

**TOWN OF SOUTHEAST  
PLANNING BOARD MINUTES  
SEPTEMBER 10, 2007**

Present: Chairman LaPerch; Boardmembers Armstrong, Rush, Manteo, Wissel; Town Planner Siobhan O’Kane; Wetlands Consultant Don Cuomo; Town Counsel Willis H. Stephens, Jr., Esq.; Former Chairman Rohrman; Secretary Laurie Fricchione

**PUBLIC HEARINGS:**

**1. SOUTHEAST MEMORIAL PARK, North Main Street** – This item was on the agenda for a continuation of the wetlands permit portion of the public hearing noticed for and held on July 23, 2007. Paul Lynch of Putnam Engineering appeared before the Board on behalf of his client as well as John Petrillo and Steve Marino from Tim Miller & Associates. Proposed is the subdivision of a parcel of property into two lots to support batting cages on one lot and a Little League baseball field on the other lot. There are wetlands present which cover approximately 75% of the property. Mr. Cuomo stated that this project covers a very large portion of wetland and wetland buffer. Mr. Marino stated that the wetlands have been flagged and are cited on the last submission to the Planning Board. AKRF suggested that a Phase I environmental report be submitted as well as to perform core sample tests of the property to determine if there are any contaminants present which would factor into whether the Town would accept the property. In the audience, Lynne Eckhardt asked if the FEMA line has changed. The answer was no. Was the floodplain line changed? No. The proposed elevation of the field will be higher than the floodplain. Will there be fill brought in? Yes, approximately 7,000 to 8,000 cubic yards. Ms. Eckhardt was concerned about possible contamination. Again, core samples will be taken from the site and analyzed. Bob Zubrycki asked if fill was to be placed in the wetlands and if wetlands plantings will be planted. In conjunction with the Army Corps. Of Engineers, there is a long-term monitoring program (3-5 years) to ensure that the proper plantings are placed in the proper locations for optimal results. Mr. Cuomo asked of the applicant that they try to pull out the field from the wetlands and buffer. A motion to continue the public hearing to October 22, 2007 was introduced by Boardmember Rush, seconded by Chairman LaPerch and passed 5-0 in favor.

**2. D’UVA SITE PLAN, Fields Lane** – This item was on the agenda for a wetlands permit. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. This project involves the proposed construction of two office/warehouse buildings on two separately deeded tax lots zoned OP-1. The site contains an existing abandoned mine operation which caused a considerable amount of disturbance in the past. Access will be shared between the two proposed structures; each will have their own well and septic systems and detention structures. There is no proposed development in the wetlands. The applicant has tried to keep their buildings and disturbed areas in the previously disturbed areas. The wetland consultant who was Mr. James Nash of AKRF at the time this project was going through the wetlands review stated in his October 2006 report that this project should not result in the degrading or pollution of water if the stormwater management practices are implemented as shown on the site plan drawings. There is also a letter from the DEP and DEC indicating their approval of the Stormwater Pollution Prevention Plan. Mr. Cuomo stated that this project is pushing the limits and is completely constrained by the wetlands present on the site. He also stated that proposing two buildings is beyond the capacity of what the lots can bear. He feels that there will be a substantial impact to the wetlands function, and as such, only one building should be proposed.

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In the audience, Lynne Eckhardt asked what type of mining there was at the site which created the disturbance in the past. Mr. Rohrman stated that it was surface mining of various minerals. Ms. Eckhardt then asked how much disturbance will be created by the construction of the two buildings as shown on the site plan. The answer was 4 acres. A motion to continue the public hearing to October 22, 2007 was introduced by Boardmember Manteo seconded by Boardmember Wissel and passed 5-0 in favor.

**3. MILLENNIUM REALTY/THE COUNTRY STORE, Route 6, Old Route 6 and Tilly Foster Road** – This item was on the agenda for a wetlands permit public hearing, but the applicant's representative, Theresa Ryan of Insite Engineering, informed the Board that there was an error in the mailing and the hearing could not be conducted at this time. A motion to continue the public hearing to October 22, 2007 once the new date has been re-published in a timely fashion was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 5-0 in favor.

