

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
AUGUST 10, 2009**

Present: Chairman Tom LaPerch; Boardmembers Dennis Sullivan, Edwin Alvarez, Jim DiBella, David Rush, Dan Armstrong; Town Planner Ashley Ley; Town Attorney Willis Stephens, Esq.; Wetland Inspector Stephen Coleman. Boardmember Phil Wissel and Secretary Laurie Fricchione were absent and excused.

PUBLIC HEARINGS:

1. QUEST PROPERTIES/DIVERSIFIED TRANSPORT, Independent Way – This project was on the agenda for a continuation for SEQRA, Site Plan and the Wetlands Permit Public Hearing previously noticed and opened. Richard O'Rourke, Esq. of Keane & Beane appeared before the Board on behalf of his client as well as Paul Pelusio of Folchetti & Associates, the applicant's engineer. Discussed was a brief history regarding the zoning change petition filed with the Town Board to change this site's zone back to what it originally was to allow office/warehouse. When this project was going through the review process many years ago, all outside agency approvals had been obtained, including Stormwater Approval from the DEP as well as a DEC watercourse crossing and piping permit and Putnam County Health Department. Then, unbeknownst to the owner, the property was rezoned that no longer allowed office/warehouse. Mr. Pelusio described the project on the site maps. The proposed project is identical in size and layout now as it was proposed from the beginning. In the audience, John Lord asked what entity would ultimately decide if this property would be rezoned. The Town Board has the final say. Cathy Croft asked what other approvals are required for the site. A Town of Southeast Wetland Permit and DEC wetland permit, as well as from the ARB are required. Mr. Coleman stated that wetland buffer parameters have changed since past approvals were obtained. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent. A resolution regarding the Planning Board Positive Recommendation and Report to the Town Board to rezone the Quest Properties site to OP-2 as well as the existing R-40 parcel behind the Home Depot and Tyndall Septic to OP-2 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

2. BREWSTER HONDA SITE PLAN, 2-4 Allview Avenue – This item was on the agenda for SEQRA, Site Plan and Wetlands as well as to discuss the Zoning Change petition filed with the Town Board. Richard O'Rourke, Esq. appeared before the Board on behalf of his client as did Tim Allen of Bibbo & Associates. The zoning change petition references the applicant's desire to have a portion of this property rezoned to OP-2. The property is currently zoned GC-2. According to the applicant, the proposed project is a vehicle preparation and maintenance facility would be consistent with other OP-2 uses. This is the former Dill's Best Lumber Site. The OP-2 designation proposed for this property would allow light manufacturing and general business as defined in the Town's Chapter 138 of the Zoning Code. Boardmember Alvarez asked about the entrance being within the Village of Brewster and how this project could move forward as far as their involvement is. Mr. O'Rourke responded that a separate application will have to be made to the Village for Site Plan Approval, assuming the Town Board grants the requested zoning change petition, allowing the Planning Board to review and possibly approve the site plan. Boardmember Sullivan asked what the current zoning on Route 6 was. Principally, ED and GC although it depends upon the section of Route 6. There also is an NB-1 section surrounding the proposed site. In the audience, Keith Greene, on behalf of his neighbors wished to make a presentation. He stated that the granting of this petition would compromise the safety, investments and quality of

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life of the immediately surrounding residentially zoned land. Some of these neighbors reside in the Village; some are Town residents. He stated that all local laws and Town Regulations should be obeyed and not change the zoning requested to accommodate the proposed use. Tony Tompkins spoke next and is a resident of the Village. He spoke from a prepared statement which has been submitted to the Planning Board which will be made a part of its permanent file. Tom Stratram spoke next from the prepared statement. Chris Olson spoke next. The next speaker was Richard Feuerman representing Concerned Residents of Southeast stated that this proposed project has no positive impact on anyone except for Brewster Honda. He also submitted a written comment letter to be made a part of the Planning Board file. Rene Diaz spoke about her confusion regarding the tax map number on the public hearing notice. Brewster Mayor Jim Schoenig stated that the Village is an involved agency and as such should be on the distribution list for SEQRA purposes. Attorney Stephens suggested that the Village is an interested agency, not an involved agency. John Lord asked if Brewster Honda was using the site now and for what purposes and what are the hours of operation. He also asked if there were any violations against the site. Laura Greene stated that there are as many as four deliveries a day. Boardmember Armstrong asked about outside storage. The proposed site plan will comply with the outside storage requirement which is set at 5% the size of the lot maximum. He also stated that most of the traffic generation is already occurring across the street and that the traffic impact is not going to be really significant because the traffic is already there going across the street and that the traffic should be looked at. Cathy Croft asked about the R-40 portion which is a part of the zoning change petition. Lynn Waters stated that she was concerned with Boardmember Armstrong's statement that traffic will not be impacted. She stated that there would be a traffic impact in that turning left onto Allview Avenue from Route 6 is like taking your life into your hands because people go around you at as high as 35 miles per hour. Boardmember Armstrong stated that he said the traffic needs to be studied. Mr. Occhiogrossi stated that it should not be re-zoned and be made a park. Kathy Myerson said it was an arbitrary re-zoning for one specific proposed business and that it will negatively impact the adjacent residential zone quality of life and home values. A motion to continue the public hearing to September 14, 2009 was introduced by Boardmember Armstrong, seconded by Chairman LaPerch and passed 6-0 in favor, 1 absent

