

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
January 9, 2012**

Present: Chairman Tom LaPerch; Boardmembers Phil Wissel, Jim DiBella, Ed Alvarez, Dan Armstrong, Dennis Sullivan and David Rush; Town Attorney Will Stephens; Acting Town Planner Michelle Robbins; Secretary Victoria Desidero.

**PUBLIC HEARINGS:**

**REGULAR SESSION:**

Chairman LaPerch wished everyone a Happy New Year and congratulated Boardmember Alvarez on his re-appointment to the Planning Board.

- 1. 2012 PLANNING BOARD CHAIRMAN/VICE-CHAIRMAN SELECTION AND REFERRAL TO TOWN BOARD** – This item was on the agenda at the request of the new Town Board who wants each Board to select and recommend their own Chairperson and Vice Chairperson. Chairman LaPerch explained the new process whereby the Planning Board will nominate and vote on the positions, make a recommendation to the Town Board and then the Town Board will make the appointments. Boardmember Sullivan asked how long a Chairman’s term is and Chairman LaPerch said one year. Each year the Town Board appoints or re-appoints all the Board Chairs, he said. Boardmember Wissel said he believes “if it ain’t broke, don’t fix it.” Boardmember Alvarez asked Chairman LaPerch if he wants to stay on as Chair and he said yes. He asked Mr. Rush if he wants to continue as Vice Chair and he said yes. After some discussion, Boardmember DiBella said this is obviously very awkward for Chairman LaPerch and added his understanding of why the new Town Supervisor wanted each Board to have the opportunity to choose their own leaders. Boardmember DiBella suggested Chairman LaPerch should open the floor to nominations, which Chairman LaPerch did. The motion to nominate Tom LaPerch for Chairman was made by Boardmember DiBella, seconded by Boardmember Rush. The Board asked if this is to be handled as a voice vote tonight and it was agreed it should be. Boardmember DiBella said he would recommend they close the floor for nominations and then the Board vote for this nomination and then they would repeat the process for the Vice Chairman. The motion to close the floor for nominations for Chairman was made by Boardmember DiBella, seconded by Boardmember Sullivan and passed all in favor. The vote to recommend Tom LaPerch as Chairman of the Planning Board to the Town Board was taken and passed all in favor. The motion to nominate Boardmember Rush as Vice Chairman was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed all in favor. Vice Chairman Rush and Chairman LaPerch thanked the Board for their support. Chairman LaPerch said Ms. Desidero will pass along the outcome of the votes to the Town Board. Town Councilwoman Lynne Eckardt said that the Planning Board should provide feedback to the Town Board if they don’t like this being handled in this way. She said it was an idea they were trying and the Planning Board’s input is welcome. Boardmember Sullivan said he believes it is a good idea to get the Board members’ opinions but not in a public forum. This was discussed in some detail and many of the Board members agreed that it was very awkward for the current Chairman to oversee this process in a public setting. Attorney Rick O’Rourke of Keane & Beane asked if he could offer a suggestion about another way to do this and Chairman LaPerch said yes. Mr. O’Rourke said in some Towns, Board members who want to be considered as candidates to Chair their particular

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Board submit their names to the Town Board for consideration. There was additional discussion about the pros and cons of having the Board nominate and elect their own Chairs and most agreed they liked it better when the Town Board handled it at their level.

