

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
MARCH 24, 2008**

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

PUBLIC HEARINGS:

1. ENVIROSTAR, Fields Lane – This item was on the agenda for Amended Site Plan and SEQRA public hearing. P. Daniel Hollis, Esq. and Tim Allen of Bibbo & Associates appeared before the Board on behalf of their clients. Proposed is the legitimization of a covered parking structure that was installed on the back of the applicant’s existing building without the benefit of a building permit which resulted in the issuance of a zoning violation. The covered structure to park the business vehicles is approximately 1,100 square feet. Also, this addition will require a rear yard setback variance from the Zoning Board of Appeals. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 7-0 in favor. The resolution for the Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-1 [Wissel] in favor. The referral to the ZBA for the rear setback variance was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 6-1 [Wissel] in favor.

2. PEGASUS THERAPEUTIC RIDING, INC., Peach Lake Road – This item was on the agenda for a proposed site plan change to improve the operation of the applicant’s business. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. Proposed is a roof addition to an outdoor riding ring to protect both the clients and horses from weather elements. As a result of the proposed roof covering, drainage calculations will change due to increased impervious surface and the resultant runoff. The engineer’s review letter revealed that the stormwater drainage calculations are capable of handling this additional runoff. Also, Ms. Ryan stated that her client wished to add two run-in sheds for the horses that are in the open meadow. In the audience, Cathy Croft asked what the height of the roof was; it is 18 feet and will be finished off with asphalt shingles. Harold Lepler asked what the clear height was; 16 feet. Margaret Flannery stated that Pegasus was not a very good neighbor in the sense that the Vail’s Grove Cooperative which is where she lives receives untreated runoff that flows directly into the stream that discharges into Peach Lake. Ms. Ryan responded that runoff concerns have been addressed numerous times in letter form and the site’s stormwater management drawings and calculations have met with the approval of the DEP, DEC as well as the Town Engineer. She also stated that once site plan approval has been granted, the proposed detention basin will capture and treat runoff before it leaves the site. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor. At the end of the meeting, Ms. Ryan wished to approach the Planning Board to inquire about their decision regarding §138-63E, language in our zoning code which discusses buildings in equestrian uses and allowing them to be closer to the setback than is required if the Planning Board feels, in their judgment, there are sufficient buffers of any adjacent property owners. The motion to grant this waiver to the applicant was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 5-1 [Wissel] in favor, 1 absent. [Armstrong]

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3. ELK’S CLUB BPOE #2101, Route 22 – This project was on the agenda for Amended Site Plan and SEQRA public hearing. Terri-Ann Hahn of LADA appeared before the Board on behalf of her client. Proposed is the addition of approximately 3,400 square feet onto an existing building which also will bring the structure into Building Code compliance and allow more space for the members to conduct meetings and host recreational functions. Ms. Hahn submitted a letter from the Putnam County Health Department indicating that the proposed additions will not negatively affect the existing septic system and that the capacity will not be exceeded. In the audience, Cathy Croft asked about the HVAC units; they will be in the attic space of the building. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 7-0 in favor. The resolution for the Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-1 [Wissel] in favor. The referral to the ARB was introduced by Boardmember Armstrong, seconded by Boardmember Sullivan and passed 7-0 in favor.

REGULAR SESSION:

1. CERLICH RESUBDIVISION LOT #5, Pine View Estates – This item was on the agenda for continued review. Harry Nichols appeared before the Board on behalf of his client. Proposed is the re-subdivision of Lot 5 of Pine Ridge Estates which is approximately 22 acres in size into two lots. This application will need to be granted Open Development status (or 280a) from the Town Board due to the lack of road frontage. The engineering review letter revealed minor comments. Mr. Cuomo requested that Mr. Nichols hire a soil scientist to determine the type of soils present in the buffer of the proposed detention pond and flag the boundaries of the differing soil types. It is Mr. Cuomo’s opinion that detention ponds should be treated as wetland features. He stated that there is Ridgebury Loam soil in the vicinity of the eastern portion of the pond which is considered a wetland soil. Mr. Nichols stated that the pond is out of the buffer area despite the Ridgebury Loam soil present and questioned the necessity of a wetland permit.

