

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
JANUARY 26, 2009**

Present: Chairman Tom LaPerch; Boardmembers Dennis Sullivan, Edwin Alvarez, Jim DiBella, David Rush, Phil Wissel, Dan Armstrong; Town Planner Ashley Ley; Town Counsel Willis Stephens; Secretary Laurie Fricchione

**PUBLIC HEARING:**

**1. PAUKNER ACCESSORY APARTMENT, 306 Tonetta Lake Road** – This item was on the agenda for a site plan and SEQRA public hearing. Michael Liquori, Esq. appeared before the Board on behalf of his client, Mr. Paukner, who was also present. In the audience, Lynne Eckhardt asked which of the two residence is it a requirement for the owner to reside in. In this instance, the owner is residing in the accessory structure and rents out the principal dwelling. There is no regulation in the code regarding the necessity of the owner living in the principal dwelling. This project will also have to be reviewed by the Health Department and approved for purposes of septic capacities. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor.

**REGULAR SESSION:**

**1. BREWSTER ICE ARENA AMENDED SITE PLAN, Fields Lane** – This item was on the agenda to set February 23, 2009 for the public hearing, which motion was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor.

**2. PAUKNER ACCESSORY APARTMENT, 306 Tonetta Lake Road** – This item was on the agenda for a Declaration of Lead Agency and Determination of Significance for purposes of SEQRA as well as for a referral to the Zoning Board of Appeals for variances. Michael Liguori, Esq. of Hogan & Rossi, Mr. Paukner's attorney, appeared before the Board on behalf his client. Proposed is the conditional use approval for an existing single family residence with an accessory structure (which is a garage) that has another residence above it. The Declaration of Lead Agency resolution was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 7-0 in favor. The Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor. The motion for the referral to the Zoning Board of Appeals for six variances which are enumerated in the referral letter was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor.

A motion to accept the January 12, 2009 minutes was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-0 in favor, 1 abstention [Rush].

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

**February 4, 2009**

**L.F.**