- 2. FORTUNE RIDGE SUBDIVISION (aka Meadows at Dean's Corners), Dean's Corner Road** – This item was on the agenda to consider Final Approval of a Lot Line Adjustment. Mr. O'Rourke and Chris Munch of Fortune Home Builders appeared before the Board. Mr. O'Rourke explained that the lot line adjustment was requested to provide greater protection for the wellhead on one of the parcels and that no new lots are being created and, in fact, the change would not be noticeable by anyone who didn't know the line between the parcels had been moved. Chairman LaPerch said this was obviously a very large project that went through the Planning Board for review and he wondered why they were just asking for this lot line to be adjusted now. Mr. O'Rourke said that it was decided recently that they needed greater protection for the wellhead and so they opted to apply for a lot line adjustment between the two parcels. Boardmember Armstrong asked if this could have been handled with a change of the deed. At first Mr. O'Rourke said yes, but the area will be open space and then he said no, they actually do need the approval because they are moving a lot line within an approved subdivision and, although a deed would have been simpler, it would have been illegal under the Town Code. The Board asked what will happen to the castle now being used as the Sales Center and Mr. Munch said it will eventually be fully restored and used by the Glickenhau family. Mr. Munch added that sales have been tempered and they are riding out the winter with a skeleton crew and will jump start the sales program again in the spring. The motion to Declare the Town of Southeast Planning Board as Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed by a roll call vote of 7 to 0. The motion to issue a Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed by a roll call vote of 7 to 0. The motion to pass the resolution granting Final Approval for the Lot Line Adjustment was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed by a roll call vote of 7 to 0.
- 3. NYSEG DINGLE RIDGE SUBSTATION, 17 Branch Road** – This item was on the agenda for consideration of an application for a site plan amendment. Lewis Fitzgerald of NYSEG appeared before the Board. Boardmember Wissel asked the applicant not to send materials by certified mail in the future because it makes it difficult for the members. Mr. Fitzgerald agreed. Mr. Fitzgerald explained that NYSEG wants to add a new control house within in the existing fenced compound. He said this type of control facility is being added to NYSEG substations across Brewster. It requires a slab foundation and is a pre-fab structure. Boardmember Sullivan asked if this will result in an upgrade of service to subscribers and Mr. Fitzgerald said no, it just increases their ability to monitor service. Boardmember DiBella asked if it improves the switching capability and Mr. Fitzgerald said yes. Boardmember DiBella said then it does improve service and better monitoring also benefits homeowners. Boardmember Armstrong asked if the towers are owned or leased and Mr. Fitzgerald said they are owned by NYSEG. Chairman LaPerch asked if they will provide landscaping and Mr. Fitzgerald said some screening does exist but NYSEG would be willing to do something more if the Town wants. The Board asked for a landscaping

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plan to be submitted for their review as part of this application. Acting Town Planner Michelle Robbins explained that there is no site plan on file for this property because it has been there since before Zoning and that is part of the reason Town Planner Ashley Ley wanted a Site Plan to be filed. Ms. Robbins outlined the next steps the applicant will have to take. Boardmember Sullivan asked if there is a large distance between Route 6 and where this structure will be placed and the answer was it is about 130 feet. The motion to Classify this as a Type II Action was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed by a roll call vote of 7 to 0. The motion to refer this as a minor project to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed all in favor. The motion to refer this to the County under 239n was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed all in favor. The Board discussed the need for a Public Hearing and whether or not it should be held before there is a landscaping plan to review. They agreed they needed the landscaping plans to be presented at that meeting for the public to see. The motion to set a Public Hearing for February 6, 2012 was made by Chairman LaPerch, seconded by Boardmember Sullivan and passed all in favor. The motion to refer this application to the Town Board for a Special Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor. The Board advised Mr. Fitzgerald that he should not go to the Town Board for a Special Permit until they have a landscaping plan.

4. **METRO PCS, 87 Hillside Park** – This item was on the agenda to consider an application for a Field Change. Lucia Chiochio of Cuddy & Feder appeared before the Board on behalf of her client. Ms. Chiochio said there are six panel antennas at the top of the monopole and typically the cables would be run inside the pole but her client needs to run them on the outside. She said they are 1 5/8 inch cables, that will be painted to match the monopole and since the pole is pretty far from the property lines she doesn't believe they will be visible. Boardmember DiBella said he had a lot of questions when he first saw this application and did a lot of research. He said he now understands that it is pretty common practice for cellular service providers to run these cables on the outside of the poles. Chairman LaPerch asked if the pole is now maxed out and Ms. Chiochio said she believes all the carriers are on it now. Boardmember DiBella asked if there is a limit to where expansion of these facilities ends. Ms. Chiochio said it depends on the structural capacity of the pole. Boardmember Armstrong said if the original intent of these co-location poles was to house numerous providers' cables, why they weren't designed to accommodate the cables that would be added later. Ms. Chiochio said it would have worked if the providers were able to find their cables inside the pole at the time they went to hook up but the later providers are unable to find their cables because of the way the earlier cables were installed. Chairman LaPerch said it is because they were sloppy? He asked why the Board can't ask them to clean up the problems and add all new cables inside. Ms. Chiochio said she is not sure that is feasible. Boardmember Wissel said didn't your client go out and look at the pole before they requested permission to co-locate there. He added that he knows there was litigation regarding this application and the service provider won so the Planning Board was ordered to approve the application at their next regular meeting after the court decision. He said he is still concerned about how this will look. Ms. Chiochio said the pole is 500 ft. from the closest property line. She explained that some of the carriers ran their cables inside the pole but didn't bind them together and that it would be very difficult

