

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES
NOVEMBER 14, 2005**

Present: Chairman George Rohrman; Boardmembers Dan Armstrong, David Rush, Phil Wissel, Chuck Tessmer, Tom LaPerch; Town Counsel Tom Jacobellis, Esq.; Town Planner Siobhan O’Kane; Secretary Laurie Fricchione. Boardmember Manteo was absent and excused.

WORK SESSION:

1. HOME DEPOT – This item was on the agenda for a discussion regarding issues of outside storage and was represented by Dan Leary, Esq. of Cuddy & Feder. Basically, the applicants are looking for feedback from the Board in reference to the applicant’s desire to create a seasonal sales space in the parking lot which would eradicate 24 parking spots as well as take away more spaces for a storage area for baled cardboard pallets and create an area for truck rentals. All together the proposal is to use 42 parking spots for these areas. Chairman Rohrman was concerned about the safety of shoppers as they found their way to and from the store through the parking lot. The applicant’s engineer stated that the seasonal sales area will be fenced in, but in doing so would create dead-end parking in that one particular lane of parking, which Boardmember Tessmer stated was not a good way to approach this proposal. There are 684 parking spots on site, and the Planning Board may waive up to 10% of them; therefore, up to 69 spaces. The applicants are seeking a reduction of 42 spots. Ron Harper, the Zoning Enforcement Officer, stated that, bottom line, the applicant’s goal is to move product and they will put it anywhere they can in order to meet the sales quotas. As an example of that statement, just today he went up to the site and witnessed a swing set in the middle of the parking lot which was later dismantled at his direction. He stated that there is a multitude of sales staff, all looking to move product. There must be strong measures put into place as far as boundaries for the storage of product both in and out of the building. A painted line will not be a deterrent to overstepping storage areas. There is supposed to be a 25-foot “band” around the perimeter for fire safety, which at some points is crowded with product, thereby creating the possibility of a fire hazard. Chairman Rohrman suggested that Mr. Harper write a memo reflecting his concerns and possible solutions to these problems, which will be forwarded to the applicant’s attorney. The applicant will come back with an application for amended site plan approval once all the concerns that have been discussed are addressed.

REGULAR SESSION:

1. UNILOCK, NEW YORK, INC., International Blvd. – This project was on the agenda for amended site plan review and was represented by Theresa Ryan of Insite Engineering as well as Sean O’Leary, the General Manager of Unilock. It is proposed to change the configuration of the existing storage areas and traffic flow and cover the existing staging area inside a new enclosure. As in the Home Depot situation where clear boundaries for outside storage are an integral part of the success of the site plan, Chairman Rohrman suggested some type of speed bumps along the perimeter of the outside storage areas to control the areas and not overstep the limits. Mr. O’Leary stated that speed bumps are not necessarily the best remedy because the machinery used to move pallets of stone and pavers might not make it over the bumps due to their excessive weight, but was open to other alternatives of containing the storage areas, such as bright yellow paint markings. Chairman Rohrman stated that it would work for the first 6 months, but then the paint would fade over time. Boardmember Armstrong suggested brightly painted bollards installed at the corners of the perimeter. He also asked the

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applicant to visit the lighting situation and figure out how to reduce their effects. A question was asked whether this project needed to go before the Architectural Review Board; the answer was yes. A motion to refer this to the ARB was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor, 1 absent. The project was placed on the December 12, 2005 agenda for a SEQRA determination.

2. TRIPLE J. SUBDIVISION, Welfare Road – This item was on the agenda for a discussion regarding the final subdivision plat and was represented by Paul Lynch of Putnam Engineering. There was a discussion regarding a notation on the final subdivision plat approved by the Planning Board and filed with the Putnam County Land Records Division at the end of April of this year depicting 3 barns that were to remain, but the applicants applied for and received a demolition permit from the Building Department allowing their destruction. A memo to the file from the Building Inspector revealed that the barns were not in any way being maintained, they lacked structural integrity and as such were viewed as an attractive nuisance, which was the basis for the issuance of the demolition permit. Chairman Rohrman advised the Planning Board if this situation could be viewed legally as a field change with the applicant filing an “As Built” drawing reflecting the removal of the structures or the applicant could be required to file for an Amended Subdivision Plat Approval. The Board decided the former, with Chairman Rohrman making the motion to treat this as a field change, which was seconded by Boardmember Wissel and passed 6-0 in favor, 1 absent.

3. PINE RIDGE ESTATES SUBDIVISION – This item was on the agenda for a referral to the Town Board for the release of this project’s performance bond. The motion recommending the release was introduced by Boardmember Armstrong, seconded by Boardmember Tessmer and passed 6-0 in favor, 1 absent.

4. J.P. INTERNATIONAL SUBDIVISION, Old Milltown Road – This item was on the agenda for a Determination of Significance for purposes of SEQRA and was represented by Harry Nichols. The resolution for a Negative Declaration was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor, 1 absent. Mr. Nichols mentioned that this project needed to be referred to the Conservation Commission. The motion for the referral was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

5. VAIL’S GROVE GOLF COURSE, Peach Lake Road – This item was on the agenda for an amended site plan review and was represented by William Coates of Vail’s Grove Golf Course. This project was the subject of various code violations for structures and additions without building permits and Certificates of Occupancies. This submission proposes to address that situation by removing them, rather than keeping structures that are in the setbacks and did not have building permits or C/O’s and pursuing variances from the Zoning Board of Appeals to be allowed to keep them. Boardmember Armstrong suggested that Vail’s Grove submit to the Planning Board a narrative of the events leading up to and the proposal to rectify the issues that caused them to receive a violation.

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Chairman Rohrman asked if any of the Boardmembers had any new business to discuss. Boardmember LaPerch asked what was going on with the small building on Route 22 just outside of the Town Centre. Apparently, the parking lot was completely ripped up so that it could be repaved, but no one representing the owner sought permission to do so. Code Enforcement Officer Harper issued a Stop Work Order and informed them that they must appear before the Planning Board for an amended site plan approval. Also next door to that site, the dog grooming business (Ruffin' It) has vacated and now has a veterinarian doing business there. Chairman Rohrman requested that the Town Attorney render an opinion as to whether the veterinarian needs to obtain a change of use approval. Boardmember LaPerch asked if there was anything the town could do to compel businesses (such as Home Depot) to clean up their parking lot of debris and maintain it in that fashion. Now that Home Depot will be coming to the Planning Board for amended site plan approval, it could be made a condition in the approval.

A motion to accept the minutes (of the 10/24/05 meeting) as amended was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent. The amendment is as follows: Item #8 of the Regular Session for D'Uva Site Plan should have the sentence added to the end, "Boardmembers Armstrong and Rush agreed to go on a site walk."

A motion to close the meeting was introduced by Boardmember Rush, seconded by Boardmember Tessmer and passed 6-0 in favor, 1 absent.

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

11/18/05
L.F.