

TOWN OF SOUTHEAST PLANNING BOARD MINUTES

AUGUST 14, 2006

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

PUBLIC HEARING:

1. **22 MILL FARM LANE** – This item was represented by Henry Keil, the owner of the property seeking permission to use a small amount of land located in the wetland buffer (less than 1,000 square feet) to be included in a septic expansion area for a single family building lot in an already approved subdivision. The property is approximately 1.83 acres in size. In 1992, there was a dedication of open space in the amount of 13 acres, which abuts this last building lot, to the non-profit organization, Save Open Spaces. Questions were raised as to whether the 100' wetland buffer area shown is sufficient now, considering the new Town Wetlands regulations. The amount of wetland buffer required at the time the subdivision plat was approved in 1987 was 100'. Mr. Keil explained that if in fact this proposed 3-bedroom home is expanded, it would need to go through the Department of Health to be able to use the expansion area of which a portion is now in the buffer. The total wetlands acreage in this immediate area is approximately 8 acres. In the audience, Judy Terlizzi, who is the president of the Putnam County Land Trust, stated that a letter written by that organization had been submitted to the Conservation Commission stating their concerns as caretakers of this 13 acre parcel for the past 14 years. She informed the Board that it had the rare distinction of being an open wet meadow in the Great Swamp outfall area which is home to many migratory birds and other species. She was concerned about a possible septic malfunction if this home is allowed to be built, the possibility of installing a swimming pool in the buffer, and other structures placed in the buffer. Lynne Eckhardt asked if there have been any septic problems in any of the other homes and have the expansion areas been used. Mr. Keil responded that there have been no reported septic failures. Boardmember Rush asked if there was any reason why the home could not be relocated out of the buffer. Mr. Keil responded that it was not possible as there is a NYSEG easement running across the property to the front, thereby limiting the building envelope to where it is presently configured. Mildred Nugent asked if Mr. Keil could build a house if it were not for the possibility to have an expansion area. A motion to close the public hearing was introduced by Boardmember Manteo, seconded by Boardmember LaPerch and passed 7-0 in favor.

REGULAR SESSION:

1. **PENNELLA, LLC SITE PLAN, Fields Lane** – This item was on the agenda for a review of the revised drawings and a referral to the Town Board for a Special Use Permit to allow 80% warehouse and 20% office use in this proposed building. Jay Fain & Associates appeared before the Board on behalf of their client, Mr. Pennella. The referral was introduced by Chairman Rohrman, seconded by Boardmember Tessmer and passed 7-0 in favor.
2. **MORIARTY TREE SERVICE, Fields Lane** – This item was on the agenda for a sketch site plan review and was represented by Peder Scott. Proposed is the development of a 5 acre parcel of property for a tree pruning, mulching, processing and stockpiling operation of material to be sold in bulk to landscapers, much like Northwood Tree Care. Chairman Rohrman stated that there are numerous items mentioned in the engineering review letter, including but not limited to the need for a variance for more than double the allowed amount for outside storage, activity in a wetland control area, inconsistencies in the depicted control area on the drawings, lack of information regarding truck trips, noise generated, as well as a few other important aspects of this operation. Mr. Scott wished to address an integral aspect which was whether it was a Special Permit Use according to the Town's definition of "light manufacturing" (the processing of materials of a non-polluting nature) which Mr. Scott feels is the keystone of this whole application. It was suggested that Mr. Scott ask the Town's Zoning Enforcement Officer for an opinion of whether this use is permitted.
3. **PROSPECT HILL ESTATES II SUBDIVISION, Prospect Hill Road** – This item was on the agenda for a declaration of Lead Agency for purposes of SEQR as well as to set a public hearing date. The resolution for the declaration of Lead Agency was introduced by Boardmember LaPerch, seconded by

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Boardmember Wissel and passed 7-0 in favor. The motion to set September 11, 2006 for the Public Hearing was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 7-0 in favor.

4. ACE ENDICO, International Blvd. – This item was on the agenda for a referral to the Town Board for the release of a performance bond. The motion was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 7-0 in favor.

