

**SOUTHEAST PLANNING BOARD MINUTES
DECEMBER 13, 2004**

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

WORK SESSION:

1. PENNELLA, LLC SITE PLAN, 261 Fields Lane – This item was on the agenda for a review of the sketch plan and was represented by Robert Howe of Bibbo & Associates as well as the applicant, Mr. Pennella. Proposed is the construction of a 6,000 square foot building with a small office and a warehouse for Mr. Pennella’s landscaping business material and equipment. Six parking spaces will be provided and an area for additional parking and/or loading. The property is 6.9 acres in size and is zoned OP-1. Access to the site will be obtained through the existing driveway which is served by an easement on the neighboring property. Chairman Rohrman requested Mr. Howe submit to the Planning Board verification of this easement so that it may be reviewed by Town Counsel. There are some wetlands adjacent to the property. There is also a watercourse present that has been flagged by a wetland consultant as well as a representative from the DEP. Mr. Pennella showed a sketch of the building with the floor plan. Chairman Rohrman asked what the building exterior will be constructed of and the response was a block building with some type of stucco finish. Mr. Pennella was informed that he must appear before the Architectural Review Board for their approval. This project will also need to apply to the Conservation Commission for a wetland permit for activities in a wetland buffer. Chairman Rohrman reviewed the Full EAF and cited a few questions on it that needed clarification and told Mr. Howe to re-submit an amended EAF. As the plan is depicted, the septic area is in the wetland buffer which is close to the building; however, there is the possibility that the septic area can be moved out of the buffer, but it is further away from the building and may involve rock blasting. Chairman Rohrman strongly suggested that the alternate site for the septic area (out of the buffer) be pursued as opposed to having it in the buffer.

2. GALT AUTOMOTIVE, 3874 Danbury Road – This item was on the agenda to discuss multiple tenants and outside storage requirements at this location and was represented by Gerald Brown, Esq., Alan Helfman and Terry Levine. Presently, there are three business at this location; Croton Egg Farm, Murphy Moving & Storage and JD Auto. The retail auto part sales facet of JD Auto is not a permitted use; therefore, they are in the process of being evicted. Croton Egg has experienced an increase in business to the extent that there is not sufficient parking for the employees to park their personal vehicles. Murphy Moving & Storage parks some of their trailers sometimes for weeks at a time, which is also not permitted. The applicant must request a waiver from the moratorium so that they may submit an amended site plan to the Planning Board if they are granted the waiver from the Town Board.

PUBLIC HEARING:

1. DiPIETRO SUBDIVISION, Guinea Road – This project was represented by Paul Lynch of Putnam Engineering. Mr. Di Pietro was also present in the audience. This 2-lot subdivision of 7.2 acres is in an R-160 Zone. Mr. Lynch described the project. The new lot will be 160,000 square feet in size; the existing lot will be 154,140 square feet in size, slightly less than the required 160,000 square feet. This existing lot will need to be referred to the Zoning

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Board of Appeals for an area variance in the amount of 5,860 square feet (approximately 4%). There are no wetlands on this property, nor steep slopes. There were no questions from the Board, so Chairman Rohrman asked if anyone in the audience had any questions or comments. Lynn Eckhardt commented "I assume there is plenty of frontage", to which Mr. Lynch responded yes, there was. There were no other questions or comments, so a motion to close the public hearing was introduced by Chairman Rohrman, seconded by Boardmember Manteo and passed 6-0 in favor, 1 absent. The audience was reminded that there is a 10-day comment period.

