
TOWN OF SOUTHEAST PLANNING BOARD AGENDA

August 14, 2017

CIVIC CENTER, 1360 Route 22

7:30 p.m.

PUBLIC HEARINGS:

1. **BARRETT HILL, Mt. Ebo Lot 6, Tax Map ID 46.-5-2** – Continued Public Hearing to Review an Application for a Site Plan Amendment and Special Permit

REGULAR SESSION:

1. **RED ROOSTER, 1566 Route 22, Tax Map IDs 46.-2-43 & 44** – Review of Application for Final Site Plan Approval and Recommendation to Town Board for Performance Bond
2. **MEDICANIX, 251 Fields Lane, Tax Map ID 78.-2-92** – Continued Review of Application for Site Plan and Wetland Permit
3. **MORROW EQUIPMENT, 425 Rte. 312, Tax Map ID 45.-2-35** – Continued Review of Application for Site Plan Amendment
4. **BERTOLINI, 7 Sherry's Lane, Tax Map ID 78.-2-51** – Public Hearing to Review Application for a Wetland Permit
5. **LAKEVIEW PLAZA, 1505-1515 Route 22, Tax Map ID 46.-1-1.-1** – Review of Application for Site Plan Amendment

Approve Meeting Minutes from July 10, 2017

Approve Meeting Minutes from July 24, 2017

August 14, 2017

VAD

Agenda Subject to Change

**TOWN OF SOUTHEAST, NY
RESOLUTION
SITE PLAN, CONDITIONAL USE PERMIT, AND WETLAND PERMIT APPROVAL**

INTRODUCED BY: LaPerch DATE: August 14, 2017
 SECONDED BY: Rush

WHEREAS, RED ROOSTER as the Applicant/Owner of certain properties, known as **RED ROOSTER**, located 1566 Route 22 in the SR-22 Zoning District in Town of Southeast and known and designated as Tax Map Numbers 46.-2-43 and 46.-2-44 has submitted an application for Site Plan, Conditional Use Permit, and Wetland Permit approval for a proposed 1,966 sf addition, a new 1,500 sf deck to the existing fast-casual restaurant use, and a new shed to replace the two existing fabric covered structures (the “Proposed Project”); and,

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), and conducting a coordinated environmental review, issued a Negative Declaration on or about 2/27/17, indicating that no negative environmental impact would exist;

WHEREAS, the Town of Southeast Planning Board (the “Planning Board”) has thoroughly reviewed the application and the following documents and plans, as well as memos from its consultants:

Drawing No. & Title; submitted by	Original Date; Last Revised
Memorandum, to Chairman LaPerch from Insite Engineering	5/1/17
Statement of Use, prepared by Insite Engineering	1/4/17
Program for Construction Completion and Occupancy, prepared by Insite Engineering	1/4/17; 5/1/17
Short Environmental Assessment Form, prepared by Insite Engineering	1/4/17
Color Renderings prepared by prepared by Edmond G. Loedy, Architect	undated
EX-1, Existing Conditions and Removals Plan, prepared by Insite Engineering	1/4/17; 5/1/17
SP-1, Layout & Landscape Plan, prepared by Insite Engineering	1/4/17; 5/1/17
SP-2, Grading & Utilities Plan, prepared by Insite Engineering	1/4/17; 5/1/17
SP-3, Erosion & Sediment Control Plan, prepared by Insite Engineering	1/4/17; 5/1/17
LP-1, Lighting Plan, prepared by Insite Engineering	4/24/17; 7/21/17
D-1, Details, prepared by Insite Engineering	
A-1, First Floor Plan, Foundation Plan, prepared by Edmond G. Loedy, Architect	2/2/17
A-2, First Floor Plan, Door Schedule, Legend, prepared by Edmond G. Loedy, Architect	2/2/17
A-3, Elevations, prepared by Edmond G. Loedy, Architect	2/2/17
A-1, Elevation, Section, prepared by Edmond G. Loedy, Architect	2/2/17
A-5, Roof Plan, prepared by Edmond G. Loedy, Architect	2/2/17
Memorandum to Chairman LaPerch from the New York State DEC	2/27/17
Memorandum to Chairman LaPerch from the New York City DEP	2/22/17
Memorandum to Jamie LoGiudice of Insite Engineering from the New York State Office of Parks, Recreation & Historic Preservation	8/2/16

; and,

WHEREAS, the Planning Board has reviewed said drawings in addition to reports and correspondence filed with those drawings and has caused the same to be reviewed by its consultants; and,

WHEREAS, the Planning Board has determined on the basis of its own review and the review comments received from its consultants that the drawings and reports and other information submitted by the applicant are in substantial compliance with Chapter 138, "Zoning," (specifically Article IX thereof) of the Town of Southeast Code; and,

WHEREAS, the Planning Board is in receipt of a report dated 4/26/17 from the Historic Sites Commission granting a Certificate of Appropriateness with conditions for the Proposed Project; and

