

Planning Board Minutes 02-11-2008

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
FEBRUARY 11, 2008

Present: Chairman Tom LaPerch; Boardmembers Jim DiBella, Edwin Alvarez, Phil Wissel, David Rush, Dan Armstrong; Town Planners Graham Trelstad and Ashley Ley; Wetlands Consultant Don Cuomo; Secretary Laurie Fricchione. Boardmember Dennis Sullivan was absent and excused.

PUBLIC HEARING:

1. SOUTHEAST MEMORIAL PARK – This item was on the agenda for a continuation of the Wetlands Permit portion of the public hearing. Paul Lynch of Putnam Engineering appeared before the Board on behalf of his client, John Petrillo. Mr. Lynch stated he was hoping the public hearing could be closed and that exact locations could be cited from which soil samples should be taken that AKRF feels is necessary in the site plan process. Ms. Ley stated that she would be in contact with Mr. Lynch with regard to the citing of the soil sample location and also a groundwater sample for testing. Mr. Petrillo stated that the property that was intended to be donated to the Town for a ballfield is no longer under consideration and that he desires only to pursue the subdivision of the land delineating the lot for the batting cages and now a private ballfield which will remain in the possession of the current owner, Mr. Petrillo. In the audience, Cathy Croft asked if there was a spill report filed with any outside agency, such as the DEP, DEC, or EPA. There were none. Lynne Eckhardt asked what the procedure was for the soil sample collection. There is someone in the employ of Putnam Engineering who has access to a lab where it will be analyzed and reported back on. Ms. Eckhardt also asked about the depth of the existing well was. Mr. Petrillo stated that it is somewhere between 300 and 400 feet. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 5-0 in favor, 1 abstention, 1 absent.

REGULAR SESSION:

1. CERLICH RESUBDIVISION LOT #5, Pine View Estates – This project was on the agenda for continued review. Harry Nichols appeared before the Board as did Mr. Cerlich, the applicant. Proposed is the re-subdivision of a 21 acre parcel in an approved subdivision into two lots. This application will need a 280a (open development) referral to the Town Board for their approval due to the lack of lot width. The engineering review letter revealed items that need to be addressed and reflected in the drawings before this project can move forward.

Because of the time (it not being 8:00 p.m. for the public hearing notice), a discussion was held with Ed Colello, the Chairman of the Zoning Board of Appeals regarding policy, procedures, referrals, etc. Mr. Colello started out by stating that his Board is a group of well informed residents, 3 of which are attorneys with experience in land use. There are 5 criterion the ZBA uses in their decision making process of whether to grant or deny relief requested by an applicant. Their most popular variance requested is an area variance, mostly for residential expansions of decks, additions, etc. as well as in commercial applications for additional square footage. The other type of variance (and far less requested and granted) is a use variance, which to date; only 2 have been granted in Mr. Colello's 18 years as a member of the ZBA. Then, there was a discussion regarding the timing in the process by which an applicant should go to the ZBA as far as it relates to the site plan review. It is Mr. Colello's

opinion that if an applicant knows they need variance(s), they should appear before his Board sooner rather than later because if the applicant goes through the planning process and are at the end, then go to the ZBA for variances, if they don't get their variances, then the applicant will have spent a lot of money going through the process, only to be denied by the ZBA; thereby not having a viable project. There are two ways an applicant can "get" to the ZBA. The first of which is through a denial from the Building Department which would prompt the applicant an entry to the ZBA; or a referral from the Planning Board when the applicant has gotten towards the end of the planning process and seeks relief so that Planning Board approval may be granted once the ZBA variances have been granted. In conclusion, there is room for improvement as far as communication between the Boards. More effort will be put into letting the Planning Board know when variances have been granted due to the fact that the ZBA meets on the third Monday of every month and the Planning Board meets generally on the second and fourth Monday of the month. This will help the Planning Board in their decision making process.

A motion to accept the minutes of the 11/26/07 meeting was introduced by Boardmember Wissel, seconded by Boardmember Armstrong and passed 4-0 in favor, 1 absent.

A motion to accept the minutes of the 12/10/07 meeting was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

A motion to accept the minutes of the 1/28/08 meeting was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 5-0 in favor, 1 abstention, 1 absent.

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

February 15, 2008
L.F.