

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES
AUGUST 8, 2005**

Present: Chairman George Rohrman; Board members Tom LaPerch, Chuck Tessmer, Dan Armstrong; Town Planner Siobhan O’Kane; Town Counsel Tom Jacobellis, Esq.; Secretary Laurie Fricchione. Board members Mike Manteo, David Rush, Phil Wissel were absent and excused.

PUBLIC HEARING:

1. MT. EBO CORPORATE PARK LOT #6 –This project was represented by Terri-Ann Hahn of LADA, Harold Lepler of Covington Management, Donald Rossi, Esq. of Hogan & Rossi, Kathy Rubin of Wilder Balter Partners, Michael Giardino of Element Designs and Joe Buschynski of Bibbo & Associates. This property is 29.02 acres in size located at the end of Mt. Ebo Road North going towards the Putnam Nursing & Rehabilitation Facility. The proposed project involves a market-rate, 168-unit senior housing complex consisting of six freestanding buildings for the residences and 1 separate clubhouse building. There will be one parking space provided for each unit under the buildings as well as another parking space outside in the parking area provided. Traffic Impact Statements have been submitted on at least 3 different times at various phases of building, the most recent of which is for this project. This project will need to secure a Special Use Permit from the Town Board. In the clubhouse, there will be medical offices strictly for the residents as well as an exercise room, social/gathering room and conservatory. All buildings will have elevators to be compliant with Type “B” ADA standards with all rooms being able to be retrofitted in case a resident needs a higher level of handicapped accessibility as far as grab bars in the bathrooms, etc. Two percent of the units will be built to be fully compliant for handicapped accessibility. All units will have two bedrooms and will be approximately 1,200 square feet in size. The following people in the audience asked questions and/or had comments: Rosemary Martin, Tom Hofer, Dominick Sera, Fred Newman, Mildred Nugent, Ken Johnson, Cherie Ingraham, Lynne Eckhardt. Ms. Martin who resides in Fieldstone Pond asked about traffic and was concerned about the added traffic volume, and about the odors emanating from the sewage treatment plant, asking if that issue could be addressed as it poses a quality of life issue. Mr. Buschynski answered that as part of the NYCDEP’s as well as the NYSDEC’s required upgrades of the wastewater treatment plant, odor control measures will be instituted as part of the upgrade. Mr. Hofer asked if the sewage odor problem be rectified (to the point where there is no odor for at least 1 year) before this project moves forward. Chairman Rohrman stated that there are no regulations requiring what Mr. Hofer suggests. Mr. Sera (who is the president of the Fieldstone Pond HOA) asked for information regarding what measures will be taken to address and correct the odor issue and share it with the homeowners of Fieldstone Pond. Mr. Sera also asked about traffic accidents at Old Doansburg’s intersection with Route 22. Mr. Newman asked about the square footage of the units and sewage requirements for them. As mentioned before, the units will be approximately 1,200 square feet. Even at full build-out, the sewage generated will be far less than the excess capacity existing at the treatment plant. Ms. Nugent was concerned about added car travel that would be brought on by this development and asked if there was going to be another light placed at Old Doansburg Road and Mt. Ebo Road South, some 800 feet away to the west of the light that is going to be placed at the intersection of Mt. Ebo Road North and Old Doansburg Road. The answer was no; only the light at the latter intersection. Ms. Nugent asked about the letter written to the Planning Board upon receipt of this project’s Intent to

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Declare Lead Agency for purposes of SEQRA and had a question about amounts of impervious surfaces. Mr. Johnson asked about the possibility of these units reverting back to non age-restricted status. Mr. Rossi assured him that in the Fair Housing Act, there is an exemption where you can discriminate against people younger than 55 by making certain housing communities age restricted and by complying with this exemption, at least 80% of its occupants must be age 55 or above. The other 20% allows for a spouse who might not be age 55 or above to reside in an age restricted community with someone who is over age 55. The Declaration of Covenants and Restrictions that will be filed with the Putnam County Land Records Division will clearly contain all rules and regulations referring to age restricted senior housing communities. Ms. Ingraham asked about building safety as far as elevators, access stairs, etc. Ms. Eckhardt asked about the square footage of each building; the footprint of each building is approximately 75' x 190' and then Ms. Eckhardt asked what the price of these units will be; in the high \$200,000's. Mr. Hofer suggested that perhaps there should not be a light at the intersection of Old Doansburg Road and Mt. Ebo Road North. A motion to close the public hearing was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 4-0 in favor, 3 absent. Chairman Rohrman reminded the members of the audience that there is a 10-day comment period within which to submit letters and or comments to the Planning Board to be made a part of the file.

