

Planning Board Minutes 02/25/08

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TOWN OF SOUTHEAST PLANNING BOARD MINUTES FEBRUARY 25, 2008

Present: Chairman Tom LaPerch; Boardmembers Dan Armstrong, Phil Wissel, David Rush, James DiBella, Edwin Alvarez, Dennis Sullivan; Town Planner Ashley Ley; Wetlands Consultant Don Cuomo; Secretary Laurie Fricchione

PUBLIC HEARING:

1. **ONE GENEVA ROAD SITE PLAN, Terravest Park** – This project was on the agenda for a Site Plan, SEQRA & Wetlands Permit Public Hearing. Mike Irwin of BVH appeared before the Board on behalf of his client. Proposed is the construction of a 33,000 square foot office/warehouse building, which will require a Special Use Permit from the Town Board. It is a flexible building, meaning it could have 2, 3, or 4 tenants. This project will also need one variance from the Zoning Board of Appeals, for setback relief. In the audience, Cathy Croft asked what type of septic system there will be. This project will be connected to the existing wastewater treatment plant; not a septic system. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor. A resolution for the [Negative Declaration] Determination of Significance was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 7-0 in favor. The referral to the Town Board for the Special Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor. The referral to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor.

2. **PUTNAM PRECISION, Danbury Road** – This project was on the agenda for a Site Plan, SEQRA & Wetlands Permit Public Hearing. Peder Scott appeared before the Board on behalf of his client. Proposed is the expansion of an existing building to accommodate equipment in this manufacturing facility of surgical instruments. There was a discussion as to whether this was a limited impact as far as the expansion of the pre-existing, non-conforming use. Mr. Scott informed the Planning Board that the ZBA stated this action does not meet the threshold of an expansion of a non-conforming use and therefore does not require a variance from §138-11C (expansion of a non-conforming use). In any event, it is within the Planning Board's discretion as to whether any project is deemed a "limited change" as far as its pre-existing, non-conforming status is concerned. Mr. Scott informed the Board that there is a net increase of 4.5% in building coverage as far as this expansion of the building goes. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 7-0 in favor. The resolution for the [Negative Declaration] Determination of Significance was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor. The referral to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor.

REGULAR SESSION:

1. **ENVIROSTAR, Fields Lane** – This item was on the agenda for a Declaration of Lead Agency for purposes of SEQRA as well as to set a public hearing date. Daniel Hollis, Esq. appeared before the Board on behalf of his client. The resolution for the Declaration of Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor. The motion setting 3/24/08 for the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor.

2. **TREMBLAY SITE PLAN, Branch Road** – This item was on the agenda for continued preliminary review. Peter Tavino appeared before the Board on behalf of his client. This property is comprised of numerous tax lots that have different businesses, some of which use and share other parcels' parking areas. There was a tremendous amount of confusion regarding the definition of outside storage, parking of tractor trailers in excess of 3 days, what is permitted by virtue of being pre-existing, non-conforming, Conservation Commission documentation, etc. Chairman LaPerch requested that Mr. Tavino submit some proof that a wetlands permit was issued. Mr. Tavino will be submitting the requested documentation in the near future.

3. **PEGASUS THERAPEUTIC RIDING, INC.** – This item was on the agenda for a discussion regarding the possible modification in the location of the proposed outdoor riding ring. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. Ms. Ryan informed the Board that her clients wish to cover their proposed outside ring and have it be 100 feet from the setback, but it would encroach on the setback requirements, which is 150 feet in an equestrian use. There is, however, a section in the regulations under §138-63E which would give the Planning Board the authority to allow such a change for the structure to be closer to the setback, so long as the applicant installed screening to create a visual buffer to neighboring parcels. The applicant would not have to appear in front of the Zoning Board of Appeals for relief in this particular instance. Chairman LaPerch was concerned about the timing of this amendment and how it affects the stormwater calculations. Ms. Ryan stated that she was simply looking for feedback from the Board whether they were receptive to the idea and then she would submit updated calculations for this added impervious surface which will be reviewed by the Town Engineer who will advise the Planning Board. Due to the fact that the Board feels this is a significant change and that neighboring property owners need to be aware of this change, it was suggested that a public hearing be held so that they may be informed of this change. As such, a motion to set 3/24/08 for the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

4. D'UVA SITE PLAN, Fields Lane – This item was on the agenda for continued review as well as to discuss the wetlands permit situation and new information submitted by the applicants' wetland consultant. Theresa Ryan of Insite Engineering as well as Michael Liguori, Esq. of Hogan & Rossi appeared before the Board on behalf of their clients, the D'Uva's. Proposed is the construction of 2 office buildings on two separately deeded contiguous tax lots. Mr. Liguori went through the history of this project as far as extensive review, the SEQRA process, the Conservation Commission being disbanded in between the Planning Board referral to them and the issuance of a Wetlands Permit. Now, the status of the project is that with the Town Board having a wetlands consultant, Don Cuomo, review this project, it is his opinion that there will be extensive wetland incursion with both buildings and suggests that only one building be proposed that will significantly reduce the amount of negative impact to the wetlands and the buffer. As such, the Planning Board referred this project with a negative recommendation to the Town Board for their consideration of a wetlands permit. The purpose of this project appearing on this agenda was to give the applicant's independent wetlands consultant, Beth Evans, a chance to speak to the Board and show how, in her opinion, the construction of both buildings will not have as extensive a negative impact on the environment as Mr. Cuomo suggests and also will mitigate possible negative impacts through the implementation of proper stormwater management practices. Ms. Evans went through a presentation and the reasoning behind her professional opinion that there will be no significant adverse impact with both buildings. Mr. Cuomo stated that he would like to see only one building in an effort to save wetland and wildlife habitat. Ms. Evans stated that this property supports very few wetland dependent wildlife species and that the property does not provide a breeding habitat for amphibians or reptiles. After more discussion, it was the consensus of the Board that the negative recommendation to the Town Board for the Wetlands Permit be rescinded and that a new referral to the Town Board with a positive recommendation be forwarded to the Town Board. Since there are now 3 new Boardmembers from the time the first recommendation was made, they were not able to vote; so a motion to refer this project to the Town Board to rescind the original [negative] recommendation was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 4-0 in favor. This item will be placed on the March 10, 2008 agenda for a referral to the Town Board for a recommendation of a wetlands permit which reflects changes that have been made and clarification regarding mitigation to adverse environmental impacts.

5. HARDCRABBLE TENNIS CLUB AMENDED SITE PLAN – This item was on the agenda for a review of the submitted lighting plan as well as to receive Final Amended Site Plan Approval. Michael Liguori, Esq. of Hogan & Rossi appeared before the Board on behalf of his client. The resolution granting approval was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor.

6. ELK'S CLUB BPOE #2101, Route 22 – This item was on the agenda for preliminary review, to commence the SEQRA process with the Intent to Declare Lead Agency as an unlisted and coordinated action, and finally, to set a public hearing date. Terri-Ann Hahn of LADA appeared before the Board on behalf of her client. Proposed is the expansion of this existing site in an effort to bring it up to code and improve the exterior façade with landscaping and parking. The resolution for the Declaration of Lead Agency as an unlisted, coordinated action was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor. The motion to set 3/24/08 for the public hearing was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 7-0 in favor.

A motion to accept the minutes of the 2/11/08 Meeting was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor, 1 abstention [Boardmember Sullivan].

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

March 10, 2008

L.F.

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