

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
SEPTEMBER 8, 2008**

Present: Chairman Tom LaPerch; Boardmembers Dennis Sullivan, Edwin Alvarez, Jim DiBella, David Rush, Dan Armstrong; Town Planners Graham Trelstad and Ashley Ley; Wetlands Consultant Don Cuomo; Town Counsel Willis Stephens, Esq.; Secretary Laurie Fricchione. Boardmember Phil Wissel was absent and excused.

PUBLIC HEARINGS:

1. DYKES LUMBER, Fields Lane – This was a continuation of the prior meeting’s public hearing. Richard L. O’Rourke, Esq. of Keane & Beane appeared before the Board as did Michael Liguori, Esq. of Hogan & Rossi, the attorney representing the seller of the property. There was a continuation due to title issues surrounding prior sales of this property throughout the past years as well as wetland issues. Mr. Liguori first started out by going through the history of all the transactions of not only this property, but the surrounding property from which this site was carved out and conveyed at different times. It is Mr. Liguori’s contention that title to this property is clean and the applicant has a legal right to access it. Victor Grossman, Esq., the attorney for Putnam County Land Trust, an abutting neighbor, stood before the Board and gave a history as his research has revealed that there was a break in the chain of title to this property and therefore, the applicant does not have the right to access the site. Chairman LaPerch suggested the title issue be looked into by Town Counsel. Regarding the wetland issues, Mr. Buschynski of Bibbo & Associates, the applicant’s engineer, stated that a very small wetland was discovered which measures approximately 225 square feet. After evaluating it, it was determined that it is so small so as not to have any impact on the overall proposed project. In the audience, Judy Terlizzi, the president of the Putnam County Land Trust, made a statement regarding how the Land Trust provides a valuable service to local citizens for now and in the future and helps to educate both the young and old. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.

2. DREWVILLE HEIGHTS AMENDED SITE PLAN, Route 6 – This was a SEQRA and site plan public hearing represented by Rob Cameron of Putnam Engineering. Proposed is the demolition of the existing gas station with service bays to re-build the building to accommodate a convenience store approximately 2,200 square feet in size and replace underground gasoline holding tanks to be code compliant. This project will require a Special Use Permit to allow retail in the GC-1 Zone. In the audience, Jerry Halter of Brewster Heights stated that the appearance of a brick built convenience store does not fit into the character of the surrounding area from the perspective of architectural history; namely the 1800’s Victorian home behind the gas station and the two Federal inspired homes across from Putnam County Savings Bank up on the hill. Lynne Eckardt asked if the existing shed will be demolished as well. The shed will be gone, not to be rebuilt. The canopy will remain. Boardmember Rush asked the applicant to submit a 3-D rendering of the proposed building. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

3. CERLICH RE-SUBDIVISION, Pine View Drive – This was a continuation of the prior meeting. Harry Nichols appeared before the Board on behalf of his client, Mr. Cerlich. There was a question as to whether the applicant was allowed to further subdivide one of the lots of the previously approved Pine Ridge Estates Subdivision. In the absence of any legally filed documentation memorializing deed restrictions on the property, it is the Town Attorney’s opinion that the applicant is allowed to pursue this re-subdivision. Now that the issue is settled, Mr. Nichols will have a wetland

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delineation report done and submitted to the Planning Board for review. In the audience, Michele Fraioli stated that she was in possession of documentation ensuring deed restrictions barring further development on any of the lots of the originally approved subdivision, but such language is not on the Final Subdivision Plat itself, only mentioned in correspondence from the original engineer, P.W. Scott and in prior Planning Board minutes. Mr. Ennis, a neighbor, stated that when the first subdivision was approved, he recalled statements made regarding deed restrictions on further development and feels that the intent was no further development and it should be honored even though it is not memorialized on the Final Subdivision Plat. The motion to continue this public hearing to October 27, 2008 was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-0 in favor, 1 absent.

4. NEW CINGULAR WIRELESS AMENDED SITE PLAN, 300-310 Route 22 – Lucia Chiochio, Esq. of Cuddy & Feder appeared before the Board on behalf of her client. Proposed is the 20-foot extension as well as a co-location of an existing 80-foot monopole telecommunications facility in the vicinity of Reed Farm. In the audience, Lynne Eckardt asked if a balloon test needed to be performed. The answer was no as one was already performed in the original application. A gentleman from Reed Farm stated that his bedroom window faces the tower and requested that a new balloon test be performed, not when people are at work during normal business hours. The motion to close this public hearing was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 6-0 in favor, 1 absent.

5. STATELINE RETAIL CENTER, Route 6 – This was a continuation of the SEQRA, Site Plan, Subdivision and Wetlands portion of the originally scheduled and continued public hearing. George Tremblay commented on how traffic will be handled on Route 6. Responses to his and all questions will be provided in the EIS, currently under review. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent. The motion to keep the comment period extended to September 29, 2008 at 4:00 p.m. was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 6-0 in favor, 1 absent.

REGULAR SESSION:

1. ROUTE 6 BUSINESS PLAZA, 4005 Danbury Road – This item was on the agenda for a referral to the Town Board to have this project's performance bond released. The motion for the referral was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 6-0 in favor, 1 absent.

2. NEW CINGULAR WIRELESS AMENDED SITE PLAN, 300-310 Route 22 – This item was on the agenda for declaration of lead agency as well as a determination of significance for purposes of SEQRA and for review for conditional use/amended site plan approval. Lucia Chiochio, Esq. of Cuddy & Feder appeared before the Board on behalf of her client. The Declaration of Lead Agency resolution was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent. The Negative Declaration resolution was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 5-0 in favor, 1 abstention [DiBella], 1 absent. The Conditional Use/Final Amended Site Plan Approval resolution was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 5-0 in favor, 1 abstention [DiBella], 1 absent.

3. 100 EXECUTIVE DRIVE SITE PLAN – This item was on the agenda for a determination of significance for purposes of SEQRA as well as for a referral to the Town Board for a Wetlands Permit. Richard L. O'Rourke, Esq. of Keane & Beane appeared before the Board on behalf of his client. Mr.

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Cuomo stated that he believes the area in question is in fact a wetland controlled area and thus should not be disturbed in any manner due to its close proximity to the stream corridor which flows directly into the Middle Branch Reservoir which is phosphorous impaired. Mr. Trelstad went into an explanation of his and the findings of the various other soil scientists and wetland consultants regarding the presence or non presence of the area in question being a wetland. He stated that the soil samples taken on site were neither definitively a wetland soil type or not a wetland soil type. He also stated that if it is a wetland area, the SEQRA regulations provide for mitigation of the disturbance through the use of retention basins designed to capture and treat runoff, thereby lessening the phosphorous load finding its way into the reservoirs. The Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 5-1 [Alvarez] in favor, 1 absent. The referral to the Town Board for the wetlands permit was introduced by Boardmember Armstrong, seconded by Boardmember DiBella and passed 5-1 [Alvarez] in favor, 1 absent.

4. DUNMORE CORPORATION AMENDED SITE PLAN, 3633 Danbury Road – This item was on the agenda for review for final amended site plan approval and a referral to the ARB. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The motion for the ARB referral was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

5. D’UVA SITE PLAN, Fields Lane – This project was on the agenda for review for Final Site Plan Approval. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The resolution granting final amended site plan approval was introduced by Boardmember DiBella, seconded by Chairman LaPerch and passed 5-1 [Rush] in favor, 1 absent.

The motion to accept the minutes from the last meeting was deferred until the Stateline Public Hearing minutes are drafted to include the request for a 3-D rendering.

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

September 12, 2008

L.F.