

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
SEPTEMBER 22, 2008**

Present: Chairman Tom LaPerch; Boardmembers Edwin Alvarez, Jim DiBella, David Rush, Phil Wissel, Dan Armstrong; Town Attorney Willis Stephens, Esq.; Town Planner Ashley Ley; Wetland Consultant Don Cuomo; Secretary Laurie Fricchione. Boardmember Dennis Sullivan was absent and excused.

REGULAR SESSION:

- 1. GARDNER PROPERTY SITE PLAN, Fields Lane** – This project was on the agenda for sketch review. Erik Ripke of Kellard Sessions appeared before the Board on behalf of his client, Charles Gardner. Proposed is an addition totaling 3,000 square feet to an existing 300 square foot building to be used as an environmental education center and offices. Also proposed is another (30,000 square foot) building proposed to be rented out to various tenants to conduct their business. Mr. Gardner wishes to use an area to grow wetland plant material to be used in his business for clients who have wetlands on their property. A front yard setback variance is necessary for the existing building proposed to be expanded. A wetland permit will also be necessary to obtain. This property will need to be flagged for wetlands. The Town Planner asked Mr. Ripke for other information, which should be included in the next submission for this project.
- 2. R.D. BERCO OFFICE BUILDING, Route 6** – This project was on the agenda for continued review. Joe Buschynski of Bibbo Associates as well as Beth Evans from Evans & Associates appeared before the Board on behalf of their client, Mr. Beresford. Proposed is a 5,000 square foot office building on a site between Oak Tree Realty and the Woodwinds Professional Offices. This property is heavily constrained by the DEP watershed regulations in terms of the 300’ buffer from a reservoir stem in addition to constraints regarding distances necessary from watercourses. Mr. Cuomo stated that he discovered a small wetland pocket which is in the proposed driveway. Mr. Buschynski stated that this area is so small it does not provide any benefits normally associated with wetlands. This property is also affected by receiving runoff from Brewster Heights, but the project proposes to pipe it for treatment and discharge at an off-site point.
- 3. DYKES LUMBER SITE PLAN, Fields Lane** – This project was on the agenda for a Determination of Significance for purposes of SEQRA, a referral to the Town Board for a Wetlands Permit, a referral to the Town Board for a Special Use Permit and lastly, a referral to the ARB. Richard L. O’Rourke, Esq. of Keane & Beane, the applicant’s attorney, and Joe Buschynski of Bibbo Associates appeared before the Board on behalf of their client, Dyke’s Lumber Co. The issue of title and access rights has essentially been resolved. The issue regarding wetlands has been determined that the 3 wetland areas are areas of minor significance. The resolution for the Negative Declaration was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent. The referral to the Town Board for a Wetlands Permit was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 6-0 in favor, 1 absent. The referral to the Town Board for the Special Use Permit was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor, 1 absent. The referral to the ARB was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 6-0 in favor, 1 absent.

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4. SEVEN SUTTON PLACE LLC AMENDED SITE PLAN, Sutton Place – This project was on the agenda for site plan review. Michael Beyer appeared before the Board on behalf of his client, Mr. Sisca, the owner of the building. This project has already received final site plan approval in the past, but the owner now wishes to use the portion dedicated to outside storage for impervious surface to park vehicles. After discussion, it was decided that this action could be considered a field change as opposed to amended site plan because of the minor scope and the fact that the added impervious surface does not affect the stormwater calculations. The end result is that there will be a letter issued, drafted by the Town Planner and accepted by the Planning Board stating this change is a field change accompanied with the updated drawing, dated August 14, 2008 and allow the Building Department to accept it as such. The motion deeming this action a field change was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 6-0 in favor, 1 absent.

5. BARRETT HILL CONDOMINIUM, Mt. Ebo Lot 6 – This item was on the agenda for a 5-year extension of this project's site plan approval. Harold Lepler of Covington Management and Kathy Rubin of Wilder Balter appeared before the Board. What was being discussed was the applicant's request for a 5-year extension of this project's site plan approval in light of the fact that the real estate market is not doing well and that there are not many people who have entered into contracts to purchase the units. Mr. Lepler stated that infrastructure and erosion control measures are being completed, but the buildings are not being built until the market changes for the better. The zoning regulations allow for an extension of site plan approval once, and only if there is not a current building permit, which can be renewed by the Building Department as indicated. In this case, the Building Department has issued a building permit and the applicant recently renewed the permit. At issue is the applicant would like to have the security of the extension so that when the project moves forward, the financial institution will not deny financing because the program for completion and occupancy dates have not lined up with the actual construction sequence of events. As an aside, the Town has never revoked a site plan approval. Site plan approvals are valid for one year from the date of approval, and the applicant must secure a building permit before the expiration of the one year so as not to allow the site plan approval to lapse. If a building permit is not secured within the first year after approval, then the applicant must re-submit an amended site plan approval, even if there are no substantive changes to the site plan. In the end, the Planning Board did not feel comfortable entering into a resolution they felt they did not have the authority to do in the first place.

The vote to accept the minutes from the 8/11/08 was deferred.

The motion to accept the minutes of the 9/8/08 meeting was introduced by Chairman LaPerch, seconded by Boardmember Alvarez and passed 5-0 in favor, 1 abstention [Wissel], 1 absent.

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

**September 26, 2008
L.F.**