

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
AUGUST 13, 2007**

Present: Chairman Tom LaPerch; Boardmembers Dan Armstrong, Phil Wissel, David Rush; Town Planner Siobhan O’Kane; Wetlands Consultant Don Cuomo; Former Planning Board Chairman George Rohrman; Secretary Laurie Fricchione. Boardmember Mike Manteo was absent and excused.

REGULAR SESSION:

- 1. MAPLEWOOD NORTH GROUP SUBDIVISION** – This project was on the agenda to continue the Public Hearing noticed for and held on June 25, 2007. Joe Buschynski of Bibbo & Associates appeared before the Board on behalf of his client. Mr. Buschynski explained to the Board that due to the constraints of the slope of the land as it relates to the areas suitable to place retention basins, the DEC has indicated that more land is needed to make this project viable. As such, negotiations are underway to obtain more land from Green Chimneys either by an easement or ownership agreement. The Public Hearing will need to be re-noticed until such time as the negotiations bring about a resolution to the applicant’s situation.
- 2. EAGLES RIDGE CONDOS** – This item was on the agenda for a referral to the Town Board for the release of a current performance bond in place. The engineer’s letter indicated the bond could be released and as such, a motion to refer it to the Town Board was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.
- 3. GOLAY SUBDIVISION, Minor Road** – This item was on the agenda for a referral to the Town Board for the release of this project’s performance bond. Mr. Golay appeared before the Board on his own behalf. The engineering review letter revealed that the bond could not be released until such time as all the conditions in the final subdivision plat are satisfied; namely having the driveway of one of the subdivided lots blacktopped in its entirety. Mr. Golay was informed of this information and will return to the Planning Board once all the conditions are complied with and they meet with the approval of both the Town Engineer as well as the Highway Superintendent.
- 4. MORIARTY TREE SERVICE, Fields Lane** – This item was on the agenda for Preliminary Site Plan Review as well as to possibly commence the SEQRA process. Peder Scott appeared before the Board on behalf of his client as well as an attorney from Shamberg Marwell in Mt. Kisco. There are no DEC wetlands delineated on the property; therefore a permit is not required from them. There is, however, an unnamed tributary running along the back of the property. Proposed is a 2,400 square foot building with associated parking in the front. An area for mulch is depicted as the raw materials are gathered and grinded down into the finished product. There are three detention basins for stormwater treatment as well as swales to trap any mulch that might migrate from the mulch storage pile. In the back there is a grinding building where the processing of the mulch takes place. There is a very thick canopy of trees to the west, but no so many on the east side and it is proposed to plant some large trees of a variety to fill in blank areas. Noise level tests have been conducted with many different pieces of machinery running and it was determined that the ambient noise from peak hour southbound 684 was greater than any combination of the machines that generate noise running

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at the same time. Also, there are a series of block enclosures [to store the processed mulch awaiting transport to clients] which are meant to lessen the noise produced by the machinery. One variance is necessary for this project as depicted in the drawings. It is for outside storage and approximately 24,524 square feet are needed where approximately 11,250 square feet are allowed. The Board suggested that the outside storage should be brought into compliance with the zoning ordinance. The wetlands need to be re-flagged due to the fact that the last delineation was done approximately 5 years ago. This business will be operating approximately 3 seasons of the year; spring, summer, fall and during normal business hours. It was suggested that perhaps the storage block enclosures be placed closer together so as to lessen the amount of outside storage requested. This project will also require a Special Use Permit for light manufacturing in this zone (OP-1), as well as a Wetlands Permit. It was also suggested that noise levels be determined in instances of it not being peak travel time on 684. Chairman LaPerch discussed whether or not he felt that the SEQRA process can commence and felt that new drawings should be submitted to reflect the lessening of the space between the storage enclosures thereby reducing the amount of overall outside storage requested.

5. BUONADONNA GRADING & FILL PLAN, Indian Wells Road – This item was on the agenda for a Determination of Significance for purposes of SEQRA as well as a review for Special Use Approval under Chapter 69 of the Zoning Regulations. Mr. Buonadonna will be removing the 3 trees that have been backfilled excessively which in time will lead to their demise and possible harm to people and property if not mitigated. The resolution determining this project an unlisted, uncoordinated action and ending the SEQRA process by passing a Negative Declaration was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 4-0 in favor, 1 absent. The Special Use Permit Approval resolution was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 4-0 in favor, 1 absent.

6. ROOT AVENUE SUBDIVISION – This item was on the agenda for a referral to the Town Board for the establishment of a performance bond, which motion was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

7. DODGE GRADING & FILL PLAN, Peter Road – This item was on the agenda for sketch review of a project similar to the Buonadonna Grading & Fill Plan mentioned above. In this instance, 6,400 cubic yards were placed in the backyard of this existing residence in an effort to make it more usable. Chairman LaPerch stated that in the engineering review letter, key items were missing such as the Statement of Use and drawings depicted both pre and post fill placement contours. The applicant was told to fill out the application they were given by the Planning Board completely so that it may receive a thorough review.

8. SUTTON CORPORATE PARK LOT #1 – This item was on the agenda for a determination of significance for purposes of SEQRA as well as to receive Final Amended Site Plan Approval. Michael Beyer appeared before the Board on his own behalf. The resolution for the Negative Declaration was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent. The resolution granting final amended site plan approval was introduced by Boardmember Armstrong, seconded by Boardmember

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Wissel and passed 4-0 in favor, 1 absent. This project was placed on the September 10 agenda for a referral to the Town Board for the release of the performance bond presently in place and the establishment of a performance bond for the new owner.

9. WESTCHESTER TRACTOR – This item was on the agenda for continued discussion regarding defining the limits of the proposed outside storage. Proposed are two rows of plantings indicating the parameters of the area on the other side of the building, under the NYSEG right of way. These plantings are fast growing and Ms. Hahn indicated that they will definitely deter encroachment by any piece of machinery. Regarding the Negative Declaration that was done by the Planning Board in the second amended site plan application regarding the necessity of the outside storage, it was requested that a letter or memo be submitted to the Town Board stating that the previous Negative Declaration is in good standing as far as not having to commence the SEQRA process again. It was decided that a memo will be forwarded to the Town Board for the applicant to be afforded the requested outside storage with conditions attached, namely the changes discussed at tonight's meeting.

10. VAIL'S GROVE GOLF COURSE – This item was on the agenda for a referral to the Town Board for the release of this project's performance bond, which motion was introduced by Boardmember Wissel, seconded by Boardmember Rush and passed 4-0 in favor, 1 absent.

A motion to accept the minutes from the July 23, 2007 meeting was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

A motion to close the meeting was introduced by Boardmember Rush, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

August 24, 2007

L.F.