQRA. The project was represented by Peder Scott. The Town Planner's review letter indicated their approval of the lighting plan as submitted in the latest submission. The resolution deeming this an unlisted, coordinated action was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 6-0 in favor. The resolution for a Negative Declaration was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 6-0 in favor. The motion to refer this project to the ARB was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor.

10. EAGLES RIDGE CONDOMINIUMS AMENDED SITE PLAN, Brewster Heights – This item was on the agenda for Final Amended Site Plan Approval. The project was represented by Norm Jen of Genesis Group, the sponsor of build-out of the last three condo buildings. The resolution granting the above approval was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 6-0 in favor.

11. MT. EBO LOT #6 – This item was on the agenda for Final Site plan approval as well as a referral to the Town Board for the establishment of a performance bond. The project was represented by Terri-Ann Hahn of LADA as well as Harold Lepler of Covington Management. This project has received approval from both the New York City Department of Environmental Protection for storm water management as well as the Putnam County Health Department for the wastewater treatment facility hookups. The resolution granting approval was introduced by Chairman Rohrman, seconded by Boardmember Wissel and passed 6-0 in favor. The referral to the Town Board for the establishment of a performance bond was not made because the engineering letter recommending the bond amount was not received before the meeting.

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12. NEW CINGULAR WIRELESS PCS, LLC, Vail's Grove Golf Course – This item was on the agenda for a review and discussion of the Visual Impact Analysis Methodology. The project was represented by Lucia Chiocchio, Esq. of Cuddy & Feder, attorneys for the applicants. The motion for the Planning Board to accept the methodology that was submitted by the applicant and reviewed by the Town Planner was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 6-0 in favor. The motion setting Saturday, December 2, 2006 (with a bad weather date of Saturday, December 9, 2006) was introduced by Boardmember LaPerch, seconded by Boardmember Rush and passed 6-0 in favor.

A motion to accept the minutes of the meeting of September 11, 2006 was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 abstention.

A motion to accept the minutes of the meeting of September 25, 2006 was introduced by Boardmember Wissel, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 abstention.

A motion to close this meeting was introduced by Boardmember Rush, seconded by Chairman Rohrman and passed 6-0 in favor.

THESE MINUTES ARE STRICTLY A DRAFT UNTIL SUCH TIME AS THEY ARE VOTED UPON TO ACCEPT AT THE NEXT AVAILABLE PLANNING BOARD MEETING.

**November 3, 2006
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