WHEREAS, the Planning Board is in receipt of a referral dated 4/27/17 from the Architectural Review Board recommending approval of the architecture with conditions for the Proposed Project; and

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 5/22/17 in connection with the Proposed Project, as depicted on drawings dated 5/1/17 and prepared by Insite Engineering; and

WHEREAS, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 5/22/17 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby GRANTS a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Conditional Use Permit Approval for the expansion of the existing fast-casual restaurant use, subject to the following conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Project, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

1. Hours of operation shall be Monday through Thursday 10 AM to 11 PM and Friday through Saturday 10 AM to 12 AM.
2. The Code Enforcement Officer shall have right of entry for inspection, with reasonable notice, to determine compliance with the conditions of this permit.

NOW THEREFORE BE IT FURTHER RESOLVED, that pursuant to the authority vested in the Planning Board by Chapter 138, "Zoning," of the Town Code, the Planning Board hereby grants Final Site Plan Approval for the Proposed Project, as defined above, subject to the following Conditions identified below. (For purposes of compliance, these conditions, and any other conditions identified in the environmental review of the Proposed Project, shall be enforceable by the Town of Southeast in accordance with the Town Code of the Town of Southeast).

General Conditions

1. The Applicant must conform to all the rules, regulations, and ordinances of the Town of Southeast, County of Putnam, and State of New York.
2. The Applicant is hereby bound by any statements offering modifications, improvements, or offerings to the Town of Southeast made by itself or its representatives in relation to approval of the Proposed Project.
3. Prior to issuance of a Building Permit, the applicant will submit to the Planning Board information pertaining to the specific tenant/use and, if necessary, an amended site plan application showing any proposed modifications to the site for the specific tenant/use.

4. Pursuant to §138-85.D, where a proposed use or proposed building or other structure involves the installation, extension, relocation or reconstruction of a sewage disposal or water supply system, no building permit shall be issued until plans for such a system have been approved by the County of Putnam, State of New York, City of New York or any regulatory agency having jurisdiction as required by law. No certificate of occupancy shall be issued until such a system has been completed and approved by such an agency as required by law or until the use or building or structure has been provided with the connections to a previously completed and approved sanitary sewer and public water supply system.
5. The Proposed Project shall be constructed in coordination with the approved site improvements for the Red Rooster including all stormwater and wastewater treatment systems and conveyance systems.
6. The Applicant is granted approval based on generic review by the Architectural Review Board of building design and elevations and will have to seek a second review if modifications to the approved design are made. The Proposed Project shall be constructed in accordance with the approved plans and drawings for the specific tenant as reviewed by the Architectural Review Board and approved by the Planning Board.
7. Pursuant to §138-41.E(4), the applicant shall provide to the Town of Southeast Planning Board one full set of final full-sized plans and five copies of the filed plans on eleven-inch by seventeen-inch, or similar, paper, with a graphic scale indicated (to allow for scale measurements of photo-reduced drawings), for distribution to the Town Engineer, the Planning Board, the Town Clerk, the Building Inspector, and the Town Planner. This final plan set shall include the final architectural plans recommended by the Architectural Review Board and approved by the Planning Board. Each of these sets shall be bound, and shall contain a signature box on the Index or Title Page for the Planning Board Chairman's Signature. No Building Permits shall be issued until these plan sets have been submitted to the Planning Board Secretary and signed by the Planning Board Chairman.
8. The Applicants shall submit two (2) sets of as-built plans to the Town of Southeast Building Department and one (1) full size set to the Planning Board after final construction is completed. The as-built plans must show all buildings and site improvements, the impervious surfaces, landscaping, and final design specifications for all stormwater management facilities. The plans must be certified by a professional engineer.

Financial & Legal Considerations

1. The Applicant shall post a Performance Bond in an amount determined by the Town Engineer and recommended by the Planning Board for Town Board approval to ensure all site grading, stormwater management, and road improvements will be made in accordance with the approved drawings, Town of Southeast Code and to the satisfaction of the Town Engineer and/or Highway Superintendent. The Performance Bond may also be used to finance necessary work to stabilize the project site should the Applicant abandon the project and the Town is forced to complete necessary improvements. The establishment of the Performance Bond shall be done in a form acceptable to the Town Counsel. The bond amount will be based upon 2017 construction costs. If the construction is not begun during the calendar year 2017, the Applicant must re-apply to the Planning Board for an adjustment of the bond amount to account for escalation of material and labor costs. Upon such request to the Planning Board, the Planning Board shall make a recommendation to the Town Board and the Town Board shall diligently set a new bond amount in accordance with the recommendation of the Town Engineer. The Performance Bond must be paid prior to the start of any work on the site and/or the filing for a Building Permit. The Southeast Planning Board requests that the Southeast Building Inspector withhold the Certificate of Occupancy until the Planning Board or its duly authorized representative has made an inspection of the subject improvements and determined that the Applicant has complied with all the conditions of this approval.
2. No certificate of occupancy for the structures depicted on the project development plan/site plan shall be issued or occupancy permitted unless and until the site improvements associated with the development shall be fully completed by the developer or substantially completed to the satisfaction of the building inspector and a valid performance bond is posted, in an amount equal to the amount necessary to

fully complete the outstanding site improvements, to ensure faithful completion thereof within a reasonable period of time not to exceed six months.

