

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
JANUARY 12, 2009**

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

PUBLIC HEARING:

1. CERLICH RE-SUBDIVISION, Pine Ridge Estates Lot #5 – This project was on the agenda for a continuation of the subdivision, SEQRA portion of the public hearing opened that was re-noticed. The wetland permit portion of the public hearing, although properly noticed, was not discussed due to the fact that the new wetland inspector had some contractual issues to clear up before he started his duties. Elizabeth Hudak, Esq. Mr. Cerlich’s attorney, appeared before the Board as did Harry Nichols, Mr. Cerlich’s engineer. Boardmember Wissel stated that he recently read a copy of the recorded Covenants and Restrictions on the originally approved Pine Ridge Estates. In the declaration of restrictive covenants, item #6 states “each lot conveyed shall be conveyed as a single residence site and may not be divided or subdivided and may only be sold as a whole.” Item #17 states “no person shall be permitted to grant an easement or right-of-way over their land for the benefit of any other lands without written approval of the grantor, its successors and assigns.” He questioned if this project is viable in light of this information or if some way the original grantor of this subdivision can release some of these conditions to allow the additional lot. Another issue is a regulation [§123-35] regarding subdivisions with cul-de-sacs not allowing more than 10 lots that gain their sole access from that one road in and out. Ms. Hudak stated that this new information regarding the covenants will need to be addressed as a separate issue and will be discussing it with her client as well as with Mr. Stephens. Ms. Hudak stated that she was asking the Board for a waiver from the above regulation, but now had a bigger issue surrounding other aspects of this proposed subdivision. Mr. Stephens opined that the Planning Board could not move forward until the restrictive covenants issue was resolved. In the audience, Michele Fraioli reiterated prior statements that there were assurances from the developer at the time of the first subdivision that none of the lots would be further subdivided. Lynn Eckhardt reiterated the multiple issues surrounding this proposed subdivision; the necessity of a 280a designation, a wetland permit and a waiver from §123-35 and release from some of the restrictive covenants. A motion to continue this public hearing to February 9, 2009 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

REGULAR SESSION:

1. BREWSTER ICE ARENA AMENDED SITE PLAN, Fields Lane – This item was on the agenda for amended site plan review. Steve Santini, a co-owner, appeared before the Board on his own behalf. Proposed is the installation of 6 seasonal, temporary batting cages each equipped with mechanical pitching machines to be used during the months between May and October on a portion of the parking lot to take up approximately 22 parking spaces. There currently is lighting in the near vicinity being that it’s in the parking lot, but Mr. Santini could not definitively state that there would be no additional lighting installed if it were determined that more lighting was necessary. If he were planning to install more lighting, he would need to submit a lighting plan which would be reviewed so as to be in conformance with the lighting regulations. Chairman LaPerch stated that if the applicant were to pursue more lighting, a public hearing would be held; if not, he stated he felt comfortable waiving the necessity for a public hearing. Mr. Santini stated that he would discuss the lighting issue with James Hahn, the engineer of record and come back to

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the Board with his decision one way or the other. A resolution for the Declaration of Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor, 1 absent. After the SEQRA process is complete, then this application will be referred to the ARB and pursue final amended site plan approval.

2. NEW YORK SMSA LP d/b/a VERIZON WIRELESS TELECOMMUNICATIONS FACILITY, 3925 Danbury Road – This item was on the agenda for continued review as well as to commence SEQRA. Keith Betenski, Esq. of Snyder & Snyder appeared before the Board on behalf of his client as did John Watson of Insite Engineering. Proposed is the construction of a 120-foot monopole telecommunications tower. The applicant has submitted a radio frequency report indicating the coverage gap presently existing and how this tower will cover most of it. The SEQRA process was commenced with the Intent to Declare Lead Agency, which was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 6-0 in favor, 1 absent. The motion to set February 9, 2009 for the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.

3. NEW YORK SMSA LP d/b/a VERIZON WIRELESS TELECOMMUNICATIONS FACILITY, 300-310 Route 22 – This item was on the agenda for an exemption request for a co-location on an existing wireless telecommunications tower. Keith Betenski, Esq. of Snyder & Snyder appeared before the Board on behalf of his client. Proposed is the co-location of antennas at the 90-foot level of an existing 100-foot tall tower. The resolution granting the exemption for site plan amendment of §138-54.1B(3) was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor, 1 absent.

A motion to accept the minutes of the 12/8/08 meeting was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 2 abstentions [DiBella, Sullivan], 1 absent.

A motion to accept the minutes of the 12/22/08 meeting was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 4-0 in favor, 2 abstentions [Wissel, Armstrong], 1 absent.

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

**January 14, 2009
L.F.**