**REGULAR SESSION:**

**1. SUTTON CORPORATE PARK LOT #1** – This item was on the agenda for a referral to the Town Board to establish a new performance bond on this project. The referral was introduced by Boardmember Manteo, seconded by Boardmember Armstrong and passed 5-0 in favor.

**2. ALCON, LLC SITE PLAN, Fields Lane** – This item was on the agenda for continued site plan review. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. Issues were raised regarding the length of the entrance drive and the necessity of it having to be paved as opposed to the proposed gravel drive. Ms. Ryan indicated she spoke with the Town Engineer as well as the Town Highway Superintendent who both stated the necessity of the road to be paved in its entirety.

**3. MILLENNIUM REAL ESTATE SERVICES, LLC, Route 6, Old Route 312 & Tilly Foster Road** – This project was on the agenda for a continued review. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. Mr. Cuomo suggested that Ms. Ryan install a wet basin where a dry basin with infiltration is proposed due to the soils that would be conducive for a wet basin, but Ms. Ryan stated that it would not be possible due to the lack of groundwater at the appropriate depth to maintain it as a wet basin. Presently, this project is requesting a variance from the DEP to be allowed to pave the apron of the access off Route 6. A waiver is required because they will be creating an impervious surface within the 300 foot limiting distance of a reservoir.

**4. 800 CLOCKTOWER COMMONS, Route 22** – This item was on the agenda for preliminary review as well as to commence the SEQRA process. Terri-Ann Hahn of LADA appeared before the Board on behalf of her client. This project involves the construction of a building to house computer backup and recovery information in the event of a catastrophic event at banking offices in the New York City area. The building will not be occupied on a regular basis; only by one or two people to perform data recovery for brief periods of time one or two days a week. This project recently received a waiver from the Route 22 moratorium in

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July. A resolution for an unlisted, uncoordinated action status in this project was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 5-0 in favor. A resolution for the Negative Declaration was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 5-0 in favor. The motion for the referral to the ARB was introduced by Boardmember Manteo, seconded by Boardmember Rush and passed 5-0 in favor. There were questions regarding noise levels of a self-contained generator. The placement of the generator is proposed to be in a sheltered area. Ms. Hahn will be sending copies of cut sheets showing specified decibel levels. A motion to set October 22, 2007 for a public hearing was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 5-0 in favor.

**5. HP STONE FABRICATION, Route 312** – This project was on the agenda for a sketch review of an existing stone business which requires a Special Use Permit from the Town Board for light manufacturing. It was suggested that the applicant engage the services of an engineer so that the zoning regulations may be followed properly.

**6. MORIARTY TREE SERVICE, Fields Lane** – This project was on the agenda for continued review as well as for review of the wetland permit application. Peder Scott appeared before the Board on behalf of his client. Chairman LaPerch stated that at the last meeting, Mr. Scott was told to go back to the drawing board to lessen the amount of outside storage in an effort to be in conformance with the amount allowed, which was approximately 11,000 square feet. Mr. Cuomo stated that he visited the site and there were no wetlands flagging present. Mr. Scott stated that Evans & Associates will be doing the wetland flagging so that Mr. Cuomo can revisit the site and verify.

**7. COMMUNITY BASED SERVICES, Hardscrabble Heights Drive** – This item was on the agenda for a proposed light manufacturing change of use tenancy in an already approved [Palazetti Office/Warehouse] building. This project involves preparing meals for distribution to 8 group homes in the area. The resolution deeming this action as unlisted, coordinated was introduced by Boardmember Manteo, seconded by Boardmember Rush and passed 5-0 in favor. The resolution for the Negative Declaration was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 5-0 in favor. Because this project requires a Special Permit from the Town Board for light manufacturing, the motion for the referral was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 5-0 in favor.

A motion to accept the minutes from the 8/13/07 meeting as amended was introduced by Boardmember Rush, seconded by Boardmember Wissel and passed 4-0 in favor, 1 abstention.

A motion to close the meeting was introduced by Boardmember Rush, seconded by Boardmember Wissel and passed 5-0 in favor.

**September 26, 2007  
L.F.**