

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
AUGUST 11, 2008**

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

**PUBLIC HEARINGS:**

- 1. DYKES LUMBER, Fields Lane** – This item was on the agenda for a SEQRA, Site Plan and Wetlands Permit Public Hearing. Joe Buschynski of Bibbo & Associates and Richard L. O’ Rourke, Esq., the applicant’s attorney, appeared before the Board to represent their client. Proposed is the construction of a 68,000 square foot building with 64 parking spaces to be used as an office/warehouse and showroom for display and storage of high-end custom millwork, cabinetry and window products. This project will also require a wetlands permit for activity in a wetland buffer. There was a question regarding the legality of an access easement and right of way to allow Dykes Lumber permission to cross over the land of others to get to their site. There also was an issue regarding the scope of the wetland area which will impact the scope of this project. Mr. Buschynski informed the Board that a revised wetlands permit will be submitted to address that issue. Victor Grossman, Esq., the attorney for Save Open Spaces (a neighbor of this site), spoke to the Board regarding access issues, easements and rights of way. He also mentioned possible negative impacts about drainage from the site to the Save Open Spaces site. The motion to continue this public hearing to September 8, 2008 was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 4-0 in favor, 3 absent.
- 2. R.D. BERCO OFFICE BUILDING, Route 6** – This item was on the agenda for a SEQRA, Site Plan and Wetlands Permit Public Hearing. Joe Buschynski of Bibbo & Associates and Michael Liguori, Esq., the applicant’s attorney, appeared before the Board to represent their client. There were some issues as far as the applicant needing to make an application to the DEP for a waiver to install an impervious surface within the 300-foot limiting distance of a reservoir, which decision will not be rendered until the Planning Board finishes the SEQRA process with the Determination of Significance. The applicant will also be submitting a revised wetland permit to address a wetland issue that was not addressed prior. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 3. BOROWICK SUBDIVISION, Foggintown Road** – This item was on the agenda for SEQRA, Subdivision and Wetlands Public Hearing. Richard L. O’Rourke, Esq., appeared before the Board to represent his client. Proposed is the re-configuration of a 64 acre parcel of property creating 3 tax lots; one of which presently has a home on it to be demolished and rebuilt with a pool and poolhouse. Of the other 3 lots, one will be created as a potential building lot and left undeveloped for purposes of this application. The motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 4. STATELINE RETAIL CENTER, Route 6** – This item was on the agenda for a continuation of the Site Plan portion of the public hearing opened on July 14, 2008 and to commence the subdivision and wetland permit portion of the public hearing. This public hearing was videotaped which will be aired on public access television and there was a court stenographer present who will submit a transcript to be made a part of the Planning Board file. The Environmental Impact Statement is still being reviewed by the professional consultants. Among the points discussed, the Planning Board asked the applicant to

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submit a 3-D rendering of the proposed project. Other points discussed were lighting, traffic and landscaping. All comments and questions will be responded to in the Final EIS.

**REGULAR SESSION:**

- 1. CERLICH RE-SUBDIVISION, LOT 5, PINE RIDGE ESTATES** – This project was added on the agenda before Item 2 below to set a date for the continuance of the public hearing that was held open on July 14, 2008, but not for a date certain. A motion to continue the public hearing to September 8, 2008 was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 2. ARBORSCAPE, Fields Lane** – This item was on the agenda for a referral to the Town Board for the establishment of a performance bond. The motion was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 4-0 in favor, 3 absent.
- 3. STRAZZA LOT LINE ADJUSTMENT, Doansburg Road** – This item was on the agenda for preliminary subdivision review, a request for waivers and a referral to the Town Board for a wetland permit. Theresa Ryan of Insite Engineering appeared before the Board to represent her client. The resolution granting Preliminary Subdivision Approval was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent. The motion granting a waiver for the submission of a tree and forest preservation plan was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent. The motion for the referral to the Town Board for a Wetlands Permit was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 4. DREWVILLE HEIGHTS AMENDED SITE PLAN, Route 6** – This item was on the agenda for a Declaration of Lead Agency for SEQRA purposes as well as to set a public hearing date. Rob Cameron of Putnam Engineering appeared before the Board on behalf of his client. Proposed is the demolition of the existing building to be replaced with a new structure to include a convenience store, which will require a Special Use Permit from the Town Board. The existing gasoline underground storage tanks will be replaced with new tanks. The resolution declaring the Town of Southeast Planning Board as Lead Agent was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 4-0 in favor, 3 absent. The motion setting September 8, 2008 for the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 5. NEW CINGULAR WIRELESS, PCS, LLC (AT&T), 300-310 Route 22** – This item was on the agenda for continued review, to commence the SEQRA process as well as to set a public hearing date. Lucia Chiochio, Esq. of Cuddy and Feder appeared before the Board on behalf of her client. The resolution for the Intent to Declare Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 4-0 in favor, 3 absent. The motion setting September 8, 2008 for the Public Hearing was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.
- 6. ACE ENDICO, International Blvd.** – This item was on the agenda for a referral to the Town Board for the final release of this project's performance bond. The motion was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 4-0 in favor, 3 absent.

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**7. 100 EXECUTIVE DRIVE SITE PLAN** – This item was on the agenda for continued review. Beth Evans from Evans & Associates appeared before the Board. Also appearing before the Board was Richard L. O'Rourke, the applicant's attorney as well as Harold Lepler of Covington Management. It is Ms. Evan's opinion that there are no wetland soils or wetland vegetation in a specific area approximately 200 feet x 20 feet wide that the wetland consultant contends there is. Ms. Evans stated she identified the area where Mr. Cuomo had dug test pits for wetlands, walked through it with her soils scientist and wetlands person, once in May and again in July and they all agree that the area Mr. Cuomo states is a wetland area is not a wetland, but that there is upland (non-wetland) vegetation present. In other words, there is no standing water, the soil was not saturated and the indicators of the fluctuating groundwater table that they saw was at a depth that was low enough that it would not trigger their interpretation as a wetlands. She does agree with the Mr. Cuomo that the soils are poorly drained, but in her professional opinion, does not qualify as a wetland soil or hydric. Chairman LaPerch stated that this matter is fully in the hands of the Planning Board who will make a final decision regarding the existence of wetlands as it relates to the Determination of Significance for purposes of SEQRA so that it may be referred to the Town Board for a Wetlands Permit.

**8. DYKEMAN'S CORPORATE PARK, Route 312** – This item was on the agenda for a referral to the Town Board for the establishment of a performance bond. The motion was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 4-0 in favor, 3 absent.

**9. BOROWICK SUBDIVISION, Foggingtown Road** – This item was on the agenda for a determination of significance for purposes of SEQRA as well as for a referral to the Town Board for a Wetland Permit. Richard L. O'Rourke, Esq. appeared before the Board on behalf of his client, Mr. Borowick. The Negative Declaration resolution was introduced by Chairman LaPerch, seconded by Boardmember Sullivan and passed 4-0 in favor, 3 absent. The wetland permit referral was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.

**10. CARVALHO CONSTRUCTION SITE PLAN, 3834 Danbury Road** – This project was on the agenda for sketch plan review. John Kellard of Kellard Engineering appeared before the Board on behalf of his client. Proposed is the construction of a 21,600 square foot building on approximately 22 acres. The use proposed (office/general business) is permitted by right; no special use permit required. There are no intentions of having outside storage. Parking will be provided for either on the side or in the back. There are two wetland areas on the site.

A motion to accept the minutes from the July 14, 2008 Planning Board meeting was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 4-0 in favor, 3 absent.

A motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 3 absent.

**August 18, 2008  
L.F.**