3. Any and all outstanding inspection, engineering, or planning consulting fees shall be paid to the Town prior to the issuance of a Certificate of Occupancy for any improved lot.

4. This resolution supersedes all construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as an affirmation of past approvals or conditions not recited herein.

Construction Activity

1. At least ten (10) days prior to commencing construction of any required improvements, the Applicant shall notify the Building Inspector and the Town Engineer, in writing, of the time when it proposes to commence construction of such improvements so that the Building Inspector may cause an inspection to be made to ensure that all Town specifications and requirements shall be met during the construction of required improvements. The Applicant shall provide a general construction phasing schedule to the Building Inspector, Planning Board and Town Engineer and shall update that schedule, and provide copies to the Building Inspector, Planning Board and Town Engineer, throughout the construction process, as necessary.

2. The Town shall require a pre-construction conference between the Town Engineer and Town Highway Superintendent and the owner or owner's representative, general contractor and on-site engineer to review construction phasing plans, inspections schedules, and requirements for complying with all regulations and conditions of this approval prior to commencing construction. The following items shall be completed by the Applicant prior to scheduling a pre-construction conference:

- a) Performance Bond and Erosion and Sediment (E&S) Control Bond shall be posted with the Town Clerk;
- b) Inspection Fees shall be paid to the Planning Board;
- c) Escrow Account shall be in good standing;
- d) In accordance with item #7 under "General Conditions" above, approved/signed plans shall be on file with the Planning Board and the Building Department; and
- e) The MS4 Acceptance, proof of mailing of Notice of Intent (NOI), and E&S shall be completed and on file with MS4 Administrator.

3. The Town of Southeast Building Inspector or its designee may make periodic inspections to ensure that all site work and site improvements are being made in conformance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall designate a responsible and competent person to be the on-site construction manager who shall be responsible for ensuring the continued compliance with the approved plat, its conditions, and all Town of Southeast Code requirements. The Applicant shall ensure that all remedial measures are taken within 72 hours of any notification of deficiencies relating to construction. If appropriate measures are not implemented to the satisfaction of the Town Engineer, a stop work order may be issued by the Town and/or a fine imposed according to Town Code.

4. Should project changes be required that would represent a significant change to the approved plans, the Applicant may be required to seek an amended approval from the Planning Board.

5. The Applicant shall retain the services of a professional engineer and/or a landscape architect (in accordance with the drawings prepared) throughout the construction process who shall periodically observe the construction of all approved improvements, except improvements to Town of Southeast roads and drainage (which shall be inspected by the Town Engineer and/or Highway Superintendent). The Applicant's professional engineer and/or landscape architect shall provide a statement, in writing, that all approved improvements have been constructed substantially as required and approved by the Planning Board or as such requirements have been modified.

6. Prior to commencing any site clearing, grading, or construction activity, the Applicant shall have the boundary of the property staked out by a licensed surveyor.
7. A copy of the completed NOI to comply with the New York State Department of Environmental Conservation (NYSDEC) General Permit for Construction Activity shall be maintained at the on-site construction office.
8. All sediment and erosion control measures or Best Management Practices indicated on the approved plans and/or required for compliance with the NYSDEC General Permit for Construction Activity shall be installed at the commencement of grading activities and shall be inspected on a weekly basis (or following any storm event in excess of one-half inch) to ensure proper function. All construction activities shall adhere to the provisions for sediment and erosion control contained in the NYSDEC's *New York Standards and Specifications for Erosion and Sediment Control*.
9. The design and construction of all proposed water quantity and water quality best management practices shall adhere to the *New York State Stormwater Management Design Manual*.
10. Any drainage improvements that would affect a Town drainage structure or element or any improvements to Town of Southeast roads shall be made in accordance with the Town Road and Drainage Specifications (Chapter A143 of the Town Code) and shall be made under the direction and supervision of the Highway Superintendent.
11. The Town Highway Superintendent must be notified a minimum of 72 hours in advance of any construction activity affecting the Town drainage system or any Town Road except where emergency repairs are required, in which case the Highway Superintendent must be notified as soon as possible after the affected area has been stabilized.
12. Existing trees, understory vegetation, and ground cover along all property lines shall remain undisturbed to the maximum extent practicable throughout the duration of construction. Should any disturbance be required to construct approved improvements, the area shall be replanted with comparable vegetation as soon as is practicable following completion of construction activity in that area.
13. All disturbed areas shall be stabilized pursuant to NYSDEC regulations. Should disturbed areas remain disturbed for periods longer than one month, more permanent stabilization measures shall be installed.
14. The NYSDEC has determined in a letter dated February 27, 2017 that the Project Site is located within 0.46 miles of a known nesting area for a bald eagle (*Haliaeetus leucocephalus*), a species listed as threatened in New York State. To avoid impacts to this species loud noises such as blasting, as defined in Category H of the United States Fish and Wildlife Service National Bald Eagle Management Guidelines (May 2007), should be avoided during the bald eagle nesting period (January 1 through September 30).

