

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
FEBRUARY 9, 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: *(Scheduled to commence after 8:00 p.m.)*

1. NY SMSA LP d/b/a VERIZON WIRELESS TELECOMMUNICATIONS FACILITY SITE PLAN, 3925 Danbury Road – This project was on the agenda for a site plan and SEQRA public hearing. Keith Betensky, Esq. of Snyder & Snyder appeared before the Board on behalf of his client. Proposed is the installation of a 120-foot tall wireless telecommunications tower with associated equipment cabinets at the base thereof. In the audience, Lynne Eckhardt asked if the applicant submitted a report from an RF engineer indicating a gap in coverage and how this tower will fill most of it. Yes, a RF report was submitted. There being no further questions or comments, a motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 7-0 in favor. This project was placed on the February 23, 2009 agenda for a determination of significance for purposes of SEQRA and a referral to the Zoning Board of Appeals for setback variances.

2. CERLICH RE-SUBDIVISION, Pine Ridge Estates Lot 5 – This item was on the agenda for a continuation of the wetlands portion of the public hearing. Harry Nichols, the applicant's engineer and Liz Hudak, Esq., the applicant's attorney, appeared before the Board on behalf of their client, Mr. Cerlich, who was also present. Ms. Hudak presented an executed release from the developer of the original subdivision for two of the items of the Declaration of Restrictive Covenants [as they relate to re-subdivision of an approved lot] filed just after the Pine Ridge Estates Subdivision Plat was filed with the county. The new wetlands inspector will need to familiarize himself with this project and determine whether the applicant needs to apply for a wetland permit since Mr. Nichols contends that there is no wetland buffer incursion. Another issue involves §123-35D2 which dictates that subdivisions ending in permanent, dead-end cul-de-sacs cannot serve more than 10 building lots that have sole access off the road which cannot be greater than 1,000 feet in length. After much discussion and looking at the original Pine Ridge Estates Subdivision plat filed with the County, it was the consensus of the Planning Board that although there are 14 building lots, 5 of those lots [Lots 2, 3, 11, 13 and Casale] do not have sole access and frontage off Pine View Drive; therefore, 9 lots have sole access and frontage off Pine View Drive, meaning that this re-subdivision of Lot #5 would make it 10 lots. As such, because the re-subdivision of Lot #5 does not have the minimum amount of road frontage, the applicant needs to be referred to the Town Board for open development designation, or 280a. In the audience, Michele Fraioli stated that only one house has access off Guinea Road, making it 13 houses with sole access off Pine View Drive. Boardmember Wissel stated that when Pine Ridge Estates subdivision was being reviewed, the Planning Board felt that it was better to have the design layout as it was approved since it was safer and posed less of an environmental impact than if there were more road cuts onto Guinea Road. Lynne Eckhardt stated that if alternative access were proposed for some of the lots, could the applicant overcome the excessive grade slopes. The fact remains that on paper, there was a possibility of an alternate access which would have been costly, but nevertheless could have been accomplished. A motion to continue this public hearing to April 27 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

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REGULAR SESSION:

- 1. BREWSTER CORPORATE PARK SITE PLAN, Old Route 22** – This project was on the agenda for a declaration of lead agency for purposes of SEQRA. Terri-Ann Hahn of LADA appeared before the Board on behalf of her client. The resolution for the declaration was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor. The motion setting March 9, 2009 for the public hearing was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 7-0 in favor. This project was placed on the February 23, 2009 agenda to review the traffic report that will be submitted.
- 2. JVF MANAGEMENT SITE PLAN, 20 Hardscrabble Heights Drive** – This project was on the agenda for continued sketch review. Paul Pelusio of J. Robert Folchetti & Associates appeared before the Board on behalf of his client. The applicant will be submitting for preliminary review once the engineer has met with the DEP and completed his stormwater calculations for a SPPP.
- 3. MILLENNIUM REAL ESTATE SERVICES, LLC SITE PLAN, Route 6, Old Route 6 & Old Route 312** – This project was on the agenda for final site plan review as well as for a referral to the Town Board for the establishment of a performance bond. Michael Liguori, Esq. of Hogan & Rossi appeared before the Board on behalf of his client, Mr. Iovino, who was also present. The resolution for final site plan approval was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor. The motion for the referral to the Town Board for the establishment of a performance bond was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor.
- 4. NY SMSA LP d/b/a VERIZON WIRELESS TELECOMMUNICATIONS FACILITY SITE PLAN, 3925 Danbury Road** – This item was on the agenda for a declaration of lead agency for purposes of SEQRA. Keith Betensky, Esq. of Snyder & Snyder appeared before the Board on behalf of his client. The resolution for the declaration was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 7-0 in favor.
- 5. 100 EXECUTIVE DRIVE SITE PLAN** – This item was on the agenda for a referral to the ZBA for story height of the applicant's proposed office building and for a building coverage variance. Ted Cutler of Tecton Engineers appeared before the Board on behalf of his client. In the recent past, this project was referred to the ZBA for a height variance where the applicant needed 6 feet for shielding rooftop mechanicals. The zoning calculations allow for 35 feet in height where 41 feet was required to accomplish this. The six foot variance was granted in December, 2008. It was later discovered that the referral was not specific enough to indicate the applicant needed a height variance for stories or for height in feet. The proposed building is 3 stories above grade with ½ of the basement walkout [4th] floor at grade. The consensus of the Planning Board was that the applicant should go back to the ZBA for a story height variance as well as for an interpretation for building coverage as it relates to the multi-level parking structure, which was designed to lessen the environmental impacts of an alternative single level parking lot creating more impervious surface. If the parking structure were to be included with the building coverage calculations, the building coverage calculations show that it is approximately 10% higher than what is allowed in the zone. For lot coverage, this project is well under the amount permitted in this

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zone; therefore on this particular site, it would be better to have the parking structure so as to lessen the environmental impacts associated with surface parking. It is the applicant's position that they do not need to go before the ZBA because the parking structure was not meant to be included in building coverage calculations. The applicant also felt that it would be better to petition the Town Board to change building coverage requirements in their zone as opposed to going back before the ZBA. In any event, this project cannot move forward without either a ZBA variance or the successful petitioning to the Town Board for amending calculations. The motion for the referral to the ZBA was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 7-0 in favor.

6. RONIN PROPERTIES, Starr Ridge Road – This project was on the agenda to review some landscaping changes that the applicant made on his property which was formerly known as Starr Ridge Farms. Apparently, the owner made changes in the landscaping plan without permission from either the DEP, which originally discovered the discrepancy and brought it to the attention to the Town Engineer, or the Planning Board. The applicant was requested to provide an overlay of the approved landscaping plan on the as-built, existing landscaping plan at which time it will be reviewed by the Town Planner, Town Engineer in conjunction with the DEP and the Planning Board for completeness.

The motion to accept the minutes of the January 26, 2009 meeting was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 7-0 in favor.

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

**February 13, 2009
L.F.**