

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES
MARCH 28, 2005**

Present: Chairman George Rohrman; Boardmembers Dan Armstrong, Mike Manteo, David Rush, Phil Wissel, Chuck Tessmer, Tom LaPerch; Town Planner Graham Trelstad; Town Counsel Tom Jacobellis; Secretary Laurie Fricchione

WORK SESSION:

1. 16 MT. EBO ROAD SOUTH – This item was on the agenda for a discussion of interior renovations to the building and the multiple tenants occupying it, the majority of whom do not have Tenant Certificate of Occupancies. Michael Liguori, Esq. of Hogan & Rossi appeared before the Board on behalf of the owner of the building, Peter Gamar. It was the Code Enforcement Officer's opinion that it was a change of use from the originally approved site plan because approval was granted for occupancy with no specific tenant under a permitted use for the zone. Now that there are multiple tenants, a question was raised as to whether these individual tenants fall under the permitted use category for the zone (not needing a Change of Use Approval from the Planning Board). It was the Planning Board's consensus that it need not be involved with individual tenants of any building except if a prospective tenant wants to conduct a business different from the previous tenant and needs to seek a Change of Use approval. After that, the applicant would secure a tenant certificate of occupancy from the Building Department. A letter to this effect will be sent to the Zoning Enforcement Officer.

2. DURKIN WATER CO. AMENDED SITE PLAN, Fields Lane – This item was on the agenda for a discussion regarding outside storage as an accessory to a permitted use and was represented by Theresa Ryan of Insite Engineering and Michael Liguori, Esq. of Hogan & Rossi. Durkin Water Co. will be leasing office space to two other businesses and they will each have space to park their trucks on site. The Planning Board was assured by Mr. Liguori that the Zoning Enforcement Officer and/or the Building Inspector is more than welcome to verify the office set-up, complete with a desk, office equipment, phone(s) and someone there during normal business hours. Durkin Water Co. was put on the April 11, 2005 agenda for Final Site Plan Approval of their water tower (previously approved but never built) and the accessory uses for the other businesses at the site.

PUBLIC HEARING:

1. ALCON, LLC – Fields Lane – Representing this project was Theresa Ryan of Insite Engineering and Richard O'Rourke, Esq. of Keane & Beane. Ms. Ryan explained to the audience that Mr. Alfredo, the owner/applicant, wishes to construct a 2-story, 14,000 square foot building (office/warehouse) for his landscaping business. Mr. O'Rourke started out by stating his name and that he represented the applicant in this proposed project. There was a sheet of photographs depicting where the site was located from different vantagepoints. It is off Field's Lane on an existing driveway immediately adjacent to Sutton Place, north of the Ice Arena, with I-684 due west. The size of the property is 6.45 acres in an OP-1 Zone. The applicant proposes to remove the existing residence and accessory structures and construct a 14,400 square foot building. The minimum lot size required is 120,000 square feet; the lot is 280,000 square feet. Maximum permitted floor area on the property is 140,000 square feet; proposed is 14,000 square feet. The maximum permitted ground coverage is 70,000 square