Landscaping

1. Prior to planting according to the approved landscape plan, the Applicant shall stake the location of all proposed landscaping and allow for a site inspection by the Planning Board or its designees to ensure that the proposed landscaping will provide the maximum screening benefit and/or that the proposed landscaping is suitable for the visual setting and overall appearance of the project site.
2. All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility. In the event that said landscaping is not maintained to the satisfaction of the Building Inspector or Code Enforcement Officer (CEO), the Building Inspector or CEO shall notify the applicant in writing of the violation. If the required landscaping maintenance is not performed within 30 days to the satisfaction of the Building Inspector or CEO, the Town shall correct the violation and be reimbursed for Town costs by the applicant.

3. The Applicant shall provide an on-site and qualified arborist or landscape architect to supervise construction activity within 100 feet of any tree designated to be preserved on the approved plans. The arborist or landscape architect shall ensure that the tree protection measures indicated on the approved plans are in place and properly maintained throughout construction activity.

4. After final construction is complete, and prior to the issuance of a Certificate of Occupancy, the Applicant shall submit an as-built landscaping plan to the Town of Southeast Building Department. The as-built plan shall identify any discrepancies between the approved plan and the installed landscaping. The plans must be certified by a professional landscape architect, architect, or engineer.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>absent</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>absent</u>	M. Hecht, Boardmember	<u>absent</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

Town of Southeast
Planning Board
One Main Street
Brewster, NY 10509

August 15, 2017

Town Board of the Town of Southeast
1360 Route 22
Brewster, NY 10509

RE: **RED ROOSTER**, 1566 Route 22, TAX MAP ID 46.-2-43

Dear Boardmembers:

At the 8/14/17 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced project to the Town Board for the establishment of a Performance Bond for Erosion & Sediment Control and site stabilization.

<u>PROJECT</u>	<u>BOND AMOUNT</u>
RED ROOSTER	\$ 8,000.00

The Town Engineer's memo is attached for your consideration and includes the estimate for all site improvements, which totals \$49,000.00. Inspection Fees, based on the total cost of site improvements, in the amount of \$1,960.00, must be remitted to the Planning Board Secretary prior to filing for a Building Permit. If you have any questions, please do not hesitate to contact the Planning Board.

Sincerely,


Thomas LaPerch, Chairman
Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Town Engineer
Building Inspector
Insite Engineering
Planning Board File



Jacobson

May 18, 2017

Mr. Thomas LaPerch, Chairman
Town of Southeast Planning Board
One Main Street
Brewster, NY 10509

Re: Red Rooster Drive-In
1566 NYS Route 22
Bond Estimate
NLJ #0001-0996

Dear Mr. LaPerch:

As requested, we have prepared a performance bond estimate for all site improvements associated with the above referenced project. Our attached Opinion of Probable Construction Costs for site improvements totals \$49,000.

Based on the current "Town of Southeast, Planning Board Fee Schedule" and the above recommended bond amount, the required inspection fee to be collected for the project is 4% of Site Development Costs or \$1,960.

We have also prepared a performance bond estimate for erosion & sediment controls and site restoration. The required Erosion & Sediment Control / Restoration Bond based on the attached estimate is \$8,000.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Joseph M. Dillon, P.E.

JMD:jmd

cc: T. Hay,
M. Levine,
W. Stephens, Jr.
M. Bruen
M. Stancati
S. Coleman
A. Ley
Insite

NATHAN L. JACOBSON & ASSOCIATES, INC.
 Consulting Engineers
 Chester, Connecticut

