

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
OCTOBER 22, 2007**

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

WORK SESSION/PRESENTATION:

1. RECREATION ADVISORY COMMITTEE – This item was on the agenda to provide a Powerpoint presentation of the proposed recreation center that will either be accepted or not accepted by the voters on Election Day as to whether the town will spend \$16.8 million for this endeavor. Representing this project were Joe Cavanagh of the Committee as well as Keith Greene, the architect who designed it. Proposed is an 8-lane pool, fitness room, elevated track, men’s and women’s changing rooms, family changing rooms, cardiovascular weight rooms, aerobics room, multi-purpose rooms for various functions for parties, etc., senior activities center, basketball courts, volleyball court and a stage for concerts. Using various other recreation centers as an example such as ones in Ridgefield, Connecticut as well as in Southampton, Long Island, a lot of money can be made through renting out space for private functions. Mr. Cavanagh stated that the center in Ridgefield made approximately \$400,000 in profits alone which goes a long way as far as overall operating costs. The cost of the bond is calculated to be about \$80 per year per household or \$0.22 per day per household and in the worst case scenario it would be about \$124 per year per household or \$0.34 per day per household. He also said that the first few years might not be as profitable as future years, but one way to circumvent that is to entice many people and families to join on different levels: Silver and Bronze. Questions were raised as to the management of the facility and how potential operating costs would be covered during the first years of operation. There will be an Executive Director with a staff of 6 full-timers performing the day to day functions. There were other questions regarding competition from other surrounding communities as it relates financially to the bottom line of this proposed center. Mr. Cavanagh stated that this center provides a specific need for people and feels that other businesses serve their own. The property is approximately 10 acres in size. The County gave it to the Town with the condition that it be used for municipal or recreational purposes. It is located across the way from the Kohl’s/Linens & Things entrance at the crest of the hill on the way down to the Metro North Train Station.

PUBLIC HEARINGS:

1. SOUTHEAST MEMORIAL PARK SUBDIVISION & SITE PLAN – This item was on the agenda for a continuation of the wetlands permit portion. Paul Lynch of Putnam Engineering appeared before the Board as did John Petrillo, the applicant. New drawings that were resubmitted but not yet reviewed reflect changing the position of the ball field, thereby taking it further out of the buffer. There was a discussion regarding an incident involving an oil spill in the past on a portion of the site. Ms. O’Kane stated that a Phase I environmental review must take place which would include a soil core sample report to ensure the safety of the public. In the audience, Lynne Eckhardt asked about core sample results and about the Town accepting land that could have contaminants in it. Also, how much wetland buffer incursion? About 4/10s of an acre. Ann Fannizzi wished to remind the Board of a similar case in Mahopac about contamination from dry cleaning fluids that reached into the surrounding area’s private residential wells. Boardmember Armstrong asked if there was any indication the contamination came from off site. Chairman LaPerch stated that this item will be put on the next available agenda once the applicant submits the Phase I review to the Planning Board with a clean bill of health. A motion to continue the public hearing to November 26, 2007 was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 5-0 in favor.

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2. D’UVA SITE PLAN, Fields Lane – This item was on for a continuation of the wetlands public hearing. Theresa Ryan of Insite Engineering appeared before the Board as did Michael Liguori, Esq., the applicant’s attorney. Concerns were raised as to the constraints of the land, namely building two buildings on two separately deeded lots where perhaps the lots should be merged and have only one building on it. It is the applicant’s wish to build two buildings because it would be a financial hardship to merge the lots and build only one building. This is the site of previously disturbed land due to mining that took place many years in the past, which is part of the reason why the Board felt that perhaps only one building should be built in an effort to keep incursion into the wetland buffer to a minimum. Mr. Liguori stated that the site will be in better environmental shape post development than it presently is pre development due to the fact that stormwater management practices will be in position to control and direct runoff and mitigate any substantial negative impacts on the wetlands. In the audience, Ann Fannizzi asked what the purpose was for why the two separately deeded parcels of land are not merged together and build one building; was it financial? Lynne Eckhardt asked how long has this project been in the planning process. The answer was since 2005. She then stated that when applicants take time off during the planning process for whatever reason, they should expect to deal with changes that might have occurred whether it be regulations, various boardmembers and let those changes be reflected in drawings submitted. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 5-0 in favor.