REGULAR SESSION:

- 1. HIGH MEADOW FARM, Welfare Road** – This item was on the agenda for a continued subdivision review and was represented by Harry Nichols. Previous review comments from the Town Engineer have been responded to and are reflected in the latest submitted drawings. Once the applicant has received the approval from the Conservation Commission, final drawings may be submitted for review and eventual approval.
- 2. FOX LANE SITE PLAN, Fields Lane** – This item was on the agenda for Final Site Plan Approval and was represented by Harry Nichols. An item in the Town Engineer's review letter revealed that this application must be referred to the Town Board for a Special Use Permit for light manufacturing due to the boat building business being proposed. A motion for this referral was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 4-0 in favor, 3 absent.
- 3. PENNELLA, LLC SITE PLAN, Fields Lane** – This item was on the agenda for continued sketch review and was represented by Jay Fain & Associates. Mr. Fain was informed that once a set of preliminary drawings are submitted, then the SEQRA process can begin with referrals to the Town Board for Special Use Permit, the Conservation Commission and ARB.
- 4. PICARELLA STORAGE, Tonetta Lake Road** – This item was on the agenda for a referral to the Town Board for the release of this project's performance bond. A motion to refer this matter was introduced by Boardmember Armstrong, seconded by Boardmember Tessmer and passed 4-0 in favor, 3 absent.

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- 5. ROUTE 6 BUSINESS PLAZA, Route 6E/Danbury Road** – This item was on the agenda for site plan sketch review and was represented by Joe Buschynski of Bibbo & Associates. This project involves a 1.8 acre parcel of vacant land on the east end of Route 6 near the state line proposed to have a 10,000 square foot retail/office building with 45 parking spaces. Due to the unique configuration of the parcel, the parking setback in the front is well into the access drive. There is a slight infringement of the parking setback in the back of the building. Mr. Buschynski was looking for direction from the Planning Board as to how to proceed and inquired if they needed to go before the Zoning Board of Appeals. Ms. O’Kane was instructed by Chairman Rohrman to look into it. This project was placed on the next available agenda for further discussion.
- 6. VITA SUBDIVISION, Brewster Hill Road** – This item was on the agenda for Conditional Final Subdivision Plat Approval and was represented by Rob Cameron of Putnam Engineering. Once the Planning Board is in receipt of the well & septic approval from the Putnam County Health Department (which is expected by the end of August), Chairman Rohrman will sign the mylar so that it may be filed with the Putnam County Division of Land Records. A motion to grant Conditional Final Subdivision Approval was introduced by Chairman Rohrman, seconded by Boardmember Tessmer and passed 4-0 in favor, 3 absent.
- 7. ROOT AVENUE SUBDIVISION, Root Avenue** – This item was on the agenda for Preliminary Subdivision Review and was represented by Michael Liguori, Esq. from Hogan & Rossi as well as Dr. Paul Maus, the owner of the property. There is not going to be a Homeowner’s Association for this development; however, the cost of maintaining the detention ponds and the storm water management system will be equally borne by all of the homeowners via deed notes on the subdivision plat and governed by the NYCDEP’s guidelines. As far as the SEQRA process was concerned, there was a little confusion regarding where in the process this project was. Chairman Rohrman introduced a motion for the Intent to Declare Lead Agency, seconded by Boardmember LaPerch and passed 4-0 in favor. It was later discovered that in 2000, this project had gotten as far as having adopted a Negative Declaration, and in light of the fact that this subdivision was reduced by one lot, it would be less environmentally impactful and therefore Chairman Rohrman felt that the actions taken in the past do not need to be repeated. Mr. Liguori will now have his client submit drawings for Final Subdivision Approval for the Town Engineer to review and comment on.
- 8. GASLAND PETROLEUM, Starr Ridge Road & Route 6** – This item was on the agenda for amended site plan review and was represented by Rebecca Blahutn, Esq. of McCabe & Mack, counsel for Gasland. Concerns were raised as to tractor-trailers going into the gas station for diesel fuel. Chairman Rohrman suggested a height restriction bar be installed from the canopy to stop the 18-wheelers from fueling. Another suggestion was raised regarding the greenery (or lack thereof) that needs to be replaced and to submit a planting plan. Once all the items mentioned in the engineering review letter are taken care of as well as the two above mentioned items, the applicant may submit for final amended site plan approval.

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The minutes from the last meeting could not be voted on to accept because one of the members at this meeting was not present at the last meeting. It was deferred until the September 12th meeting.

A motion to close tonight's meeting was introduced by Boardmember Tessmer, seconded by Boardmember LaPerch and passed 4-0 in favor, 3 absent.

THESE MINUTES ARE STRICTLY A DRAFT UNTIL SUCH TIME AS THEY ARE VOTED UPON TO ACCEPT AT THE NEXT PLANNING BOARD MEETING.

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