OPINION OF PROBABLE CONSTRUCTION COSTS
 Performance Bond

Project: Red Rooster Drive-In, Inc.
 Southeast, New York

Done by: MDC
 Date: 5/17/2017
 Checked by: JMD
 Date: 5/18/2017

Project No.: 0001-0996

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	SITE GRADING	\$5,000.00	L.S	1	\$5,000.00
2	SINGLE CATCH BASIN: Type C	\$3,080.00	EACH	2	\$6,160.00
3	12" Ø HDPEP	\$34.00	L.F.	34	\$1,156.00
4	GEOTEXTILE	\$2.42	S.Y.	105	\$254.10
5	ROUGH GRADE SUBGRADE - PARKING LOTS (Large)	\$1.23	S.Y.	105	\$129.15
6	GRAVEL SUB BASE	\$30.11	C.Y.	23	\$692.53
7	FINE GRADE & ROLL BASE - PARKING LOTS	\$2.25	S.Y.	105	\$236.25
8	BITUMINOUS CONCRETE BINDER	\$92.20	TON	9	\$829.80
9	BITUMINOUS CONCRETE TOP	\$97.00	TON	15	\$1,455.00
10	CAST-IN-PLACE CONCRETE CURB	\$15.00	L.F.	420	\$6,300.00
11	CAST-IN-PLACE CONCRETE WALK	\$9.08	S.F.	622	\$5,647.76
12	LANDSCAPING	\$12,000.00	EACH	1	\$12,000.00
13	SILT FENCE	\$4.13	L.F.	144	\$594.72
14	INLET PROTECTION	\$100.00	EACH	3	\$300.00
15	SAWCUT Existing Bit. Pavement	\$1.73	L.F.	435	\$752.55
16	REMOVE Existing Bit. Pavement	\$6.14	S.Y.	475	\$2,916.50
17	REMOVE Existing Conc. Curbing	\$7.43	L.F.	155	\$1,151.65
18	REMOVE Existing Trees	\$775.00	EACH	3	\$2,325.00
19	PARKING STALL LINE PAINTING	\$11.10	EACH	17	\$188.70
Total:					\$48,089.71
SAY					\$49,000.00

NATHAN L. JACOBSON & ASSOCIATES, INC.
 Consulting Engineers
 Chester, Connecticut

OPINION OF PROBABLE CONSTRUCTION COSTS
 Erosion & Sediment Control and Site Restoration Bond

Project: Red Rooster Drive-In, Inc.
 Southeast, New York

Done by: MDC
 Date: 5/17/2017
 Checked by: JMD
 Date: 5/18/2017

Project No.: 0001-0996

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	INLET PROTECTION	\$100.00	EACH	3	\$300.00
2	FURNISH AND SPREAD TOPSOIL TO 6"	\$6.65	S.Y.	910	\$6,051.50
3	HYDROSEED	\$0.58	S.Y.	910	\$527.80
4	SILT FENCE	\$4.13	L.F.	144	\$594.72
				Total:	\$7,474.02
				SAY	\$8,000.00

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Date: August 14, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Southeast Planning Board as Lead Agency has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: Medicanix

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Applicant proposes a two-story, 10,000 sq. ft. building for general business use associated with a bio-medical equipment service company. The project is a permitted principal use in the OP-1 Zoning District. Significant disturbance to regulated wetland and wetland buffer areas is proposed to access the site.

Location:

251 Fields Lane, Tax Map ID 78.-2-92

Reasons Supporting This Determination:

The following materials have been reviewed:

- Memorandum to Chairman LaPerch from PW Scott, dated 7/17/17
- Memorandum to Town Planner Ashley Ley from PW Scott, dated 7/17/17
- Memorandum to Highway Superintendent Michael Bruen from PW Scott, dated 7/17/17
- SY1, Parking Site Plan, prepared by PW Scott Engineering, dated 4/25/17; last revised 5/23/17
- SY1-A, Parking Site Plan, prepared by PW Scott Engineering, dated 4/25/17; last revised 5/23/17
- SY2, Utilities Plan, prepared by PW Scott Engineering, dated 4/25/17
- SY3, Erosion Control Plan, prepared by PW Scott Engineering, dated 4/25/17
- SY3A, Erosion Control Notes, prepared by PW Scott Engineering, dated 4/25/17
- SY4, Site Details/Lighting Plan, prepared by PW Scott Engineering, dated 4/25/17; last revised 7/14/17
- SY5, Erosion Control Details, prepared by PW Scott Engineering, dated 4/25/17
- SY6, Site Details/Detention Basin, prepared by PW Scott Engineering, dated 4/25/17
- SY7, Wetland Buffer & Mitigation Plan, prepared by PW Scott Engineering, dated 4/25/17; last revised 5/23/17
- SY7A, Stream Buffer Plan, prepared by PW Scott Engineering, dated 4/25/17; last revised 5/23/17

- SY7B, Pond Grading and Planting Plan, prepared by PW Scott Engineering, dated 5/23/17
- A1, Architectural Floor Plans, prepared by PW Scott Engineering, dated 5/18/17
- A2, Architectural Elevations, prepared by PW Scott Engineering, dated 5/18/17
- A3, 3D Rendering, prepared by PW Scott Engineering, dated 5/18/17
- EX, Existing Site Plan, prepared by PW Scott Engineering, dated 4/25/17
- Threatened & Endangered Species Report, prepared by Ecological Solutions, Inc., dated 6/26/17
- Memorandum to Planning Board Secretary from NYC Department of Environmental Protection, dated 5/18/17
- Memorandum to Chairman LaPerch from NYC Department of Environmental Protection, dated 5/22/17
- Stormwater Pollution Prevention Plan, prepared by PW Scott Engineering, dated 5/8/17
- Memorandum to Planning Board Secretary from NYS Department of Environmental Conservation, dated 5/3/17