5. EAGLES RIDGE CONDOMINIUMS, Brewster Heights – This item was on the agenda for a referral to the Town Board for a reduction in a performance bond as well as to review the amended site plan regarding the additional parking spaces proposed and re-location of a refuse dumpster. The referral recommending the performance bond reduction was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor. As far as the amended site plan is concerned, new drawings have been submitted relocating the [relocated] dumpster area which means losing two established parking spots which are not a part of the 12 additional spots proposed. The resolution deeming this project an unlisted, uncoordinated action for purposes of SEQR was introduced by Boardmember Armstrong, seconded by Boardmember Tessmer and passed 7-0 in favor. The Negative Declaration resolution was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor.

6. CATSKILL OTB FACILITY, Route 22 – This item was on the agenda for a preliminary review as well as to deem this project as an unlisted, uncoordinated action for purposes of SEQR. There was a discussion as to whether the applicant would be interested in becoming the owner of their portion of what is now Argonne Road (which is really the OTB's driveway). The Town would deed the property over to OTB outright. Mr. Loedy, the OTB's representative, stated that his client is not interested in the proposition. The unlisted, uncoordinated action resolution was introduced by Chairman Rohrman, seconded by Boardmember Tessmer and passed 7-0 in favor.

7. STATELINE RETAIL CENTER, Route 6 – This item was on the agenda to adopt the scoping document previously submitted to the Planning Board and to the public, which will now be the basis for the drafting of this project's Environmental Impact Statement. After a page by page discussion of some of the points in the scoping document, it has been amended and accepted by the Planning Board by resolution which was introduced by Chairman Rohrman, seconded by Boardmember Armstrong, and passed 7-0 in favor.

8. LANDAU SUBDIVISION, Joe's Hill Road – This item was on the agenda for a review for Final Subdivision Approval as well as for a referral to the Town Board to establish of a performance bond. The resolution granting Final Subdivision Approval was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 7-0 in favor. The referral to the Town Board for the establishment of a performance bond was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 7-0 in favor.

9. PEGASUS THERAPEUTIC RIDING, INC., Peach Lake Road – This item was on the agenda for preliminary review as well as the Intent to Declare Lead Agent for purposes of SEQR. The resolution for the Intent was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor.

10. J.P. INTERNATIONAL SUBDIVISION, Old Milltown Road – This item was on the agenda to review for preliminary approval and was represented by Harry Nichols. The resolution granting preliminary approval was introduced by Boardmember Tessmer, seconded by Boardmember LaPerch and passed 7-0 in favor.

11. HIGH MEADOW FARM SUBDIVISION, Welfare Road – This item was on the agenda to review for preliminary approval and was represented by Harry Nichols. The resolution granting preliminary approval was introduced by Boardmember Rush, seconded by Boardmember LaPerch and passed 7-0 in favor.

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12. BAKER FARM SUBDIVISION, Enoch Crosby Road – This item was on the agenda for preliminary approval review and was represented by Harry Nichols. The engineering review letter revealed inconsistencies in drainage flow rates and questions pertaining to runoff catch basins. It was suggested that Mr. Nichols contact the Town Engineer’s office to discuss these discrepancies and correct them. Mr. Nichols was also advised to secure a notarized letter of agreement describing and covering the work to be performed on the Croft property.

13. SPRINT SPECTRUM, L.P., 300-310 Route 22 – This item was on the agenda for Conditional Use Permit Approval and was represented by David Snyder, Esq. of Snyder & Snyder. The resolution granting the approval was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 7-0 in favor.

14. MELROSE SCHOOL EARLY LEARNING CENTER, Federal Hill Road – This item was on the agenda for Amended Site Plan Sketch Review and was represented by Paul Checco, the architect. Proposed is a learning center to be situated within the same footprint of the existing caretaker’s cottage. By doing so, the new position of the learning center will be more conforming in that it will not be within the 100’ setback. The septic area will not need to be expanded. The zoning regulations, as stated in §138-55.1A is as follows: “All buildings on lots adjoining single-family residential properties shall be set back from front, side, and rear property lines a minimum of 300 feet...” In this instance, immediate abutting neighbors to this site are not single family residences, but rather commercial uses (Back O’Beyond Golf Course), religious entities and a school on property that is zoned R-160. Mr. Checco stated that if the new building cannot be moved 300 feet away from the property lines, they will need to pursue a variance from the Zoning Board of Appeals at the appropriate time.

A motion to go into Executive Session to discuss litigation was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor.

A motion to close Executive Session was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor.

A motion to close the Planning Board meeting was introduced by Boardmember Rush, seconded by Chairman Rohrman and passed 7-0 in favor.

August 25, 2006

L.F.