

TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
NOVEMBER 26, 2007

Present: Chairman Tom LaPerch; Boardmembers David Rush, Dan Armstrong, Phil Wissel; Former Chairman George Rohrman; Town Planners Siobhan O’Kane and Ashley Ley of AKRF; Secretary Laurie Fricchione. Boardmember Mike Manteo was absent and excused.

PUBLIC HEARINGS:

1. SOUTHEAST MEMORIAL PARK, North Main Street – This item was on for a continuation of the wetlands permit discussion, but the applicant had not submitted the Phase II environmental study in a timely fashion, so the new Public Hearing continuation date will be voted on once the environmental study has been reviewed and the Planning Board has had a chance to discuss it with their consultants. This item was placed on the December 10, 2007 for a date certain when the Public Hearing discussion will be continued to.

REGULAR SESSION:

1. MIDDLEBRANCH MANOR SUBDIVISION, Ailish Lane – This matter was on the agenda for a request for the release of a maintenance bond. The referral was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 4-0 in favor, 1 absent.

2. PUTNAM PRECISION, Route 6 – This item was on the agenda for a wetland permit application review as well as to continue the SEQRA process with the Declaration of Lead Agency. Peder Scott appeared before the Board on behalf of his client. The Declaration of Lead Agency was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

3. HARDSCRABBLE TENNIS CENTER – This project was on the agenda for Amended Site Plan Sketch Review. Peder Scott appeared before the Board in addition to the applicant’s counsel, Michael Liguori, Esq. of Hogan & Rossi. Proposed is the installation of an outdoor pool which was on the original site plan submitted and approved back in 2001. About one year later, an amended site plan application was submitted requesting this project to be approved in phases due to unforeseen circumstances regarding financial situations of certain members of the partnership that owned this project. The size of the pool now being proposed is slightly smaller than the one that was in the original site plan. Mr. Liguori requested that the Planning Board re-approve this site plan based on the fact that the pool was on the original plan; but Chairman LaPerch stated that due to the length of time that has elapsed from the completion of Phase III to Phase IV (the pool phase), it would be prudent for the applicant to submit an amended site plan application. The applicant was also reminded that when an amended site plan application is pursued, other aspects of the regulations that have changed since the last approval must also be brought into compliance, such as lighting and any other aspect that may be different.

4. BERESFORD OFFICE BUILDING, Route 6 – This item was on the agenda for Site Plan Sketch Review. Joe Buschynski of Bibbo & Associates appeared before the Board on behalf of his client, Mr. Beresford, who was also present. This site is across the reservoir side on Route 6 just next door to Oak Tree Dental Office. The majority of this site is within the limiting distance of the reservoir stem. Proposed is a 5,600 square foot, 2 level office building. There also are setback restraints due to the

above. The applicants have already submitted an application for 2 variances to the DEP; one for permission to place a septic system and an impervious surface within the limiting distance. Also, Mr. Cuomo stated that the applicant will need to submit a wetland permit application.

5. ROUTE 6 BUSINESS PLAZA, Route 6 – This item was on the agenda for a referral to the Town Board for a Special Use Permit to be allowed to conduct retail business. Joe Buschynski of Bibbo & Associates appeared before the Board on behalf of his client, Mr. Suozzi. The construction of this recently approved building is underway and Mr. Suozzi desires the flexibility to be allowed to rent all or a portion of the first floor of this two story building for prospective retail tenants. In order for this project to be referred to the Town Board for the Special Use Permit, the Planning Board was required to go through an abbreviated SEQRA process, in light of the fact that this project had gone through an extensive SEQRA review in the recent past. The Declaration of Lead Agency deeming this project an unlisted, coordinated action was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent. The Negative Declaration resolution was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent. The Special Use Permit referral to the Town Board was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

6. TERRAVEST CORPORATE INTERNATIONAL LOT LINE ADJUSTMENT, International Blvd.- This item was on the agenda for an unlisted, uncoordinated action status for purposes of SEQRA as well as a request for certain waivers and review for Final Lot Line Adjustment. Michael Liquori, Esq. of Hogan & Rossi appeared before the Board on behalf of his client, LAD Family Investments. The purpose of this project is so that a buffer can be created around the two wells that have been placed on the property can be protected from incursion and be in compliance with the New York State Sanitary Code. The only way to accomplish this task was to be granted a Lot Line Adjustment. As with the Route 6 Business Plaza application, an abbreviated SEQRA process was necessary for the Planning Board to go through. The Declaration of Lead Agency deeming this project an unlisted, uncoordinated action was introduced by Chairman LaPerch, seconded by Boardmember Armstrong and passed 4-0 in favor, 1 absent. The waivers to certain regulations of Chapter 123 (subdivision) was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed 4-0 in favor, 1 absent. The Negative Declaration resolution was introduced by Boardmember Armstrong, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent. The Lot Line Adjustment resolution was introduced by Chairman LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 absent.

7. DODGE GRADING & FILLING PLAN, Peter Road – This item was on the agenda for continued review. Mr. Targonski, the owner, appeared before the Board on his own behalf. There was some confusion regarding the pre-and post-conditions of this property as it relates to the large amount of fill that was brought in. Mr. Targonski stated that he is not in possession of a drawing depicting slopes and topographic information before the property was filled in; yet he is proposing a drawing after the fill has been placed, leading to questions about how much fill has been placed over the septic system and the possibility of the fill being placed on his neighbor's property. Due to the fact that he does not have a "before" drawing, there were questions regarding the accuracy of the "after" drawings. It was suggested that Mr. Targonski go back to the surveyor of record to re-create in some way the "before" drawing so that a comparison can be made to understand the changes at this site.

8. MILLENNIUM REALTY, Route 6, Old Route 6 & Tilly Foster Road – This item was on the agenda for a Determination of Significance for purposes of SEQRA. Theresa Ryan of Insite Engineering appeared before the Board on behalf of her client, Mr. Iovino. The Negative Declaration resolution was introduced by Chairman LaPerch, seconded by Boardmember Armstrong, and passed 4-

0 in favor, 1 absent.

9. BAROODY WETLANDS PERMIT, Farm to Market Road – This item was on the agenda for a wetlands permit application review. Harry Nichols appeared before the Board on behalf of his client, Mr. Baroody. In the early 1980's, the original Shelburne Subdivision was 5 lots which were built out except for the two separate tax lots which recently were merged into one lot due to the environmental constraints and changes in the zoning code of the former two lots. Proposed is a single family residence that will be kept out of the state wetland buffer but will be in the 166' town wetland buffer. Mr. Cuomo suggested that a wetland delineation report be submitted to identify the boundaries of the town wetland and buffer. This site will also need a setback variance if the wetland buffer incursion is to be kept at a minimum.

10. PINE RIDGE ESTATES LOT #5 – This item was on the agenda for a sketch review of a re-subdivision of a lot in an already approved subdivision. Harry Nichols appeared before the Board on behalf of his client, Mr. Cerrlich. Proposed is the re-subdivision of a nearly 27 acre lot into one being approximately 18 acres and the other being approximately 8 acres. There are concerns regarding the citing of the detention pond and that it's possibly too close to the proposed subdivision line. These and other concerns and comments raised in the engineer's review letter will be addressed in future submissions.

A motion to accept the minutes from the last meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush 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.

December 14, 2007

L.F.