WHEREAS, on 4/24/17, the Planning Board classified the proposed action as an Unlisted action and circulated its intent to serve as Lead Agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board held a publically noticed meetings on 5/22/17 and 6/26/17, at which time members of the public were given the opportunity to comment on the proposed project; and

WHEREAS, the Planning Board has reviewed the full Environmental Assessment Form (EAF) and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gather by the Planning Board through its consultants and the public; and

WHEREAS, in addition to the factors considered above, the Planning Board considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Action would:

- (i) Not result in "a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;" (§617.7(c)(1)(i))
- (ii) Not result in "the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;" (§617.7(c)(1)(iii))
- (iii) Not result in "the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;" (§617.7(c)(1)(iii))
- (iv) Not result in "the creation of a material conflict with a community's current plans or goals as officially approved or adopted;" (§617.7(c)(1)(iv))
- (v) Not result in "the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;" (§617.7(c)(1)(v))
- (vi) Not result in "a major change in the use of either the quantity or type of energy;" (§617.7(c)(1)(vi))
- (vii) Not result in "the creation of a hazard to human health;" (§617.7(c)(1)(vii))

- (viii) Not result in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;" (§617.7(c)(1)(viii))
- (ix) Not result in "the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;" (§617.7(c)(1)(ix))
- (x) Not result in "the creation of a material demand for other actions that would result in one of the above consequences;" (§617.7(c)(1)(x))
- (xi) Not result in "changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (§617.7(c)(1)(xi))

NOW, THEREFORE BE IT RESOLVED that the Planning Board of the Town of Southeast, acting as Lead Agency, and having reviewed the EAF and all supplementary information, has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.

For Further Information:

Contact Person: Victoria Desidero
 Address: Town of Southeast Planning Department
 One Main Street
 Brewster, NY 10509
 Telephone Number: (845) 279-7736

A Copy of this Notice has been filed with:

INVOLVED/INTERESTED AGENCY	
Putnam County Department of Health 1 Geneva Road Brewster, New York 10509	Town Board 1360 Route 22 Brewster, NY 10509
SEQR Unit New York State Department of Transportation Traffic Engineering & Safety Division 4 Burnett Blvd. Poughkeepsie, NY 12603	Town Clerk 1360 Route 22 Brewster, NY 10509
New York State Department of Environmental Conservation 625 Broadway Albany, NY 12233 ATTN: Commissioner	Zoning Board of Appeals 1 Main Street Brewster, NY 10509
New York State Department of Environmental Conservation Region 3 21 South Putt Corners New Paltz, NY 12561 ATTN: Regional Director	Architectural Review Board 1 Main Street Brewster, NY 10509
New York City Department of Environmental Protection Bureau of Water Supply 465 Columbus Avenue Valhalla, New York 10595-1336	Building Inspector 1 Main Street Brewster, NY 10509
Putnam County Department of Planning/Development & Public Transportation Putnam County Transit Facility	Highway Superintendent 10 Palmer Road Brewster, NY 10509

841 Fair Street Carmel, New York 10512	
	Town of North Salem 266 Titicus Road North Salem, NY 10560

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>yes</u>	D. Rush, Vice Chairman	<u>yes</u>
P. Wissel, Boardmember	<u>absent</u>	D. Armstrong, Boardmember	<u>yes</u>
E. Cyprus, Boardmember	<u>absent</u>	M. Hecht, Boardmember	<u>absent</u>
E. Larca, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**Town of Southeast
Planning Board
One Main Street
Brewster, NY 10509**

August 15, 2017

TO: Architectural Review Board

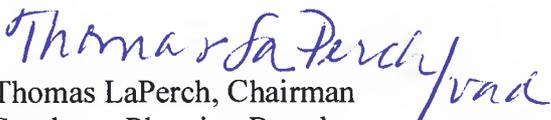
FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Medicanix
251 Fields Lane
Tax Map ID 78.-2-92

At the regular meeting of the Southeast Planning Board on 8/14/17, a motion was made to refer the above referenced application to your Board for review and recommendation to the Town Board. The Planning Board issued a Negative Declaration under the New York State Environmental Review Act (SEQRA) process on 8/14/17. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,


Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
PW Scott Engineering

Town of Southeast
Planning Board
One Main Street
Brewster, NY 10509

August 18, 2017

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: MEDICANIX, 251 Fields Lane, TAX ID 78.-2-92

Dear Boardmembers:

At the 8/14/17 regular meeting of the Town of Southeast Planning Board, a motion was made to refer the above referenced application to your Board for the following:

1. A 2 ft. height variance for a retaining wall that would have a maximum height of 8 ft. and be constructed along the lot line where a maximum of 6 ft. is permitted as per Code Section 138-27. C