2. 100 EXECUTIVE DRIVE, Route 312 – This item was on the agenda for preliminary review as well as to commence the SEQRA process with the Intent to Declare Lead Agency. Mike Irwin of BVH appeared before the Board on behalf of his client. Proposed is the construction of a 3-story medical office building with associated parking in the vicinity of the existing “green glass” office building on Route 312. There was a lengthy discussion regarding drainage control and the improvements proposed. There also was a lengthy discussion regarding Part 3 of the EAF, pertaining to traffic flow. Michael Galante of Frederick Clarke & Associates went through traffic counts and will be submitting a more detailed report to comply with the EAF’s Part 3. The resolution for the Intent to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 6-0 in favor, 1 absent. [Armstrong]

3. TWO STARR RIDGE ROAD CORP., Starr Ridge Road – This item was on the agenda for sketch review of a proposed 14,000 square foot, 2 story office building. Don Rossi, Esq. and Joe Buschynski of Bibbo Associates appeared before the Board. The site is in the vicinity of the entrance to the Sheet Metal Worker’s Union. The building is proposed to be as far back on the site because there are no rear yard setback requirements due to the property abutting I-84 in the back. Mr. Rossi stated that there are no on-site wetlands, but there are wetland flags present beyond the lot

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line on a neighboring piece of property. There are 56 parking spaces provided; 8 additional spaces are depicted for future expansion. Ms. Ley asked if there were any way the parking, which is depicted on the front of the building at present, can be put behind the building in an effort to be more visually pleasing.

4. TREMBLAY SITE PLAN, Branch Road – This project was on the agenda for a Determination of Significance for purposes of SEQRA and a Referral to the Zoning Board of Appeals for Use Variances. Peter Tavino appeared before the Board on behalf of his client Mr. Tremblay in addition to his attorney, Liz Hudak, Esq. Also in attendance was Charles Tessmer, the Zoning Enforcement Officer. Ms. Ley started out by informing the Board a brief history of this property which entails five separately deeded lots and the uses and approvals that were granted in the past. Lots 6 and 7 had received approvals back in the early 1980's for businesses under the name of Tremson Corp. Lot 5 is the former site of the restaurant that burned down in approximately 2003 and it is Mr. Tavino's opinion that even though the lot is now vacant, it can still be used for parking of trucks and equipment relative to the other businesses on adjacent sites when in fact the Town Code reads that parking is an accessory use to a principal use. Since there is no principal use on Lot 5, you cannot use it for parking purposes because that is considered outside storage, (which is not allowed in the GC-2 Zone) not parking. On Lot 9, parking is proposed for the vehicles associated with Lots 6 and 7 which as in the case of Lot 5, would require a variance from the ZBA for outside storage. On Lot 10, a wood splitting operation is proposed which would also require both a use variance for light manufacturing as well as a variance for outside storage. Also on Lot 5, there is a stream running through the property which would require a wetlands permit. Then, Mr. Tessmer stood in front of the Board basically in agreement with all the statements Ms. Ley made. He stated that because this is a project involving 5 separately deeded lots, each lot should be pursuing an individual amended site plan approval and not overlap uses of any particular lot on other lot(s). Mr. Tessmer stated that there are storage containers present on one Lot 6, which are no longer allowed and the applicant received a violation for it. Among other violations, there are no tenant c/o's for multiple businesses; unregistered, vehicles parked on some of the lots and expansions of non-conforming uses. Three actions were taken on this project: the first is a Declaration of Lead Agency which was introduced by Boardmember Wissel and passed 7-0 in favor. The second action was a Negative Declaration which was introduced by Chairman LaPerch, seconded by Boardmember DiBella and passed 6-1 [Sullivan] in favor. The third action was the referral to the Zoning Board of Appeals for the following: Lots 5, 9, and 10 for use variances for outside storage; Lot 10 also for a use variance for light manufacturing. The referral (for the ZBA variances) was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

A motion to accept the minutes from the 3/10/08 meeting was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 5-1 [Sullivan] in favor, 1 [Armstrong] absent.

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

March 31, 2008

L.F.