

## SE Planning Board Recap 9/10/07

Hi All,

On Monday night I attended the second Planning Board meeting where Tom LaPerch was in charge. George Rohrman was not reappointed (or stepped down- it was never clear which) as Chair after serving over twenty years in this position. As most of you know, I have had my issues with Mr. Rohrman over the last five years but, that said, I did not like the way he was treated by the SE Town Board. Oh, they gave him an after-the-fact plaque (what!!! no gold watch) but I thought that considering Mr. Rohrman's years of service this gesture was half-a\*\*ed at best.

In any case, Mr. Rohrman is staying on to help with procedure which I think has been a good thing. His restraint thus far has been remarkable as he truly lets Mr. LaPerch handle the meeting and steps in only when needed. After so many years at the helm I have no doubt that this is very difficult (I admit given the same position I'd be absolutely impossible) and Mr. R should be applauded for his efforts- he's an invaluable asset to the PB in this capacity.

Now, on to my LaPerch review. Yeah, we're in the honeymoon period right now but I'm astounded at how good Tom is at this job. In fact I see an entirely 'new' board right now with Don Cuomo appointed as wetlands' consultant. There's a lot more discourse on each project- possibly because Mr. Rohrman's knowledge was intimidating to other Board members. I keep thinking that maybe I'm dreaming- but for now I'll take the high.

Sure there's a ton of swill coming down the pike- but maybe, just maybe, if the Board continues to hold the applicant's feet to the fire we'll start getting better projects.

Lest you think I've become totally soft you'll find some biting commentary below. The only difference is that it's aimed solely at the applicant's harebrained schemes- because, for now anyway, the Planning Board seems to be doing exactly what they need to. So check out Moriarty Tree Service and my old, old fave, Southeast Memorial Park.

As always the uncalled for remarks are strictly my own opinion and reflect no organization to which I belong.

### **AGENDA**

#### **PUBLIC HEARINGS:**

##### **1. Southeast Memorial Park, North Main Street**

The Public Hearing on wetlands remained open from last month. This piece of property (used as a staging area by Laws Construction just north of Club Verona) is owned by John Petrillo. Mr. Petrillo wants to donate part of the property to the town for a ball field while retaining part for batting cages that he will own. The parking lot for both the field and the batting cages is presently to be built at taxpayer expense.

The issues discussed again were:

Possible contamination of the site- lots of fill, used for dumping and possible cleaning solvent runoff from Metro North.

As presently designed 95% of the improvements will be in the wetland buffer and 75% directly in the wetlands.

Petrillo's Wetland Consultant (Stephen Marino) gave an overall view and claimed that because of former disturbances wetland mitigation measures would actually benefit the property. Wetland consultant, Don Cuomo, said that the maps had been difficult to read and that there was no flagging on the property. Mr. Marino claimed that the flagging had been removed or eaten by deer. There was now a new map (which was dated 16 August 2007) and flagging will be restored. The ball field may be moved slightly thus moving it more out of the wetlands.

Core samples will be taken by a professional to determine if there is any contamination.

I asked how much fill would be brought in and was told between 7000 and 8000 yards.

## **2. D'Uva Site Plan- Fields Lane- Wetland Permit:**

This is a subdivided site on Fields Lane. Theresa Ryan of Insite is the applicant's representative.

Two buildings are proposed for this site which is steep and has two wetlands on it. There was a surface mining operation at one point so there is some past site disturbance (3.9 acres). Public Hearing left open until October 22nd meeting.

## **3. Millennium Realty/The Country Store, Route 6, Old Route 6 and Tilly Foster Road- Wetlands Permit:**

Public Hearing not properly noticed. Will be held on October 22nd.

## **REGULAR SESSION:**

**1. Sutton Corporate Park Lot #1. Referral to the Town Board for Performance Bond release/ establishment of Performance Bond to reflect new owner.**

Bond recommended to be set at \$345,000. 5-0

**2. Alcon LLC Site Plan, Fields Lane- Continued Site Plan Review**

Represented by Theresa Ryan of Insite. Highway Superintendent Jim Lawler wants the 1300 foot driveway to be paved. Still some engineering and landscape issues. Chairman LaPerch mentioned that these issues should be resolved before coming in front of the Board again.

**3. D'Uva Site Plan, Fields Lane continued review/SW3P**

Wetlands Consultant, Don Cuomo felt that the terrain (including the two wetlands) could not support two buildings. Ms. Ryan strongly disagreed. 9% of the site is wetlands. There will be 4 acres of wetland and buffer disturbance.

Chair LaPerch explained to Ms. Ryan that the site had always been difficult and now that the town had a wetland's consultant the Board was bound to consider his opinion. Mr. LaPerch continued that this project also suffered as it fell through the cracks when the Conservation Commission was disbanded. Board member Armstrong concurred that this site was too difficult to support two buildings.

**4. Millennium Real Estate Services LLC. Route 6, Old Route 312 & Tilly Foster Road- Continued Review:**

Represented by Theresa Ryan- Insite. There was discussion between Don Cuomo and Ms. Ryan regarding a 'dry' or 'wet' basin. Mr. Cuomo felt it would be better 'wet' while Ms. Ryan contended there wasn't enough ground water to keep it so. Both will meet to discuss. A DEP variance is still needed to pave surfaces but Attorney, Michael Liguori was confident that the applicant would receive one.

**5. Clocktower Commons: Route 22- Preliminary Review, Unlisted/Uncoordinated Action:**

Terry Hahn was representing the applicant.

This is a 3800 square foot building that will house back-up computer files. The project was granted a waiver from the Route 22 four year old Moratorium. Mr. Armstrong asked if a bank building had been added to the site plan since the original Clocktower plat had been approved. According to Ms. Hahn 'yes'. There was concern over generator noise as this site backs up to within 500 feet of a neighborhood. Because of this there will be a Public Hearing on October 22.