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
PW Scott Engineering
Planning Board File
Zoning Board of Appeals File

Town of Southeast
Planning Board
One Main Street
Brewster, NY 10509

August 15, 2017

Zoning Board of Appeals
1 Main Street
Brewster, NY 10509

RE: Morrow Equipment, 425 Route 312, Southeast, NY, Tax ID 45.-2-35

Dear Boardmembers:

At the August 14, 2017 regular meeting of the Town of Southeast Planning Board a motion was made to refer the above referenced application to the Zoning Board of Appeals (ZBA) for the following:

1. A height variance of 5 feet to allow a portion of the proposed building to be 40 feet tall where a maximum of 35 feet is permitted.
2. A height variance of 63 feet and 7 inches to permit a 98 foot 7 inch tall yard crane where a maximum of 35 feet is permitted.

It is important to note that at the request of the Applicant and given the integral nature of the yard crane to the application, the Planning Board has referred this application to the ZBA in advance of issuing a determination of significance under the New York State Environmental Quality Review Act (SEQRA). As discussed at the August 14, 2017 Planning Board meeting, the Applicant desires additional feedback from the ZBA and the public in order to make the decision of whether or not to move the application forward. As an Involved Agency under SEQRA, the ZBA may issue comments to the Planning Board for its consideration of potential environmental impacts under the SEQRA process. However, the ZBA may not take any formal action on the requested variances until such time that the Planning Board completes the SEQRA process as Lead Agency.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
Keane & Beane, PC
Planning Board File
Zoning Board of Appeals File

**TOWN OF SOUTHEAST, NY
RESOLUTION
WETLAND PERMIT APPROVAL**

INTRODUCED BY:

LaPerch
Rush

DATE: August 14, 2017

SECONDED BY:

WHEREAS, Marco & Jacqueline **BERTOLINI** as the Applicant/Owner of certain properties located 7 Sherry's Lane in the R-60 Zoning District in Town of Southeast and known and designated as Tax Map Number 78.-2-51 has submitted an application for a Wetland Permit to improve the rear yard of a single family building by removing concrete and brush debris, renovating the existing in-ground swimming pool and pool deck, removing the existing wood deck and replacing it with a platform and steps to the rear yard and basement, and widening the existing driveway ("Proposed Action"); and,

WHEREAS, the Town of Southeast Wetlands Consultant issued a report and recommendation dated 8/11/17 in connection with the Proposed Action, as depicted on drawings dated 7/31/17 and prepared by J. Karell, Jr., P.E; and

WHEREAS, the Town of Southeast Planning Board, acting as Lead Agency for the purposes of the State Environmental Quality Review Act (SEQRA), found the proposed action to be a Type II Action under SEQRA and thus no further environmental review is required;

WHEREAS, the Planning Board finds that there is sufficient reason in the record to support the grant of a wetlands permit in connection with said application; and

NOW, THEREFORE, BE IT RESOLVED, that after reviewing the maps, plans and submissions of the Applicant, together with the Report and Recommendation of the Wetlands Consultant dated 8/11/17 (the "Report") which is incorporated herein by reference, the Planning Board of the Town of Southeast hereby **GRANTS** a permit to allow a portions of the proposed activity to occur within the regulated wetland/wetland buffer area as shown on the proposed plan on file with the Planning Board and Building Department subject to the conditions and mitigations set forth in the Report.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

P. Wissel, Boardmember

absent

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

absent

M. Hecht, Boardmember

absent

E. Larca, Boardmember

yes

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board

**TOWN OF SOUTHEAST, NY
PLANNING BOARD RESOLUTION
SEQRA CLASSIFICATION**

INTRODUCED BY:

LaPerch

DATE: August 14, 2017

SECONDED BY:

Armstrong

WHEREAS, an application is being made by **LAKEVIEW PLAZA** for a proposal to replace an existing retaining wall at the rear of the Project Site, which will result in the loss of approximately 66 parking spaces in the rear of the site. The application requires a minor site plan amendment and Town of Southeast wetland permit on a property located at 1501-1515 Route 22, in the Town of Southeast, New York; and

WHEREAS, the property is identified as Tax Map Number 46.-1-1.-1, and is located in the SR-22 Zoning District; and

WHEREAS, the Planning Board has reviewed the following documents in support of this classification:

1. Short Environmental Assessment Form (EAF) dated 8/2/17
2. Project Narrative prepared by H2M, dated 8/3/17
3. Lakeview Plaza Retaining Wall Replacement Site Plan Set (10 Sheets), prepared by H2M, dated 8/3/17
4. Memorandum to Town of Southeast Planning Board from Dennis Lindsay, PE, dated 8/3/17
5. Memorandum to Jean Marc Roche, NYC Department of Environmental Protection from Dennis Lindsay, PE, dated 8/3/17

NOW, THEREFORE BE IT RESOLVED, that the Town of Southeast Planning Board, pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the Short EAF, and pursuant to §617.5(c)(2) , finds that the Proposed Action is a Type II Action under SEQRA, and no further environmental review is required.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman

yes

D. Rush, Vice Chairman

yes

P. Wissel, Boardmember

absent

D. Armstrong, Boardmember

yes

E. Cyprus, Boardmember

absent

M. Hecht, Boardmember

absent

E. Larca, Boardmember

yes

The resolution was passed by a vote of 4 to 0, with 3 absent.