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feet; proposed is 9,600 square feet of warehouse and 1,200 square feet of office and 1,200 square feet of retail display. Permitted as of right is 14,448 square feet of outside storage; proposed is 28,840 square feet which would require a referral to the Zoning Board of Appeals for that outside storage variance. No Boardmembers had any questions or comments, so Chairman Rohrman asked the audience if anyone had any comments or questions. Ann Beall of North Salem Road asked about access to this property. She was informed that access would be through Sutton Place. Lynne Eckhardt asked why the applicant needed to go before the Zoning Board of Appeals. The answer was for a variance with respect to the outside storage. She then asked if retail was permitted or needed a special permit by the Town Board. Ms. Ryan stated that this application needs to be referred to the Town Board for a Special Permit to have an office/warehouse. Mr. Jacobellis informed everyone that retail is an accessory use in the OP-1 Zone. Ms. Eckhardt asked if there were any wetlands present on the site and the answer was no, there are no wetlands. Next, she asked about outside storage numbers. Ms. Ryan reiterated the proposed square footage needed as well as the amount of square footage allowed. Ms. Eckhardt then commented to the Planning Board, "I think this is the fourth landscaping concern and I could be wrong; it could be the fifth that is proposed or has been permitted on Fields Lane zoned OP-1 and I do have a problem with that. I just think it is excessive. This was really supposed to be much more corporate and it's turning into kind of a catch-all for almost everything and it looks like a nice plan...at least there are no wetland buffer incursion which we're really happy about. I just would like to mention that to the Board." Ann Beall asked how many stories the building was proposed to be; 2. What exactly was going to be on site as far as materials? There will be topsoil, stone, and other landscaping materials. She asked about the hours of operation. Chairman Rohrman responded that as this project got further along in the approval process, the hours of operation would be limited to something conventional. Ms. Beall asked how many trucks the applicant had and what their sizes were and how many trips will be taken during the course of their business day. Mr. Alfredo stated that this is something that would have to be analyzed, as there would be a different number of truck trips on any given day. There occasionally would be a tractor-trailer truck delivering materials. Ms. Beall expressed concern regarding how close this property was to a residential zone and how it may negatively affect surrounding residential neighbors. Kevin Beall appealed to the Board regarding the buffer between commercial and residential property and how it perhaps should be increased. Chairman Rohrman responded that the Board must follow the regulations as they are written today, but until the Town Board enacts a change to the zoning regulations, this is the way it has to be. Ms. Eckhardt asked if plant material was going to be sold at this site and if so, would it be wholesale or retail. Mr. Alfredo responded that the majority of materials sold would be wholesale. Retail sales would be as a result of a customer coming to the site to view the different varieties of plant materials and perhaps purchasing for their home landscape. Ms. Beall asked if everyone was sent a public hearing notice just as she had received and was surprised to find out that no one else had come to this meeting to voice their opinion about this project or ask questions as far as the extra truck traffic that would be generated on Sutton Place. There being no further questions or comments from the audience, a motion to close the public hearing was introduced by Boardmember LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor. Chairman Rohrman reminded that if anyone had a question or comment to make regarding this project, to please forward them to the Planning Board who would then submit to the applicant's engineer for response.

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REGULAR SESSION:

1. LANDAU SUBDIVISION, Joe's Hill Road – This item was on the agenda for a Declaration of Lead Agency and to set the public hearing date. Theresa Ryan of Insite Engineering and Richard O'Rourke appeared before the Board on behalf of their clients, the Landaus. There was a discussion regarding the layout of the proposed driveways for Lots #1 and #2. The engineering review letter reveals (after a site walk was conducted) the placement of the driveway for Lot #2 would necessitate the removal of many large trees, the disturbance of an existing stone wall in good condition and involve a wetland crossing. Also it appears that the proposed curb cut along Joe's Hill Road is not in the most desirable location. One suggestion was made regarding having a shared driveway between Lots #1 and #2 so as to reduce the impervious surface area and not disturb the stone wall and the removal of the trees. Ms. Ryan described a different access for Lot #2 that would entail a driveway between two wetland buffers which would result in trees not needing to be cut or the stone wall being disturbed. This would mean getting a 280-a open development designation for Lot #2 because it would no longer have the required road frontage. A new plan will be drafted reflecting the changes discussed for submission to Mr. Trelstad and Mr. Fenton by April 1, 2005. Once the drawing is deemed satisfactory, it will be submitted to the Planning Board by April 15, 2005 for inclusion in the file with time to be viewed by anyone who wishes to do so before the Public Hearing. A resolution for the Declaration of Lead Agency for purposes of SEQRA was introduced by Boardmember Armstrong, seconded by Boardmember LaPerch and passed 7-0 in favor. A motion to set April 25, 2005 for the public hearing date was introduced by Boardmember Manteo, seconded by Boardmember LaPerch and passed 7-0 in favor.

