

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
SEPTEMBER 11, 2006**

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

WORK SESSION:

1. ORGANIC CONNECTION, 979-989 Route 22 – This item was on the agenda for a discussion regarding the possibility of having an organic market and outdoor café at the former Green Brother’s Market and was represented by David Richard and Ian Diamond, partners and prospective tenants of this property. They wish to have an open area for seating to eat on the premises. There was a discussion regarding this type of use regarding whether eating at the premises constitutes a restaurant even though they were not going to use wait staff to serve the food. The definition in the Zoning Regulations of restaurant is a sit down place where you order from a full menu and are served by a wait staff, not on disposable dishes with plastic utensils or glasses. A discussion with the Building Inspector revealed that an eating area must be enclosed and set apart from any other area where there is food either on display or being prepared. The Town Planner was going to look into whether it would fit into a restaurant use or fast food use. There also were questions raised regarding the current septic system.

PUBLIC HEARING:

1. PROSPECT HILL ESTATES II SUBDIVISION, Prospect Hill Road – This item was on the agenda for a subdivision and SEQRA Public Hearing and was represented by Jack Karrell, the engineer for this project. Proposed is the subdivision of a 27 acre parcel of land with one existing home to allow two more homes to be built on the north side of Prospect Hill Road and approximately 1000 feet west of North Main Street. In the audience, Doreen Benson asked why her home is not depicted on the subdivision plan as an adjoining landowner. She also mentioned that she understood there was an easement on the front corner of her property that also is not depicted on the plan. Ms. Benson had concerns that ever since the houses that were built across the street from her house, her backyard has been receiving storm water runoff over the driveway and collecting on her property. She asked when the last time a wetlands survey has been conducted. The wetlands survey was last conducted in March 2002. Chairman Rohrman suggested that she discuss the situation with the Town Highway Superintendent to have him see the water (at a rain event) coming downhill and across the road to her property. Mr. Karrell stated that according to DEP and DEC regulations, the capture and treatment of all stormwater shall be reflected in the Stormwater Pollution Prevention Plan Report to their satisfaction. Peter San Chirico spoke and asked why his name or his house was not on the subdivision plan, despite him being the owner of record for the past 15 years. Boardmember Armstrong told Mr. Karrell to read the subdivision regulations and comply with them on the subdivision drawings. Mr. Armstrong stated that he thought the public hearing should be continued so that the drawing could be amended to reflect all outstanding information. Lynne Eckhardt stated that the drainage easement should show up on the drawings and that perhaps the wetlands should be re-flagged. A motion to continue the public hearing on October 23, 2006

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was introduced by Boardmember Armstrong, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.

REGULAR SESSION:

- 1. STRAZZA SUBDIVISION, Doansburg Road** – This item was on the agenda for preliminary subdivision review as well as to commence the SEQRA process with the Intent to Declare Lead Agency. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The possibility of a site walk was discussed among some of the Boardmembers regarding the tree and forest plan. The resolution for the Intent to Declare Lead Agency was introduced by Boardmember LaPerch, seconded by Boardmember Tessmer and passed 6-0 in favor, 1 absent.
- 2. EEC PLUS, Commerce Park Lot #1, Route 6** – This item was on the agenda for a review of the revised lighting plan and was represented by Gary Austin of P.W. Scott's Office. There were questions regarding timers being placed on the lighting to accommodate the two different work shifts as well as motion sensors to reduce the unnecessary illumination of the site. The Town Planner noted that the time when all lights would be turned off was not included in the plan. The Board decided that the plan needed to be reworked before it could be accepted.
- 3. WESTON CHASE, Tillman Lane** – This item was on the agenda for a referral to the Town Board for both a release of the performance bond as well as to dedicate Tillman Lane for road acceptance. The engineering review letter revealed there are minor things that need to be done before Tillman Lane can be accepted and dedicated. Those items are enumerated on the attachment to the referral. Although both the road acceptance/dedication and release of the performance bond were referred to the Town Board in the same letter, two separate votes were taken: for the release of the performance bond, the motion was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor; for the road acceptance, the motion was introduced by Chairman Rohrman, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent.
- 4. MT. EBO CORPORATE PARK LOT #6** – This item was on the agenda for an update of the senior housing project and was represented by Terri-Ann Hahn of LADA. The Special Permit was granted by the Town Board on August 31, 2006. Approval for the slightly modified architecture was also granted by the Town Board based on the positive recommendation of the Architectural Review Board. The clubhouse has been modified to include a swimming pool. This item has been placed on the September 25, 2006 agenda for final approval, but if the DEP's approval has not been received by the applicant, it will be moved to the October 23, 2006 agenda.
- 5. CATSKILL OTB FACILITY, Argonne Road** – This item was on the agenda for continued review and was represented by Edward Loedy, the applicant's architect. A

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submission reflecting the engineer's comments will be made by September 29, 2006 so that the application can be placed on the October 23 agenda for further review.

6. VAIL'S GROVE GOLF COURSE – This item was on the agenda for a referral to the Town Board for the establishment of a Performance Bond in the amount of \$8,400. A motion to refer this matter to the Town Board was introduced by Chairman Rohrman, seconded by Boardmember Wissel and passed 6-0 in favor. As for the inspection fee, there is a minimum fee of \$750 according to the 2006 Schedule of Fees for the Town for site plans. Normally, the inspection fee for site plans is 4% of the cost of the performance bond.

A motion to accept the minutes from the meeting of 7/10/06 was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 abstention, 1 absent.

A motion to accept the minutes from the meeting of 8/14/06 was introduced by Chairman Rohrman, seconded by Boardmember Tessmer and passed 6-0 in favor, 1 absent.

A motion to close the meeting was introduced by Boardmember Rush, seconded by Chairman Rohrman and passed 6-0 in favor, 1 absent.