3. MILLENNIUM REAL ESTATE SERVICES – This item was on the agenda for site plan and SEQRA public hearing. Proposed is the construction of a 1½ story, 4,650 square foot office/retail building on a 1.75 acre parcel of vacant land in the GC-1 Zoning District. The property is surrounded on three sides by roads. This applicant has submitted a request for a waiver from the NYCDEP regarding being allowed to pave the vehicle access apron into the site because it is within 300 feet limiting distance of a reservoir, which is generally not allowed. Also, a request for an area variance is being reviewed by the DEP. A decision regarding creating an impervious surface will not be made by the DEP until such time as the Planning Board has ended the SEQRA process with a Determination of Significance (which is on the November 26, 2007 Planning Board agenda). Mr. Cuomo will be compiling a list of suggested plantings which Ms. Ryan stated are native wetland plantings. In the audience, Mrs. Alice Brandon demonstrated at the display easel a little history of that property as far as wetland areas and streams that were present in the past, but when the expansion of the bridge over the causeway was installed, that whole area was used as a staging area during the recent construction of the nearby Route 6 bridge which altered, in her opinion, the flow of the watercourses present. Ms. Kathleen Brandon asked what the implications were if a pond was installed and what the possible effect it would have on the streams present. Mr. Cuomo stated that there were no streams or watercourses that will be feeding into the pond that he is aware of. The purpose of the pond is to create a situation where it will restore the function of the wetland. Ms. Bernadette Brandon stated that there is a vernal stream and asked what the setbacks from wetlands are. Ms. Ryan stated that setbacks are determined by the soil type and its either 100 feet, 133 feet or 166 feet. Secondly, there is no activity proposed anywhere near that stream, regardless of the soil type. Ann Fannizzi stated that the last time she was here, she questioned the proposed use of the property. The proposed use is retail. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 5-0 in favor.

4. 800 CLOCKTOWER COMMONS – This item was on the agenda for site plan and SEQRA public hearing. Terri-Ann Hahn of LADA appeared before the Board on behalf of her client. Ms. Hahn distributed literature regarding the generator for this proposed computer records back up center in the event of a catastrophe off-site. Lynne Eckhardt asked if this building was on the original Clocktower Commons Site Plan. The answer was no. This application is an application for amended site plan. Ms.

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Eckhardt asked what the amount of disturbance was. The answer was 3/10ths of an acre. Boardmember Manteo asked if the mechanicals can be positioned in the basement of the building as opposed to outside. The engineer stated that if it's a possibility, the mechanicals will be placed in the basement. The engineer stated that he will ask the mechanical contractors if it can be in the basement. A motion to reduce the amount of required parking was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 4-0 in favor, 1 abstention. A motion to close the public hearing was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 5-0 in favor.

REGULAR SESSION:

