

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES
JANUARY 9, 2006**

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

WORK SESSION:

1. BRADY FARM SUBDIVISION, Nelson Blvd. – This item was on the agenda for a concept discussion regarding a proposed subdivision and was represented by Richard O’Rourke, Esq. of Keane & Beane as well as Theresa Ryan of Insite Engineering. Presently, there are three undeveloped lots off an existing Town road, which was closed but never abandoned, and because of a previously filed plat showing this road, these three lots are entitled to access for development. Ms. Ryan described a proposal for a 15-lot subdivision on property beyond where the Town put up a gate on Nelson Blvd. to stop illegal trash dumping. Chairman Rohrman stated that the issue surrounding access to Nelson Blvd. should be directed to both the Town Board as well as the Highway Superintendent and once addressed and resolved, to come back to the Planning Board for commencement of the subdivision process. This way, the subdivision application will not be pursued if the applicants, Town Board and Superintendent can not come to an agreement as to how Nelson Blvd. can be improved for safe vehicular access as well as what percentage each side will be responsible for financially. Mr. O’Rourke stated that in the recent past this project was on the Town Board’s work session to discuss the Nelson Blvd. improvements and cost and the Town Board told him to come before the Planning Board. Chairman Rohrman indicated that the Planning Board is not objecting to this proposal, but at the same time it cannot be reviewed until such time as the other issues regarding the road are settled.

PUBLIC HEARINGS:

1. PENNELLA, LLC SITE PLAN, Fields Lane – This item was represented by Jay Fain of Jay Fain & Associates. This project proposes the construction of a 6,000 square foot building on 6.98 acres of vacant land zoned OP-1 on Fields Lane. The building coverage is 2% of the site where 25% is allowed; site coverage is 4.7% where 45% is allowed. This project will be referred to the Conservation Commission as well as to the Town Board for a Wetlands Permit and a Special Use Permit, respectively. A stormwater pollution prevention plan does not need to be submitted because the impervious surface amounts added together do not exceed the threshold in this instance. There were no questions from any of the boardmembers, so the meeting was opened up to the audience for comments and/or questions. Lynne Eckhardt asked about the retaining walls shown on the plan. There are 3 retaining walls which will be made of native stone, each well under the 10-foot maximum height. She then asked about wetland buffer disturbance. There will be a small amount of disturbance. She reiterated her comments that Fields Lane, as every project gets approved, becomes more “warehouse” and less “office” oriented. A motion to close the public hearing was introduced by Boardmember LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

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2. BAKER FARM SUBDIVISION, Enoch Crosby Road – This item was represented by Harry Nichols. Baker Farm is proposed to be a 5-lot subdivision on 32 acres of land each with their own wells and septic systems. The smallest lot is over 4 acres and the largest lot is almost 10 acres. NYCDEP is involved in this project for the approval of the Stormwater Pollution Prevention Plan as well as the NYSDEC due to the wetlands present. This project will have to be referred to the Town Board for 280-a Open Development approval. From the audience, Cathy Croft inquired if the Town of Carmel was in receipt of plans in this project. As of the Friday before this meeting, they were. She also brought to Mr. Nichols attention some inconsistencies in the plans such as a “shack” on the Powis property as well as a structure on Ms. Croft’s property that is not depicted on the plans. She then continued by reading a letter (which has been made a part of the permanent file and a copy of which has been given to Mr. Nichols). In response to the comments and questions in her letter, Mr. Nichols stated that a homeowners association will be created for the maintenance of the detention ponds as well as for the access roads. Charles Azzaretti asked if the creation of the homeowner’s association will be made a part of the deed on the individual lots at the time they are purchased and who will oversee the smooth operation of the association as far as the covenants in it. Mr. Azzaretti asked what would happen if one of the homeowners does not pay their fair share of the maintenance fee. It was explained to him that a lien will be placed on his property, prohibiting him from selling his home. Lynn Eckhardt asked about intermunicipality mailings and notifications for projects close to borders. She then read a letter into the record which also will be made a permanent part of the subdivision file and a copy of which was given to Mr. Nichols. Joseph Tavino asked about the detention ponds and what was going to happen to them in a very heavy rain event since, in small rain events, the ponds can barely hold a lesser amount of water. Mr. Azzaretti asked about the possibility of blasting to get foundations in. Mr. Nichols did not feel it was necessary. Maxine Baker gave the Board pictures depicting road erosion after a rain event. Ellen Azzaretti asked about the stone walls present. A motion to close the public hearing was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor.

