

**TOWN OF SOUTHEAST PLANNING BOARD MINUTES
NOVEMBER 27, 2006**

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

REGULAR SESSION:

1. HOME DEPOT AMENDED SITE PLAN – This item was on the agenda to commence SEQRA and a review for Final Amended Site Plan Approval and refer this project to the County Planning Department for a 239M review. Pamela Richardson, Esq. of Cuddy & Feder appeared before the Board on behalf of her client. There was a discussion regarding the height of items displayed outside of the building. Proposed is an 8 foot limitation in the height of the display of various products. This outside area in front of the building is not meant to be a secondary storage area of some of the bulkier products in large quantities, but rather a representation of different brands of ladders, wheelbarrows, lawn tractors, etc. The majority of the displays are to be located in the building. The resolution for the Declaration of Lead Agency was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent. The resolution deeming this project an unlisted, uncoordinated action was introduced by Chairman Rohrman, seconded by Boardmember Wissel and passed 5-0 in favor, 1 absent. The motion for the 239M referral was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 5-0 in favor. Ms. Richardson asked about the issue of a public hearing. Chairman Rohrman stated that in instances such as this project involving no new impervious surfaces, no increased traffic and no new buildings, the necessity or non-necessity of a public hearing is strictly up to the discretion of the Planning Board. Chairman Rohrman went on to propose that no public hearing be held on this project to which the rest of the Planning Board agreed.

2. PENNELLA, LLC SITE PLAN, Fields Lane – This item was on the agenda for a review for Final Site Plan Approval. Jason Lepro of Jay Fain & Associates appeared before the Board on behalf of his client, Mr. Pennella. The engineering review letter revealed a discrepancy in the stormwater management report and the drainage drawings. Chairman Rohrman informed Mr. Lepro that if revised drawings which resolved the discrepancy were in the Town Engineer's hands by Friday, December 1, this item would be placed on the December 11, 2006 Planning Board Agenda for Final Site Plan Approval.

3. TRIPLE J SUBDIVISION, Welfare Road – This item was on the agenda for a referral to the Town Board for a 50% reduction of this project's Performance Bond. A motion for the referral was introduced by Boardmember Manteo, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent.

4. MAPLEWOOD NORTH DEVELOPMENT CORP. – This item was on the agenda for a release of the Performance Bond as well as for a referral to the Town Board for acceptance and dedication of Townsend Lane as a Town Road. The motion for the referral was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent.

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5. MT. EBO LOT #6 – This item was on the agenda for a referral to the Town Board for the establishment of a Performance Bond. Terri-Ann Hahn of LADA as well as Harold Lepler of Covington Management and Don Rossi, Esq. of Hogan & Rossi appeared before the Board. The motion for the referral was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 5-0 in favor, 1 absent.

6. ACE ENDICO AMENDED SITE PLAN, 80 International Blvd. – This item was on the agenda for a discussion regarding retail space classification. Terri-Ann Hahn of LADA as well as Harold Lepler of Covington Management and Don Rossi, Esq. of Hogan & Rossi appeared before the Board. The engineering review letter revealed a minor concern regarding the vicinity and proximity of the handicapped parking spots as they relate to the ramp and entrance door. There will be some re-striping performed and will be reflected in drawings that will be in the Town Engineer’s hands by December 1, 2006 for Amended Site Plan Approval on December 11, 2006.

7. INTERNATIONAL BLVD. – This item was on the agenda for a referral to the Town Board for road dedication. Terri-Ann Hahn of LADA, Harold Lepler of Covington Management as well as Don Rossi, Esq. appeared before the Board. The engineering review letter revealed that there were several items that needed to be addressed and corrected before the road could be dedicated. Mr. Lepler asked if the referral could be made “subject to” the engineering review items being corrected which would then be signed off by the engineer stating so. Chairman Rohrman asked the Boardmembers how they felt about the possibility of the referral being made knowing that there are open items. Boardmember Wissel stated that he would like to see an engineering letter without any outstanding items before he felt comfortable positively referring this matter to the Town Board. A motion to refer this project to the Town Board was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 3-2 in favor, 1 absent. Then there was a question as to whether the vote needed to be at least 4 members voting the same way being that in a 7 member Board, there needs to be at least that amount for the vote to be legal. In this instance, there were 5 members present. As it turns out, the day after this meeting, Town Attorney Jacobellis informed the Planning Board secretary that the vote needed to be 4-1 in favor for it to be legal, so the referral to the Town Board was not forwarded and was placed on the December 11, 2006 Planning Board Agenda for another vote.

8. BREWSTER/SOUTHEAST JOINT FIRE DISTRICT, Milltown Road – This item was on the agenda to commence the SEQRA process for the Lot Line Adjustment portion of this project, the other portion being the site plan application. Theresa Ryan of Insite Engineering appeared before the Board. The proposed property line of the 4.5 acre parcel of land to be the site of the future fire station follows the zoning delineation of the front portion of the R-60 Zone (which requires 175 feet of road frontage) and the back portion that is in the R-160 Zone (which requires 250 feet of road frontage). As far as the Lot Line Adjustment portion of this project is concerned, there were 3 actions taken. The resolution for the Declaration of Lead Agency was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent. The resolution

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deeming this action an unlisted, uncoordinated action was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent. The resolution for the Negative Declaration was introduced by Chairman Rohrman, seconded by Boardmember Rush and passed 5-0 in favor, 1 absent. There was a question as to where the access to the back 70 acres will be and which zoning frontage would have to be complied with (R-60 or R-160) as some of the Boardmembers wondered how it would be accessed if in the future there was to be a subdivision application filed for this property. This item was placed on the December 11, 2006 agenda for waivers, Lot Line Adjustment Approval and Site Plan Review.

EXECUTIVE SESSION

A motion to go into Executive Session to discuss possible litigation was introduced by Boardmember LaPerch, seconded by Boardmember Rush and passed 5-0 in favor, 1 absent. The applicants in the Meadows at Dean's Corners Subdivision are appealing the decision recently rendered by the Appellate Division of the State of New York wherein the Planning Board must direct the Applicant, Glickenhau/Judelson to submit a Supplemental Environmental Impact Statement to address approximately 7 issues regarding wetlands, buffers and other environmental concerns. A motion to close Executive Session was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent.

After a brief discussion between the Planning Board members and Town Attorney Tom Jacobellis, a motion for the Planning Board to join the applicant in its appeal of the lower court's decision in the Meadows at Dean's Corners Subdivision was introduced by Boardmember LaPerch, seconded by Boardmember Wissel and passed 4-0 in favor, 1 abstention and 1 absent. This vote was taken on this evening due to the fact that it would be too late to join in on the appeal after December 8, 2006, the filing date for the action, and the next available Planning Board meeting was December 11, 2006.

A motion to accept the minutes from the last meeting was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 5-0 in favor, 1 absent.

A motion to close the meeting was introduced by Boardmember Rush, seconded by Chairman Rohrman and passed 5-0 in favor, 1 absent.

**December 11, 2006
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