REGULAR SESSION:

1. NEW CINGULAR WIRELESS TELECOMMUNICATIONS FACILITY

AMENDED SITE PLAN, 230 Peach Lake Road – This item was on the agenda for a Determination of Significance for purposes of SEQRA as well as for Final Amended Site Plan Approval. The resolution for the Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent. The resolution for the Conditional Use/Final Amended Site Plan Approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

2. NY SMSA LP d/b/a VERIZON WIRELESS TELECOMMUNICATIONS FACILITY, 3925 Danbury Road

– This item was on the agenda for Conditional Use Permit Approval as well as for a Referral to the Town Board for the Establishment of a Performance Bond. Keith Betensky, Esq. of Snyder & Snyder appeared before the Board on behalf of his client. The resolution for the Conditional Use Permit Approval was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 6-0 in favor, 1 absent. The referral to the Town

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Board for the establishment of a performance bond was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

3. SOUTHEAST MEMORIAL PARK LOT LINE ADJUSTMENT, E. Main Street –

This item was on the agenda for Lot Line Adjustment Review. Paul Lynch from Putnam Engineering appeared before the Board as did John Petrillo, the owner. There is a re-configuration of the various aspects and have been “flipped” in terms of the batting cages are now proposed to be where the parking area was and vice-versa. This proposal and layout is at the request of the DEP, who suggested these changes. Tonight’s action includes a re-affirmation of Lead Agency status, a referral to the ZBA and to set a public hearing date of September 28, 2009, which resolution was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.

4. MILANO ACCESSORY APARTMENT, Foggingtown Road – This item was on the agenda for Conditional Use Permit Review. Michael Berta, the applicant’s architect, appeared before the Board. Proposed is the demolition of an existing residence, the construction of an accessory structure, [so that the owners of the property could reside in while the demolition and construction is underway] and then the construction of the principle residence to replace the demolished one. The owners also wish to have an accessory apartment within the principle residence, thereby creating one primary residence with an accessory apartment and then a separate structure to have a second accessory apartment. The property is approximately 23 acres in size. This project will need variances from the ZBA for relief from the square footage amounts of the two proposed accessory apartments as well as for the two accessory structures proposed. The resolution for Intent to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent. A motion to set a public hearing date of September 28, 2009 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent. As far as the ZBA is concerned, a referral could be made at this time, but it must be clear that the ZBA cannot act on this project until such time as the Planning Board has completed the SEQRA process. Due to the unique nature of this project with two accessory structures and the relief sought in terms of the square footage of both proposed accessory structures, a referral to the ZBA was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 6-0 in favor, 1 absent.

5. STRAZZA LOT LINE ADJUSTMENT/SUBDIVISION, Doansburg Road – This item was on the agenda for a request for an extension of this project’s approval. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The resolution granting the requested extension was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

6. DURKIN WATER CO. AMENDED SITE PLAN, Fields Lane – This item was on for amended site plan review. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client, as was Ray Durkin, the owner. Proposed is the replacement of two water tanks with two propane tanks. There are some slight modifications to the site in terms of widening the driveway to accommodate trucks entering and exiting. The resolution for the Intent to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 6-0 in favor, 1 absent. The motion to set a public hearing for September 28, 2009 was

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introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 5-0 in favor, 2 absent [Boardmember Alvarez momentarily left the meeting].

7. ENOCH CROSBY ROAD WETLAND PERMIT – This was a courtesy visit from our Town Engineer as well as the Town Highway Superintendent to discuss the extension and paving of Crosby Road, a Town of Southeast Road. A wetland permit has been submitted to the Planning Board. A motion to set a public hearing for September 28, 2009 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

8. PEACH LAKE SEWER DISTRICT SITE PLAN – This item was on the agenda for a review for Final Subdivision and Site Plan Approvals. The resolution granting these approvals was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

9. STATELINE RETAIL CENTER, Route 6 – This item was on the agenda for a review for the Final Environmental Impact Statement (FEIS) for completeness. The Planning Board identified one outstanding aspect of this project in that the height of the proposed retaining wall would be well in excess of what is permitted under the Code of the Town of Southeast. After discussion with the applicant and Ms. Ley, the Planning Board recommended that the Lead Agency response to comment 3.1-9 in the FEIS be re-worded to state the proposed retaining wall will have a significant adverse impact on the community character that can not be avoided. The Planning Board does not intend for this amendment to preclude this project from moving forward. The next step in this process is the issuance of the Findings Statement, followed by a referral to the Town Board for a Special Use Permit and Wetland Permit, ARB referral and Review, and finally, Planning Board Final Site Plan Approval. The resolution for the Notice of Completion with the wording “this would result in a significant adverse impact to the local community character” at the end of Response 3.1-9 of the FEIS was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-0 in favor, 1 absent.

A motion to accept the minutes of the meeting of July 13, 2009 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4 to 0 in favor, 2 abstain [Armstrong, Alvarez], 1 absent.

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

**September 8, 2009
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