2. SLS RESIDENTIAL, INC., Route 6 – This item was on the agenda for a sketch review of the site plan and was represented by Pina Lita, Esq. of Sayegh Law Firm, attorneys for the applicants. Also representing this project is Theresa Ryan of Insite Engineering as well as Joe Sinisi of Mission Arts Design Group. SLS Residential is a private for profit health corporation regulated by the State of New York and specializes in treating various psychological disorders including depression, anxiety, eating disorders, obsessive compulsive disorders. There are two existing buildings on the property. Up to 15 residents are boarded in their own apartments. The SLS facility at Tonetta Lake as well as the Huestis Road facility will be consolidated into this property at Route 6 and Putnam Avenue. Ms. Ryan stated that the property is approximately 16 acres in size in the R-20 Zoning District, which permits convalescent/nursing homes via a special use permit. There is already a curb cut on Route 6 that will serve as the primary access with an emergency gravel drive access off Putnam Avenue. There will be a drilled well for the facility and the applicants are in possession of a letter from the Brewster Heights Sewer District that they may tie into the system with some improvements. Also, there are plans for the front portion of the property to be used for the Putnam County Bike Path for which there is an existing easement. Mr. Sinisi made a power-point presentation of an aerial view of the proposed buildings, complete with elevations and architectural style and coloring.

3. FOX LANE SUBDIVISION and SITE PLAN, 11 Fields Lane – This item was on the agenda for a Declaration of Lead Agency for purposes of SEQRA and to set a public hearing date. Harry Nichols appeared before the Board on behalf of his clients. A resolution for the

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declaration was introduced by Boardmember Wissel, seconded by Boardmember Tessmer and passed 7-0 in favor. A motion setting April 25, 2005 for the public hearing date was introduced by Chairman Rohrman, seconded by Boardmember Wissel and passed 7-0 in favor.

4. PALAZETTI OFFICE/WAREHOUSE, Hardscrabble Heights Drive –This item was on the agenda for Final Site Plan Approval and was represented by Harry Nichols. The resolution granting Site Plan Approval was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 7-0 in favor.

5. JNR HOLDINGS, LLC, 2469 Route 6 – This item was on the agenda for a review of the Change of Use Site Plan and was represented by Vincent Franz of Franz & Franze Architects. The property next to the green cabins was most recently used as storage for Respiratory Specialists and before that, a flower shop. The proposed use is a medical office. There are no changes proposed to the outside of the building or the parking. In this GC-1 Zone, each of the uses (one for the medical office structure) and the other for the residential pre-existing, non-conforming structure must be principal permitted uses. If the existing residence were to be changed to a principal permitted use (personal services, professional services, office, or restaurant) then the applicant can move forward in this change of use application.

6. ENVIROSTAR VENTURES, LLC, Fields Lane –This item was on the agenda for a SEQRA Determination and was represented by Tim Allen of Bibbo & Associates as well as Dan Hollis, Esq. of Shamberg Marwell Davis & Hollis. There was a concern raised at the last meeting pertaining to the height of the stockpile of clean material and how it was visible from Fields Lane. After that meeting, the applicant decided to lower the pile of material so as not to make it visible. It was also taken out of the side yard setback, which would have necessitated a referral to the Zoning Board of Appeals for a variance but no longer does. A resolution to designate this project as a Type II Action was introduced by Chairman Rohrman, seconded by Boardmember Armstrong, and passed 7-0 in favor. This project has been placed on the April 11, 2005 agenda for Final Site Plan Approval.

7. CAMPUS AT FIELDS CORNERS – This item was on the agenda for a review and approval of the amended Subdivision and Re-subdivision Plat and was represented by Michael Zarin, Esq. of Zarin & Steinmetz, attorneys for the applicants. As a result of the New York State Department of Environmental Conservation's Public Hearing, one of the conditions for their approval is that the New York State Historical Sites Commission conduct a site walk to see if there are any items on the property with any historical value. This site walk would not be able to be conducted until later on in the spring once all the snow has melted. Since the applicants are under a restrictive time period in which their approval will expire in April, new plans showing some lot line road layout changes were submitted for review and approval by the Planning Board. The resolution for the above approval was introduced by Boardmember LaPerch, seconded by Boardmember Armstrong and passed 7-0 in favor.

A motion to accept the minutes from the last meeting was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 5-0 in favor, 2 abstentions.

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

*******ADDENDUM TO MINUTES*******

With regard to the Landau Subdivision:

On March 29, Theresa Ryan called to inform the Southeast Planning Board that the April 25 Public Hearing date posed a conflict for both her and Richard O'Rourke, Esq. as they had a prior appearance scheduled at the Pawling Planning Board that requires their presence. The Public Hearing date was postponed to May 9, 2005. The drawings that were supposed to be submitted to Mr. Trelstad and Mr. Fenton on April 1 will now be submitted by April 8 and will be in the Planning Board file by April 22.

4/8/05/L.F.