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to untangle cables inside the pole and/or make room for more cables. Boardmember Sullivan asked if the wires will flap around on the pole and make noise and Ms. Chiocchio said no. Boardmember Rush and Chairman LaPerch both suggested that Ms. Chiocchio go back and find out if this can be fixed by some means other than running the cables up the outside of the pole. Town Attorney Will Stephens asked about the antennas and questioned how these cables could be run incorrectly inside the towers leaving no room for the additional carriers. He asked if it could be determined which carriers did not comply, thereby causing the problem and she said she was not sure which carrier didn't comply or if that could be determined. Boardmember DiBella said he is familiar with the EIA-TIA standards and if the cables are not bound together, they are not keeping to the original standards. He suggested Ms. Chiocchio let the landlord know that the standards are not being met. Boardmember Armstrong said he was involved early on with these co-location poles and he learned that they are considered public utilities and therefore are treated by municipalities as such. He said it is a good idea to bring the landlord in. Boardmember Rush said he didn't understand why her client wasn't upset they could not run their cables up the inside of the pole. He said your client is the one being told "they need to sleep outside." Chairman LaPerch told Ms. Chiocchio that the Board has a lot of questions and was not going to recommend a field change without answers to these questions. He thanked her for listening to their concerns.

Chairman LaPerch asked Ms. Desidero for the agenda for the next meeting and she said that on January 23, 2012 there were two Public Hearings scheduled: one for Baker Farms Subdivision and one for T&N Funding Subdivision. She said it is possible that Prospect Hill Estates will be on the Regular Session agenda depending on the outcome of the Planning Board Staff Meeting later in the week. Chairman LaPerch asked for the agenda for the Staff Meeting and she said T&N Funding, Prospect Hill Estates and Kelly's Corner were scheduled to come in.

Chairman LaPerch updated the Board on the status of the Rte. 312/22 gas station which is in final stages of approval, and St. Lawrence O'Toole which should be back in front of the Board in late spring. Boardmember Sullivan asked if they (St. Lawrence O'Toole) ever applied for their lot line adjustment and Chairman LaPerch said not to his knowledge. Chairman LaPerch said Stateline is working to sign up a tenant and Brewster Honda is planning to come back and was delayed due to the storms in Asia which negatively impacted their business.

Chairman LaPerch said that Boardmember Armstrong wants to address the Board regarding the Zoning Enforcement issue and how the Planning Board can help. Boardmember Armstrong said that Chairman LaPerch spoke at the Town Board meeting and did a good job of making it clear that we may have an issue with enforcing the Code in the Town with the recent cutbacks to staff. Boardmember Armstrong said he had suggested that a form be created that Planning Board members could use to report violations of site plans they see around Town. He said the form exists and he got it from the Building Inspector. He handed out copies of the form and said it really needs some work. Chairman LaPerch said having the form is a good starting point. Ms. Robbins said that she could provide Mr. Armstrong with similar forms used by other Towns and he said that would be great. The Board discussed how they might use the forms and Boardmember Armstrong explained some of the things he thought could be changed. Mr. Stephens told the Board that all they can really do is notify the Building Department of anything they see. He said they are not

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“deputized” to act on behalf of the Building Department or Zoning Enforcement for the Town. Chairman LaPerch thanked him for that clarification. The Board discussed two junk yards in the area and asked Mr. Stephens what was happening with them. Mr. Stephens said they have some time to address their issues but must eventually meet all Town Code requirements.

The motion to accept the Meeting Minutes from December 12, 2011 as written was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6 to 0 with 1 abstention.

Chairman LaPerch said that he and Vice Chairman Rush both want to thank the Board again for their support tonight.

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

**January 20, 2012/VAD**