3. UNILOCK NEW YORK, INC. – This item was represented by Theresa Ryan of Insite Engineering as well as Sean O’Leary, the General Manager. This project involves the addition of an enclosed structure for the tumbling equipment used in the manufacture of their product. The existing metal siding along the entire upper face of the building will be replaced and the stucco treatment along the lower half will be freshened up in a color complimenting the upper color. The lighting of the building is being handled by a lighting engineering firm. Traffic flow will be changed to alleviate congestion and movements of tractor trailers and smaller vehicles. Lynne Eckhardt commented that the presentation is greatly improved and appreciated Sean O’Leary’s graciousness of the tour of the site he gave her recently. Harold Lepler commented the applicants have been very cooperative and sensitive to their neighbors during the whole process of this project. There being no further comments or questions, a motion to close the public hearing was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor.

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REGULAR SESSION:

- 1. FOX LANE SITE PLAN, Fields Lane** – This item was on the agenda for Final Subdivision and Site Plan Approval and was represented by Harry Nichols. The resolution for Subdivision and Site Plan approval was introduced by Boardmember Tessmer, seconded by Boardmember LaPerch and passed 7-0 in favor.
- 2. OMNIPOINT COMMUNICATIONS AMENDED SITE PLAN, Route 22** – This item was on the agenda for a review for Conditional Use Permit Approval of proposed (10 foot) tower extension and co-location and was represented by Douglas Warden, Esq. of Snyder & Snyder. It was mentioned that the applicant needs to submit Part 3 of the EAF which is the visual analysis of the height of the proposed extension. A motion to waive the submission for a Tree and Forest Preservation Plan was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor. The resolution for the Declaration of Lead Agency for purposes of SEQRA was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor. The motion to set February 13, 2006 for the Public Hearing date was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 7-0 in favor.
- 3. STONECREST SENIOR HOUSING** – This item was on the agenda for a reduction of this project's performance bond and was represented by Harold Lepler of Covington Management as well as Kathy Rubin of Wilder Balter Partners. The motion to refer this matter to the Town Board for the reduction of the bond (down to 10% of the original amount) was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 7-0 in favor.
- 4. LANDAU SUBDIVISION, Joe's Hill Road** – This item was on the agenda for a continued preliminary review and to update the Planning Board of this project's recent denial by the Zoning Board of Appeals of a lot frontage variance for Lot #2. Boardmember Armstrong asked if there was a possibility of committing a portion of the land to open space designation to be added to other open spaces in the area so that they could be connected in the future. Presently this application is in front of the Conservation Commission and awaits the Town Board's decision regarding the Wetlands Permit. If the Wetlands Permit is granted, and all other outside agency approvals are granted, then this application may appear before the Planning Board for consideration of Final Subdivision Approval.
- 5. TURK HILL EAST SUBDIVISION, Turk Hill Road and Allview Avenue** – This project was represented by Theresa Ryan of Insite Engineering. Due to the recent litigation settlement, this project previously was granted Conditional Final Subdivision Approval. Ms. Ryan informed the Planning Board that they expect to receive Health Department Approvals for the wells and septic systems in the near future; the Notice of Intent has been filed with the DEC; and that the DEP requested copies of plans so that they may apply their approval stamp for the Stormwater Management Plan.
- 6. EVERY ACCESSORY APARTMENT, Enoch Crosby Road** – Review for Conditional Use Permit for accessory apartment. Mr. & Mrs. Every were present and explained

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the circumstances of their situation of having an illegal accessory apartment that is 50% the size of the principal square footage where only 25% is allowed. Mrs. Every stated that the Building Inspector at the time, Michelle Depew, told Mrs. Every at the time of the construction “not to worry about the size of the apartment so long as it is for family.” Chairman Rohrman stated that the size of the apartment needs to be sized down in order to be closer to the 25%. After some discussion, Mr. & Mrs. Every decided to abandon pursuing the accessory apartment permit and rather remove the stove and go to the Building Department to apply for a finished basement/storage area Certificate of Compliance.

A motion to accept the minutes from the last meeting as amended* was introduced by Chairman Rohrman, seconded by Boardmember Wissel and passed 6-0 in favor, 1 abstention.

*Boardmember Manteo requested the minutes to reflect that he was excused by Chairman Rohrman at 8:30 p.m. on the meeting of 12/12/05, not that he “left the meeting”.

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