T. LaPerch
T. LaPerch, Chairman
Southeast Planning Board



TOWN OF SOUTHEAST

Planning Board
1 Main Street
Brewster, NY 10509

August 16, 2017

Director
Putnam County Division of Planning and Development
841 Fair Street
Carmel, NY 10512

Re: Lakeview Plaza Site Plan Amendment
GML §239-m

Dear Sir/Madame,

The Planning Board of the Town of Southeast is considering an application for a Site Plan by Lakeview Plaza, for a proposal to replace an existing retaining wall at the rear of the Project Site, which will result in the loss of approximately 66 parking spaces in the rear of the site. The application requires minor site plan amendment and a Town of Southeast wetland permit. The proposed project is located on an approximately ±23 acre parcel located at 1505 -1515 Route 22 Putnam County, New York (Tax Map ID 46.-1-1.-1).

The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQRA), is herewith referring the subject application to the Putnam County Division of Planning and Development pursuant to General Municipal Law §239-m.

Enclosed is the application for your review.

Please call Victoria Desidero, Secretary to Planning Board, Architectural Review Board and Zoning Board of Appeals, at (845)279-7736, if you should have any questions.

We thank you for your consideration and review of this application.

Sincerely,

Thomas LaPerch/vad
Thomas LaPerch, Chairman
Town of Southeast Planning Board

Attachment

cc: Town Attorney
Town Clerk
H2M

August 14, 2017

Jean Marc Roche
New York City Department of Environmental Protection
465 Columbus Avenue
Valhalla, New York 10595-1336

Re: Lakeview Shopping Plaza, 1505-1515 Route 22, Brewster, NY

Dear Mr. Roche,

The Town of Southeast Planning Board is in receipt of an application for amended site plan approval to replace an existing retaining wall at the above referenced property. Since the proposed project is a replacement in kind, the Planning Board has classified the project as a Type II Action under SEQRA pursuant to Part 617.5(C)(2).

However, the Planning Board is hereby referring the above referenced application to the NYCDEP pursuant to §138-41.H of the Code of the Town of Southeast due to its proximity to the Bog Brook Reservoir. Enclosed is a copy of the Short Environmental Assessment Form (EAF), project narrative, and reduced scale site plan drawing set.

The Planning Board has set a public hearing on the amended site plan for September 11, 2017. We would appreciate receiving any comments you may have on this application by that time.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning

Attachments

cc: Cynthia Garcia, NYCDEP
Planning Board File

August 14, 2017

Kelly Turturro, Regional Director
New York State Department of Environmental Conservation, Region 3
21 South Putt Corners
New Paltz, NY 12561

Re: Lakeview Shopping Plaza, 1505-1515 Route 22, Brewster, NY

Dear Ms. Turturro:

The Town of Southeast Planning Board is in receipt of an application for amended site plan approval to replace an existing retaining wall at the above referenced property. Since the proposed project is a replacement in kind, the Planning Board has classified the project as a Type II Action under SEQRA pursuant to Part 617.5(C)(2).

However, the Planning Board is hereby referring the above referenced application to the NYSDEC pursuant to §138-41.H of the Code of the Town of Southeast due to the potential presence of wetlands on or adjacent to the Project Site. Enclosed is a copy of the Short Environmental Assessment Form (EAF), project narrative, and reduced scale site plan drawing set.

The Planning Board has set a public hearing on the amended site plan for September 11, 2017. We would appreciate receiving any comments you may have on this application by that time.

Sincerely,


Thomas LaPerch, Chairman
Town of Southeast Planning

Attachments

cc: Planning Board File



**Town of Southeast
Planning Board**
One Main Street
Brewster, NY 10509

August 15, 2017

TO: Architectural Review Board

FROM: Thomas LaPerch, Chairman
Southeast Planning Board

RE: Lakeview Plaza
1505-1515 Route 22
Tax Map ID 46.-1-1.-1

At the regular meeting of the Town of Southeast Planning Board on 8/14/17, a motion was made to refer the above referenced Minor Project to your Board for review and recommendation to the Planning Board. The Planning Board classified this as a Type II Action under the New York State Environmental Quality Review Act (SEQRA) process on 8/14/17. The applicant will be sending your Board a copy of the proposed plans to aid you in your review.

If there is any additional information you require, please contact the Planning Board office.

Very truly yours,

Thomas LaPerch
Thomas LaPerch, Chairman
Southeast Planning Board

cc: Town Counsel
Town Clerk
H2M