2. FISHER SUBDIVISION, Nelson Blvd. – This public hearing was continued from November 22, 2004. The applicant was represented by Terri-Ann Hahn of LADA, P.C. Mrs. Fisher was also present in the audience. Boardmember Rush asked about alternate access, (off of Nelson Blvd.,) but Ms. Hahn responded that that access would require a significant wetland crossing which she was told by the NYCDEP that it is not a "recognized" existing road that could not be improved according to their criterion and therefore could not be considered as an access. Town Counsel Jacobellis stated that there have been some issues brought up regarding the roadbed of Reed Road as it relates to titled ownership at a point past the paved end of Reed Road to Mrs. Fisher's property line and that it needed to be researched. Before it started, Chairman Rohrman requested that comments made at the 11/22/04 meeting not be repeated and to keep comments strictly to the submission of new drawings received and available to the public. Warren Whitney commented that the plan Ms. Hahn was showing was not the same as the one that had been FOILED for (and received) at the Planning Board Office. Ms. Hahn explained that the one presented tonight was not required by Southeast Regulations to be submitted in that format; however, the plans submitted to the Board were the ones required and were in a different scale. He reiterated that Reed Road should not be opened and that was the sentiment of almost all residents in Drewville Heights. He asked the Planning Board if the applicant will be directed to have this proposal accessed *not* through an extension of Reed Road. Chairman Rohrman stated that he did not believe the Planning Board had the power to direct the applicant to find an alternate access. Concerns were raised by the neighbors that there will be a commercial operation. The applicant will not be pursuing any type of commercial horse facilities, but are desirous of having horses on their property for personal use. John Folchetti of J. Robert Folchetti & Associates who spoke on behalf of the Drewville Heights neighbors commented that the 18 foot wide proposed extension of Reed Road could not possibly support the anticipated high volume of horse trailers and other related truck deliveries required for the maintenance of horses. He said that the locations of wells and septic systems of the immediately surrounding homes should be sited on the Fisher Subdivision plan. Patricia Bartellucci had concerns about the possibility of riding lessons, truck traffic for the delivery of horse feed. Jean Mundell reiterated that she does not want Reed Road to be extended. James Duffy read a letter at the meeting which has been made a part of the Planning Board file. Tony Russo was concerned about traffic and is strongly opposed to the extension of Reed Road. Ann Fannizzi asked about the wetlands present on the property. Ms. Hahn pointed out to her on the site plan their location and reiterated that the NYCDEP does not recognize the road as a possible alternate to be improved. Joe Fazzinga asked why Mrs. Fisher cannot obtain access through Nelson Blvd. Again, there is a significant wetland crossing. Steve Reinhardt asked why the applicant does not gain access off Mr. Morganti's former abutting property and said if he crossed over wetlands, why can't Mrs. Fisher. Lynn Eckhardt asked if there would be deed restriction for a commercial horse facility written on the final plat. It will be made a condition of Mrs. Fisher's final

**SOUTHEAST PLANNING BOARD MINUTES
DECEMBER 13, 2004**

subdivision approval. She also asked if a resource protection plan had been submitted. It was. There were no more questions or comments from the audience. Chairman Rohrman then stated that he had spoken with the Town Supervisor who asked him to keep the public hearing open as there were questions regarding the ownership of the proposed extension of Reed Road. After a lengthy discussion with the Boardmembers, they felt that there was no correlation between keeping the public hearing open and the issues that need to be resolved through the Town Counsel. As such, a motion to close the public hearing was introduced by Boardmember Wissel, seconded by Boardmember LaPerch and unanimously passed 6-0 in favor, 1 absent. Chairman Rohrman reminded the audience that there is a second 10-day comment period within which to submit comments and/or questions to the Planning Board which will be forwarded to the applicant's engineer.

REGULAR SESSION:

1. PROSPECT HILL OFFICE PARK, Prospect Hill Road – This item was on the agenda for a referral to the Town Board for the release of the applicant's performance bond and was represented by Theresa Ryan of Insite Engineering. A motion to send this referral was introduced by Chairman Rohrman, seconded by Boardmember Tessmer and passed 6-0 in favor, 1 absent.

2. ALCON, LLC, Fields Lane – This item was on the agenda for a Preliminary Site Plan Review as well as for an Intent to Declare Lead Agency for purposes of SEQRA and was represented by Theresa Ryan of Insite Engineering as well as Rick O'Rourke, Esq., the applicant's attorney. The resolution for the Intent to Declare Lead Agency was introduced by Chairman Rohrman, seconded by Boardmember LaPerch and passed 6-0 in favor, 1 absent.

A motion to accept the minutes from the November 22, 2004 meeting was introduced by Boardmember LaPerch, seconded by Boardmember Manteo and passed 6-0 in favor, 1 absent.

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

LF
12/23/04