

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
APRIL 14, 2008**

Present: Chairman Tom LaPerch; Boardmembers Dan Armstrong, David Rush, Jim DiBella, Edwin Alvarez, Dennis Sullivan; Town Planner Ashley Ley; Wetlands Consultant Don Cuomo; Secretary Laurie Fricchione. Boardmember Phil Wissel arrived after the meeting began.

REGULAR SESSION:

- 1. DUNMORE CORPORATION, Danbury Road** – This item was on the agenda for Sketch Review as well as for a SEQRA determination. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. Proposed is the squaring off of the back portion of the building approximately 3,700 square feet in size to house a very large piece of equipment necessary for their business. Ms. Ryan showed renderings of what the building looks like today and what it will look like once the addition is built. The Board agreed that the “after” view is far more visually pleasing. Up for discussion is whether this application represents a “limited change” per our Town Code §138-11D which the Planning Board is empowered to grant as opposed to going before the Zoning Board of Appeals for a determination. Even if the Planning Board decided it was a limited change, they would still have to be referred to and be granted a variance from the Zoning Board of Appeals for an area variance for lot coverage and open space. Other aspects of this project that were discussed was re-painting the water tower on the property as well as thinking about re-painting the building with a different color as determined by the ARB being that this property is in the Gateway Commercial Zone. Ms. Ryan stated that the applicant is amenable to re-painting the tower and building a different color. A motion deeming this project a Type II action in terms of SEQRA as well as it being a “limited change” per §138-11D of the Zoning Code of the Town of Southeast was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-0 in favor, 1 absent. The referral to the Zoning Board of Appeals for an area variance for lot coverage and open space requirement was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.
- 2. GOLAY SUBDIVISION, Minor Road** – This item was on the agenda for a referral to the Town Board for the release of the applicant’s performance bond. The motion was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.
- 3. ARBORSCAPE, Fields Lane** – This item was on the agenda for Site Plan Approval. Stefan Karlson, the owner of Arborscape, was before the Planning Board for Amended Site Plan Approval in 2007 with a proposed barn to replace an existing barn partly within the wetland buffer, for which he would require a wetlands permit. At the time, Jim Nash of AKRF submitted a review letter dated 4/23/07 in which it states “In accordance with Town Code §78-4.A, the potential adverse effects of the proposed project upon the natural functions and benefits of the onsite wetland are expected to be negligible. The shed addition is a minor addition and is located further from the wetland than the existing shed.” Mr. Cuomo stated he submitted a memo per the request of the Town Counsel wherein it was noted that the applicant should provide an updated map, a soils overlay, and wetland buffer distances. He also stated that the proposed shed falls entirely within the wetland buffer and considering the activities of the current occupant (which is landscape services) the constraints of the wetland and buffer, the

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
APRIL 14, 2008**

location may not be ideally suited for the current use. Restated, the lot may be considered over capacity given the current land use. That said, it is reasonable to assume that by enlarging the existing shed, detrimental activity to the wetland buffer will also increase. Consideration of the approval for this application should be contingent upon a clear plan to remediate the current condition and disturbance within the wetland and wetland buffer. Mr. Cuomo went on to say that there is a lot of activity right up to the stream channel and actually in the stream itself. A pipe has been placed to pump water to clean their equipment and stated that it is an abusive site. Because of an error in the Town Board vote and minutes regarding the approval or denial of this applicant's wetland permit, a lawsuit was commenced by the applicant, Arborscape. The applicant won the lawsuit and as a result, an Order was issued by Westchester Supreme Court Justice Andrew O'Rourke directing the Town Board to issue the applicant a Wetland Permit. The Planning Board did not vote on the Amended Site Plan Approval due to the fact that the new boardmembers were not familiar with this project and also because of Mr. Cuomo's comments. This item will be placed on the May 12, 2008 Planning Board agenda to discuss all the points that were raised, the lawsuit and the history of the project.

A motion to accept the minutes from the March 24, 2008 meeting was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor.

A motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

**April 16, 2008
L.F.**