- 1. ALCON LLC SITE PLAN, Fields Lane** – This project was on the agenda for continued site plan review. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The engineering review letter did not reveal any major issues as far as development of this parcel of land, except some concerns regarding the layout and length of the access driveway and the trucks that will be traversing it in the vicinity of where children and parents go to the ice arena. It was suggested that the association of collective owners install devices to slow down traffic, either with signage, speed bumps or both.
- 2. D'UVA SITE PLAN, Fields Lane** – This item was on the agenda for a continued review as well as to refer this project to the Town Board for a Wetlands Permit. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The referral (with a negative recommendation) was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 5-0 in favor.
- 3. TENTH JAM SUBDIVISION, John Simpson Road** – This item was on the agenda for a review for Final Subdivision Approval, request for waivers as well as for a referral to the Town Board for the establishment of a performance bond. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client. The motion to grant the waivers requested (§123-12D(1)(k) and §123-30F (preparation of a tree and forest preservation plan and of §123-30A(8) (for the location of rock outcrops)) was introduced by Boardmember Manteo, seconded by Boardmember Wissel and passed 5-0 in favor. The resolution granting Final Subdivision Approval was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 5-0 in favor. The motion for the referral regarding the establishment of the performance bond was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 5-0 in favor.
- 4. SALMONS DAILY BROOK FARM SUBDIVISION LOT #49** – This item was on the agenda for review of a wetland permit application. Joe Buschynski of Bibbo & Associates appeared before the Board on behalf of his client, Ross Alan. History behind this project includes changes in layout of the driveway of a proposed building lot in an approved subdivision that resulted in an increase of wetland disturbance due to re-positioning of the lot's proposed SSTS placement. This was in front of the Conservation Commission in the past and was referred to the Town Board for a wetlands permit, but the Town Board would not grant the permit at the time because of the changes in the location of the SSTS and driveway; hence a new application is being made with the current changes proposed. Mr. Cuomo stated that this property has been filled in (in the wetlands) to an extent that contours have been changed; Mr. Alan stated that he unknowingly leveled off mounding of fill [which was performed by the previous owner and developer of this property before Mr. Alan purchased it] in the wetlands which was responsible for re-directing the flow of the water associated with them. Mr. Cuomo suggested that the applicant submit a summary of the changes of the application submitted in the past and highlight the

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changes currently proposed as well as a wetland delineation report, which Mr. Cuomo stated the perfect timing would be in the spring of 2008.

5. MORIARTY TREE SERVICE, Fields Lane – This item was on the agenda for a review of the revised site drawings. P.W. Scott appeared before the Board on behalf of his client. The storage area for the mulch is now being proposed to be subsurface (or in a dug pit) in an effort to not require an area variance from the Zoning Board of Appeals for more outside storage than is permitted. The stormwater runoff that goes into the mulch pits will be directed to an underground piping system to be discharged to the detention ponds. Concerns were raised as to whether the pits should be lined with some type of impervious material so as to contain the mulch and not allow it to expand out of its intended boundaries over time. Mr. Cuomo stated that there is some activity in the wetland buffer, for which this application will need a wetlands permit.

6. PUTNAM PRECISION AMENDED SITE PLAN, Route 6 – This item was on the agenda for preliminary review as well as to commence the SEQRA process. The applicant went before the Zoning Board of Appeals for a setback and area variance, both of which were granted. Once the SEQRA process is complete, the applicant will have to re-appear formally to ask for and be granted the requested variances because when the ZBA granted their variances, they were not the Lead Agency at the time; therefore, they were not in a position to grant any variances as far as the SEQRA process was concerned. The resolution for the Intent to Declare Lead Agency was introduced by Boardmember Manteo, seconded by Boardmember Rush and passed 5-0 in favor. When the SEQRA process is complete, then it will be at that time the applicant will receive a referral to the ZBA for the above mentioned formality.

7. HARDESCRABBLE TENNIS CENTER – This item was on the agenda for a referral to the Town Board for the release of their performance bond. The motion for the referral was introduced by Boardmember Rush, seconded by Boardmember Manteo and passed 5-0 in favor.

8. PALAZETTI OFFICE/WAREHOUSE, Hardscrabble Heights – This item was on the agenda for a referral to the Town Board for the release of their performance bond. The motion for the referral was introduced by Boardmember Wissel, seconded by Boardmember Rush and passed 5-0 in favor.

9. SPANNAUS/MOLLOY LOT LINE ADJUSTMENT, Birch Drive – This item was on the agenda for a request for waivers as well as for a review for final lot line adjustment approval. The resolution granting various waivers regarding the subdivision regulations was introduced by Boardmember Rush, seconded by Boardmember Armstrong and passed 5-0 in favor. The resolution for Final Lot Line Adjustment Approval was introduced by Boardmember Armstrong, seconded by Boardmember Manteo and passed 5-0 in favor.

A motion to accept the minutes from 9/24/07 was introduced by Boardmember Rush, seconded by Boardmember Wissel and passed 5-0 in favor.

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

December 3, 2007

L.F.