Uncoordinated action: 5-0 Passed, Referral to the ARB 5-0 Passed, Public Hearing: 5-0 Passed

**6. HP Stone Fabrication: Route 312 - Sketch Review of existing stone business/Special use permit review- light manufacturing.**

Since the application was incomplete Chairman LaPerch asked the applicant to resubmit.

**7. Moriarty Tree Service: Fields Lane- Continued Preliminary Review, Wetland Permit Application Review:**

Peder Scott is the engineer.

This is a mulch making concern that is to be wholesale only.

Last month Mr. Scott was going to ask for an outside storage variance. The property would be allowed 11,000 square feet of outdoor storage and Mr. Scott wanted 25,000. Chairman LaPerch asked that this be completely cut as the Board didn't feel such a variance (to store mulch) was necessary.

Mr. Scott came back with an outside storage request of 18,000 square feet. Chair LaPerch said that this was still far too much outside storage and while Mr. Scott was within his rights to ask for anything he wanted that the Planning Board would make sure that the ZBA knew the Planning Board felt that compliance to 11,000 square feet made more sense.

Mulch piles are to be contained and be somewhere in the range of 20-25 feet high. There will be 4000 cu. yards of mulch stored on site.

Don Cuomo asked that wetland flagging be redone and asked Mr. Scott to keep all incursions out of the buffer.

**8) Community Based Services, Hardscrabble Heights Drive-Proposed (special use permit) light manufacturing change of use sketch review**

Harry Nichols Engineer

8000 square foot building- Four separate rentals. Community Based Services provides food to local group homes. There will be a commercial kitchen. Septic is oversized- 200 GPD needed 400 GPD installed. Five day a week operation. Private, not for profit corporation.

**COMMENTS/OPINION:**

### **Southeast Memorial Park:**

Okay, I admit it- I still hate this project. And I still can't shake that 'Trojan Horse' gift thing

Donating this land to the Town of Southeast almost seems like re-gifting that old, unattractive, plastic basket full of unappealing, out-of-date food. You know, the one you'd feel guilty about giving to the teacher who was positively malevolent to your child in 4th grade.

This is a rather large wetland that several on the Planning Board feel is ugly in its current state. I pass this spot every day and short of the Laws operation (which badly needs clean-up- someone needs to get on this) I find it remarkably wild and quite pretty. On top of that, this wetland serves a vital purpose and that is to filter run-off from all sorts of sources. There's a large pond there as well.

I was also less than happy with the 7000 to 8000 yards of fill to be brought in. Because basically the entire lot was filled with construction debris for Route 684- Mr. Petrillo also mentioned that a lot of 'private' dumping took place there. On the one hand we have an applicant who's telling us the lay of the land will not change dramatically- in the next we have a raised ball field that will be higher than the FEMA flood plain. And could someone please explain to me why we want a ball field in a flood plain? Despite assurances that no fertilizers or pesticides will be used on this site I have my doubts. After several years when the field looks crappy, is riddled with grubs and people have conveniently forgotten the wetlands I have no doubt that some super-duper, heavy on the phosphates fertilizer will be applied.

Finally, I am completely uninterested in funding a parking lot that will also serve a private money-making venture- in this case batting cages.

### **D'Uva: Fields Lane:**

Yeah, 10 lbs of sh\*t in a 5 lb. bag. And where else but Fields Lane... Frankly, the sooner Fields is entirely built-out the faster I can retire my Zantak prescription.

In any case, Cuomo held firm against Theresa Ryan who was almost spitting tacks by the end of this segment.

Tom LaPerch explained that the PB was bound to listen to Don Cuomo whom she went toe-to-toe with later on the agenda.

Also, here is a case of a project that has been in the hopper for several years. I don't feel all that sorry for an applicant who meanders through the process for so long that the rules happen to change.

### **Clocktower Commons: Route 22:**

Yeah, the always debonair Mr. Lepler is at it again. Not that this project is all that egregious- it's not. But it just kills me that whatever Lepler wants Lepler gets. In this case a waiver from the Route 22 Moratorium. Hmm, isn't one supposed to prove financial hardship. Uh oh...does this mean we need to take up a collection for Mr. L?

I remember Garden Homes Management being denied a waiver for their buildings in front of the Value-Village. And if memory serves they did make a case for financial hardship.

Finally, was this building included in the original Clocktower Commons plat? Ms. Hahn says not. So really, after a bank was also built when does this become segmenting...

**Moriarity Tree Service:**

Okay- what would really cap off Fields Lane as our premier 'Office Park Zone'? A real corporation that builds an outstanding looking office building, designs beautiful grounds, hires local residents and pays full freight on taxes? Nah, don't be silly.

Well then, how about a mulching concern? That's right- we don't have one of these ensconced on Fields Lane yet and what's not to love about a high decibel, particulate throwing, stump grinding, low paying, two man operation business that needs an uber-variance for outdoor storage and as an added bonus incurs into the wetland buffer?

My head really is gonna explode. And Peder Scott no less, who pretended (in an Oscar winning performance- for him anyway) or selectively 'heard' that Chairman LaPerch had asked him to 'scale back' the outdoor storage by half. Oops. It appeared that LaPerch had actually asked Mr. Scott to comply with the current regs. something Scott thought worth ignoring.

I also have the slight problem that we'll have to look at this from 684. Yeah, welcome to Southeast... the town where anything goes.

That's it from my desk on this dreary Friday. As always please feel free to e-mail me with any questions or comments you might have.

With Best Regards,

Lynne Eckardt